



Race Track Industry Program

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**Jockeys' Guild —
NTRA Safety & Integrity Alliance**

Speaker:

Mike Ziegler, Executive Director, NTRA Safety & Integrity Alliance

Mr. Steve Barham: NTRA Safety and Integrity Alliance, something that's probably been a program that this industry has needed a long time. I remember, when I was the executive director of the Oregon Racing Commission, we tried to look at safety. Probably the jockeys and Jockeys' Guild were the ones that would come to the forefront most of the time, most likely because they were on the back of the horse. Safety and Integrity Alliance, from what I've read on it, is a very broad and actually can be a fairly encompassing alliance of the industry.

The speaker today is Mike Ziegler who is the executive director of the NTRA Safety Alliance. I'm not going to take any of his time on this. His bio is in the back of the program. He's going to be speaking a number of times at this symposium, and probably that shows just how important this topic is and the number of different viewpoints that you can have because you can look at safety of the horse, the integrity of the wagering system, which I hear they're going to get into, and probably most important, the safety of the rider. So with that, Mike.

Mr. Mike Ziegler: Thank you very much, Steve. I usually look at the room before I start and make sure that nobody's heard my song and dance before, and only one of you has — and you know who you are — so you can tune me out if you'd like. In any event, the Safety and Integrity Alliance was established just about this time last year. Impetus to create the Safety and Integrity Alliance was frankly an industry reaction to the Eight Belles incident. The industry realized that reform was needed to be made or somebody would tell the industry how to make these reforms. In October of last year, 55 race tracks and nearly all major racing organizations in the country got together and signed a pledge to form the Safety and Integrity Alliance.

What I'd like to do today is take the perspective of what — first I'm going to give an overview of what accreditation means, how it works and where we've accredited so far. Then I'm going to take the perspective of really looking at this from the Jockeys' Guild and how important the Safety and Integrity Alliance is to you. For starters, we've gone out and begun the accreditation process. That means that a track has voluntarily applied for accreditation, filled out an application, gone through an on-site inspection which means a track, regulatory — a former regulatory veterinarian, myself and an operations person have visited that track to confirm that they're adhering to a code of standards, which we'll get into real specifically.

This is a partial list of who has been accredited so far: the Kentucky tracks, Churchill, Keeneland and Turfway; Delaware Park; Pimlico has been provisionally accredited. Their meet doesn't open up again until April and until their barn area opens, they can't move forward with a full accreditation; Belmont, Hollywood, Calder, Monmouth, Arlington, Del Mar, Saratoga, Oak Tree and Santa Anita. Aqueduct, Woodbine, and Fairgrounds are pending. In the very near future we're going to get to Golden Gate Fields and Gulfstream. That's a total of 19 race tracks in the first ten months of the Alliance's accreditation process since last April.

Here's what happens. A track wants to get accredited. They fill out an application. It asks in-depth questions aimed towards confirmation of the track's compliance to our Code of Standards. It requires tremendous cooperation from the regulatory body. Somewhere around 40 percent of what happens on the accreditation process takes input from usually the state equine medical director or the regulatory veterinarian. Then we go through the inspection process, like I said, and then finally, tracks are graded from best practice to deficient and three scales in the middle.

What do tracks get out of the process? They're able to look at their operations, so that gives them a self-examination ability. They're also getting an independent assessment from our group, of an inspection team. They get educated as far as what the regulatory practices are at their race track. Really, the best thing that comes out of the entire accreditation process is the sharing of best practices because every track that I've been to, I've found something that's great to share with the next track I visit. Tomorrow's panel that I'm speaking in front of will directly address what are the best practices in each area of the code of standards. Who's doing it, they're going to be credited for it, and moving forward, that's going to help build the standards as we raise the bar year over year for this code of standards.

Why am I here today? The jockeys are key to this process. I've met some of you specifically in the room at the tracks that I've accredited, Arlington, for example. What I want you to read right here — and it's important that you know this — is that in the NTRA code of standards, in the preamble, the specific statements says "the health and safety of our human and equine

athletes and the integrity of our sport are horse racing's top priorities". That specific statement and the fact that humans come first was a directive from our board of directors that that's top priority.

Here's what the code of standards means and what makes up each aspect of it. There are five basic tenets to the Code of Standards. The first is injury reporting and prevention. In that area we want tracks to be participating in an equine injury database so that if in fact there is a death on the race track or an injury on the race track, we better learn from it. We want pre-race veterinary examinations for every horse in every race. We want post-race examinations where horses jogging back get looked at by the veterinarian and there's some follow-up with either the trainer or the practitioner if a horse is sore. We want post-mortem examinations. Some of those that are adjunct to the equine injury database, we want a post-mortem done. We want a strict vet's list. We want that to be difficult for a horse to get off the list so that it's a deterrent to somebody entering a horse that might be lame.

The next section is safety equipment and a safer racing environment. This is where we're looking for a toe grab rule of no greater than four millimeters. We're asking the jockeys to adopt the use of the riding crop. We're expecting the safety helmet to be worn by anybody who's on the race track with the exception of the occasional trainer who sits on his horse watching his horse's gallop. We want a safety vest on everybody including the assistant starters. We want to see good padding in the starting gates. The tracks we've been to so far are okay. Some of them are real good. We want to see equine ambulances that are manned and well equipped and are located and ready for action. Safety research is a big part of this. If tracks need to be participating in some semblance of a safety research program, there is good programs with Mick Peterson and the track surface testing laboratory. There's also research being conducted by Grayson and by RMTCC, so all those aspects contribute to that aspect of the code.

Continuing education; we want to see people like the starter, the track crew, or the track man, the groom development or groomer lead programs, those types of things. Then we want to see a formal written catastrophic injury plan so in case there is an actual accident on a race track, everybody knows what they're supposed to do and where they're supposed to be.

Medication and testing is the next major area. We're looking for adoption of uniform rules and penalties. You might giggle at that because it seems like the rules and penalties are so far flung across 38 racing jurisdictions. What we're finding is they really are pretty close to uniform rules but every jurisdiction has just that one or two different variation which is the gotchas that we end up finding that make our industry look bad when the public believes that we're not uniform and that we're giving illegal medications to our horses. We want alkalinizing substances regulated and tested for, and that's the TCO₂ that we see the pre-race sampling for. We want exogenous steroids regulated and tested for. Shock wave therapy, we want the model

rule adopted which it's hard to maintain because there's not test for shock wave therapy but we believe that the best case is if it's given on the track or at the facility under the direct guidance of a veterinarian ten days out from a horse race. We want to see some semblance of out-of-competition testing for EPO. We want a frozen sample testing program in the jurisdiction that the race track operates. We want an independent security assessment training and plan taking place.

You'll see that a lot of these areas are medication in nature, and those are areas where tracks actually need to get the cooperation of the regulator because they're not really in a position to do drug testing.

The next area directly influences you; it's the safety and health of the riders. We want a consistent weigh-out and weigh-in procedure so that your safety equipment is not included. The model rules currently ask for that. We want to make sure that's adopted in the jurisdictions that we're accrediting. We want to make sure that the tracks that we accredit are participating in the jockey health information system so that your pre-existing conditions or medication allergies can be at the hospital before you get there. We also want to examine the human ambulance support at every facility and make sure that the riders in the room are pretty well satisfied with it and that it adheres to a minimum standard.

The second to last area is after-care of retired race horses. This is really important because we're so vulnerable to public perception in this area. I sort of want to give credit to the riders at Monmouth Park who are the ones that I'm aware of that are donating a percentage of their mount fees to an after-care program which should be commended. Finally there's a compliance program, which is continuing adherence to the code of standards requires a formal compliance program at each track.

Let me just directly tell you how the jockeys benefit from the code of standards and what we're doing at the tracks. Specifically are the direct benefits; the weigh-out/weigh-in procedure, the health information system and the ambulance support. Those things are expected of every track we visit. I try to speak with the riders in the room about those specific aspects in each area. More importantly though, here's the indirect benefits. Pre-race exams, we're trying to keep sore horses from the race track so you guys don't have to ride them. Post-race exams, if a horse comes back sore, they need to be followed up with so next time out you guys are protected. The vet's list is a deterrent for a guy from running a sore horse in a race. Toe grabs, there's scientific research that proves that toe grabs greater than four millimeters can directly influence a horse potentially having a catastrophic breakdown. We want to avoid that obviously. The helmet and vests, those are adopting the model rules that the helmets that riders are wearing meet the standards that Jeff Johnston has worked so hard to get adopted in the model rules, same with the vest.

Padded starting gate, you guys tell me but I believe that probably more injuries than anywhere else on the racetrack occur in the starting gate. We've seen some real good starting gates out there. The research and training is making sure horse handlers know how to handle a horse, particularly when you're on their back, and learning from accidents and learning about maintenance of the race track, and catastrophic injury planning and just making sure that everybody has a program in place and they know what they're supposed to do in case of an injury. Medication rules, penalties and testing, those are all indirectly related to making sure that horses that are sore are avoided in races. Shock wave therapy; a rider who retired in the last five years that I'm familiar with told me that he left the game because of shock wave therapy, and so we're trying our best to maintain that it needs to be regulated.

Let's talk about moving forward. The Jockeys' Guild has direct representation on our Alliance Advisory Committee. That committee is going to be the group that gets together and forms the next set of standards. In 2009 you've seen where the standards are. In 2010, 2011, moving forward every year that bar will get raised and will improve all tracks by rising the tide of the ones that are going to get accreditation. Some of the things we're talking about included in this next code of standards include minimum catastrophic insurance policies. We're talking about the safety rail. I know Jeff is looking at working on a model rule for the safety rail. We're talking about including a wellness program requirement at each of the tracks that go for accreditation.

I kind of ran through that pretty quickly, and I want to open it up for questions but I really want to thank you. I think input from the riders is just imperative at each track that we accredit. I think frankly at the beginning of my tenure in this position, I didn't do a good job getting input from the riders. I believe that as a result of sitting with the room now instead of just sitting with one or two riders, I get better input. People are actually more comfortable talking in that kind of an environment, which is sort of unique. I think also most importantly jockeys need to be a part of the compliance, and I need to know, or the tracks need to know, if there are areas of this Code of Standards that aren't being adhered to. We have the ability to pull an accreditation if the standards aren't being adhered to, and I need to know that if that's taking place. I'll open up to the room if there are any questions, and Terry's probably got a list.

Mr. Terry Meyocks: Just a few.

Mr. Ziegler: Okay, sir.

Mr. Meyocks: The one thing Mike — we've been talking about — and you and I have talked and we've got a great rapport with the NTRA and Mike. But talking to Nick Nicholson, during the Keeneland meet, the one thing we thought is imperative that we have communications outside the industry with

other sports whether it be the NFL. Colonel (Tom) Arnold mentioned the rodeo, but anything, whether it be NASCAR, dealing with spinal cord injuries or brain injuries, if we can pool some funding from other sports for testing and research and development. Then dealing with whether it be the Miami Project, the UK brand spinal cord injuries, I think that's imperative moving forward. I think it would be beneficial to everybody. If we can save one jockey or one exercise rider from being paralyzed or having spinal cord injuries, I think it's well worth it.

The other thing we've been talking about, with the TRA over the last year, is having minimum standards, whether it be in the first-aid, the ambulances, the hospitals, trauma centers. We also think that would help the race tracks reduce down track accident policies. At the same time, you've got a lot of conversations dealing with The Jockey Club about the equine database — is having a database for jockeys' injuries and where the accidents occur, whether it be at the starting gate or whether it be synthetic or dirt tracks or wherever it may be. I think that's important moving forward.

The last thing I've got is the pre-race exams. Are we at a point that if a jockey feels uncomfortable with a horse in a post parade, scratch the horse instead of return them back to the jockey's room and having another rider come out and ride them. I think it's gotten to a point that we need to really look at that throughout the country.

Mr. Mr. Ziegler: That's actually a question I like to ask, and I've sort of — look, I'm growing in this position just as the Alliance is growing. That's a question that I now like to ask is when you're in a post parade and you feel like a horse is sore and you want to scratch it, is there some pressure to keep it in, and then is there pressure for if you take off, to keep the horse in with somebody else who is starving for a mount. That's sort of counterproductive. I mean, if you don't think a horse is good enough to be in a race, why should somebody else get on it.

Mr. Meyocks: Right. I'm going to let the jockeys answer that but I do know a year and a half ago Mike Smith was on a horse, felt uncomfortable, talked to the vet, talked him into riding and he rode the horse, the horse snapped its leg. One of you guys want to answer those questions. Perry.

Perry: Sometimes they put pressure on you but I've always felt over the years I always brought the horse back if I didn't feel safe on the horse. Like if Perry Compton brought a horse back, and I'm in the jockeys' room, his knowledge tells me don't even ride the horse. Sometimes you get pushed in the corner. The other question I had was I feel every jockeys' room in the country should have a breathalyzer when you come in there. Every jockey should blow. I don't feel that they should just pick two or three. I think it should be done everyday. I mean, it's the safety for each and every other rider.

Mr. Ziegler: You're not the first person who's made that statement. What I'll do is bring that up to our advisory committee. Just let me explain the process real quickly. In the coming months, we'll sit down with our advisory committee, and we'll draft potential future inclusions of the code. Where there's merit, they'll get included, and it will get an approval of the board and in 2010 that will be adopted. But it's not the first time I've heard that. It's a great suggestion. It's a no-brainer.

Mr. John Onick: I will — on all tracks that we insure for on-track accident insurance, I'll look into the cost of a breathalyzer and potentially fund that from a loss-control perspective because we're always looking for loss-control measures through our premium to lower claims. The biggest problem with breathalyzers and alcohol-related injuries, they are excluded on coverage. It would be a tragic situation on both ends if something were to occur there, so I'll get back to Mike on...

Mr. Ziegler: Beyond that, Jerry, what about prescription medications? I mean, what are your thoughts? I'm curious. I think—I was just at Woodbine, and Jamie's here and will attest to this, they have a breathalyzer in the room and everybody blows every day and then random employees are pulled every day. It's a great practice. I'd love to talk to you about who's doing that because I'm curious.

Mr. Meyocks: I would also, besides the jockeys, the gate crew is very important. Prescription medication, I think it's got to be when they're talking to the riders and explain to the riders, and I know it's in the rule, but when an investigator comes to them and asks them, "Are you taking any illegal drugs?", and they're thinking cocaine or marijuana and they'd say no. Now they'll test them, and they'll come back with a prescription medication. I think it's got to be explained to them where it's in their own mind they're thinking prescription. I was in a spill two weeks before. I got something from the vet, I mean, from the emergency room. I'm taking it, so I think it's important to spell it out.

Mr. Ziegler: It's difficult because — I guess the question really needs to be asked is somebody riding under the influence, and under the influence can be alcohol or prescription medication, just like driving a car.

Mr. Meyocks: True, but I think it needs to be really discussed; the stewards and the riding colonies throughout the country.

Mr. Mike Campbell: Hello. My name is Mike Campbell, and my question is that over the past few years we've had a number of catastrophic injuries that have occurred to riders. It seems to me like the assumption was that if a track is considered safe for the horse, it's assumed that it's, therefore, safe for the rider. That may have come into question. We're not sure. Right now it's anecdotal information. It's not scientific information.

What I'd like to see happen is someone take a leadership role in testing a mechanical device, that is dropped from a level that represents the human body, and see what the reaction of that test dummy, if you will, is when it hits the dirt. I think the focus has been on the horses. I believe that it's now timely to investigate what happens to a rider when that individual falls from five feet in the air going 35 miles an hour. That's something that I don't think has ever been looked at in a serious way to determine what the injuries are and what is the safest type of track for the rider to be associated with.

You know, if you take the models in the industry, most trainers will tell you that Fairgrounds Racetrack has probably one of the best racing surfaces. Then lately we've had these synthetic tracks and I have to tell you that I train on synthetic tracks, and I am not aware of the problems, or my stable has not maybe been affected by the synthetic track like other trainers have said their horses are. I certainly think that it's time to get to the bottom of this. It's incumbent on this whole industry to make this industry safe for the horses, and make it safe for the riders too. Whatever has to be spent in that regard is money well spent, and it's our obligation as an industry to figure this out and figure it out right away. It should have been actually a part of this conference, is jockey safety in regard to race track surfaces. What we want to do is — we want to be pro-active in the ability to stop injuries for horses and injuries for riders also.

Mr. Ziegler: Your point is very well taken. I don't know if there is any existing study that's been conducted. Maybe anybody in the audience have any idea if anything's been done with surfaces and with trying to—I know there are—we've talked about...

[Statement from audience – inaudible]

Mr. Mr. Ziegler: He's just dealing with the hoof, with the artificial hoof. We talked about it a little bit before. I don't know how to — somebody's got to be smarter than me to know how to do it. Yeah, we've had this conversation too.

Mr. Tom Kennedy: Hi, I'm Tom Kennedy. I'm an attorney for the Jockeys' Guild, and I was interested in hearing your presentation on the accreditation process because from what I know in other industries, the key to the accreditation process isn't so much who passes, it's who fails. Until some institutions seek accreditation and are denied, I think the likelihood is that it's not going to be regarded as a very high hurdle to get over.

Mr. Ziegler: Well people won't fail because they won't apply until they're ready to pass. They know the answers to the test before they take it. What's in their best interest to go out there and fix what's wrong and then apply after? Or is it in their best interest to apply and fail and potentially get bad publicity. We won't have tracks apply. At some point in time there will

be a critical mass of tracks that are actually accredited and by process of elimination you'll know the ones that aren't accredited. As long as they know the answers to the test, it's not in their best interest to apply until they are ready to.

Mr. Kennedy: But shouldn't we work toward a process in which other than persuasion they have to apply, that there's some negative consequence to them in the industry for not having sought and obtained the certification?

Mr. Ziegler: Maybe the riders can say they won't ride at a track that's not accredited, or the owners can say they won't run their horses at a track that's not accredited and then they'll be forced to. I think that's the ultimate goal of the Alliance, is that the stakeholders participate in tracks that are accredited. When I say stakeholders, I mean riders, trainers, jockeys, but fans. Fans don't vote, or don't wager on tracks that aren't accredited because they don't care about their human and equine athletes and because — not drug testing, I mean, it's got to be a level playing field. I don't believe that in the short term you're going to see any tracks fail because they just won't apply. In the long term and when there's some stick as opposed to just carrots, maybe we'll see that.

Mr. Kennedy: I think the Guild's position would be that we would like to see the industry as a whole adopt mandatory standards which do require the certification since it's I think unrealistic from the jockey's perspective to be able for other than our top riders to have them decline to ride at tracks that aren't certified, even if once there's a critical mass. We'll still have a lot of people out there at relatively — at tracks with low purse rates. That's the kind of context in which having people not ride is very difficult. I don't think that's a meaningful response to getting the certifications imposed.

Mr. Ziegler: Well you're not alone, and you're not going to be alone in it. It's absolutely a function of the entire industry. That's all that at this point in time we can do, is ask participants only at tracks that care to get accredited because it's currently voluntary. Down the road maybe there is something. I don't have that yet. Right now it's voluntary. The response has been terrific as a voluntary process. We've done approximately two accreditations a month. By the end of this year, we'd like to have 40 tracks accredited which is a pretty fair amount of tracks. Now mind you there's county fairs all around the country that might or might not ever even pick up the piece of paper to look at the code of standards, and they're always going to run and there's always going to be people that participate there. There's not much that we can do about that. However, the rising tide will lift a lot of boats.

Mr. Kennedy: Do you have a sense of how many tracks would need to be certified to reach that critical mass that you were talking about?

Mr. Ziegler: I think that if you get to 40 or 50, I think the majority of the major tracks that — I think you'd probably get 95 percent of the pari-mutuel

wagering handled in the country if you accredited 45 tracks, maybe more. I don't know, if you judge it by starters. I don't know what the number is, but this time next year I'll have a better idea and we can do the math.

Mr. Meyocks: The one thing, Mike, the NTRA and the industry really need to be — you've come a long way in this first year. Everybody's got to support and get behind it because we went through the first wave. Now the other things we have to look at and try to — whether it be the riders or the exercise riders, their well being but just think who'd have ever think it ten years ago. I applaud the NTRA and Bob Ellis and you all and Alex Waldrop for doing it for the benefit of the game. It's been outstanding, but we just scratched the surface.

Mr. Ziegler: I'll add to that, and thank you for that compliment, but I'll add to that that this isn't the NTRA's Alliance. This is the industry's Alliance. 55 race tracks pledged to join this Alliance, 40 major racing organizations, individual jockeys pledged to join this Alliance. We're all working in this together. It's in all of our best interests to raise that tide so everybody's safer. We're not a silver bullet. We're not going to eliminate all injuries for horses or riders in the country, but we sure as heck can try. We'll move the ball towards the goal line. If we ever cross it and score a touchdown, I don't know, but thank you for the support. I appreciate everybody's support along the way and input and candidness along the way so thank you. Thank you very much for your time. I appreciate it.



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