

Congress of the United States
Washington, DC 20510

April 29, 2010

Mr. Ed Martin
President and CEO
Racing Commissioners International
1510 Newtown Pike, Suite 210
Lexington, KY 40511

Dear Mr. Martin:

As the first Saturday in May approaches, many Americans look forward to the 136th annual running of the Kentucky Derby, the world's most prestigious horse race.

In recent years, the Sport of Kings has experienced dramatic breakdowns that shocked the public. The filly Eight Belles was euthanized on the track shortly after finishing second in the 2008 Kentucky Derby and breaking down in an otherwise routine gallop. In the 2006 Preakness Stakes, Barbaro suffered a catastrophic breakdown which eventually led to his death from laminitis. In addition to the thousands of horses that die on the tracks, jockeys continue to face significant danger.

Although breakdowns have always been a risk of the sport, these public incidents prompted a broader discussion of problems that have long plagued the horse racing industry. Questionable commercial breeding practices, performance enhancing drugs, and race-day medications all seem to have increased the risk of injury to both horse and jockey. Such high profile breakdowns, and Barbaro's injury in particular, may not be directly related to these longstanding problems in the sport. Nevertheless, they did spark justifiable scrutiny of practices that critics have long maintained are harmful to horses, jockeys, and the integrity of the sport.

The Senate Committee on Commerce, Science and Transportation Committee and the House Committee on Energy and Commerce have primary jurisdiction over interstate commercial practices, including those for sports and gambling. Furthermore, the Committees have jurisdiction over the Interstate Horseracing Act (IHA), which allows simulcast wagering across state lines--a unique benefit to the horse racing industry that other gambling enterprises do not enjoy. Given the benefits of the IHA, we as members of these Committees expect the horse racing industry to not only protect the safety and welfare of its animals and jockeys, but also ensure the integrity of the sport.

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Unlike every other major professional sport, horse racing lacks a governing body or “league” that is capable of imposing mandatory regulations for universal compliance. Horse racing, like boxing, is instead regulated at the state level by state racing commissions, which results in tracks around the country operating under different policies and rules. This lack of central governance thus complicates efforts to root out cheating, deter illegal drug-use, and ensure safe racing conditions.

This year, for example, the California Horse Racing Board imposed a fine of just \$25,000 and only a ten day suspension after a leading trainer’s Grade 1 winning filly tested positive for the class 3 drug procaine. The same trainer was previously suspended for 45 days by the New York Racing Association in 2004 for a violation involving the nerve-blocking agent mepivacaine, a class 2 drug. In spite of this dubious track record, this trainer may enter up to four horses in the upcoming Kentucky Derby. This is just one of many examples of trainers who seemingly suffer minimal consequences for repeated medication violations. Such high profile examples lead one to question whether the horse racing industry is capable or willing to rid itself of performance enhancing drugs and illegal race-day medications.

In June of 2008, the House Committee on Energy and Commerce held a hearing that examined threats to the integrity and safety of horse racing. At this hearing, both the National Thoroughbred Racing Association (NTRA) and the Jockey Club testified that the horse racing industry was capable of regulating itself and was in fact moving to adopt necessary reforms related to the use of performance enhancing drugs. The NTRA and Jockey Club made these assertions despite knowing the fractious nature of the industry and the opposition of various stakeholders to certain reforms.

Last month, Racing Commissioners International (RCI) announced a three year strategic plan to create a new “interstate compact” to regulate horseracing on a more uniform national basis. RCI also maintains voluntary rules for the use of medication and performance enhancing drugs in horseracing. However, you recently stated that the RCI Regulatory Veterinarians Committee has “serious concern that the current rules may jeopardize the integrity of pre-race examinations and unnecessarily expose horses and riders to potential danger.”

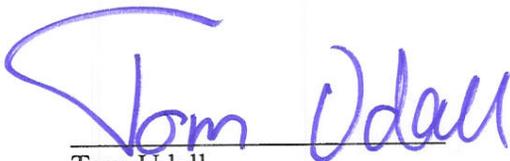
We therefore request your responses to following questions about the current state of horse racing in the United States.

1. Are voluntary RCI rules and Racing Medication and Testing Consortium (RMTC) recommendations for medication and performance enhancing drug use adequate to ensure the safety and welfare of the racing industry’s jockeys and horses?
2. How many racetracks and regulatory authorities have fully or partially adopted the RCI Model Rules and RMTC recommendations? Please provide a list of these racetracks and regulatory authorities.

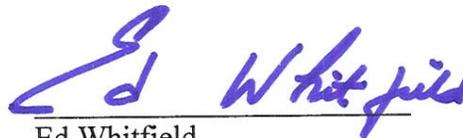
3. What actions has RCI taken in cases where local regulatory authorities have not adopted RCI Model Rules and RMTC recommendations for medication and performance enhancing drug use?
4. How many states or racing jurisdictions have adopted the proposed RCI "interstate compact" to regulate horseracing on a more consistent national basis? Please provide a list of these racing jurisdictions.
5. Are existing penalties for medication and performance-enhancing drug violations adequate to prevent owners, trainers, and veterinarians from endangering horses, their riders, and the overall integrity of the sport?
6. Is there sufficient enforcement by state agencies and racing commissions to prevent the use of performance-enhancing drugs and other drug abuse in the horse racing industry?
7. How many racing jurisdictions have adopted a transparent data base setting out the number of breakdowns, jockey injuries, and the cause of the accident? Please provide a list of these racing jurisdictions and racetracks.
8. In 2009, how many starts were made in the U.S. alone? Out of those starts, how many thoroughbreds were either injured during the race or the race was a cause of their injury?
9. What percentage of those thoroughbreds injured were 24 months or younger in age?

Please send your written response by Friday, May 14, 2010 via fax to the Office of Senator Tom Udall at (202) 228-3261 and the Office of Representative Ed Whitfield at (202) 225-3547. Should you have any questions, please contact Kevin Cummins with Senator Udall's staff at (202) 224-6621, or James Robertson with Representative Whitfield's staff at (202) 225-3115.

Sincerely,



Tom Udall
United States Senator



Ed Whitfield
United States Representative