



Race Track Industry Program

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**NTRA Safety & Integrity Alliance —
2009 Review and 2010 Preview**

Moderator/Speaker:

Mike Ziegler, Executive Director, NTRA Safety & Integrity Alliance

Speaker:

Dan Fick, Executive Vice President & Executive Director The Jockey Club

Mr. Doug Reed: One quick housekeeping note just for those of you that want to get a little beverage before you go out for the evening. We changed things up a little bit. We have an early reception this afternoon. The reception time is 3:30 to 4:30, or right after this panel, or shortly thereafter so that people can go and do something this evening or have an early dinner or whatever you want to do. We'll get you out of here a little earlier than normal on a regular day.

Next note is we just want to thank the American Quarter Horse Association for their sponsorship, not only of this panel but other events during the week. I'd like to introduce our moderator and speaker, and actually the two speakers here. I'm looking at my program and I think they've got to be voted the most popular speakers. I think they did about five or six appearances between the two of them, so they probably don't need much of an introduction. I think they've been up here before. We're glad to have Mike Ziegler, executive director of the NTRA Safety and Integrity Alliance as our moderator and presenter. He was formerly a senior vice president with youbet.com and has an impressive track record as well. He has worked for most of the major California tracks; Santa Anita, Hollywood, Golden Gate, Bay Meadows and probably a lot of other places. Mike thanks for being here, and we look forward to hearing you guys.

Mr. Mike Ziegler: Thank you. I'm going to get the clicker, and we're going to stay sitting down. Joining me is Dan Fick who is executive director of The Jockey Club. The Safety and Integrity Alliance, part of the process is inspections of tracks, and Dan has joined on a number of the inspections and has agreed to help me today because the gist of this is we're going to talk

about best practices that we've seen around the country. Realizing that, let's get started but I will add that I've worked in all the tracks in California except for Del Mar so there's probably something wrong with me.

Anyhow, the accredited race tracks thus far, Churchill Downs — and I begin with we started last April with Churchill Downs, Keeneland, Delaware Park, Pimlico is currently provisionally accredited. They're working towards getting their full accreditation at the beginning of their meet in 2010. Belmont Park, Hollywood Park, Calder, Monmouth Park, Arlington Park, Del Mar, Saratoga, Turfway Park, Oak Tree and Santa Anita, and we've recently completed the inspections at Aqueduct, Woodbine and Fairgrounds and planning at the beginning of 2010 to be at Gulfstream and Golden Gate Fields.

The process for accreditation is the track applies. It's totally voluntary. The tracks that have already started the process have stepped up to the plate and said that safety of the human and equine athlete is of the utmost importance, and the integrity of racing is important. In order for them to get accredited, they fill out an application. It requires a tremendous amount of cooperation from the regulatory body in their state. We receive their application and then we schedule a two to three day inspection of the facility with a regulatory veterinarian and a track safety supervisor who's got a lot of experience working at the race track and a representative of the Alliance. What we do then is we grade the track's compliance to our Alliance code of standards which I've talked about so much here that if you all don't have it memorized then nobody does. We grade the tracks on "best practice" to "deficient".

What do the tracks get out of the process? There's a pretty fair amount of self-examination. Tracks might look at operations. Track management will look at an operation that they might otherwise just let run on auto pilot and get a better sense of how things operate. There's an independent assessment based on that code of standards that I mentioned that we conduct. There's a tremendous amount of education on the regulatory process because so much of what we're looking at is regulatory in nature. One of the most important aspects of this entire process is the sharing of best practices. We believe that as an industry we don't do enough of that, as some people are doing things so well and others don't know anything about it. That's one of the vehicles that the Safety and Integrity Alliance can become.

How do we define best practices? When we go through the code of standards, we ask two questions. We ask each other, "Is there any better way to perform?" and then secondly we ask, "Is any other race track doing better?" If the answer to that question is no in both cases, then it's the best practice. What we'll do now is go through each aspect of the code of standards and describe what we're looking for as the best practice and then talk about who's doing it. Take it away, Dan.

Mr. Dan Fick: Okay, thanks Mike. One thing I might add — or two things I might add — is that we go to the tracks when they're running live. The first track that was done was Churchill, trying to get it done prior to the Kentucky Derby so we went before they started running live and then determined we won't do that again. It's absolutely essential we see the track in full operation. The second thing is we should have brought them a copy of the questionnaire that comes back after they complete it; but you would have been way overweight on baggage because it's about that thick by the time the tracks get done answering all the different questions. It's really an in-depth process.

I'm going to talk about the equine injury database, which I think most of you know about, especially if you came to Mary Scollay's excellent panel here this morning at eleven. This evolved out of our 2006 Grayson-Jockey Club Welfare and Safety Summit and was one of the key recommendations that we've got to track the injuries that are happening at the race track. This particular aspect of the code is a non-starter. If you don't do this, then don't apply because you're not going to pass. What it is we ask for all the race tracks to report all the racing injuries. Those are the injuries that happen on the race tracks during racing and be working on reporting the injuries that happen in the morning. At least give us the catastrophics and the vanned offs in the morning. Get those into the database because as Mary said earlier today we can't tell what the problems are unless we can see, and what the solutions might be, unless we can see the data that the injuries provide for us.

The best practices; the three Southern California tracks are far and away the best practices because they're operating under a Grayson-Jockey Club equine research grant Dr. Jeff Boulay and Dr. Wayne McIlwraith have applied for in working with the Southern California equine practitioners. They record every injury that happens on the race track, whether it's in training, racing, horse flips in the barn area and gets injured, those are all being recorded. That's the best practices that we want to see all tracks do.

Mr. Ziegler: I'll add that there are other locations that are trying to get through the process of collecting that morning data, which is what's missing from just a more than satisfactory or satisfactory grade to a best practice. The next thing we're going to talk about is the pre-race veterinary examination. What we're looking for on the pre-races is that basically the recommendations of the AAEP are fully adopted, that horses are jogged in both directions, in a safe location, that the limbs are palpated, that the data is being recorded so that it can be used for future examinations, and that the horse is watched all the way up to the starting gate from paddock to post. To be honest here, we're seeing this in most locations. This is actually one thing that most people are doing really well, so all the Kentucky tracks that we visited, the California tracks, New York, Delaware Park, Monmouth, Arlington Park and Woodbine are all doing a real good job there.

Mr. Fick: Again, this is a non-starter. If you don't do this, don't apply.

Mr. Ziegler: Oh yeah, true. If you're not pre-race examining, we don't want to see an application from you until you do. Post-race veterinary examinations are watching the horses jog back after the race and having some follow up with the trainer and/or the practicing veterinarian in cases where a horse comes back lame and the potential to put the horse on a list. We also have seen a good practice in a lot of locations where the regulatory vet at the finish line has a digital camera and is taking photos of any overuse of the crop, which is a simple process to allow and give information to the stewards to talk to the jockey in that situation. Many locations are doing a real good job at this but what I found at Woodbine, which is exceptional, is they have actually — the veterinarians met with the jockeys in the room before the meet and said jog your horses back. Don't let them get faster than that so that they have a better shot at seeing them in action, which to me was a great practice.

The next thing that we're looking at is post-mortem veterinary examinations. We'd like to see a board certified pathologist looking at all deceased horses and recording the data. We also want to see blood samples drawn before the euthanasia where possible. The California tracks and the State of California are doing a really good job at this. It's a mandatory full necropsy at a board certified facility for any horse death within the enclosure. The same is the case in Louisiana.

Mr. Fick: Next is the veterinarians list. A lot of the horses that go through the pre-race exam and don't pass, or all the horses that go through the pre-race and don't pass, and the ones that pull up bad end up on the veterinarians list. What we're looking for here is through the InCompass Racetrack Operating System, or RTO, that this information is being properly databased as soon as possible. We had a case of a horse go on a vet's list four or five days into the system, four or five days after he went on the list and ended up actually running back before it was noted that this horse was on the vet's list. It's essential that this gets reported into the system, that it be maintained and kept up to date, and that the lists are adhered to. These lists are available, if tracks agree to be shared across the country. Virtually every track in this country has the RTO system, so if a horse went on a vet's list in California, was off for a month and showed back up in Kentucky, Florida, New York, it should show up at the time of entry that this horse is on a vet's list in California. That needs to be known and it needs to be adhered to.

Blood drawn before removal from workouts. This is another thing that we think is essential, especially for horses that get on the list because they've got a significant overage of a therapeutic medication. Well let's pull blood on that horse when he works out to get off the vets list to make sure he doesn't need that medication just to get off the vets list. Delaware Park does a great job of this. They can't enter the horse back until the blood work is done, and

Woodbine actually has three different categories of vet's list. We have vets' lists, starters' lists and stewards' lists that are in the RTO system that can be shared across the country if everybody will agree.

Next is shoes and hoof care. This again came out of the Welfare and Safety Summit in 2006, was based on some research that Dr. Sue Stover in California had done back in 1996 and '98. Most horsemen were taking advantage of it knowing that the higher toe grabs dramatically increased the risk of catastrophic injuries. What we're basically looking for here is that the state have a rule that limits the use of toe grabs no greater than four and hopefully two, depending on the local situation. The other thing is it's not good when you look at the injury database and you look at the shoes that are worn by the horses that are injured, maybe the ones that have front leg injuries and you want to compare that to the universe of shoes that are being used. If most of them are four millimeter or two millimeter, you need to know what percentage of the entire universe of shoes is four millimeter or two millimeter so you can make a comparison. A best practice for us is that you're recording every horse that starts what shoes they're wearing front and back. California is doing that, and we have a number of other tracks that are participating in a pilot project.

Best use of the riding crop. We're looking for full regulatory or at least track rule adoption of the new pro-cush safety riding crops, and with enforcement for the proper use of the whip. The Guild supports this. We're seeing it expand across the country, but it's not going as fast as we really think the public thinks it needs to be going. The stewards need to do a better job of watching the jockeys and making sure that they're not overly whipping a beaten horse that's got no chance of moving up. Or, if you're three lengths in front, put the whip up and go to a hand run. Where we saw best practices, Delaware Park were really the pioneers of starting to use these safety whips, but we now see at Woodbine, the Kentucky tracks, Santa Anita. The California tracks have started to do it since we've done the inspections out there. In talking with the Guild, it's just something that everybody's going to have to get used to, and it's the way of the future.

As far as best practices with safety helmets, again, we're looking for full regulatory adoption. We're looking for them to use the safety helmets that are defined in the RCI model rules. We're also looking for all people that are mounted on a horse on a race track or leading horses onto the race track be wearing safety helmets. There was a study by NIOSH on injuries at the race track and actually found out there's more injuries to grooms and trainers and other people on the race track than there are jockeys and exercise riders. It's essential that people that are going to be around horses and handling them and on horses wear the helmets. Again, Kentucky and California, Woodbine and Delaware are kind of the leaders in this effort. Woodbine and Delaware have actually started putting them on assistant starters. Same thing with the safety vests; it's essential anybody in the starting gate or on a horse. We've even seen Woodbine with the valets wearing the safety vests.

You never know what's going to happen at a race track, and safety vests save lives, so we're looking for full regulatory compliance.

Mr. Ziegler: The next thing we're looking at is padding in the starting gate. What we really want to see is ample padding on all areas where there's metal showing or iron showing. The tracks that have purchased and are using the best pad, which is a brand name product, the Keeneland and the Churchill Downs tracks, Arlington Park and Calder. It's pretty nice padding. It's more comfortable than my bed. The starting gate at Woodbine is also exceptional. Not only is it very well padded but the pontoons in the first two-thirds of the gate are angled down so that if a horse kicks up and gets caught, it just slides right off. It won't get caught. They really put a lot of thought into the starting gate at Woodbine when they designed it. It's custom made. Right here is a picture of the starting gate with the best padding. If you look there's pretty much nothing uncovered. It's really exceptional. I think, and this is a rough guess, I think probably somewhere between 30 and 40 percent of injuries take place in the starting gate, and good padding and good loading procedures can help avoid as much of that as possible.

Equine ambulance requirement. What we're really looking for is Kimzey-type ambulance. At every track that we've visited we have seen the Kimzey ambulance. The best practice out of the equine ambulance is tracks that have two of them, and that they have a dedicated staff at the ready in case there's an incident on the race track, and the equipment necessary to tend to injured horses is in place and that there is plenty of staff to help out in case of an accident. We're seeing a lot of tracks that do carry two Kimzeys, in Kentucky, in New York, California and Arlington Park.

Mr. Fick: As far as safety research goes, that was another recommendation coming out of the Welfare and Safety Summit. Actually I first got involved with it back in 1996 and '98 when I worked for the American Quarter Horse Association. We had concerns about track surfaces and contacted CSU, Dr. McIllwraith, and he brought in a team. On that team was a gentleman out of the University of Maine named Dr. McPeterson, who most of us have come to know as the track doctor, and formed the racing surfaces testing laboratory that got started earlier this year. What we're looking for and what I heard from a lot of track superintendents is we're finally applying some science to this. There was a lot of science being involved but now we're bringing in more science. We brought in the engineers from John Deere, courtesy of NTRA and the American Quarter Horse Association that they'd been working with their co-op program. They immediately saw things that we could do better just in terms of the tires that were on the tractors. One engineer said on my dad's farm we'd never allow that tractor on any of our fields because it had biased tires instead of radial tires, and you're consolidating the weight in a narrow space. We're bringing a lot of science, and so we're looking for the tracks to participate in that. Also through grants to the universities, your land grant university or your vet school, the Racing Medication and Testing Consortium, we hope they're working with them. We've seen it in many

places that tracks, especially California, Kentucky, New York, the Churchill tracks, have been involved with research for a long time.

We're looking for them to participate in educational training programs; the Groom Elite program where the grooms are being trained, all the way up to the trainer 301 classes at the race track where they're working with the assistant starters. When we were out in California we heard from the starters in southern California, especially Hollywood Park and Del Mar. We'd like to have somebody come in and do training sessions for our assistant starters because there's a turnover. If we could bring in a national trainer, one of the professionals out there; if we could bring in Bobby Duncan, who's kind of the leader on this out of the New York tracks, that would be something that would really help us with the starting gates. The one that was the best practice that we weren't aware of until we got there that's really fabulous is the California Horseman's Safety Alliance that's a part of all the horsemen in the tracks have put this together. They train the grooms, the exercise riders in just the basic safety that you would see at any construction site or any factory. We've got a little short segment of that we'd like to show you.

[Video Played]

Mr. Fick: This is about a 45 minute video that's also available in Spanish. I would urge you to contact the CHSA or the California Thoroughbred Trainers or Thoroughbred Owners of California to get a copy. It's really terrific, and it goes into all aspects of the grooms, the hot walkers, the things that just commonly need to be known in the barn area.

Mr. Ziegler: The next item in the code of standards that we look for at tracks is having protocols in cases of catastrophic injury. What we're looking for there are the procedures in riding so everybody knows exactly what their roles are. Plans are in place for communication and that peripheral employees around the facility have a role, meaning the valets or the assistant starters can attend. The plans that we saw at Arlington Park were really demonstrably the best in this area.

Mr. Fick: You know when they complete, they being a track, when they complete the questionnaire, a lot of the input comes from the horse racing commission, in particular the veterinarians, the regular veterinarians or if they're lucky to have a Dr. Mary Scollay or a Dr. Rick Arthur on board. As you can easily understand, when we're talking about safety and integrity at the race track, we're talking about regulatory processes to a large extent. We need to go hand in hand with the commission when we do develop these. We're looking for a lot of adoptions by the commission; the RCI, RMTC, uniform medication rules. Right now we're at about I think 36 out of 38 states have pretty much adopted the original proposals. Then we're looking for enforcement of the penalties. Those of you that were here Monday when we did the Racing Officials Accreditation Program, "soup to nuts," I think we

called it, workshop on prosecuting a drug rule violation. We talked about the penalties. There's a grid of penalties that take in all aspects of a penalty; what the drug was, what's the prior history of the trainer, what was the motivation. We list extenuating circumstances, both mitigating and aggravating, so we can get some, not only some uniformity but some teeth into these penalties. We're looking for the commissions to be doing that. Then the best practices, I mean, what we're really looking for, and it's now the model rule is if a trainer gets suspended for more than 30 days, then he should lose control of those horses. They should go to another licensed trainer. That should be part of the penalty for a significant drug rule violation, so we're looking for that type of participation.

TCO2. In talking to some of the major players in the industry, they think this is where the most significant abuse may be in terms of people trying to cheat. If your state is not doing TCO2 testing, they should be. What we're looking for is you're doing it in accord with the RMTC/RCI model rules, which is pre-race sampling of every horse in every race and post-race testing for thoroughbreds. You know, some states are doing, because of funding, are doing a couple of races random or a couple of horses in all the races. That's a deterrent, but ultimately we'd like to see them do every horse and every race. We see the best practices in California and at Keeneland where the track itself has taken on the responsibility.

Anabolic steroids. Well this is one that we've pretty much won the battle on. Our chemists tell us that they're not even seeing trace levels of any of the four regulated antibiotic steroids anymore in the samples that they're taking. This is post-race sampling, post-race testing, and it shows what the industry can do when it gets its mindset in making something happen. Pretty much everybody's on board with that.

Mr. Ziegler: Shock wave therapy at tracks. We're looking for adoption, I'm sorry, through the regulatory agency of the shock wave therapy model rule which is ten-day withdrawal time from therapy. While there's no test for shock wave therapy, we're looking for it in a controlled environment as best as possible. We want it to be at the race track and we want it reported and conducted only by a licensed veterinarian. We're seeing that process taking place in California and at NYRA where the horse is physically escorted to a specific location for shock wave by a track security guard.

Mr. Fick: Out of competition testing. Here we're looking for again the adoption of the RMTC/RCI model rule on out of competition testing, and that specifically is targeting epogen, the blood doping agent EPO. Some states are beginning to look at it from the standpoint of maybe we should be also looking for the abuse of illegal drugs in the horses where trainers may be trying to figure out the dosage of an illegal drug that will affect the horse, but it's minor enough they think they can get away with it. You may see states that are doing it, broadening the drugs that they're looking for. They're not looking for therapeutics, drugs that are normally involved in the training and

maintenance of a horse, but they're looking for something that's got no business being in the horse. We're seeing it at a few tracks that are enforcing it. It's very difficult because half the horses are stabled off the grounds. What we're thinking is going to have to happen is it's going to have to be part of your license when you're a trainer and owner that you agree to provide access to your horse for out of competition testing. It should be in track rules, stall app's and as seen in the harness industry with Breeders Crown and Hambletonian part of the nomination application that you give the right to have out-of-competition testing done on your horse. This is another area where it's essential that we get on top of the issue.

Frozen samples, a couple of things. We're looking for states to have a rule that says they can legally freeze samples. That's part of their rules for future testing. It may not involve prosecution but it helps establish whether or not a trainer may have been using a drug. Once you find out the test for it, then you can start specializing that trainer and it builds in aggravating circumstances if you catch them. We're also looking for commissions that are actually doing the freezing and the testing. California is probably the one that's out in front the most. The Jockey Club just recently provided them with \$30,000.00 to go back and check frozen samples for some of the gene typing drugs that they're now developing a test for. Florida, the lab in Florida is willing to do work on it. Kentucky we found out has been freezing samples for years. That's something we're looking at because it's a deterrent and if we find a test, we can go back and look.

Mr. Ziegler: The next requirement is to have an independent assessment conducted on your security protocols. The best practice has probably been conducted by nearly everybody, and that's having TRPB come in for about a three day period where they look at every aspect of security; front side, back side, but we're hopefully asking for them to focus on the back side. The feedback from most of the tracks is that even though they believed that they were doing everything well, they definitely got something specific out of the TRPB assessment that's helped them improve.

Mr. Fick: When we go in and sit down with the security director, and he provides us with his security plan, we walk through what do you normally do in terms of training a new security person. What do you do in terms of providing security? Not just the grandstand and the clubhouse for the patrons, but we're talking about the race track itself: access to the barn. Usually the first thing we'll do at a race track before we show up at the front side is see if we can get in the back side without a license. See if they stop us. See if we can walk into enclosures; walk into the test barn without anybody stopping us. The other aspect of this is that we're looking for an expansion and an increased effort because the AP, as many of you know, came out with a white paper earlier this year on best practices. What we can do to improve the health and integrity and the welfare of the horse. One of their main planks was we need more boots on the ground on the back side of the race track. Just having one guy driving around in a cart, or a guy sitting

as security guard is not enough. You need random, continual routine surveillance in your barn area. We saw some best practices in Arlington Park, Churchill, Hollywood Park, and Keeneland. In particular in Del Mar, what we saw with their stakes races of \$100,000.00 or more is they hire teachers basically because it's in the summer time. These teachers sit out in front of the stall of each horse in a graded stakes or a \$100,000.00 stakes with a video camera and a checklist or a report. Anybody that goes into that stall is videotaped and they get their license number and who they are and what they're doing in that stall, and this is a procedure they do from about six in the morning until the horse races. There's ways to provide additional security.

Security training, I kind of already touched on that. We're looking for them to have regular training programs, and we're looking for them for the benefit of the horsemen and the jockeys to know about the horse, know which way you walk up on a horse, know things you don't do that might end up spooking the horse, know what contraband is. I remember there was a barn area search that we did in Oklahoma when I was back there in the 80s with some people who didn't really know what they were looking for, and they were coming away with dose syringes and normal things that's in everybody's tack room that they thought was contraband. They need to know what they're looking for, and so we're looking for that type of training on a regular basis. You can see again it's the Churchill tracks; it's the California tracks, NYRA, Kentucky. Those are the ones, number one, that have been the majority of the one's we've looked at, but those are the ones that have the best practice.

This is something that we don't see a lot of, and we're encouraging all the tracks to do and all the commissions to do, and that's random inspections of the test barn. I've always felt that if you're going to get beat, the good place to beat you is in the test barn with switched samples. What we're looking for is security in the test barn, absolute adherence to the protocols for chain of custody, no unauthorized visitors, no food, no caffeinated drinks, and no tobacco products. The other aspect of this that we don't see that should be happening is the trainer or his groom, whoever his assistant is that's handling the horse in the test barn, they're not being required to watch the sample collected. Some places the horse is taken in, both stall doors are closed, top and bottom, and the guy goes out and sits down. Where's your security as a trainer and where's your security as a commission? This is an area we think is absolutely essential.

Mr. Ziegler: The next area that we're looking at is the weigh-out and weigh-in procedures. We're looking for jurisdictions to have adopted the RCI model rule. The main focus there is to make sure that jockeys aren't being weighed-out with their safety equipment on. We want to make sure that there's no feeling from the jockeys that they have to remove padding from helmets or vests in order to make weight. We're seeing the model rule adopted in most places. The kind of standout were the tracks Saratoga and

Belmont where they have — the scale has a digital readout in the storage stand, so when the weigh-in is being conducted, the stewards are actually watching at the exact same time, which is a good practice.

Mr. Fick: Jockey health information. This was an idea that came up from the track doctor at Keeneland and the Keeneland staff and Nick Nicholson and it's something, no-brainer. We should have been doing this forever. The Guild bought into it immediately and The Jockey Club helped put it together. It's creating health records for each one of the jockeys participating on the race track, databasing that so when a jockey is injured on the track there can be an immediate printout of his medical records that will go with him to the hospital or the hospital can go online and pull those records off so you're not waiting to find out how many concussions has he had, how many broken bones, what is he allergic to if his wife or his agent aren't available. This is indeed a best practice, and we've pretty much got it going at all tracks. I would encourage each of you in your jurisdiction or at your race track, make sure that the jockeys are doing this because it will save lives.

Mr. Ziegler: The next area we look at is the human ambulance support. We're looking for properly equipped ambulances following the races unless inclement weather, and during training. Well they won't fall during training but that they are staffed, and staffed by paramedics, that have procedures in writing. I think the most important thing that I'd like to look at is that it's a consistent staff, and the staff is knowledgeable about how to get on and off the race track as quickly as possible; and that either they can leave the grounds as quickly as possible to get to the nearest trauma center; or if they, as mandated in many jurisdictions, can conduct the hand off to the municipality as fast as possible. Hands down the Keeneland protocols in place are outstanding.

The next section which is really, really important to what we're trying to get done here is the after-care and transition of retired race horses. We're looking for two things. We're looking for a financial support mechanism in place so that the after-care facilities aren't working on their own to care for these horses after their careers are over. We're also looking for the ability for a facility to easily turn over a horse to these locations, to these facilities. Turfway Park is a great example here. They have what we call a "surrender stall" so that if you're a trainer and you've got a horse that probably shouldn't be running in another race, without any questions asked you can leave your horse in a stall. The stall is bedded down by the track and the horse is fed by the track until it can be taken to the Kentucky Equine Humane Center where they do not turn away any horses.

On the funding side, a great example of what's going on is at Woodbine where off the top of purses, half of one percent is deducted to a fund which goes directly to after-care. Why I say that's a great practice, because the burden is shared among anybody who earns an income out of the purse account; the trainer, the jockey, the owner, as well as even people who get a

portion of the purse. California has a similar program where a percentage of a purse, three-tenths of one percent of a purse can be deducted on an op-out basis from the owners' account. It's called CARMA. It's a great program. NYRA has a great relationship with TRF and has recently contributed a terrific amount of money. In Monmouth Park, the jockeys are contributing a portion of their mount fee every day, every mount fee every day to after-care horses, which is good to see them contributing as well.

A compliance program is really how this thing continues to work. Tracks have to have an independent compliance program so that in case of breaches of the code of standards they self-report, self-regulate and fix the problems that they find. At Turfway Park they have a really good compliance program in place. Del Mar has a compliance officer on staff year round that walks around the facility looking for safety issues, so it's a good program.

A couple of things that we saw that aren't part of the code of standards that were really good practices that I'd like to point out, which might be adopted moving forward but Woodbine's infectious disease protocols to not only in case of an occurrence but how to be preventative in case something that takes place in the race track. It's in Spanish and English, and when we were out there I saw it probably in no less than ten locations around the race track. The CHRB has hired safety stewards in both northern and southern California. Their sole purpose is to literally walk around the race track and inspect for anything that's deficient. Delaware Park has a monthly meeting of their safety committee, with representatives of the horsemen's group, management, jockeys, and all stakeholders including security and first aid meet monthly to talk about issues that they potentially could find around the race track. Not only do they meet but they act based on what they find there.

Mr. Fick: I want to talk a little bit about from the inspector's viewpoint, and I talked to the rest of the inspectors to give me their kind of feel about this. One thing I heard from all of them is what they're finding out anecdotally is the tracks are talking to each other. They're communicating. A track that's been inspected will get a call from the track that's going to be inspected. What should we expect? It's also keeping the communication lines open from those tracks talking about best practices and safety standards. I think it's really improved the focus on having a safe racing facility. Not that we weren't in the past, but it's given people more ideas because tracks are comparing notes.

There was a great article in *The Blood Horse* that Tom LaMarra did on the safety inspection at Turfway Park I believe. I wasn't on that particular trip, but this is an in-depth process. This is three days, full three days. We set up interviews with pretty much everybody and anybody that's at the race track. We talk to these people about what they think could be done to improve safety at the race track, and the welfare of the horse and the safety of the participants.

Just being there, the NTRA being there to listen to them has really made a tremendous impression on me. We sit down and talk with the jockey colony. We walk the entire race track with a couple of the jockeys and the track superintendent and the track maintenance guys to see if there's anything that could be a safety hazard.

I spent a lot of time at the starting gate with the track superintendent talking about what they do. We're all over the place with the test barn, the detention barn, the horse ID, everything, trying to get the input. The reverse is they're glad somebody really cares about what they're doing, especially from the regulatory vets and the track vets.

We've raised their level of exposure and people talking about what they're doing. We just heard at their meeting at the AAEP convention in Vegas that they really see the NTRA Safety and Integrity Alliance as a way for them to be able to promote more safety and welfare issues and things that can improve that.

As I said with the starting gate crew, we saw a couple of starting gates where the guys are still working out of notebooks and went to the track management and said you've got to get these guys laptop computers for two reasons. Those notebooks can disappear. You need a laptop that you back up. You don't want to lose five years of information on gate schooling and how horses act in the gates. All this is databasable. It's also part of the RTO system, so when a horse leaves New York let's say, goes to California for a big race. The guys in California could know he had problems in New York. We're really pushing the communication not only between the vets but the starters so you know what's coming.

The track superintendents, those guys have been great. We've developed a network of track superintendents. We've got about 25 of them now that, give or take, 15 or 20 of them are on the phone once a month with McPeterson, Wayne McIllwraith, talking about working together and sharing. The NTRA track superintendents' field days every year usually have between 50 and 75 race tracks. I think from our standpoint as inspectors its communication. It's the tracks, the people that work at the tracks talking to each other more than they ever have before and looking for best practices. I think the thing I'm happiest about is every one of the tracks we've looked at, they want to move up. They're like guys going to school and getting Bs. They want As next time around. They want to get a 4.0.

Mr. Ziegler: What to take away from the entire process? I believe its working. I see specific areas where there have been safety and integrity improvements at tracks. As an example, no less than five tracks have for the first time established a relationship with an after-care facility for their retired race horses. Delaware fixed their, through the advocacy process, was able to fix their model rule for the implementation of lasix. Maryland, I just

got a call last week from the executive director, who is working with Pimlico to get them fully accredited, and asked, "What can we do to help?" He's working on adopting the RMTC/RCI medication rules.

In the after-care area, we really found that a lot of tracks didn't believe that the retired race horse was their problem. This process has opened their eyes to the fact that it's not just their problem, it's everybody's problem in this room and in this industry. Tracks are learning the importance of the improvement of their back side security, which is a good process. What can we do in the near future to make the process better, is getting more input from fans and owners. We're going to look to — the way that the entire accreditation process really works is year over year the code of standards changes. It gets difficult. The bar gets raised. We implement new policies and procedures in order to improve and raise the tide for all the tracks in America.

What we're probably looking for in the future is adoption of a safety rail model rule as part of the process, doing more for the after-care, probably looking more at the human ambulance. Wagering integrity will definitely be a big part of next year's code of standards. We'll be adopting standards based on recommendations from TRA and the Guliani report, the NTRA players' panel, things like time sync protocols, past posting protocols, reporting mechanism. Some of the things that we're going to implement are already being done. For example, Kentucky requires some of their tracks to do some of the wagering integrity standards but we're going to look for a uniform adoption across the country. We're going to look at minimum standards for insurance, look for protocol for infectious disease like we saw at Woodbine, fire safety protocols like we saw at Woodbine. Overall we're just going to step up the requirements so that things get a little tougher year over year. Accreditation means a lot and people can be proud of it.

The long-term goal for this accreditation process really is this. We want participants in the sport; owners, trainers, jockeys, and most importantly fans, to feel that accreditation means something and that they want to participate at tracks that are accredited because they made a commitment for safety and integrity that tracks that aren't accredited haven't made. In the long term, vote with your feet. Go to the tracks, bet on the tracks that are accredited. We thank you for your time today. We'll open it up to any questions or not. Larry.

Mr. Larry Swartzlander: Yeah, Larry Swartzlander. I'm with California Fairs. A couple of questions or a two-part question: one, we had an unfortunate accident in San Joaquin. We lost a member of the starting gate. We were criticized by the California Horse Racing Board in two areas which can be contentious, and I sort of wanted to see your feedback and what you thought. One was that they stated that with the human ambulance that you needed to coordinate with a local hospital as to what the responsibilities were, etcetera, etcetera. In many cases, this is a trauma situation where

they go to several different hospitals, but that was a citation to us that we need to do that. It really didn't accomplish anything. The other one was that they said that we needed to have a safety manual for the starting gate, which is United Puett, and they have none, so I don't know where we go with that one.

The second part of my question is where are you going with it? Are you going to develop some safety rules for the industry that we could use as guidelines? One of the comments would be where are we going with safety helmets in the starting gate. That was the next thing that was thrown out.

Mr. Ziegler: Well the first part of your question is it really varies by municipality. The ambulance is not just a black and white issue at every race track or every facility, and I'll give you a great example. At Delaware Park the hospital is literally between here and the swimming pool from the race track, and they have what they call an "ambulette" of the race track because they're, by municipal code, unable to hire paramedics. They can't leave their facility to drive a guy across the street. They have to do a hand off. I don't know the specifics behind the CHRB and your relationship, but I believe you have to follow the regulations of the county probably more likely in California than anything else. I would look to those standards for what happened first because that takes precedent over what we're doing.

Mr. Fick: Let me make a comment. I think more than anything that you talked a little bit about earlier is the plan. We're looking for you've got the ambulances at the right spot on the race track or you're following them during the course of the race, both the human ambulance and you have the horse ambulance or ambulances in the right part of the race track. There's nothing worse than to have to wait for somebody to run and get into the ambulance and drive it halfway around the race track when you've got a horse near the finish line that broke down. That ambulance ought to be at the nearest gap to get to the finish line. You ought to have your protocols established.

The human ambulance, in the different places we worked, this is a pro-active situation where you ought to go through training situations; okay, a guy's down on the race track on the front side, what's our — how do we do it, how does he get off the race track. We saw one track where the situation was there's a rider down at the quarter pole. Well they had a new guy driving. He had no idea what they meant by quarter pole. You have to be properly trained. You don't wait for it to happen and then figure out what you're going to do.

Mr. Ziegler: Your second question regarding the adoption of standards regarding helmets and potentially adding that to the assistant starters, and I don't know where it stands in California, but that's the best practice now. You might see what we've adopted as the code of standards is the minimum requirement for a track to get accredited is having helmets on people on

horseback and all the way up to somebody who is leading horses. The best practice though we've seen at Woodbine and Delaware Park is assistant starters are wearing helmets. Down the road that could very well be a function of this. It's not right now. The way that the process works for our adoption of code of standards, we don't write. We implement. If there's a model rule that RCI has adopted that assistant starters should be wearing helmets, we might go through the process of adopting that as one of the standards in the Code. Anybody else?

David: Good afternoon, Mike and Dan. Two points I just want to raise. In your medication penalties section you mentioned two states that have best practices being California and Kentucky. Alan stated on Monday that New York may be the only state that has not lost a court matter regarding a penalty violation. What may be the flaws in New York's rules? And secondly, I think I read in your questionnaire, facilities for patrons, but I didn't see it in your presentation yet. Is that one of the criteria for the accreditation?

Mr. Ziegler: What was the questionnaire question?

David: Facilities for the patrons.

Mr. Ziegler: Facilities and patrons?

David: Yeah, like grandstand facilities. What do you have?

Mr. Ziegler: It's currently not part of the code, but in the questionnaire it's there to — a lot of the questions in the questionnaire were data gathering, not necessarily tied directly to the code of standards. Another example might be if we ask somebody on the inspection if they have after-care for humans or something but no, it's not necessarily part of the code of standards. It might be down the future but not yet. Your other question, Dan maybe you can hit.

Mr. Fick: Can you restate that one, David

David: The medication penalties section. Two states were mentioned as best practices, California and Kentucky, but Alan made a statement on Monday that New York may be the only state which has not lost a court matter regarding a penalty violation for drug positive. What may be the flaws in New York's laws that didn't qualify them there?

Mr. Ziegler: The reason New York didn't qualify for the best practice. I think we missed them. I apologize to New York because you're right. The difference between New York's — their rules are time based. They're time based but they're based directly on the RMT/RCI guidelines, and so while they don't directly quote what the RCI model rules say, in practice they are the same. Your point is taken. If anybody is here from New York, I'm apologizing. Thank you.

Mr. Fick: We knew somebody we left off the list. You know, what we're looking for is cooperation, as Alan Foreman talked about on Monday, cooperation between the states. Maybe there is a veterinarian regulatory, steward and veterinary advisory committee that when you have a positive in your state you call up and say this is what we've got, can you give us the recent history of these type of violations and what would your recommendation be so we can have more consistency and we don't just cookie-cutter the penalties.

[Question from audience regarding drug & alcohol testing, inaudible]

Mr. Ziegler: Yeah, that's a great question and it's come up as a suggestion in meetings that we recently had with the jockeys on—what day is today—yesterday. There are great practices going on with that around the country where every day every rider has to take a breathalyzer test and random breathalyzer tests of other employees around the race track.

Mr. Fick: We've been working with the Winners Federation on the next set which will be 2010 of having some sort of a program that is doing at least random, if not mandatory, drug and alcohol inspections for pretty much everybody on the race track. There's a lot of states that do that; Indiana, the stewards, the clerks, the valets, the jocks, they all get breathalyzers, management. Any other questions?

I'd just like to make two comments. One, as John said, if you've got any recommendations, I mean, we're not just talking about people in the track. We're talking about people in the industry. If you've got any recommendations whatsoever, please give them to us. You heard yesterday that Governor Thompson's crew and their evaluation of the program and their monitoring and oversight. They must have talked to 50 or 60 people within the industry. Well we want to hear from five or six hundred people as to what would be the best practices. It might be a field that you're involved in; work place safety that you can come up with some ideas, so feel free to contact NTRA.

The other thing I'd like to say is I've been in this business a long time. I've never seen anybody come in and take over a program first of April and get this many tracks and get this program off the ground the way Mike Ziegler has done. He deserves a tremendous compliment and applause from this industry because it's terrific what he's done.

Mr. Ziegler: I think there are cocktails.

Mr. Fick: The bar's open. We'll hang around up here if anybody's got any more questions.