



STANDARD BRED OWNERS ASSOCIATION OF NEW YORK

TESTIMONY FROM NYS HARNESS HORSEMEN REGARDING HEALTH AND SAFETY OF HORSES AND AFTERCARE

Submitted to the NYS Senate Committee on Racing & Wagering
June 5, 2019

Thank you Chairman Addabbo and members of the Committee for the opportunity to submit this testimony on the topics of race horse health and safety and aftercare. My name is Joe Faraldo and I am President of the Standardbred Owners Association of New York (SOA), representing harness horsemen, owners, trainers and other racing and agriculture industry stakeholders across our state.

First and foremost, as someone who has been involved in harness racing for nearly half a century, I can tell you that our industry not only has a long-standing and proven commitment to the well-being of our sport and our horses, but we also have a larger commitment to being good stewards of the standardbred breed. The sport is hundreds of years old, and it endures through the stewardship of those who place the health and welfare of its four-legged athletes first.

Therefore, we continually strive to improve regulatory structures, better educate our participants, weed out bad actors and develop new safety protocols...all in the name of advancing harness racing and protecting horses. However, what we have found is that too often the phrase "horse racing" – with absolutely no distinction between thoroughbreds and Standardbreds – is used when discussing many of these regulatory and safety issues and so I would like to focus my testimony on the critical importance of understanding this distinction.

WHY IS THE DISTINCTION BETWEEN HORSE BREEDS CRITICAL FOR REGULATORS AND POLICY MAKERS WHEN IT COMES TO HEALTH AND SAFETY?

The fact is that harness horses – or "Standardbreds" – are a heavier, stouter and much more durable breed than the thoroughbreds or quarter horses the public generally pictures as race horses. Moreover, Standardbreds both train and compete in a two-beat gait (trot or pace), as opposed to their thoroughbred counterparts who work and race in a four-beat full gallop at speeds exceeding 40 miles per hour. In comparison with other breeds, serious injuries among harness horses are exceedingly rare and catastrophic breakdowns are rarer still.

Because of these objective differences between the harness and thoroughbred breeds – as well as the style of racing itself – the NYS Gaming Commission has historically utilized differing regulatory structures, rules and policies to oversee these two industries. Differences in drug protocols, safety rails, starting gates, equipment and a myriad of other items render the two sports markedly different from one another. Therefore, it makes no sense to lump harness and thoroughbred together for the purposes of a health and safety or regulatory point of view.

STATISTICS PROVE THE NEED FOR REGULATORY SEPARATION

While we agree that horse safety should be a priority for New York State, the fact is that harness racing simply does not have similar safety issues to the thoroughbred industry, nor does it have the level of

high-profile catastrophic breakdowns experienced by the thoroughbred industry that have clearly precipitated many public conversations (such as this hearing).

The numbers show that the types of catastrophic horse breakdowns and deaths at NYS thoroughbred tracks are a statistical rarity at NYS harness tracks. Several years ago, when faced with an Executive Budget proposal to take a percentage of purse payments for "racing industry safety reforms" – with no distinctions between the breeds – we ran the numbers: At New York's seven harness tracks, over two years (2011/2012) there were 38 deaths over 180,000 harness horse starts (approx. two one hundredths of one percent) vs. more than 300 thoroughbred fatalities over a far fewer estimated 53,000 thoroughbred starts at New York's four tracks during the same period (just over ½ a percent).

Consider this starker and more graphic comparison of these rates: If thoroughbreds started the same number of races in New York that harness horses did (180,000 versus their 53,000), there would have been 1,018 thoroughbred horse deaths over the same period that harness racing had 38! While even one horse death is obviously something we must strive to prevent, the numbers make it clear that the scale of the issue between harness and thoroughbreds is absolutely not comparable.

So while Standardbreds experience a minor fraction of the safety issues in the "racing industry," previous health and safety proposals have suggested an equal split of costs between harness and thoroughbred for new programs and reforms. Clearly this makes no rationale economic sense and so we would urge lawmakers and regulators to keep these statistics in mind as any new health and safety initiatives are developed in New York State. We simply can't allow the harness horsemen to be forced to subsidize another sector of the racing industry, despite experiencing statistically minor issues.

Furthermore, the aforementioned proposal several years ago would have "required the *racing industry* to pay for safety reforms," but asked the horsemen to fund it ENTIRELY from their purses...the tracks were not expected to contribute. There has been a disturbing pattern in recent years of requiring the horsemen to assume the full burden of regulatory costs that were historically either the responsibility of the track owners or a shared cost. For example, the imposition of a \$10 per start fee on the horsemen several years ago was supposed to finance new steroid testing, but instead was used to pay previous debts of the NYS Racing & Wagering Board. Racino operators have sought to shift all responsibility to the horsemen, when in truth the track owners have an obligation to the public to ensure that races are run fairly. It is, indeed, a shared responsibility, not exclusively the domain of the horsemen and so let us not forget that the owners make money from "the industry" as well and should pay their fair share.

DRUG PROTOCOLS AN EQUALLY IMPORTANT AREA OF DISTINCTION

The Standardbred horsemen would also urge policy makers evaluating drug protocols and regulations within the context of equine health and safety to recognize the critically important need for separate breed-based policies. The use of permissive medications such as Clenbuterol, which has long been a part of the harness vets' armamentarium, presents a clear example. Harness horses race approximately every ten days, as opposed to our thoroughbred counterparts whose yearly starts amount to somewhere between 7 and 8 times per year on average. Therefore, comparing Clenbuterol usage in thoroughbred racing (where it is prohibited within 14 days) to harness makes no sense, as the "performance model" is starkly different in harness racing where horses often race twice in that 14 day period. The fact is that Clenbuterol usage 96 hours out for Standardbreds is not a performance enhancer, but indeed a useful aid to the therapeutic treatment of the horse between the large number of starts made each year.

Another concrete example of this important conversation involves the use of betamethasone, a medication used in bilateral joint therapy for both harness horses and thoroughbred horses. In practice, harness horses receive treatments in more than one bilateral joint at a time, and hardly ever is a single joint injected as is the case in thoroughbred racing. Therefore, betamethasone levels promulgated by the Racing Medication Drug Testing Consortium (RMTC) for this usual single joint treatment in thoroughbreds absolutely does not make practical sense for harness horses and their multiple injections. This is exactly why the Harness Racing Medication Collaborative (HRMC) has proposed separate threshold levels for Standardbreds that are consistent with the necessary joint therapy employed by practicing harness veterinarians as part of their armamentarium.

Again, we use these examples and case studies to show that any and all efforts to protect the safety of horses – through drug policies or other means – must be specifically calibrated to the breed and their unique traits and needs. And we must allow veterinarians to provide the ethical use of therapeutic medications for these animals in a manner consistent with their judgement and ethics.

STANDARDBRED INDUSTRY AND AFTERCARE

While the SOA and our horsemen absolutely agree that responsible aftercare for retired race horses is an extremely important issue – and therefore we recognize the good intentions behind this conversation and a number of recently proposed initiatives, Task Forces, etc. – we must also be honest about the industry's realistic abilities and limitations.

We fully recognize our responsibility to protect and nurture the future of these animals and the agricultural and racing industries they sustain, so the Standardbred industry is proactively working to develop highly-focused programs that we hope might “move the needle” in several areas. Our industry currently funds \$100,000 annually in the United States Trotting Association (USTA) budget through a division called the Support Our Standardbreds (SOS) Program. That program has helped rescue approximately 225 Standardbreds in need of assistance, which have gone into the hands of State, City or County public rescue agencies. However, the reason the program was limited to horses in the control of these agencies was the realization that the costs skyrocket exponentially when looking at the enormity and scope of the aid necessary for all retired horses. For example, if one looks simply at the metric of 1,000 foals born annually in New York State, you begin to see the scope of the issue (which is even greater if you consider additional metrics such as horses whose careers, from age two onward, started or ended in NY.)

The challenge we, as an industry, understand better than anyone is scaling such programs to the level necessary to address the issue of retired racehorses both here in New York and nationally. But the SOA of NY, like the Pennsylvania Harness Horse Association (PHHA) and the United States Trotting Association, continues to work toward this goal. Recently, the SOA of NY has used its position at the USTA to promote and provide seed money to an independent private agency known as the Standardbred Transition Alliance. That Alliance will certify organizations worthy of support by setting criteria and accountability standards upon which funding will either be granted or withheld. There is currently intended to be monitoring and policing in place to insure that standards will be met. This is a big step forward and mirrors a program in place in thoroughbred racing today. An initial goal has been set at \$3,000,000, all through private funding, and I am informed that pledges have been received from the biggest to the smallest owners in our sport. So progress is being made by industry participants who know the enormity of the problem and the cost of aftercare.

As was once wisely said by an industry regulator, equine retirement welfare should not be the government's responsibility. For an example of why not, one need only look at the federal government's responsibility for basic care for wild herds on public lands, which has compelled them to attempt to put these wild mustangs up for private adoption and offer \$1,000 in exchange. What the feds are now discovering is that a one-time \$1,000 payment pales in comparison to the costs of caring for such a horse over its lifetime... something we in the industry already knew.

Government's role should be limited to licensing entities operating in NYS, whether it be the Standardbred Transition Alliance or any entity raising funds for the stated purpose of providing aftercare. The state itself should not get into the business of funding programs and should leave it to those who know the industry and understand what the proper programs are to meet the enormous, and growing, need.

CONTACT

Should you have any questions about the SOA's positions or proposals, please call Joe Faraldo at 718-544-6800 or our lobbyist, Joni Yoswein, at 212-233-5700. We thank you in advance for your help in maintaining the economic vitality of a racing industry that is critical to the future of New York.