

CALIFORNIA HORSE RACING BOARD

1010 Hurley Way, Suite 300
Sacramento, CA 95825
www.chrb.ca.gov
(916) 263-6000 Fax (916) 263-6042



MEDICATION, SAFETY AND WELFARE COMMITTEE MEETING

of the California Horse Racing Board will be held on Wednesday, April 17, 2019, commencing at **10:00 a.m.**, in the Baldwin Terrace Room at the Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California. Non-committee Board members attending the committee meeting may not participate in the public discussion, official committee vote, or committee closed session.

AGENDA

Action Items:

1. Discussion and action regarding the **proposed amendment to CHRB Rule 1842, Veterinarian Report**, to require such reports be submitted electronically.
2. Discussion and action regarding the **proposed addition of CHRB Rule 1842.5 Trainers to Maintain Medication Treatment Records**, of all treatments given to a horse, including veterinary procedures performed and all medications administered; such records to be available for inspection by representatives of the CHRB in their official duties.
3. Discussion and action regarding the **proposed addition of CHRB Rule 1846.6, Postmortem Examination Review**, to require a postmortem examination review of each equine fatality within a CHRB inclosure.
4. Discussion and action regarding the **proposed addition of CHRB Rule 1866.2 Use of Bisphosphonates Restricted** to set restrictions and conditions on the use of bisphosphonates in horses racing and training within a CHRB inclosure.
5. Discussion and action regarding the **proposed addition of CHRB Rule 1868, Authorized Medication During Workouts**, to establish threshold limits for the presence of certain drug substances and medications in official test samples taken from horses after they complete a timed workout.
6. Discussion of the **practice of maintaining track surfaces before, during, and after rain storms.**

7. Report and discussion on the **presentation from the Jockey Guild regarding riding crops and its use during racing.**
8. Update and discussion on the **weekly track meetings held at Santa Anita Park Race Track.**
9. **General Business:** Communications, reports, requests for future actions of the Committee.

Additional information regarding this meeting may be obtained from Jacqueline Wagner at the CHRB Administrative Office, 1010 Hurley Way, Suite 300, Sacramento, CA 95825; telephone (916) 263-6000; fax (916) 263-6042. A copy of this notice can be located on the CHRB website at www.chrb.ca.gov. *Information for requesting disability related accommodation for persons with a disability who require aids or services in order to participate in this public meeting, should contact Jacqueline Wagner.

**MEDICATION, SAFETY AND WELFARE
COMMITTEE**

Madeline Auerbach, Chairman
Alex Solis, Member
Rick Baedeker, Executive Director
Jacqueline Wagner, Assistant Executive Director

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE PROPOSED AMENDMENT TO
RULE 1842. VETERINARIAN REPORT
TO REQUIRE SUCH REPORTS BE SUBMITTED ELECTRONICALLY

Medication, safety and Welfare Committee Meeting
April 17, 2019

ISSUE

Board Rule 1842, Veterinarian Report, requires every veterinarian who treats a horse within the inclosure to complete the form CHRB-24, Veterinarian Report. The required form is currently available only in paper. The proposed amendment to Rule 1842 will remove the words "in writing" from the text and inserts the CHRB form number and name of the Veterinarian Report. The amendment is being proposed in anticipation of the future initiation of an electronic Veterinarian Report that may be used in lieu of the current paper form.

ANALYSIS

Board Rule 1842, Veterinarian Report, requires veterinarians to complete a confidential veterinarian report when treating a horse within the inclosure. The report asks for information regarding the name of the horse treated, the name of the trainer of the horse, the time and date of the treatment and any other information requested by the official veterinarian. The report is confidential, and its content may not be disclosed except in a proceeding before the stewards, or in an exercise of the Board's jurisdiction. The required form is available only in paper. The proposed amendment to Rule 1842 would provide the option of an electronic Veterinarian Report that may be used in lieu of the current paper form. When it is brought online, the electronic version will capture the same information and it may be formatted in the same manner as the current form CHRB-24. The proposed amendment allows for concurrent paper and electronic veterinarian reports, as it is not known how long it would take to bring an electronic version of the report on line. The CHRB is currently in the process of bringing online a new version of its California Horse Racing Information System (CHRIS). The first module of CHRIS II, which will cover occupational licensing, is projected to be launched in May 2019. The CHRIS II veterinary module may be launched sometime around the winter of 2019; however, the on-line Veterinarian Report will not be an initial function of the module. The electronic Veterinarian Report will be a future enhancement of the CHRIS II veterinary module. The CHRB Information Technology Unit reports that when the electronic Veterinarian Report is brought on line, veterinarians should be able to use their own devices to access the Veterinarian Report.

BACKGROUND

Business and Professions Code Section 19440 states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code Section 19580 provides that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in

California. Business and Professions Code Section 19583 provides every veterinarian who treats a horse within the inclosure shall, in writing, on a form prescribed by the Board, report to the official veterinarian in a manner prescribed by him, the name of the horse treated, the name of the trainer of the horse, the item of treatment, any medication administered to the horse, and any other medication requested by the official veterinarian.

RECOMMENDATION

This item is presented for Committee discussion and action.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
CHRB RULE 1842. VETERINARIAN REPORT

Medication and Track Safety Committee Meeting
April 17, 2019

Ruel 1842. Veterinarian Report.

Every veterinarian who treats a horse within the inclosure shall ~~in writing~~ on the form CHRB-24 (Rev. 01/16), Veterinarian Report ~~form prescribed by the Board,~~ report to the official veterinarian in a manner prescribed by him, the name of the horse treated, the name of the trainer of the horse, the time of treatment, and any other information requested by the official veterinarian. Any such report is confidential, and its content shall not be disclosed except in a proceeding before the stewards or the Board, or in exercise of the Board's jurisdiction.

Authority: Sections 19440, 19580 and 19583,
Business and Professions Code.

Reference: Section 19580,
Business and Professions Code.

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE PROPOSED ADDITION OF
CHRB RULE 1842.5. TRAINERS TO MAINTAIN MEDICATION TREATMENT RECORDS
TO PROVIDE A FULL AND ACCURATE RECORD
OF ALL TREATMENTS GIVEN TO A HORSE, INCLUDING VETERINARY
PROCEDURES PERFORMED AND ALL MEDICATIONS ADMINISTERED; SUCH
RECORDS TO BE AVAILABLE FOR INSPECTION BY REPRESENTATIVES OF THE
CHRB IN THEIR OFFICIAL DUTIES

Medication, Safety and Welfare Committee Meeting
April 17, 2019

ISSUE

At Board of Stewards hearings there is often little written documentation available regarding the administration of a drug substance, when it was administered, at what dose, and by whom. It can be challenging to determine the prescribing veterinarian, which requires comparing prescribed medication labels and the confidential veterinary reports submitted under Board Rule 1842, Veterinary Report. The proposed addition of Rule 1842.5, Trainers to Maintain Medication Treatment Records, would provide an additional level of documentation regarding the use of medications in racing.

ANALYSIS

An accurate and complete medical history is considered an important element of good veterinary care, and most well-run stables have some measure of veterinary medical records. The International Federation of Horse Racing authorities (IFHA) and the British Horse Racing Authority (BHA) require trainers to maintain records of all veterinary procedures and medications administered to horses under their care. The records are subject to inspection by persons acting on behalf of the racing authority. The proposed addition of Rule 1842.5, which is similar to IFHA and BHA requirements, would be in the best interest of horse health, and would facilitate pre-race veterinary examinations. The regulation would also simplify medication violation investigations. Most medication violations can be best described as medication administration errors. When a case is reviewed at hearings there is usually little written documentation of when a drug was administered, at what dose, and by whom. The recordkeeping requirements of the proposed regulation would provide an additional level of attention to the use of medication in horse racing. A further benefit would be access to a horse's recent medical history by the pre-race examining veterinarian. Individual veterinarians are required to maintain medical records of horses they treat, but where multiple veterinarians from different medical practices treat horses, the complete medical record would not be held by any individual veterinarian, nor would such a record be readily available for inspection. The proposed addition of Rule 1842.5 would require trainers to record the following information:

- Name of the horse,
- Date the medication treatment commenced and the prescribed duration of the treatment,
- Name of the medication, the route of administration and the dosage regimen,

- Name of the persons administering each medication treatment, and
- Name of the CHRB licensed veterinarian prescribing the medication treatment.

The medical record information being required would be amenable to configuring to an electronic format. The attached draft form is an example template that would provide the required information.

BACKGROUND

Business and Professions Code Section 19440 states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code Section 19580 provides that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California.

RECOMMENDATION

This item is presented for Committee discussion and action.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED ADDITION OF
RULE 1842.5 TRAINER TO MAINTAIN MEDICATION TREATMENT RECORDS

Medication and Track Safety Committee Meeting
April 17, 2019

1842.5 Trainer to Maintain Medication Treatment Records

(a) Every trainer shall maintain a record of all medication treatments administered to horses under their care that are within the inclosure.

(b) Each medication treatment record shall include:

(1) the name of the horse,

(2) the date the medication treatment commenced and the prescribed duration of the treatment,

(3) the name of the medication, the route of administration and the dosage regimen,

(4) the name of the persons administering each medication treatment, and

(5) the name of the CHRB licensed veterinarian prescribing the medication treatment.

(c) Medication treatment records shall be made available for inspection upon request by the official veterinarian, board of stewards, or investigators.

(d) Treatments administered by CHRB licensed veterinarians that are required to be reported under Rule 1842 are exempted from the requirements of this regulation.

Authority: Sections 19440 and 19580,
Business and Professions Code.

Reference: Section 19580,
Business and Professions Code.

Horse: _____

Date	Treatment/Medication/Prescription	Route of Administration Times per Day	Person Administering	Authorized/ Prescribed By	Time of day

RECOMMENDATION

This item is presented for Committee discussion.

International Federation of Horseracing Authorities (IFHA) Medication Reporting Regulation

Article 6D – MEDICATION IN TRAINING

CODE OF MEDICATION PRACTICE FOR HORSES IN TRAINING

Definition of Treatment

For the purpose of this Article, the term treatment includes:

- a. The administration of any substance (including any medication) to a horse and;
- b. The administration or application of any physical procedure or therapy to a horse, intended to have an effect.

Guiding Principles

The following guiding principles apply to the treatment of horses in training:

- c. All treatments are the responsibility of the trainer and must be administered under veterinary supervision.
- d. Every treatment must be administered in the best health and welfare interests of the horse.

Accordingly:

- e. The trainer must obtain veterinary advice from the attending veterinarian on the management, treatment and appropriate level of training for a sick or injured horse.
- f. Treatment of a horse by the administration of a substance or a medication containing a prohibited substance may only be performed on the advice of a veterinarian with appropriate knowledge of the condition, health status and management of the individual horse. In the case of substances controlled by government regulation, these may only be administered by, or on the prescription of, a veterinarian.
- g. The trainer is responsible for creating and maintaining full and accurate records of all treatments given to a horse, including all veterinary procedures performed and all medications administered. These records must be kept for a minimum of 12 months and be readily available for inspection by regulatory officials when requested.
- h. With the exception of normal feed and water by mouth, no substance shall be administered to any horse on race day before the race in which it is entered, unless such treatment is authorized by the Horseracing Authority. This includes any substance administered by injection, into the mouth, by inhalation, topically or by any other method of administration.
- i. The trainer must comply with mandatory horse rest periods for specific drugs or treatments, as enforced by the Horseracing Authority.
- j. Horses that are unable to be trained due to injury or illness must be taken out of training and given appropriate veterinary treatment and/or rest. All treatments must be administered in the best interests of the horse and not to facilitate the continuation of training.

British Horseracing Authority Rules

13. Duty to keep medication records

13.1 A record of any Treatment administered to a horse under the care or control of a Licensed Trainer or Permitted Trainer must be kept by the trainer for a period of not less than one year.

13.2 Each record must include at least the following information

13.2.1 date of commencement and prescribed duration of any Treatment,

13.2.2 name of the horse,

13.2.3 name of the Treatment used,

13.2.4 route and dosage per day of the Treatment,

13.2.5 name of the Person administering the Treatment, and

13.2.6 name of the Person authorising or prescribing the Treatment.

13.3 The records must be made available for inspection

13.3.1 by any approved Person authorised to enter the trainer's premises under Part (A)5, and

13.3.2 in accordance with any directions given by the Authority when conducting an enquiry under that Part of that Manual into a possible contravention of these Rules.

13.4 **Treatment** means any medication or treatment containing a Prohibited Substance administered to a horse under the care of a Licensed Trainer or Permitted Trainer whether or not currently in training.

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING
THE PROPOSED ADDITION OF
CHRB RULE 1846.6, POSTMORTEM EXAMINATION REVIEW,
TO REQUIRE A POSTMORTEM EXAMINATION REVIEW OF
EACH EQUINE FATALITY WITHIN A CHRB INCLOSURE

Medication, Safety and Welfare Committee Meeting
April 17, 2019

ISSUE

Currently, under CHRB Rule 1846.5, a postmortem examination, or necropsy, is performed in a diagnostic laboratory operated by the California Animal Health and Food Safety laboratory system on every horse that dies within the inclosure in California. Additionally, Safety Stewards regularly interview jockeys and trainers whenever a horse suffers a fatal injury on the racetrack in training or competition. Inquiry into the cause and circumstances behind an equine fatality also arises when a law or rule violation is suspected. However, a thorough review of a horse's recent training and medication history is rarely conducted in the absence of suspicious or illegal circumstances, and consequently there is little opportunity for the CHRB to identify trends and behaviors that could help prevent future injuries.

ANALYSIS

The proposed addition of Board Rule 1846.6, Postmortem Examination Review, will establish a review process for every equine fatality that occurs within a CHRB inclosure, to be conducted by a three-person panel. Specifically, that panel will include a member of the Board of Stewards, a Safety Steward, and either the Equine Medical Director or a designated Official Veterinarian. The trainer and veterinarian for the deceased horse, as well as any other requested licensees, will be required to appear before the panel, and produce for review certain documents pertaining to the horse's training and medical history. Upon conclusion of the review, the panel will prepare and file a written report for the Executive Director which details their findings.

The creation of a postmortem examination review is meant to improve and encourage equine safety and welfare on the race track. The purpose of the postmortem examination review is to investigate the circumstances surrounding an equine fatality to gain an understanding of all events that may have contributed to the incident. The act of conducting a postmortem examination review honors the deceased horse, provides case-specific recommendations to the horse's connections to prevent future injuries, and sends an unequivocal message to racing stakeholders and the general public that reducing equine fatalities is a major priority for the CHRB.

The postmortem examination review is intended to be an educational process for trainers and veterinarians, rather than a punitive effort, and will further advance the Board's research into the cause and prevention of horse racing accidents. The overall goal of the postmortem examination

review is to establish a more interactive process to investigate and understand equine fatality more thoroughly, and importantly, provide feedback to licensees that may be of use in improving safety.

BACKGROUND

Business and Professions Code section 19440 provides that the California Horse Racing Board shall have all powers necessary and proper to enable it to carry out the purposes of this Chapter. Business and Professions Code section 19444(c) further states that in performing its responsibilities, the Board may conduct research to determine more fully the cause and prevention of horse racing accidents, the effects of drug substances on the race horses, and the means for detection of foreign drug substances. Additionally, CHRB Rule 1527, General Authority of Stewards, gives the Stewards at each racetrack the general authority and supervision over all licensees and other persons attendant on horses, and over the inclosures of any recognized meeting. CHRB Rule 1541, Power to Order Examination of Horse, also gives Stewards the specific authority to order an examination of any horse within the inclosure at any time by such persons as they see fit. CHRB Rule 1560, Duties of the Official Veterinarian, requires that the Official Veterinarian at each race track report to the Board the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons there for. Finally, CHRB Rule 1846.5, Postmortem Examination, presently requires a postmortem examination of every horse which dies or is euthanized within an area under the jurisdiction of the Board at a designated diagnostic laboratory.

To date, several racing jurisdictions, including New York and Kentucky, have implemented similarly structured equine fatality review panels with the purpose of better understanding the circumstances leading up to a fatal injury with the long-term goal of reducing overall injuries. These fatality review panels are geared towards fact gathering and educating all involved parties, and have generally received positive reception.

RECOMMENDATION

This item is presented for Committee discussion and action.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARIAN PRACTICES.
PROPOSED ADDITION OF
RULE 1846.6. POSTMORTEM EXAMINATION REVIEW

Medication and Track Safety Committee Meeting
April 17, 2019

(a) The Board shall conduct a postmortem examination review to determine the circumstances of each equine fatality within a California Horse Racing Board (CHRB) inclosure.

(b) The postmortem examination review shall be conducted by a member of the board of stewards, a safety steward and the Equine Medical Director or an official veterinarian designated by the Executive Director and Equine Medical Director.

(c) The trainer of the expired horse will be required to appear before the postmortem examination review panel. Additional licensees may also be required to appear at the discretion of the postmortem examination review panel. All licensees required to come before the postmortem examination review panel shall receive at least 10 days written notice before the date of the review panel.

(d) The trainer shall make available at the postmortem examination review the training records for the expired horse, which shall include exercise, medication and shoeing histories for a minimum of 60 days prior to the date of death of the horse.

(e) All CHRB licensed veterinarians attending or treating a horse having died within a CHRB inclosure shall make available at the postmortem examination review a summary medical record covering a minimum of 60 days prior to the date of death of the horse, or longer if requested by the postmortem review panel. The summary medical record shall include:

(1) A history or pertinent information as it pertains to the horse's medical status, including an interpretation of all diagnostic imaging and laboratory findings.

(2) Data, including that obtained by instrumentation, from the physical examination.

(3) Treatment and intended treatment plan, including medications, dosage and frequency of use.

(4) All medications and treatments prescribed and dispensed, including strength, dosage, route of administration, quantity, and frequency of use.

(5) Daily progress and disposition of the case.

(6) Copies of laboratory data, if requested by the postmortem review panel.

(7) Copies of diagnostic images including but not limited to radiographs, ultrasounds and nuclear scintigraphies, if requested by the postmortem review panel.

(f) Upon completion of the postmortem examination review, the postmortem examination review panel shall file a written summary report describing the nature of the injury and relevant circumstances that may have contributed to the injury with the Executive Director within 90 days of the postmortem examination review. The owner or trainer of the expired horse is entitled to a copy of the report upon written request.

Authority: Section 19440,
Business and Professions Code.

Reference: Sections 19345 and 19444(c),
Business and Professions Code.
Section 2032.3,
California Code of Regulations.

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE PROPOSED ADDITION OF
RULE 1866.2. USE OF BISPHOSPHONATES RESTRICTED
TO SET RESTRICTION AND CONDITIONS ON THE USE OF
BISPHOSPHONATES IN HORSES RACING AND TRAINING WITHIN
CHRB INCLOSURES

Medication, Safety and Welfare Committee Meeting
April 17, 2019

ISSUE

Bisphosphonates are a class of drugs that prevent the loss of bone density and are used in people to treat osteoporosis and similar diseases. In horses, bisphosphonates are used to treat similar problems, like navicular disease. However, the use of bisphosphonates has been restricted to horses that are four or older. In younger horses, bisphosphonates could cause their bones to become more brittle. Since 2015 the British Horse Racing Authority has restricted the use of bisphosphonates to horses over three-and-a-half years old. The use of bisphosphonates in horses has been an issue of discussion internationally. At the April 2018 Medication, Safety and Welfare Committee meeting Dr. Sue Stover of the University of California, Davis School of Veterinary Medicine gave a presentation regarding bisphosphonates in race horses. The proposed addition of Rule 1866.2, Use of Bisphosphonates Restricted, would regulate the use of bisphosphonates in race horses in California.

ANALYSIS

The proposed addition of Rule 1866.2 will set parameters for the administration of bisphosphonates within a CHRB inclosure. Under the proposed regulation, the official veterinarian must give prior approval for the administration of bisphosphonates, and only bisphosphonates approved by the Food and Drug Administration may be administered. Only horses that are older than three years and six months may be given bisphosphonates, and the horse shall be placed on the Veterinarian's List for a minimum of 30 days starting the day after the treatment. The horse will be required to perform satisfactorily in a workout or qualifying race to demonstrate its physical fitness, and blood and/or urine post-work test samples shall be taken.

BACKGROUND

Business and Professions Code section 19580 provides that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in the state. Business and Professions Code section 19581 states no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Board Rule 1843, Medication, Drugs and Other Substances, provides that no horse participating in a race shall carry in its body any drug substance or its metabolites or analogues, foreign to the horse except as hereinafter expressly

provided. No drug substance shall be administered to a horse which is entered to compete in a race to be run in this state except for approved and authorized drug substances as provided in these rules.

RECOMMENDATION

This item is presented for Committee discussion and action.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED ADDITION OF
RULE 1866.2. USE OF BISPHOSPHONATES RESTRICTED

Medication, Safety and Welfare Committee Meeting
April 17, 2019

1866.2 Use of Bisphosphonates Restricted

(a) Bisphosphonates may not be administered to any horse within a CHRB inclosure without the prior approval of the official veterinarian.

(b) Only bisphosphonates approved for use in a horse by the United States Food and Drug Administration may be administered to a horse within a CHRB inclosure.

(c) Bisphosphonates may not be administered to any horse within a CHRB inclosure under the age of three years and six months as determined by its recorded date of birth.

(d) Any horse administered bisphosphonates shall be placed on the Veterinarian's List for a minimum of 30 days starting the day after treatment.

(e) A horse administered bisphosphonates may be required to perform satisfactorily in a workout or qualifying race to demonstrate its physical fitness, and if so a blood and/or urine post-work test sample shall be taken from the horse and the provisions of this article shall apply to such official workout in the same manner as to a scheduled race.

(f) For the purpose of this regulation, "workout" means an exercise session near full speed, or close to full speed.

Authority: Sections 19440, 19562, 19580 and 19581,
Business and Professions Code.

Reference: Sections 19440, 19580 and 19581,
Business and Professions Code.

Article 6 D (RACING) - MEDICATION IN TRAINING**CODE OF MEDICATION PRACTICE FOR HORSES IN TRAINING****Definition of Treatment**

For the purpose of this Article, the term treatment includes:

1. The administration of any substance (including any medication) to a horse and;
2. The administration or application of any physical procedure or therapy to a horse intended to have an effect.

Guiding Principles

The following guiding principles apply to the treatment of horses in training:

1. All treatments are the responsibility of the trainer and must be administered under veterinary supervision.
2. Every treatment must be administered in the best health and welfare interests of the horse.

Accordingly:

1. The trainer must obtain veterinary advice from the attending veterinarian on the management, treatment and appropriate level of training for a sick or injured horse.
2. Treatment of a horse by the administration of a substance or a medication containing a prohibited substance may only be performed on the advice of a veterinarian with appropriate knowledge of the condition, health status and management of the individual horse. In the case of substances controlled by government regulation, these may only be administered by, or on the prescription of, a veterinarian.
3. The trainer is responsible for creating and maintaining full and accurate records of all treatments given to a horse, including all veterinary procedures performed and all medications administered. These records must be kept for a minimum of 12 months and be readily available for inspection by regulatory officials when requested.
4. With the exception of normal feed and water by mouth, no substance shall be administered to any horse on race day before the race in which it is entered, unless such treatment is authorized by the Horseracing Authority. This includes any substance administered by injection, into the mouth, by inhalation, topically or by any other method of administration.
5. The trainer must comply with mandatory horse rest periods for specific drugs or treatments, as enforced by the Horseracing Authority.
6. Horses that are unable to be trained due to injury or illness must be taken out of training and given appropriate veterinary treatment and/or rest. All treatments must be administered in the best interests of the horse and not to facilitate the continuation of training.

Specific requirements regarding bisphosphonates:

Any bisphosphonate is not to be administered to a racehorse:

- under the age of three years and six months as determined by its recorded date of birth; and
- on the day of the race or on any of the 30 days before the day of the race in which the horse is declared to run.

The bisphosphonate product administered must be licensed for use in horses in the country in which it is being used, and be administered in accordance with the label instructions.

There must be a diagnosis determined by a veterinary surgeon that supports the use of a bisphosphonate as an appropriate treatment, and such treatment must be administered by a veterinary surgeon.

Article is subject to a recent change and awaits ratification (February 2019)

Fully signatory - agreed by:

Partial signatory - by:

Not a signatory - by:

*

Article 6 E (RACING) - OUT-OF-COMPETITION TESTING

4-5 To ensure fair competition, transparency, welfare and sound breeding, Racing Authorities will at their discretion carry out testing for prohibited substances at any time in the career of any horse, from the commencement of training, according to local racing rules, to final retirement from training.

To this effect

1. Trainers must notify their domestic racing jurisdiction of the identification of horses in training with them and specify where relevant the exact location of such horses.
2. When a racehorse is out of training at any time in its career from the commencement of training to final retirement from racing, the owner(s) must readily be able to inform the domestic Racing Authority of the exact location of the horse.
3. If full traceability of any racehorse, whether in training or out of training, cannot be established at any time in its racing career, such horse will only be permitted to be entered in a race after a period of six (6) months in training with a duly licensed trainer.
4. The following prohibited substances, including other substances with a similar chemical structure or similar biological effect(s), are not to be administered to racehorses at any time in their career:-

4.1 Non-approved substances

Any substance not addressed by any of the subsequent classes of substances, and which has no current approval by any government regulatory authority for veterinary use, or any substance not universally recognised by veterinary regulatory authorities as valid veterinary therapeutic treatment.

4.2 Anabolic agents

- (a) anabolic androgenic steroids,
- (b) other anabolic agents, including but not limited to selective androgen receptor modulators (SARMs),
- (c) beta-2 agonists, unless the substance is prescribed by a veterinarian as a bronchodilator at the appropriate dose,

4.3 Peptide hormones, growth factors and related substances

- (a) erythropoiesis-stimulating agents, including but not limited to erythropoietin (EPO), epoetin alfa, epoetin beta, darbepoetin alfa, and methoxy polyethylene glycol-epoetin beta, peginesatide, hypoxia inducible factor (HIF) stabilisers and HIF activators.
- (b) growth hormones and growth hormone releasing factors, insulin-like growth factor-1 (IGF-1), and other growth factors,
- (c) synthetic proteins and peptides and synthetic analogues of endogenous proteins and peptides not registered for medical or veterinary use,

4.4 Hormones and metabolic modulators

- (a) aromatase inhibitors,
- (b) selective estrogen receptor modulators (SERMS) and other anti-estrogenic substances,
- (c) agents modifying myostatin function, including but not limited to myostatin inhibitors,
- (d) insulins
- (e) peroxisome proliferator activated receptor δ (PPAR δ) agonists, including but not limited to GW 1516,
- (f) AMPK activators, including but not limited to AICAR (5-aminoimidazole-4-carboxamide-1- β -D-ribofuranoside).

5. Therapeutic use of substances specified in point 4 above may only be exceptionally applied in the following circumstances:

- a) When the Racing Authority has decided to offer the facility for such exceptional use for therapeutic purposes and where no other reasonable therapeutic alternative exists.
- b) The specified prohibited substance being exceptionally used therapeutically must be prescribed by a veterinarian for the sole purpose of treating an existing illness or injury, and the details of the diagnosis, substance and administration protocol must be recorded and supplied by the trainer to the Racing Authority. If the horse is not under the direct control of a trainer at any time in its career from the commencement of training to final retirement from racing, the owner is responsible for this notification to the Racing Authority. This system must be supervised by the Racing Authority's veterinarian(s).
- c) A horse shall be ineligible to race until a minimum of six (6) months has elapsed after the administration of any of the substances specified in point four (4) above, and the Racing Authority must test to ensure that a horse treated therapeutically with any of these substances is free from the presence of such substances before racing.
- d) A Racing Authority must record, within the details it holds of the horse in question, information which it has received on the administration to that horse of such substances under exceptional use for therapeutic purposes. This information must be included when providing details on the horse to a Horseracing Authority or Stud Book Authority in any country to which the horse travels (including within Racing Clearance Notifications), including in the case of permanent export of the horse.
- e) The number of exceptional uses for therapeutic purposes and the details of the substances involved shall be notified to and reviewed by the International Federation annually.

6. Specific requirements for controlling the use of the class of medications known as bisphosphonate

6.1 Any bisphosphonate is not to be administered to a racehorse:

- on the day of the race or on any of the 30 days before the day of the race in which the horse is declared to run.
- under the age of three years and six months as determined by its recorded date of birth; and

6.2 Other conditions under which bisphosphonates may be used are specified in Article 6D.

Article is subject to a recent change and awaits ratification (February 2019)

Fully signatory - agreed by:

Partial signatory - by:

Not a signatory - by:

*

Bisphosphonate Overview

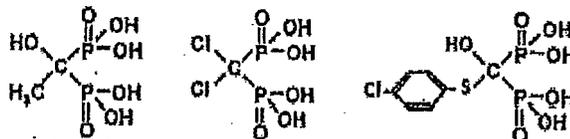
Rick M. Arthur, DVM, Equine Medical Director

Bisphosphonates are a group of drugs that inhibits osteoclast-mediated bone resorption by interfering with intracellular pathways required for osteoclast cell function, essentially killing osteoclasts. Bone tissue undergoes constant remodeling, especially in young developing horses. This process is kept in balance by osteoblasts creating bone, osteocytes maintaining bone and osteoclasts removing damaged bone. Bisphosphonates inhibit the digestion of bone by encouraging osteoclasts to undergo cell death, thereby slowing bone loss. While bisphosphonates killing osteoclasts may be beneficial in in some populations, such as post-menopausal women, normal bone function is critical to maintaining healthy bone in young equine athletes.

Two first generation bisphosphonates have been approved in the US to treat horses older than 4YO with navicular disease, Tildren® & Osphos®. The FDA information on Tildren® & Osphos® is included. Newer generation of nitrogenous bisphosphonates are much more potent than the older bisphosphonates. They are currently too expensive to be routinely used in horses but that will change once patents expire.

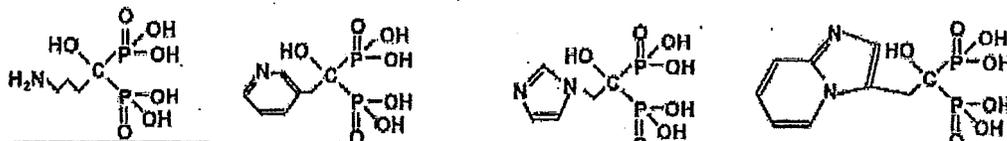
- Amino group have much greater affinity for hydroxyapatite
→ more potent inhibitors of bone resorption

Non-Amino BPs



Etidronate (Eti, 1.0) Clodronate (Clo, 3.3) Tiludronate (Til, 3.3)

Amino BPs



Alendronate (Ale, 1,000) Risedronate (Ris, 3,300) Zoledronate (Zol, 10,000) Minodronate (Min, 10,000)

Since 2015, the British Horse Racing Authority (BHA) has restricted the use of bisphosphonates to horses over 3 years and six months. The BHA regulation and advisory is attached. More recently the International Federation Horseracing Authority (IFHA) has reviewed the use of bisphosphonates from both an animal welfare perspective and an anti-doping perspective. The former is related to their effects on normal bone remodeling in young athletes; the latter is for their direct analgesic effects with bone pain. The analgesic effects of bisphosphonates on bone pain in humans and laboratory animals are well documented. When adopted the IFHA international agreement will very likely look similar to the current BHA regulation.

Dr. Chris Riggs, Chief of Clinical Veterinary Services for the Hong Kong Jockey Club, gave a review at the 2018 ICRAV in Dubai on their experience with bisphosphonate use in Hong Kong. All veterinarians doing working on horses work for the Hong Kong Jockey Club. Procedures and prescribing policies are strictly controlled and the average age of their horse population is close to 4½ YO. There are no 2YO's and most horses don't come into Hong Kong before their 3YO year. In their controlled clinical environment, older horse population, and excellent clinical records, they have not recognized complications with bisphosphonates in a little over 100 cases over the last 5 years. I've attached a few slides from his presentation in Hong Kong in 2017

More recently, in the US, prominent equine surgeon Dr. Larry Bramlage, expressed his concern on overuse of bisphosphonates in his clinical experience. His case load would include young horses without restricted use protocols as seen in Hong Kong. Dr. Bramlage's recent interview discussing his clinical experience related to bisphosphonates is attached.

FDA Provides Equine Veterinarians with Important Information about TILDREN and OSPHOS for Navicular Syndrome in Horses

In the first half of 2014, FDA approved two new equine drugs—TILDREN distributed by Ceva Sante Animale and OSPHOS distributed by Dechra, Ltd.—intended to control the clinical signs of navicular syndrome, a common cause of forelimb lameness in horses. Below is a brief reference guide for equine veterinarians on both drugs.

What are the active ingredients in TILDREN and OSPHOS and how do they work?

What are bisphosphonates?

What are the precautions for bisphosphonates?

How do you administer TILDREN and OSPHOS?

What are the contraindications for TILDREN?

What are the contraindications for OSPHOS?

What adverse reactions are caused by TILDREN?

What adverse reactions are caused by OSPHOS?

Should you report problems related to TILDREN or OSPHOS?

Important information for your client

What are the benefits of using an FDA-approved equine drug?

For more information

References

What are the active ingredients in TILDREN and OSPHOS and how do they work?

The active ingredient in TILDREN is tiludronate disodium, and the active ingredient in OSPHOS is clodronate disodium. Both belong in the bisphosphonate drug class and the exact mechanism of action in horses with navicular syndrome is unknown.

Back to the top

What are bisphosphonates?

Bisphosphonates are a class of drugs commonly prescribed to prevent bone loss in people. While TILDREN and OSPHOS are not used for this purpose in horses, knowing how bisphosphonates work in people will help you better understand this drug class overall and especially the adverse reactions seen in horses.

Bones undergo constant turnover, with osteoblasts forming bone and osteoclasts resorbing it. In normal bone tissue, there is a balance between bone formation and bone resorption. But in diseased bone tissue, this balance is disrupted. Bisphosphonates inhibit bone resorption by encouraging osteoclasts to undergo cell death, leading to a decrease in the breakdown of bone.

Bisphosphonates preferentially "stick" to calcium and bind to it. Because most of the body's calcium is stored in bones, these drugs accumulate to a high concentration only in bones. Bisphosphonates are incorporated into the bone matrix and are gradually released over months to years.

Back to the top

What are the precautions for bisphosphonates?

As a class, bisphosphonates can cause gastrointestinal and renal toxicity. Higher blood plasma levels may increase the risk of toxicity. Because bisphosphonates are excreted by the kidneys, conditions that impair renal function may increase the blood plasma level and lead to more adverse reactions. It is not recommended to use bisphosphonates in horses with impaired renal function. Use caution if you give bisphosphonates along with other potentially nephrotoxic drugs, and be sure to monitor renal function.

Bisphosphonates can cause signs of colic in horses, including abdominal pain, discomfort, and agitation. These colic signs usually occur shortly after the drug is given and may be associated with altered intestinal motility.

Bisphosphonates affect the blood plasma levels of some minerals and electrolytes, such as calcium, magnesium and potassium. The effects are immediate and can last up to several hours. Use caution when you give bisphosphonates to horses with conditions affecting mineral or electrolyte homeostasis (for example, hyperkalemic periodic paralysis or hypocalcemia) or conditions which may be worsened by hypocalcemia (for example, cardiac disease).

The safe use of either TILDREN or OSPHOS has not been evaluated in horses less than 4 years of age. The effect of bisphosphonates on the skeleton of growing horses has not been studied. Because bisphosphonates inhibit osteoclast activity and decrease bone turnover, these drugs may affect bone growth.

The safe use of either TILDREN or OSPHOS has not been evaluated in breeding horses or pregnant or lactating mares. Bisphosphonates have been shown to cause abnormal fetal development in laboratory animals. The uptake of bisphosphonates into fetal bone may be greater than into maternal bone, creating a possible risk of skeletal or other abnormalities in the fetus. Bisphosphonates may be excreted in milk and absorbed by nursing animals.

Increased bone fragility has been seen in animals given bisphosphonates at high doses or for long periods of time. Because bisphosphonates inhibit bone resorption and decrease bone turnover, the body may be unable to repair microdamage within a bone.

[Back to the top](#)

How do you administer TILDREN and OSPHOS?

TILDREN and OSPHOS are prescription animal drugs and federal law restricts them to use by or on the order of a licensed veterinarian. Although both drugs are in the same drug class, they have different routes of administration.

After reconstituting TILDREN with sterile 0.9% sodium chloride, you administer the drug by intravenous infusion into a jugular catheter **slowly and evenly** over 90 minutes to minimize the risk of adverse reactions. It may take two months to see the maximum effect.

You administer OSPHOS by intramuscular injection. The total volume should be divided equally into three injection sites. Similar to TILDREN, it may take two months to see the most clinical improvement.

For horses that initially respond to OSPHOS but don't maintain their clinical improvement for 6 months, you may re-administer the drug at 3- to 6-month intervals based on clinical signs. For horses that respond to OSPHOS and maintain their clinical improvement for 6 months, you should re-administer after clinical signs recur.

[Back to the top](#)

What are the contraindications for TILDREN?

Do not give TILDREN to horses with a known hypersensitivity to the active ingredient, tiludronate disodium, or to mannitol. Also do not use the drug in horses with impaired renal function or with a history of renal disease. **Nonsteroidal anti-inflammatory drugs (NSAIDs) should not be used concurrently with TILDREN as this may increase the risk of renal toxicity and acute renal failure.** While no safe window for the concurrent use of NSAIDs and TILDREN has been determined, it may be especially risky to give an NSAID from 48 hours before to 48 hours after treatment with TILDREN. Make sure you observe appropriate wash-out periods between NSAID and TILDREN administration and monitor blood urea nitrogen and creatinine values.

[Back to the top](#)

What are the contraindications for OSPHOS?

Do not give OSPHOS to horses with a known hypersensitivity to clodronate disodium.

[Back to the top](#)

What adverse reactions are caused by TILDREN?

In three field studies, adverse reactions in horses treated with TILDREN most

commonly occurred during the 90-minute intravenous infusion or within four hours following the end of the infusion. The most common reaction was colic.

Expect about 30 to 45 percent of horses given TILDREN to show transient signs of colic. Hoses should be observed closely for four hours after treatment. Colic signs can last about 90 minutes and may be intermittent. In many cases, hand-walking may improve or resolve the colic signs. **If a horse needs medical therapy, you should give non-NSAID treatments, as the concurrent use of an NSAID increases the risk of renal toxicity and acute renal failure.**

In the field studies, adverse reactions occurring between four hours and one day after treatment included:

- Increased frequency of urination with or without increased drinking;
- Reduced appetite;
- Sore or stiff neck;
- Fever; and
- Colic - this was the most common adverse reaction.

When giving TILDREN, you should advise owners of the potential for adverse reactions in the hours or days following treatment. Also tell owners to consult you before giving their horse any NSAID after treatment with TILDREN.

[Back to the top](#)

What adverse reactions are caused by OSPHOS?

In the effectiveness field study, adverse reactions in horses treated with OSPHOS usually began within two hours of treatment. The most common adverse reactions were discomfort, agitation, pawing, and signs of colic. In the safety study, several horses treated with OSPHOS developed soft or firm injection site swellings, which resolved within 10 days.

When giving OSPHOS, you should advise owners to watch their horse for at least two hours after treatment for agitation, signs of colic, and other abnormal behavior, such as head shaking and lip licking. If a horse seems uncomfortable or nervous or experiences cramping, tell the owner to hand-walk the horse for 15 minutes. Advise the owner to contact you if signs don't resolve or if the horse displays other abnormal symptoms.

Read the package inserts for TILDREN and OSPHOS for a complete description of the contraindications, warnings, and precautions for each drug.

[Back to the top](#)

Should you report problems related to TILDREN or OSPHOS?

Yes. FDA encourages veterinarians to report all problems related to TILDREN or OSPHOS. Problems include adverse drug events and product defects. An adverse

drug event, also called an adverse drug experience, is an undesired side effect associated with a drug or a lack of effectiveness. Adverse drug events also include unfavorable reactions in people who handle the drug. Product defects are problems such as defective packaging or an abnormal appearance of the drug. Please see **[How to Report Animal Drug Side Effects and Product Problems](https://www.fda.gov/AnimalVeterinary/SafetyHealth/ReportaProblem/ucm055305.htm)** ([//AnimalVeterinary/SafetyHealth/ReportaProblem/ucm055305.htm](https://www.fda.gov/AnimalVeterinary/SafetyHealth/ReportaProblem/ucm055305.htm)).

Ceva Sante Animale (for TILDREN) and Dechra, Ltd. (for OSPHOS) are required to submit to FDA all reports of adverse drug events and product defects that they receive. FDA reviews the reports to identify potential safety and effectiveness concerns that may not have been apparent at the time of drug approval. FDA conducts this post-marketing monitoring to make sure that TILDREN and OSPHOS continue to meet the required standards for safety and effectiveness established during the approval process.

[Back to the top](#)

Important information for your client

The package insert for TILDREN has a section called "Information for Owners" and the package insert for OSPHOS has a similar section called "Information for Horse Owners." These sections may help you in your communication with clients regarding both drugs.

[Back to the top](#)

What are the benefits of using an FDA-approved equine drug?

A main benefit of using an FDA-approved equine drug is that you know the drug is safe and effective in horses when used according to the label. A second benefit is that the label is written specifically for horses and includes all necessary information, including associated risks, so you can use the drug safely and effectively in your patients.

FDA rigorously evaluates an animal drug before approving it. As part of the approval process, the drug company must prove to FDA that:

- The drug is safe and effective for a specific use in a specific animal species;
- The manufacturing process is adequate to preserve the drug's identity, strength, quality, and purity. The company must show that the drug can be consistently produced from batch to batch; and
- The drug's labeling is truthful, complete, and not misleading.

FDA's role does not stop after the agency approves an animal drug. As long as the drug company markets the animal drug, the agency continues to monitor:

- The drug's safety and effectiveness. Sometimes, the agency's post-approval monitoring uncovers safety and effectiveness issues that were unknown at the time of approval;
- The manufacturing process to ensure quality and consistency are maintained from

batch to batch;

- The drug's labeling to make sure the information remains truthful, complete, and not misleading; and
- The company's marketing communications related to the drug to make sure the information is truthful and not misleading.

[Back to the top](#)

For more information

If you have questions or want more information, please contact CVM's Education & Outreach Staff at 240-402-7002 or AskCVM@fda.hhs.gov (<mailto:AskCVM@fda.hhs.gov>).

[Back to the top](#)

References

- **[Freedom of Information Summary, Original New Animal Drug Application, NADA 141-420, for TILDREN \(\).](#)** February 13, 2014.
- **[Freedom of Information Summary, Original New Animal Drug Application, NADA 141-427, for OSPHOS \(\).](#)** April 28, 2014.

[Back to the top](#)

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[\(/AnimalVeterinary/ResourcesforYou/default.htm\)](#)

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[For Veterinarians \(/AnimalVeterinary/ResourcesforYou/ucm214771.htm\)](#)

[Publicaciones en Español del Centro de Medicina Veterinaria \(CVM\)](#)
[\(/AnimalVeterinary/ResourcesforYou/ucm135578.htm\)](#)

[Animal Health Literacy \(/AnimalVeterinary/ResourcesforYou/AnimalHealthLiteracy/default.htm\)](#)



NEW STAND-DOWN PERIOD: BISPHOSPHONATES

The British Horseracing Authority (BHA) would like to advise the Responsible Person (i.e. trainers, owners, breeders) and their veterinary surgeons of a new Rule requiring a mandatory 30 day Stand-Down period from racing following the administration of any bisphosphonate licensed for equine use. This Rule will be effective from 10 August 2017.

The Rule, an addition to Schedule (B)3 – Requirements for horse to run, will read as follows:

*"11B The horse must not have been administered
 11.B.1 any bisphosphonate under the age of three years and six months as determined by its recorded date of birth, or
 11.B.2 any bisphosphonate on the day of the race or on any of the 30 days before the day of the race in which the horse is declared to run".*

The BHA expectations with regard to the use of bisphosphonates in horses racing or intending to race in Great Britain in order to comply with the Rules of Racing

- The product used should be licensed for use in horses the UK;
- The horse must be over three years and six months of age at the time of administration as determined by its recorded date of birth;
- There must be a diagnosis determined by a veterinary surgeon that supports the use of a bisphosphonate as an appropriate treatment; and
- The bisphosphonate must be administered by a veterinary surgeon.

Due to their complex nature and action, the excretion of bisphosphonates may be unpredictable, leading to considerable variation in excretion times. This variability may be increased when bisphosphonates are administered to horses with on-going musculoskeletal disease process, including the possibility that bisphosphonates may be released from bone at a period remote from initial administration. As such, it cannot be guaranteed that future musculoskeletal disease processes will not result in an Adverse Analytical Finding.

As a guide, the BHA are aware of data from studies in **normal horses** which indicate that if a single dose of Tildren® (CEVA) at 1 mg/kg were administered intravenously, the Detection Time would be unlikely to exceed the Stand-Down period. A discussion between the Responsible Person and their veterinary surgeon is essential when considering administration of any medication which is a Prohibited Substance on raceday.

03 July 2017

THE USE OF BISPHOSPHONATES IN THE RACEHORSE

Christopher Riggs

Department of Veterinary Clinical Services
The Hong Kong Jockey Club



香港賽馬會
The Hong Kong Jockey Club

WHAT ARE BPs USED FOR IN RACEHORSES?

- Disease of subchondral bone of fetlock, carpus
- Osteo-arFcular pain in any locaFon
- Pain arising from the thoracolumbar and pelvic regions
- PrevenFon of stress fractures
- Treatment of stress fractures
- To improve the acFon of "poor movers"
- Treatment of general fetlock pain when all else fails
- To treat any condiFon affecFng Fssues starFng with "b", "c", "l", "m" or "t"!
- To get a lame horse to a race!

POTENTIAL RISKS OF BPs IN RACEHORSES

- Inhibit the biological mechanism for bone maintenance/ repair
è accumulation of microdamage è bone fragility
- Inhibit "turn-over" of bone matrix è excessive mineralisation
è bone fragility
- Interfere with fracture healing è delayed union/ non union
- Damage articular cartilage è accelerate joint degeneration
- Potent analgesics è may disguise signs of underlying, serious injury
- Interfere with calcium homeostasis è may predispose to other disease (e.g. cardiac arrhythmias)
- Cause retention of calcified growth cartilage in skeletally immature animals è developmental orthopaedic disease

POTENTIAL RISKS OF BPs IN RACEHORSES

What can we learn from experimental work in other species and human clinical studies?

1. Do they lead to bone fragility?
2. Do they prevent fracture healing?
3. Are they effective in preventing stress fractures?
4. Do they have analgesic properties?
5. Are they detrimental or beneficial in the treatment of osteoarthritis?

POTENTIAL RISKS OF BPs IN RACEHORSES

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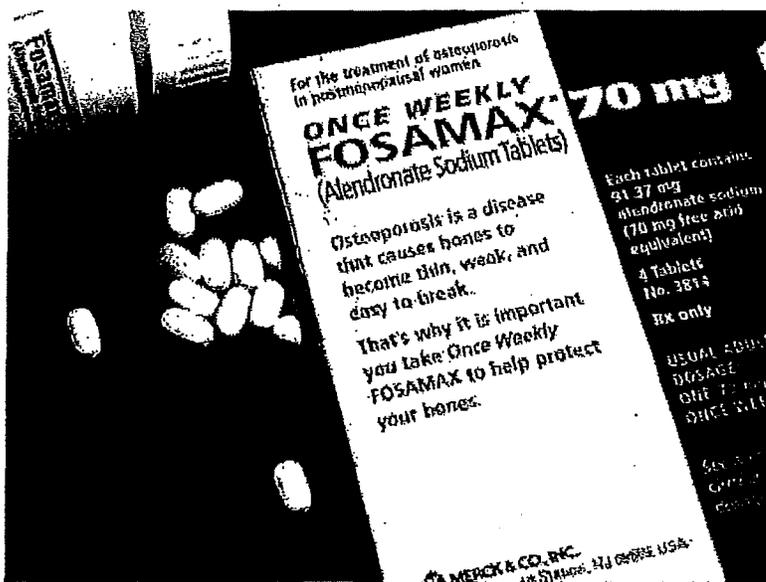


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Race Track Industry Program

Bramlage: 'Price To Pay' For Bisphosphonate Use Is Delayed Healing

by [Natalie Voss](#) | 03.01.2018 | 5:13pm



The human drug Fosamax is a bisphosphonate

"I wish we'd never seen these drugs," said renowned orthopedic surgeon Dr. Larry Bramlage at the conclusion of a recent presentation about bisphosphonates.

Four years after the Food and Drug Administration approved the use of Tildren and Osphos (both trade names for bisphosphonates) for use in adult horses suffering from navicular syndrome, Bramlage said he's seeing unintended side effects from people using the drug off label.

As Bramlage explained at a recent client education seminar held by Rood and Riddle Equine Hospital, there are three main types of cells associated with bone repair and growth: osteoblasts, which make new bone; osteoclasts, which break down damaged or inferior bone, and osteocytes, which direct the repair.

When a horse has a fracture, the crack is initially filled by the osteoblasts with a temporary boney substance called woven bone, which can be made very quickly but is not very strong. Over time, osteoclasts clear away woven bone, which is poorly organized and weak,

4-20
allowing osteoblasts to lay down the better organized and stronger lamellar bone. The lamellar bone fills in the crack and makes the bone whole again, both practically and on radiograph.

Bones are constantly breaking down and building back up in response to normal wear and tear and training.

Bisphosphonates work by poisoning osteoclasts and for this reason are used to slow osteoporosis in people. They also have an analgesic effect, which is why they are used in human bone tumor patients. This is also why they are presented as an option for horses dealing with painful and hard-to-pinpoint inflammation due to navicular syndrome.

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Bramlage is finding bisphosphonates' mechanism of action also disrupts the natural healing process in young horses during training.

"I thought initially it might create a lot of acute fractures," he said. "I don't think it increases their incidence very much. Where it causes a problem is whenever you're trying to heal something that's happened as a result of training and needs to repair. Part of the horse's natural coping mechanism is disabled."



Dr. Larry Bramlage of Rood & Riddle

Bramlage is seeing stunted healing on radiographs of

horses who have had surgery or rest to repair fractures which normally would have improved in a couple of months. Sometimes as much as 14 months after injury, the x-rays still show the injuries that have been "patched up" with woven bone still persist with original fractures visible.

"I've spent 40 years looking at horses' bones trying to understand the process of damage and repair that we consistently deal with in the racehorse. In the last two years we've had horses' injuries that don't behave anything like they did in my first 40 years," he said. "We can no longer depend on the repair process that we have come to expect as normal for the horse.

Bisphosphonates also 'mute' the normal bone turnover we depend on in bone scans."

Bisphosphonates don't stop horses from making new bone, which Bramlage says is the reason the drugs don't seem to be causing fractures. They do stop osteoclasts from clearing the weak woven bone out of the way of osteoblasts putting in the strong stuff. The radiographs show new layers of bone being added over cracks but not remodeling of the fractures themselves. As a result, a horse's bone gets denser on the radiographs because of the added woven bone but it doesn't get stronger or repair. Bramlage said the drug does nothing to prompt osteoblasts to work harder as some have theorized, so it doesn't speed this layering process, either.

This mechanism doesn't raise the same problems in pleasure horses because their bones aren't subjected to the volume of stress and rapid need for repair.

Bisphosphonates can cause problems healing bones in humans, too. Bramlage recently spoke to several human surgeons about patients who are unlucky enough to break a bone after they've been on bisphosphonates to prevent osteoporosis.

"If you break your femur, which is a common injury of patients on bisphosphonates, in a normal case they make you non-weight bearing for six weeks. They'd give you crutches and a walker for six weeks. At about three months, you can be weight bearing again," he said. "If you've had bisphosphonates they'll make you non-weight bearing for up to eight months because that's how much it slows healing in people."

All of this seems to Bramlage like a poor trade-off for a pain-relieving effect that probably wears off in about 30 days. (Bisphosphonates are shown to attach to the bone's surface after administration and persist for years even after just one dose. Repeated doses cause cumulative levels on the interior surfaces of the bones.)

4-22
Bramlage said it's important to note that because of the drug's long life on bone surfaces, a trainer currently in possession of a horse may not be the one who originally gave the horse bisphosphonates and may not even know the horse has been exposed to the drug.

"Unfortunately a lot of people who are giving it and are having it given, don't understand the price. They see a temporary improvement in the horse's lameness and they don't understand that what happens months later may be related," he said. "The people who are in charge when the horse gets the drug don't have to be in charge when you're trying to rehab the horse and get it back to racing. So the lay-up facilities, the owners, and the horses pay the price for the remodeling debt precipitated by the use of the bisphosphonates. I am convinced some horses that we would have rehabilitated effectively in the past never make it back to form because of their history of bisphosphonate use."

The issues Bramlage is seeing are in horses that have been given bisphosphonates outside manufacturer guidelines. The guidelines state the drugs should not be administered to horses under the age of five. A quick look at the drug literature will make the intended use clear.

"If you're interested in using them, you should go to the manufacturer's website because more than 50 percent of the package insert is telling you why you shouldn't use them in young horses," he said. "However, they're perfectly willing to sell them to you for use in young horses. All of those disclaimers are meant to put the blame for anything bad that happens to your young training horse on you and not the company."

Bisphosphonates became a concern for racing regulators in 2015 when the Kentucky Equine Drug Research Council announced its intent to study the drugs after receiving information some managers and trainers could be using it for its analgesic effect.

In England, the British Horseracing Authority issued a mandatory 30-day stand-down period for horses receiving bisphosphonates and prohibits their use in horses less than 3 1/2 years of age. Unfortunately, the drug is difficult to test for and Bramlage worries the temptation of general analgesia can prove too much for some horsemen.

"Routine use of it I think is accelerating on the racetrack based on the number of horses we see that don't follow the normal healing pattern," he said. "That's a temporary fix, and there's a price to pay."

email newsletter to keep up on this and other stories happening in the Thoroughbred industry.

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This entry was posted in [Horse Care](#), [NL List](#) and tagged [bisphosphonates](#), [Dr. Larry Bramlage](#), [fracture repair in horses](#), [Kentucky Equine Drug Research Council](#), [Rood and Riddle Equine Hospital](#) by [Natalie Voss](#). Bookmark the [permalink](#).



STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE PROPOSED ADDITION OF
CHRB RULE 1868, AUTHORIZED MEDICATION DURING WORKOUTS,
TO ESTABLISH THRESHOLD LIMITS FOR THE PRESENCE OF CERTAIN DRUG
SUBSTANCES AND MEDICATIONS IN OFFICIAL TEST SAMPLES
TAKEN FROM HORSES AFTER THEY COMPLETE A TIMED WORKOUT

Medication and Track Safety Committee Meeting
April 17, 2019

ISSUE

The California Horse Racing Board (CHRB or Board) currently employs a rigorous post-race testing program intended to prevent and detect the unauthorized use of certain medications and drug substances during horse races. The purpose of these efforts is twofold: to guard the health and welfare of horse and rider, and to ensure the integrity of horse racing in this State so as to protect participating licensees and the wagering public.

To date, however, the industry has gone without similar protections when horses complete timed workouts at licensed racing facilities¹. The proposed addition of Rule 1868, Authorized Medication During Workouts, is intended to address this issue by establishing restrictions on the use of local anesthetics, narcotic analgesics, and non-steroidal anti-inflammatory drug substances (NSAID) for horses engaging in timed workouts.

ANALYSIS

The proposed addition of Rule 1868 would place certain restrictions on the use of NSAIDs, local anesthetics, and narcotic analgesics for horses completing timed workouts. Specifically, the proposed rule would prohibit the administration of local anesthetics and narcotic analgesics to horses within 24 hours of their completing a timed workout. The rule would impose the same post-racing testing threshold limitations for NSAIDs (i.e. not more than one approved NSAID may be detected in an official test sample) on horses having just completed a timed workout. The goal of the proposed regulation would be to eliminate the overuse of pain-masking medications that increase the chance of injury for a horse running at full speed, and to protect the wagering public.

BACKGROUND

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the proposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19580 requires the Board to adopt regulations to establish policies,

¹ The exception is that a horse required to complete a timed workout for removal from the Veterinarian's List is subject to the same medication restrictions as a horse participating in a race, pursuant to CHRB Rule 1866(e).

guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California.

A primary purpose of the Board's drug testing program is to prevent horses from being administered medications and other substances that could increase the likelihood of them becoming injured during a race. These same risks exist, however, during timed workouts. In a timed workout, a horse will run at full speed or near full speed, meaning the same concerns about certain medications increasing the chance of injury during a race are equally applicable. NSAIDs, a class of analgesic medications, which are typically used to treat musculoskeletal and inflammatory processes in horses, can also mask a horse's pain if used in excess. Such use potentially allows horses to train and race while injured, before they are fully healed. The excessive use of NSAIDs has the potential to obscure lameness, thus contributing to the possibility of additional injury. The use of pain-masking medications before a horse is fully healed can place a horse and rider at a higher risk for injury. Local anesthetics and narcotic analgesics can have similar masking-effects by deadening or reducing pain from an injury. The ability to detect signs of inflammation and/or lameness is critical for trainers, jockeys and other licensees to detect injuries, and prevent injured horses from training.

Another purpose of the CHRB's post-race testing program is to ensure that a horse's performance is not enhanced, hindered, or altered by the use of unauthorized medications and other substances. Such efforts can give horses an unfair advantage or disadvantage in a race, which not only may impact the other trainers and owners with competing horses, but also defrauds the wagering public. Similar fraud can result when the timed workout performance of a horse is enhanced, hindered, or altered as well. Many handicappers rely on the past performance of horses to determine their predictions for the order of finish in a race. Past performances often include the results of timed workouts, which means when these workouts are altered by the overuse of pain-masking medications the wagering public is deceived regarding the natural skill and ability of the horse over time.

RECOMMENDATION

This item is presented for Committee discussion and action.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED ADDITION OF
RULE 1868. AUTHORIZED MEDICATION DURING WORKOUTS

Medication and Track Safety Committee Meeting
April 17, 2019

Rule 1868. Authorized Medication During Workouts

(a) No person shall administer a local anesthetic or narcotic analgesic to any horse within 24 hours of a timed workout, nor shall any horse participating in a timed workout carry in its body any local anesthetic or narcotic analgesic.

(b) Not more than one approved non-steroidal anti-inflammatory drug substance (NSAID) may be detected in an official test sample taken from a horse after it completes a timed workout, and shall be only one of the following authorized drug substances:

(1) Phenylbutazone in a dosage amount that the test sample shall contain not more than 2 micrograms of the drug substance per milliliter of blood plasma or serum.

(2) Flunixin in a dosage amount that the test sample shall contain not more than 20 nanograms of the drug substance per milliliter of blood plasma or serum.

(3) Ketoprofen in a dosage amount that the test sample shall contain not more than 2 nanograms of the drug substance per milliliter of blood plasma or serum.

(4) Metabolites or analogues of approved NSAIDs may be present in test samples collected after a timed workout.

(c) If the official laboratory reports that a blood test sample collected from a horse after it completes a timed workout contains an authorized NSAID in excess of the limit for that drug substance under this rule, the official veterinarian shall, in conjunction with the veterinarian who administered or prescribed the authorized drug substance, establish a dosage amount or time of

administration of the drug substance that will comply with the limits under this rule; or the official veterinarian may, if in his/her judgment no such reduced dosage amount or amendment to time of administration will result in a test sample level within the limits of this rule, withdraw authorization for the use of any one NSAID.

(d) If a blood and/or urine test sample is taken from a horse after a timed workout, the penalty provisions of this article shall apply to such timed workout in the same manner as to a scheduled race.

(e) For the purpose of this regulation, "timed workout" means an exercise session, run in compliance with Rule 1878, in which a horse runs full speed or close to full speed for the purpose of having their performance officially timed and reported.

Authority: Sections 19440, 19562, and 19580,
Business and Professions Code.

Reference: Section 19580,
Business and Professions Code.

CALIFORNIA HORSE RACING BOARD

APRIL 17, 2019
COMMITTEE MEETING

There is no board package material for Item 6

STAFF ANALYSIS
REPORT AND DISCUSSION ON THE PRESENTATION FROM
THE JOCKEY'S GUILD
REGARDING RIDING CROPS AND ITS USE DURING RACING

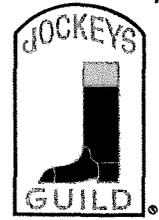
Medication, Safety and Welfare Committee
April 17, 2019

BACKGROUND

At the March 21, 2019 Regular Board meeting, the Board heard a report from the Los Angeles Turf Club regarding actions taken to address equine fatalities at Santa Anita Park. During the discussion proposed changes in the use of the riding crop were raised. At that time, representatives of the Jockey's Guild spoke regarding the issue. Chairman Winner stated the Medication, Safety and Welfare Committee would meet in April 2019, and he invited the Jockey's Guild to make a more detailed representation of its position at that time.

RECOMMENDATION

The Committee may wish to hear from a representative of the Jockey's Guild.



April 11, 2019

Mrs. Madeline Auerbach
California Horse Racing Board
1010 Hurley Way, Ste 300
Sacramento, CA 95825

Mr. Alex Solis
California Horse Racing Board
1010 Hurley Way, Ste 300
Sacramento, CA 95825

Mr. Rick Baedeker
California Horse Racing Board
1010 Hurley Way, Ste 300
Sacramento, CA 95825

Ms. Jacqueline Wagner
California Horse Racing Board
1010 Hurley Way, Ste 300
Sacramento, CA 95825

Sent via email

RE: Medication, Safety, and Welfare Meeting April 17, 2018

Dear Committee Members,

Please accept this letter, on behalf of the Jockeys' Guild and our members who regularly ride in California. We appreciate the Safety and Medication Committee inviting the Guild to present information regarding the Use of the Riding Crop and allowing us to further present as to why it is a necessary tool for the jockeys who are racing.

The Guild and our members are fully aware of the gravity of the situation in California, and specifically as a result of the recent events at Santa Anita. As was stated in the CHRB Meeting on March 28th, the safety of both our equine and human athletes is paramount and of utmost importance to the Guild and all of the jockeys. While we are supportive of any changes that improve the well-being of the horse, we do believe that it is important to recognize that use of the riding crop is still necessary for encouragement, communication, and control. We believe that the riding crop is a tool that is used to not only encourage the horse, but also maintain control of the horse. The fact is riding crops allow the jockey a measure of control over the horse that can be critical in certain situations.

With regards to the Use of the Riding Crop, enclosed for your review and consideration during the meeting is the following:

- 1) British Horseracing Authority's Responsible Regulation: A Review of the Use of the Whip in Horse Racing

- 2) IFHA Principles of Good Practice for the use of the Whip in Horseracing
- 3) Press Release from Jockeys' Guild and TOC Regarding Use of Riding Crop at Santa Anita

We are in the process of gathering additional information from other major international racing jurisdictions that have addressed the use of the riding crop and will provide the information as we receive it.

The Jockeys' Guild Board of Directors, on behalf of our members, would respectfully request that the CHRB reconsider its proposed rule, which to date, has not been submitted for public comment. Please note, our Board is comprised of outstanding jockeys, including four Hall of Fame jockeys such as Mike Smith and John Velazquez, both of whom serve as the Co- Chairs, as well as Ramon Dominguez and Javier Castellano. Additionally, Quarter Horse legend, G R Carter, who recently retired, is still very much involved with the Board. It is their lives, both literally and figuratively, that are dependent on the health and welfare of the equine athletes, and therefore, the input from the jockeys, as well as the trainers and owners should be considered before any changes are made with regards to the Use of the Riding Crop.

Additionally, we would respectfully request to be allowed to express our concerns and provide input with regards to the use of certain medications and treatments of the horses. For your records, we have also attached the policy on race day medications and safety concerns as decided by the Board of the Guild, It expresses our concerns and issues that we believe need to be addressed, specifically including the regulation of the ESWT and similar physiological treatments on race horses. We have also included our statement with regards to the use of Lasix, and our position with regards to bisphosphonates.

The Guild sincerely appreciates the California Horse Racing Board's concern with the safety of all of the participants, including both the human and equine athletes. We respectfully request your consideration regarding the Use of the Riding Crop, as well as our concerns regarding medication and the welfare of the horse.

If there any questions or concerns that need to be addressed regarding the information that has been submitted for this meeting, please feel free to contact myself or Darrell Haire.

Sincerely,



Mindy Coleman
Counsel

Attachments

CC: Chuck Winner, CHRB, Chairman
John R. Velazquez, Jockeys' Guild, Co-Chairman
Mike Smith, Jockeys' Guild, Co-Chairman
Terence J. Meyocks, Jockeys' Guild, President & CEO
Darrell Haire, Jockeys' Guild, Regional Manager
Shane Gusman, Broad & Gusman, LLP

IFHA Principles of Good Practice for the use of the Whip in Horseracing

Preamble

1. Used appropriately, the jockey's whip is considered an acceptable aid to horsemanship and therefore plays a role in ensuring horse and rider safety as a communication, corrective and encouragement aid.
2. To ensure that the use of the whip does not compromise horse welfare and remains in alignment with general public opinion, Racing Authorities must define standards for the design and manufacture of the whip, as well as regulate the use of the whip to only that required to achieve appropriate communication with, control and encouragement of the horse.

Whip Design Specifications

3. All whips used in racing and training must be of a design which meets the requirements of the Racing Authority. It is a requirement that all whips approved for use by the Racing Authority are fitted with energy/shock absorbing padding.
4. Design features such as the length and diameter of the whip, the length of the frame and of the flap and the use of energy/shock absorbing padding must be specified by the Racing Authority with the objective of limiting the force of impact of the whip to prevent the delivery of a stimulus (cue) which is beyond that required to achieve communication with, or correction or encouragement of the horse, and to prevent potential damage to the skin of the horse.
5. A system of inspecting the whips used by riders in races must be applied and the detection of the use of whips of an unapproved design, or any modifications of the whip to increase the impact force of a strike and potentially cause damage to the skin of a horse must be penalized.

Prohibited Use of the Whip

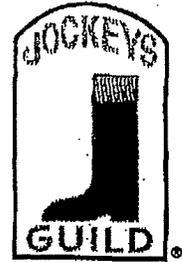
6. The following actions are prohibited under the provisions of Article 11 B of the International Agreement on Breeding, Racing and Wagering and the enforcement of these prohibited actions should be regarded as the minimum acceptable standard of regulation.
 - Using the whip to the extent of causing injury;
 - Using the whip with the arm above shoulder height;
 - Using the whip with excessive force;
 - Using the whip on a horse which is showing no response;
 - The continued use of the whip on a horse after its chance of winning or being placed is clearly gone;
 - The unnecessary use of the whip on a horse that has clearly won its race or has obtained its maximum placing;
 - Using the whip on a horse which is past the winning post;
 - Using the whip on the flank of the horse;
 - Using the whip with excessive frequency;
 - Using the whip on any part of the horse's head or in the vicinity of the head;
 - The use of the whip in front of the saddle while the whip is held in the forehand position, unless exceptional circumstances prevail.

Frequency of use of the whip during a race

7. Racing Authorities may impose restrictions on the number of uses of the whip which may be applied to a horse during a race.

Penalties for Improper use of the Whip

8. Penalties applied to improper use of the whip and/or the use of an unapproved or modified whip during racing must reflect the seriousness with which the Racing Authority views any misuse of the whip and the impact this might have on the welfare of the horse.
9. Therefore the penalties should be substantial and significantly progressive for subsequent offences to provide a strong deterrent to misuse.



CONTACT: Jockeys' Guild (859) 523-JOCK (523-5625)

FOR IMMEDIATE RELEASE

STATEMENT OF POLICY ON RACE DAY MEDICATION AND SAFETY CONCERNS FROM THE JOCKEYS' GUILD

NICHOLASVILLE, Ky. (April 30, 2012) – The board of directors of the Jockeys' Guild has voted to adopt the following policy statement concerning race day medications and safety concerns:

1. The safety of human and equine athletes must be paramount at all times in racing.
2. We participate on, and support the mission of, the Racing Medication Testing Consortium board ("RMTC"), which is striving to develop and promote uniform rules, policies and testing standards at the national level; coordinate research and educational programs that seek to ensure the integrity of racing and the health and welfare of racehorses and participants; and protect the interests of the racing public.
3. The rules regarding race day medication should be uniform throughout the United States through the creation of an *Interstate Compact on Horse Racing* which will enable states to act cooperatively with more uniform, effective and efficient practices, programs, rules and regulations related to racing.
4. We support the RMTC's recommendation to reduce the threshold of in blood for phenylbutazone ("Bute") from 5 micrograms/milliliter (ug/ml) to 2 micrograms/milliliter (ug/ml).
5. We support mandatory *PRE-RACE Veterinary exams* as the only real guarantee against unsafe horses on the race track. We believe there should a stronger emphasis on the responsibility of the veterinarian in the afternoon to scratch horses which are not warming up soundly during the post-parade.

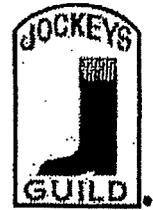
(more)

6. We agree that the improper use of clenbuterol and illegally compounded non-FDA approved substances is a serious concern. We support the RMTTC's current efforts to determine the withdrawal times before a horse so treated can be allowed to race.
7. We agree that corticosteroids have to be thoroughly studied and limited in use as the science dictates.
8. We support rigorous limits on extracorporeal shock wave therapy. Every owner, trainer, or veterinarian who owns or buys a shock wave therapy apparatus must register it with the Commission, Board of Stewards and race track where is being used before it is used and give notice every time it is used. Shock Wave therapy needs to be conducted at a designated area, overseen by a regulatory veterinarian or racing official, the details of any such treatment for any horse shall be provided to all jockeys and the horse shall not race within 10 days of treatment as currently stated in the ARCI Model Rules.
9. We agree that no adjunct race day medications are permissible.
10. We support continuing scientific studies of the safety of utilizing Furosemide ("Lasix") as a race day medication and will work with the industry to take any actions necessary to ensure safety. If Lasix is used it shall be administered by a regulatory veterinarian.

About the Guild

Jockeys' Guild, Inc., the organization representing professional jockeys in Thoroughbred and Quarter Horse racing in the United States, was founded in May 1940 and has approximately 950 members, including active, retired and disabled jockeys. The purpose is to protect jockeys, strive to achieve a safer racing environment, to obtain improved insurance and other benefits for members and to monitor developments in local, state and federal laws affecting the racing industry, and in particular, the jockeys. More information at www.jockeysguild.com and www.facebook.com/jockeysguild.

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JOCKEYS' GUILD STATEMENT ON THE USE OF BISPHOSPHONATES

FOR IMMEDIATE RELEASE

LEXINGTON, KY (March 28, 2019). The Board of Directors of the Jockeys' Guild, which is composed of leading Thoroughbred and Quarter Horse jockeys, supports the view that until the research being conducted by the RMTTC, AAEP, and Grayson Jockey Club Foundation determines the effects of this drug on young horses, the best course of action is an immediate ban on the use of these medications in horses under four years of age. Many experts believe the use of this drug could make bones more susceptible to fractures. It is always the position of the Jockeys' Guild that the safety of the horses and jockeys will be the first priority. The Board also calls for improved methods of detection and strict guidelines for its use in horses over four years of age.

About the Guild

Jockeys' Guild, Inc. is the organization representing professional jockeys in Thoroughbred and Quarter Horse racing in the United States. It was founded in May 1940 and has approximately 1,200 members, including active, retired and disabled jockeys. The purpose is to protect jockeys, strive to achieve a safer racing environment, to obtain improved insurance and other benefits for members and to monitor developments in local, state and federal laws affecting the racing industry, and in particular, the jockeys. More information about the Guild, visit www.jockeysguild.com or www.facebook.com/jockeysguild



RESPONSIBLE REGULATION:

A Review of the use of
the whip in Horseracing

September 2011

7th Foreword



Andrew Merriam
CHAIR OF THE REVIEW GROUP

Animal welfare is important at every level of British Horseracing. As the regulator of the sport in Great Britain, the British Horseracing Authority works hard to ensure racing's continued health and successful development. The safety and welfare of horses and their riders is central to this.

Racing is a part of Britain's rich cultural heritage. The figures are hugely impressive; 5.8 million people attended race meetings in 2010, making our sport the second most attended in Britain after football. Britain leads the world when it comes to providing first-class Racing, and it should continue to lead the world in its equine welfare standards.

The measures set out in this review are designed to ensure British Horseracing continues to lead the world when it

comes to the safety and welfare of both human and equine participants.

The Authority has undertaken a comprehensive and careful review of the use of the whip in British Horseracing. The Review Group which I have chaired has consulted widely within Racing, with animal welfare organisations, and with participants of other equine sports.

We find that there is a legitimate role for the whip in Racing, and that with appropriate design and controls on use, it does not compromise the welfare of horses during a race. Our assessment of the current state of scientific knowledge supports this approach, albeit that this information is relatively limited.

We also recognise and this is underpinned by our public opinion

research that there are a wide range of views on the acceptability of such whip use. Therefore more needs to be done to explain why the whip is needed, its effect on horses, the type of whip permitted and controls on its use. In particular, we recognise that the Authority's Rules controlling whip use must be seen to be credible and fair to ensure safety and horse welfare, be proportionate, avoid unintended consequences and finally be enforceable and be seen to be enforced.

The recommendations that the Review Group has made are firm but fair. We believe that ultimately they will best serve human and equine participants in Racing well, both here in Great Britain and as an example to others.

A handwritten signature in blue ink, appearing to read 'Andrew Merriam'.

Andrew Merriam, September 2011

Contents

Chairman's Preface	4
Executive Summary	5
Introduction	8
Chapter One: The Authority's Approach to Animal Welfare and the Whip	10
Chapter Two: How the Whip is Currently Used in Racing	13
Chapter Three: The Scientific Evidence Base	16
Chapter Four: The Whip: Energy Absorbing Design	21
Chapter Five: Public Opinion Research	24
Chapter Six: The Penalty System	28
Chapter Seven: Jockey Training	33
Recommendations	35
Acknowledgements	37
Annex A: Statistical Analysis of Whip Offences	38
Annex B: List of Key Scientific Studies	47
Annex C: Whip Penalties Summary	48
Annex D: Amendments to the Rules	52
Annex E: SMG/YouGov Public Opinion Research	55

Chairman's Preface



Paul Roy
**CHAIRMAN OF THE BRITISH
HORSERACING AUTHORITY**

Responsible regulation is about setting the right standards and upholding them rigorously. It is based on sound evidence and strong principles. It is also about continually striving to identify areas where best practice can be improved.

The British Horseracing Authority's Review of the use of the whip in Racing reflects the approach that we take to responsible regulation. It looks very closely at the evidence and makes clear recommendations for change that will enhance the sport's approach to equine welfare.

This document is the work of a focussed Review Group that has consulted widely and considered the role of the whip in Racing very carefully

over recent months. It also reflects – and helps take forward – the long-term commitment of the Authority to constantly uphold the welfare of the horse in our sport. This is a cause that all those who love the sport and wish to see it continue to flourish feel passionate about.

I am pleased to say that the Authority's Board, upon review, has accepted the recommendations outlined in this report.

Above all, responsible regulation relies on wide, active participation in upholding and improving standards. We look forward to working with all those involved in British Horseracing to implement the changes set out in this Review and ensure that they have a positive impact on the sport.

A handwritten signature in black ink, appearing to read 'Paul Roy', with a stylized flourish at the end.

Paul Roy, September 2011

Executive Summary

Overview

Upholding high standards of equine welfare within Racing is a priority for the British Horseracing Authority (the Authority) and is central to the future of the sport.

The following report, compiled by a Review Group established specifically for this task by the Authority, has considered the underlying principles behind the use of the whip, how it is used in Racing, and how the Authority should continue to act as a strong, effective regulator in this area.

The Review Group's considered assessment is that the use of the whip in Racing providing strict controls are effectively enforced remains appropriate and necessary for the safety of both jockeys and horses. Use of the whip to focus and concentrate a horse, and to encourage it to perform at its best, also remains appropriate providing the constraints on acceptable use set out in this Review are observed.

The Review Group considers that the current system of penalties for those jockeys who breach the Rules of Racing (the Rules) on whip use is not an effective deterrent in its current form. Too many breaches of the Rules on whip use are occurring, and the Review Group believes that the Authority can better incentivise long-term behavioural change through a wide range of recommendations with this aim in mind.

Finally, the Review Group is optimistic about the future of whip use in Racing. Use of the whip is, understandably, a sensitive issue. The Review Group is confident that, with continued effective regulation, the use of the whip has a role to play in ensuring that British Racing continues to lead the world in the highest standards of animal welfare.

Introduction

- The Review Group has consulted widely on the use of the whip in Racing, working with a broad range of stakeholders including animal welfare organisations, jockeys, amateur riders, racehorse trainers, equine veterinarians, racecourse managers, training providers, the Authority's Committees, the wider equine community and the public.

- The Review Group has also taken into consideration a range of empirical evidence on: how the whip is currently being used by jockeys; the science behind the effects of the whip on horses; the energy absorbing design of the whip itself; and public opinion research on the use of the whip.
- The Review Group has made 19 recommendations to the Authority's Board that are designed to ensure that clear controls on the use of the whip in Racing are strictly enforced.

Chapter One: Racing's Approach to Animal Welfare and the Whip

- As the regulator for Racing in Great Britain, the Authority takes its responsibilities in relation to animal welfare extremely seriously. The Authority believes that high standards of animal welfare and good horsemanship are central to the future of the sport. The Authority is responsible for upholding standards within the sport and does so through the Rules of Racing and the Guide to Procedures and Penalties (the Guide).
- Following extensive consultation and based on the empirical findings set out in this report, the Review Group considers that, in principle, the use of the whip in Racing within strictly enforced controls is appropriate and acceptable.
- The Review Group has set out a definition of acceptable use of the whip in Racing as follows. Broadly speaking, acceptable use means that the whip is used either for safety (of both jockey and horse) or to encourage the horse to perform to its best when in contention. Strict controls are placed by the Authority on what type of whip is used, where on a horse it can be used, how often, and at what stages of a race.

Chapter Two: How the Whip is Currently Used in Racing

- The Review Group has analysed statistical data on how the whip is currently being used in Racing. Key findings

include that, between January 2004 and April 2011, 0.75% of all performances in Racing resulted in a contravention of the whip Rules. Racecourse location, slow going, a close finish and different types of racing are all factors that affect the likelihood of the whip Rules being contravened during a race.

- Based on this analysis, the Review Group's view is that the current number of whip offences in Racing is too high. Actions should be taken by the Authority as set out in this Review to ensure that behavioural change takes place throughout the sport to lessen the occurrence of whip offences.
- However, whilst acknowledging that too many whip offences currently occur, the Review Group does not consider that the use of the whip in general compromises the welfare of horses during a race. This is due to the design of the whip used in Racing and the strict Rules which apply to its use. The Review Group's view is that the current use of the whip can be described as a welfare issue rather than a welfare problem with enforcement being a key factor to ensure welfare is not compromised.
- The Review Group considers that the number of times a jockey may use the whip in either the backhand or forehand position in a race should be significantly reduced.

Chapter Three: The Scientific Evidence Base

The Review Group considered a range of scientific evidence relating to the effects of the whip on horses. The Review Group found that:

- The effect of whip use must be viewed in the context of a horse's physiological state during a race. Controlled use of an energy absorbing whip during a race when a horse is in a physiological state of excitement is different to using a whip on a resting horse.
- When used properly, the whip stimulates a horse and should not cause pain. Inappropriate use of the whip during a race may be counterproductive and may not produce a positive response from a horse. A horse in pain will not perform at its best and is likely to underperform.
- Current scientific evidence broadly supports the Review Group's view that the use of the whip in Racing should continue providing strict controls are enforced

for safety and encouragement. However, the evidence is limited in some areas and further research is needed. The Review Group has recommended that the Authority continues to support research in this field.

Chapter Four: The Whip - Energy Absorbing Design

- The whip currently used in British Horseracing is designed not to cause pain when used appropriately. The energy absorbing design of this whip has been adopted by many other Racing Authorities throughout the world since its introduction in Britain.
- The Authority is involved in a number of research initiatives looking at the effects of this whip design. The Review Group has recommended that the Authority continues to support such research and that new technological innovations be incorporated in future if they align with the Authority's commitment to constantly improve animal welfare in Racing.

Chapter Five: Public Opinion Research

The Review Group commissioned independent public opinion research from a leading sports research agency, SMG/YouGov. Their summary of the key findings is:

- A large proportion of the population – particularly women and those with no interest in Racing instinctively disagree with the use of the whip and think current penalties are too lenient.
- However, a fair number of those in disagreement have a flawed understanding of both when during a race the whip is allowed to be used, and as to the full range of safety reasons for which the whip is present.
- Whilst some in disagreement are very unlikely to change their views no matter what, a substantial number would be open to changing their views changes to current practices most likely to encourage this were found to be:
 - Withholding of the offending jockey's riding fee and any prize money percentage
 - Longer bans for offenders
 - If revised Rules were endorsed by welfare organisations

The Review Group has recommended that the Authority widely publishes the results of this Review, takes further

steps to maximise understanding as to why the whip is used within Racing, and continues to track public opinion on the use of the whip.

Chapter Six: The Penalty System

The Review Group has considered the current system of penalties (as set out in the Guide) and has made a range of recommendations for significant change, including that:

- The entry point Penalty for all whip offences should be increased significantly, together with increasing the additional component by which the Stewards arrive at what they believe to be the appropriate penalty for an offence. Therefore, that the practice of issuing cautions for breaches of the whip Rules should be discontinued.
- The Review Group has recommended that the current totting up protocol be discontinued for suspensions arising out of the breaches of the whip Rules, and instead the Stewards will consider a jockey's prior disciplinary record for whip offences within a rolling twelve month period in imposing incremental penalties for the current offence. This would lead to a jockey who repeatedly breaches the whip Rules being referred to the Disciplinary Panel at a much earlier stage.
- A jockey should forfeit any income earned in a race where he or she is subsequently found to have contravened the whip Rules resulting in a suspension of three days or more (before previous breaches are taken into account).
- Any jockey who has been referred to, and found to be in breach by, the Disciplinary Panel for whip related breaches of the Rules on three occasions should be required to show cause to the Authority as to why any application for a further jockey's licence should be granted.
- The Authority puts in place a system which will identify when consideration should be given to refusing a visiting jockey the privilege of riding in Great Britain should the jockey's disciplinary record when riding in Great Britain be determined by the Authority to be unacceptable.

Chapter Seven: Jockey Training

- The Review Group considers that effective training and education relating to the use of the whip has to sit alongside any regulatory and penalty framework.
- The role of training in developing jockeys is primarily

preventative, but there can be a corrective application through remedial training. The Review Group considers that both preventative and remedial training are essential to achieving long-term change in the behaviour in jockeys and reducing the number of whip offences which take place each year.

- The Review Group has recommended that the Authority, in conjunction with its accepted training providers, revisits the course content delivered to Apprentice Jockeys, Conditional Jockeys, and Amateur Riders at each level of training to ensure proper consideration is given to developing the most effective approach to training jockeys in the acceptable and correct use of the whip.



7-16 Introduction



The Review Group

The Review was carried out under the leadership of the Stewarding and Disciplinary Policy Committee with support from an expert Review Group consisting of:

Chair: Andrew Merriam
Chairman of the Stewarding and Disciplinary Policy Committee

Anthony Mildmay-White
Chairman of the Rules Committee

Jamie Stier
(Working Party Leader)
Director of Raceday Operations and Regulation

Timothy Morris
Director of Equine Science and Welfare

Paul Struthers
Head of Communications

William Nunneley
Head of Stewarding

Nigel Macfarlane
Head of Disciplinary

Sara Hay-Jahans
Head of Industry Recruitment and Training

Background to the Review

The British Horseracing Authority (the Authority) has, since November 2010, been considering the appropriateness and effectiveness of the current Rules of Racing (the Rules) governing the use of the whip by jockeys in Racing in Great Britain. This had included the effectiveness of the current penalty structure applied by the Authority when the whip Rules have been breached.

An initial discussion between the Authority, the Professional Jockeys Association (PJA), and the Royal Society for the Prevention of Cruelty to Animals (RSPCA) was held at Cheltenham Racecourse on 13th November 2010.

Following the running of the 2011 John Smith's Grand National at Aintree Racecourse on 9th April 2011, there was wide media, public, social media and racing participant comment on the manner in which jockey Jason Maguire had used his whip on the winner, Ballabriggs, over the concluding stages of the race. Further commentary on the use of the whip in Racing in Great Britain generally has also followed.

That the Authority was already considering the use of the whip was, therefore, brought to wider public attention.

The use of the whip in Racing again became a focal point following the manner in which jockey Frankie Dettori used his whip on Rewilding when winning the Prince of Wales's Stakes run at Royal Ascot on 15th June 2011.

Terms of Reference

The Authority's Board, at a meeting held on 28th April 2011, confirmed that a comprehensive review into the use of the whip in Racing would be undertaken by the Authority. At a further meeting held on 6th June 2011, the Board approved the Terms of Reference for the review and the composition of the Review Group.

The Terms of Reference for the Review were: *To review the use of the whip in Horseracing in Great Britain*. These terms of reference provide a deliberately broad scope. The Authority has reviewed not only the Rules surrounding the use of the whip, but also the wider question of whether its use continues to be acceptable and appropriate in the sport. A detailed consideration of this latter point is set out in Chapter One of this report.

Consultation with Stakeholders

The Authority has consulted a wide range of groups as part of this Review including:

- Animal welfare organisations
- Jockeys and amateur riders
- Racehorse trainers
- Equine veterinarians
- Racecourse Managing Executives
- Training providers
- BHA Committees
- The wider equine community
- The general public

A full list of consultees is provided in the Acknowledgements section of this document.

Consideration was given to written submissions made to the Authority in relation to the Review, together with requested written responses from overseas Racing Authorities detailing the whip Rules and associated penalty structures in place in their respective jurisdiction.

Research and Analysis

The Review Group considered research materials gathered in a number of areas of relevance to the Terms of Reference. First, the Review studied a statistical analysis of breaches of the whip Rules compiled by the Authority. A summary of this research is set out in Chapter Two of this report and the full statistics are reproduced in Annex A.

Secondly, the Review considered in detail the current body of academic studies relating to the use of the whip and its effect on horses, as well as the design and manufacture of the whip itself. This aspect of the Review is dealt with in Chapters Three and Four of this report.

Finally, in-depth public opinion research was commissioned by the Authority and conducted by SMG/YouGov, recording and analysing the views of the general public as well as those with an expressed interest in Racing regarding the role of the whip.

Next Steps

Drawing on the above consultation process and research, the Review Group has produced this report, including a set of clear recommendations for action. These recommendations were approved in full by the Authority's Board at their meeting held on 12th September 2011.



Context: Horseracing in Great Britain

Horseracing is one of Britain's most popular sports. In addition to its important place in Britain's cultural heritage, the sport also plays a vital economic role across the country.

Key Statistics 2010:

- 60 racecourses across England, Scotland and Wales
- 1,392 fixtures held (911 flat, 481 jump)
- 9,566 races held (6,309 flat, 3,257 jump)
- 92,025 runners in 2010 (60,816 on flat; 31,209 on jumps)
- 20,123 different horses ran at some point in the year
- 573 licensed trainers
- 433 professional jockeys
- 376 registered amateur riders
- Britain is home to 11 out of 20 top flat races in the world

Economic Impact:

- 5.8 million attendees at race meetings in 2010
- Total economic impact of £3.4 billion
- Direct and full time employment for 20,000 people
- Indirect and associated full time employment for 80,000 people
- Annual tax contribution of £325 million
- Five year capital investment of £706 million
- Global television audience of 1 billion
- Second most attended sport in Great Britain after football
- 4 out of 10 of Britain's most attended sporting events

Chapter One

The Authority's Approach to Animal Welfare and the Whip

The British Horseracing Authority's Welfare Role

1.1 The Authority is the regulator for Racing in Great Britain². This includes setting the standards which the sport requires of its participants; ensuring these standards are clear, relevant and understood, and ensuring that they are met. Where standards are not met, it is the Authority's duty to take appropriate action in the best interests of the sport.



1.2 Safeguarding the welfare of racehorses is a priority for the Authority. Everyone involved in the sport – whether racecourse managers, trainers, owners, breeders, stable staff, jockeys, administrators, officials and veterinary professionals – is committed to, and has a role in, ensuring and enhancing horse welfare. People become involved in Racing because they love horses. Racing does not tolerate cruelty towards racehorses.

1.3 The Authority publishes significant information about its approach to equine welfare on its website, including a formal Commitment to the Welfare of Racehorses.³

1.4 The work of the Authority – including its important role in safeguarding the welfare of both horses and jockeys – is fully recognised by Government.⁴ The Authority works closely with Ministers and their officials on numerous issues affecting the equine sector.

The Rules of Racing

1.5 The standards for appropriate whip use are set out in the Rules. Breaches of the Rules, depending on the circumstances, are dealt with by either the Stewards or the Disciplinary Panel in first level hearings. The result of a first level hearing may be subject to further review by way of an appeal under the disciplinary process.

1.6 The disciplinary process and those who carry it out play a vital role in policing and enforcing the Rules, which are in place to protect:

- the safety and welfare of jockeys and horses;
- the fair running of the sport; and
- the integrity of the sport with regard to the interests of the betting and racing public.

1.7 Decisions arising out of the disciplinary process are of vital significance to the reputation of the sport and the Authority, as well as the reputation and livelihoods of those that work in the sport.

The Guide to Procedures and Penalties

1.8 Annex C compares the current penalties relating to improper use of the whip with the proposed new penalties. It should be noted that, contrary to widely held opinion, the Guide to Procedures and Penalties (the Guide)⁵ does not form part of the Rules and is provided specifically to assist the Stewards, the Disciplinary Panel and the Appeal Board in the carrying out of their responsibilities in the regulation of Racing. The Guide states clearly that the Authority remains totally committed to preventing any abuse of horses through improper use of the whip.

1.9 While the Guide provides the Stewards with discretion in determining if a whip offence has occurred, it does ask them to consider holding an enquiry into any case where they have concerns about the manner in which a jockey has used his or her whip. Additionally, the Stewards are told that an enquiry must be held when the Veterinary Officer reports that a horse is wealed (see box). The Stewards are expected to maximise

2. Horseracing in Northern Ireland is regulated by the

3. BHA Equine Welfare Statement, 2010: <https://www.britishhorseracing.com/>

4. Hansard, 28th April 2011: <http://www.publications.parliament.uk/har/2010/11/cmhansrd/cm110428>

5. http://rules.britishhorseracing.com/_documents/guide-to-procedures-and

the deterrent effect of the Rules by enforcing them in a strict manner.

Definition of a Weal

Out of (approximately) 90-100,000 runners each year, there are usually around 20 occasions where a horse is observed to have a weal. Medically a weal is described as circumscribed accumulation of fluid within the skin in response to a blow. Every such case is examined by a Veterinary Officer on two occasions. The Veterinary Officers look for signs of inflammation including discomfort or pain on examination and in the behavioural response of the horse. To date no such signs have been seen over the last three years.

Does the whip remain appropriate?

- 1.10 The Review Group has taken as its first point of consideration the question of whether the use of the whip remains appropriate in Racing. It was felt very strongly that this should not be assumed to be the case, and that use of the whip should only continue if it was considered to be necessary and appropriate.
- 1.11 All those consulted by the Review Group stated that the whip in Racing when used correctly and appropriately is a necessary aid to horsemanship. It was felt that the whip safeguards the welfare of both horse and jockey, and that this applies to the majority, if not all, forms of equestrianism.

Why is the whip used in Racing?

- 1.12 The Review Group considers it important to set out why the whip is used in Racing and, importantly, what constitutes acceptable use of the whip.
- 1.13 The Guide describes acceptable use of the whip to be for safety, correction and encouragement. The Guide states the whip should never be used to coerce. It adds that, whilst there is a requirement on all jockeys to carry a whip, there is no obligation or expectation on jockeys to use the whip.

Safety

- 1.14 The use of the whip for the safety of horse and jockey is accepted by all those consulted by the Review Group. Safety applies not only to the individual horse and jockey but also to others in the race. While this applies to both Flat and Jump racing,

in Jump racing there is the added dimension that a horse may back off a jump placing both itself and its jockey at risk of injury. A jockey has a duty of care to the horse and the use of the whip, in the correct manner, forms part of that duty of care.

Correction

- 1.15 The use of the whip for correction is seen primarily as preventing a horse shifting ground, whether abruptly or gradually, rebalancing and also includes preventing a horse backing off a jump.
- 1.16 By shifting ground the horse may place itself and its jockey, as well as any other horse and rider in close proximity, at an increased risk of injury. It is available to jockeys to initially use other means the reins to endeavour to prevent a horse from continuing to shift ground.
- 1.17 In the opinion of the Review Group it is right that a jockey should use the reins to straighten a horse which is shifting ground prior to resorting to use of the whip. If the horse fails to respond to this measure, and the jockey reaches the level of concern where he or she feels it is necessary to resort to using the whip to straighten his or her mount, the matter then becomes one of safety.
- 1.18 To say it is acceptable for a whip to be used for correction requires a determination of how much ground, and in what circumstances of the race, a horse is required to shift to determine the use of the whip as being acceptable. This creates a possible grey area in the interpretation of the Rules. To use the whip to correct a horse on the approach to a jump to assist in jumping the fence correctly is clearly to protect the safety of horse and jockey. If a horse's behaviour is such that it becomes a safety concern it will be far more apparent.

Encouragement

- 1.19 The use of the term 'encouragement' to describe an acceptable use of the whip is the one which provokes most comment. The difficulty for most lies in defining encouragement. Among those consulted it was submitted that use of the whip for encouragement meant using it as an aid to activate the horse, to focus the horse, to have the horse concentrated and to realise its potential by giving its best.
- 1.20 The Review Group considers encouragement to mean to have the horse focused and concentrated. If used properly in this context the whip will stimulate the horse to realise its potential in the race. The Review

Group considers that, in the context of a race, a horse can be encouraged and motivated without in any way being abused or in pain. Different horses react differently when the whip is used and it cannot be considered acceptable, in the opinion of the Review Group, to continue to use the whip on a horse which has displayed that it has given of its best, or on a horse which is out of contention. While consideration was given to an alternative term for encouragement, it was decided the current term best reflects the intention of how the Rules are to be applied.

Speed and use of the whip

1.21 A common misconception is that the main reason jockeys use the whip is simply to make the horse go faster as the public opinion research conducted by SMG/YouGov (see Chapter Five) shows. The opinion research demonstrates a general lack of understanding amongst the general public with regard to whip use. This is further compounded by the lack of scientific information on the issue.

1.22 The Review Group believes, as stated throughout this report, that the use of the whip enables a horse to perform at its best and is essential for safety. Encouragement may mean an increase in speed but only in certain circumstances in which the whip is used in a way so as not to cause pain.

1.23 Recommendation 1: Based on extensive consultation and the detailed research outlined in this report, that the use of the whip for safety and encouragement should continue, and that the term 'correction' is superfluous.

Acceptable use of the whip

The Review Group defines the conditions of 'acceptable use' as:

- Any use of the whip by a jockey must be justified in the context of the race.
- The whip may be used to encourage a horse to perform at its best only under the following circumstances:
 - When the horse is in contention during the race;
 - The horse is able to respond; and
 - The horse is given time by the jockey to respond.
- Use of the whip for encouragement is not about simply making a horse run faster. It is to focus and concentrate a horse so that it performs at its best during a race.
- The whip may only be used on the horse's body where, in the context of the race, it will not cause pain.
- The stimulus provided by the use of the whip must be limited, and the whip only used a certain number of times, so as not to compromise the welfare of the horse.
- The whip used by all jockeys in Great Britain must be a specifically designed energy absorbing whip that does not cause pain when properly used.



Chapter Two

How the Whip is Currently Used in Racing

Research and analysis on current whip use

2.1 In order to undertake a considered assessment of the role of the whip in British Racing, the Review Group produced in-depth research on all whip offences from January 2007 to April 2011 and analysed how the number of whip offences were affected by the key race factors.

2.2 The objective was to understand in what types of races and in what circumstances whip offences are historically most likely to occur.

Race data factors

2.3 A full numerical and graphical analysis of the following factors can be found in Annex A of this report:

- Race Type
- Racecourse
- Going
- Finishing Position
- Winning Distance
- Race Quality
- Race Distance
- Jockey and Trainer

Key statistical trends

2.4 Between January 2004 and April 2011 there were a total of 5,202 whip offences; this comprised 3,855 suspensions (74%), 1,297 cautions (25%) and 50 referred or adjourned enquiries (0.96%).

2.5 0.75% of performances resulted in a whip offence.

2.6 Racecourse: Six racecourses had a significantly high rate of whip offences to performances Kelso,

Hexham, Carlisle, Cheltenham, Aintree and Hamilton. Each of these has characteristics that could at least partly explain this high rate.

2.7 Type of Racing: Steeplechase racing had the highest rate of whip offences – 0.97% of performances resulted in a whip offence. This increased to 3.17% for Steeplechase winners.

2.8 Slow Going: Whip offences were 20% more likely to occur on ground slower than Good compared to Good ground. On an all-weather surface the probability of a whip offence is twice as likely on slower going compared to Standard going.

2.9 Winning Chance: 64% of whip offences involved a horse finishing in first or second position.

2.10 Close Finish: There is an almost perfect correlation between close finishes for placings and the likelihood of a whip offence.

2.11 Race Quality: The probability of a whip offence is 1.65 times more likely in a Group or Graded race.

2.12 In Steeplechase races of 3 1/4 miles or longer, the rate of whip offences is 1.78 times higher than Steeplechase races over shorter distances.

How often the whip can be used currently

2.13 The current Rules and the Guide address the use of the whip through improper riding, which includes using the whip with excessive frequency, with just minor differences between Flat and Jump racing.

2.14 It is the Guide which sets out recommendations on how often the jockey is permitted to use the whip during the race, and specific segments of the race. The jockey must not only remain inside the permitted frequency guidelines, but also must not offend under any other section of the improper riding Rule. It is not necessary for a jockey to have used the whip with excessive frequency to be found to have used the whip improperly in the other areas set out in the Rules.

2.15 No consideration is given to the distance of the race when determining an acceptable number of times a whip may be used during the entire race. The jockey is permitted to use the whip on his or her mount on no more than fifteen occasions throughout the race, regardless of the distance of the race and no matter whether it is a Jump race or a Flat race.

2.16 The Guide also sets out the number of times the whip may be used within different distance segments of the race. In Jump racing a jockey is permitted to use

0.75%

The number of performances that led to a breach in the Rules on use of the whip between January 2004 and April 2011.

his or her whip a maximum of nine times after the last obstacle or up to twelve times after the penultimate obstacle, regardless of how far from the finish the obstacles are located. In Flat racing a jockey is permitted to use his or her whip a maximum of eight times in the final furlong, ten times in the final one and half furlongs, and twelve times in the final two furlongs. Each time the whip is used in the race is cumulative and it cannot be used more than the allowed total of fifteen occasions in the race.

2.17 The numbers set down in the Guide are not required to be strictly applied. The Guide states it must be remembered that how the whip is used is as important as how often and therefore discretion can be used when considering any potential breach. The overriding theme from those consulted was that the Rules, and their application, did not provide clarity. This view was expressed strongly by the PJA and other jockeys consulted.

Animal welfare legislation

2.18 Racing's participants are subject to the law of the land. The Authority has signed an agreement with the Association of Chief Police Officers and the RSPCA with regard to animal welfare and the interface between the Rules of Racing and the Animal Welfare Act.⁶ A different formal legal structure exists in Scotland, where the Scottish Society for the Prevention of Cruelty to Animals (SSPCA) is a reporting agency to the Crown Office. Racing in Scotland, through the Authority and the courses working together as Scottish Racing, works closely with the SSPCA.

Welfare issue or welfare problem?

2.19 All those consulted by the Review Group accepted that the use of the whip in Racing has the potential to be a welfare issue in that inappropriate use of the whip may compromise the welfare of the horse. Whip use has the capability of becoming a welfare problem if appropriate controls are not in place to ensure the whip is used in an acceptable manner so as to ensure the welfare of the horse is not compromised.

2.20 The Review Group is clear that the Authority should be even more definitive in setting out what constitutes proper use of the whip. The Rules must be complied with to ensure the welfare of the horse. The Authority must consider not only the views of those actively involved in the sport, but also any reasonable views of the wider public.

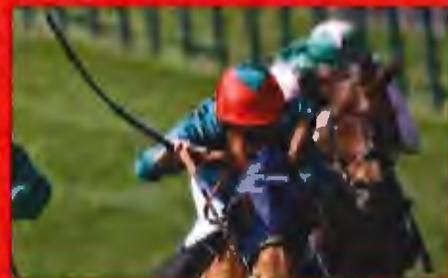
2.21 Those consulted by the Review Group expressed the view that the current use of the whip in Racing is not a welfare problem. This is due to the design of the only whips approved by the Authority for use in races in Great Britain, and the Authority having in place appropriate controls on their use.

2.22 It is accepted that the use of the whip in Racing is a potential welfare issue; however due to the regulation of its use the whip is not a welfare problem. Annex A provides a statistical breakdown of whip offences in Racing since the beginning of 2004.

2.23 **Recommendation 2:** Under the current Rules and penalties the number of breaches of the whip Rules each year is unacceptable, and action should be taken by the Authority to achieve behavioural change amongst, and compliance by, jockeys.

Methods of whip use

2.24 The Review Group considered the various ways in which the whip could be used in Racing. Consideration was given to the Authority's commitment to the welfare of the horse and also to the integrity of the contest (the race).



Use of the whip down the shoulder



Use of the whip in the forehead



Use of the whip in the backhand

2.25 From all of those consulted by the Review Group there was no support for prohibiting jockeys from carrying a whip in a race. As stated previously, the whip is considered a necessary aid to horsemanship, and also provides protection to both horse and jockey in certain circumstances.

2.26 There was no support for unrestricted use of the whip by a jockey in a race. This would be a retrograde step and would ignore the Authority's commitment to the welfare of the horse. This would clearly be unacceptable.

2.27 There was very little support for permitting the use of the whip by a jockey in a race as currently provided for by the Rules. Currently, jockeys are allowed to use the whip behind the saddle with the whip both in the backhand and forehand position. The forehand position is where the jockey turns the whip in his or her hand and the whip comes through the top of the hand. The backhand position is where the jockey does not turn the whip in his or her hand and the whip comes through the bottom of the hand. The current limits on the number of times a whip can be used within a race can be found at Annex C.

2.28 Those who expressed acceptance of the current Rules felt that the number of occasions on which jockeys breach the Rules is unacceptable. In the opinion of the Review Group, supported by many of those consulted, this is due to an ineffective penalty structure where the deterrent was inappropriate. The issue

of penalties is addressed in Chapter Six of this Report.

2.29 Restricting the use of the whip to permitting its use down the shoulder with the jockey's hands remaining on the reins only is considered to be too restrictive from a safety point of view. The jockeys explained that restricting the use of the whip in this manner would have an adverse effect on their ability in assisting the horse to maintain its balance, particularly in the later stages of a race.

2.30 While being the preferred option of some of those consulted by the Review Group, restricting the use of the whip to the backhand position raised concerns over a possible increase in incidents of horses being hit in the incorrect position. The Rules provide that a horse is hit in the incorrect position if the whip strikes the horse on the ribs or on the flank. Welfare for the horse and good horsemanship dictate that if a whip is used it should come into contact with the horse in an area of muscle mass.

2.31 Some riders may be able to use the whip appropriately in the backhand position. However, due to the restriction on jockeys raising their whip arm above shoulder height, introduced in 1993, this could lead to increased incidences of the whip coming into contact with the horse in the incorrect place.

2.32 Overall, in order to make the Rules easier to adhere to and to address the perception issues stemming from the whip being used frequently at the end of the race,

there was widespread agreement from those consulted that whips should continue to be permitted to be used behind the saddle, but that the number of times the whip could be used in such a manner should be reduced.

2.33 Recommendations relating to any changes are made later in this Review.



Chapter Three

The Scientific Evidence Base

Scientific Evidence Base – Summary of Key Findings

- When used properly, the whip stimulates a horse and should not cause pain. Inappropriate use of the whip during a race may be counterproductive and may not produce a positive response from a horse. A horse in pain will not perform at its best and is likely to underperform.
- The effect of whip use must be viewed in the context of a horse's physiological state during a race. Controlled use of an energy absorbing whip during a race when a horse is in a physiological state of excitement is different to using a whip on a resting horse. Controlled use of a specific whip does not cause pain and should not be viewed in the same way as the effect on a resting horse.
- Jockeys have stated clearly that the whip is essential for safety, citing steering and rebalancing the horse as important uses. The role of the whip in motivating and focusing the horse to encourage it to perform to its potential is also seen as important.

Introduction

3.1 Whilst there is a strong scientific basis for many equine aspects of Racing, and an established discipline of animal welfare science, there are very few published scientific studies that address the use of the whip in Racing. References to these key studies are listed in Annex B. These studies cover different Racing disciplines (Flat and Jump) whip use in different countries (Japan, USA, Australia and Great Britain) and study whips that are not all of the same design as those currently used in Great Britain.

3.2 Only two such studies address links between the use of whips and performance; the remainder

look at links between the use of whips and the safety of jockeys and horses. There is little information on the specific assessment of welfare related to the use of whips during a race.

Horse welfare

3.3 Animal Welfare in Great Britain can be viewed from a number of perspectives. Within the last decade there has been a major public policy and political debate on animal welfare in the UK, resulting in new Animal Welfare Acts.^{7,8} The key concept of these Acts is that of avoiding unnecessary suffering in accordance with the current social and political environment. The Government has made it clear that it is appropriate for humans

to use animals for a variety of purposes, and [the legislation] sets out minimum standards for our behaviour towards those animals, but this is not an animal rights Bill.⁹

3.4 The Authority takes an Animal Welfare approach to considering its responsibilities on regulating the use of whips in Racing.¹⁰

3.5 There appear to be no specific studies that objectively and directly assess horse welfare in relation to the use of the whip in races. However, the issues that arise have recently been set out in the context of animal behavioural science, with reference to the British Rules of Racing, by McLean & McGreevy (2010). In general, animal welfare can be assessed by clinical assessment, physiological measurement and behavioural observations and studies, with varying degrees of objectivity and reliability.

Clinical Assessment

3.6 The Authority provides a Veterinary Officer at each race meeting. A key part of this role is the monitoring of horse welfare. Veterinary Officers assess whip use by viewing the horses at the end of the race, and work with the Stewards when any whip use that might place the horse's welfare at risk is identified during the race or on post-race video review. The primary method of assessment is clinical; examination and palpation of

7. <http://www.legislation.gov.uk/ukpga/2006/42/contents>

8. <http://www.legislation.gov.uk/ukpga/2006/41/contents>

9. <http://www.publications.parliament.uk/pa/ld200506/ldhanded/ld2005060419/aw/200419-04.htm>

10. <http://www.britishhorseracing.com/inside-horseracing/equine-welfare/>

the horse and observation of its response and its overall behaviour.

3.7 Out of (approximately) 90-100,000 runners each year, there are around 20 occasions where a horse is observed to have a weal. Medically a weal is described as circumscribed accumulation of fluid within the skin in response to a blow. Every such case is examined by a Veterinary Officer on two occasions. The Veterinary Officers look for signs of inflammation including discomfort or pain on examination and in the behavioural response of the horse. To date no such signs have been seen over the last three years.

3.8 Whilst the absence of such signs of suffering may initially be seen as surprising, it should be understood that there is a spectrum from physiological to pathological in the body's response in such a situation. The initial response of the body to a blow may simply be a small local accumulation of fluid in the tissues (oedema). In more severe cases this might progress to the activation of pain receptors, mediated in part by release of inflammatory chemicals i.e. a more pathological full inflammatory response.¹¹

3.9 One particular high profile case in 2008¹² led to the involvement of the Police following a request from animal rights campaigners. The horse affected had been assessed by the Authority's Veterinary Officer on the day, and by the RSPCA the following day. The Police evidence was presented to the Crown Prosecution Service, which deemed there was insufficient evidence to prosecute under the

Animal Welfare Act. However, the Authority took strong action against the jockey, with a three-month suspension for the wider impact of his actions.¹³

3.10 The Authority does not claim that these race day observations are definitive. They are, however, based on considerable clinical expertise. In any situation where the Authority considers that there may be a potential horse welfare concern (i.e. where weals are observed), expert veterinary assessments have to date not shown such concerns to be borne out.

Physiological aspects

3.11 There are a number of physiological measures that can be used to assess suffering. These include changes in heart and respiratory rate, signs of activation of the nervous system (for example increases in the level of stress hormones such as adrenaline), and activation of body responses such as natural opioids (endorphins).

3.12 Clearly all these changes are very similar to those seen as a result of exercise, especially peak exercise, and this in effect confounds attempts to use them to assess welfare during and immediately after a horse race. However, in the context of the clinical assessments carried out by the Veterinary Officers, where a second examination of any horse found to have a weal will take place as the horse comes back to a non-excited state; there have been no horse welfare concerns to date.

3.13 In raising concerns on the welfare aspects of whip use it

is often said it is wrong to hit a horse. This moral argument is absolute for some, including animal rights campaigners. However, an animal welfare approach (which is more widely accepted see Chapter One) should be balanced by an understanding of physiology and behaviour to assess animal welfare. For example, consider a person's responses to a cup of hot coffee. Any contact with the cup can have a range of responses across a spectrum, including from pleasant in response to moderate heat, to withdrawal without discomfort in response to a hot cup and finally to pain from contact (especially prolonged) with very hot water. Similarly, contact and pressure can have a similar range of behavioural responses, from the beneficial, through to unpleasant, to painful, depending on the stimulus, its intensity, and its duration. These responses are effected by a range of receptors, that produce a range of responses from making the body aware to producing a pain response (nociception). This local response must be transmitted to the brain and be noted for there to be any experience of pain.¹⁴

3.14 Clearly, not every local response is appreciated by the brain as painful. It depends on the type, duration and intensity of whatever is stimulating that response.¹⁵ Thus the effect of the use of a whip must be viewed in the context of the design of the whip, use within the race or not, where it was used on the horse, the force applied, how often it was used, the effect it has locally, and how, or if, pain is experienced by the horse.

11. Clinically, such acute inflammation is classically characterised by the combination of 5 cardinal signs: rubor (redness), calor (increased heat),

12. <http://www.thefreelibrary.com/Ahern+will+not+face+police+action>

13. <http://www.britishhorseracing.com/resources/about/whattwedo/disciplinary/disciplinaryDetail>.

3.15 There is also evidence from studies in humans that the appreciation of pain is altered (Koltyn 2000) during exercise, with increased pain thresholds and pain tolerances, especially to pressure stimuli. This study quotes results from animal research which seem to indicate that there are multiple analgesia systems involved, including opioid and non-opioid systems. Such findings, commonly known as sportsman's analgesia, if applicable to horses as they are to humans and other animals, would further confound assessment. These effects may be related to the intensity of exercise (Hoffman et al 2004) and racing is regarded as peak exercise for horses.

Behavioural studies

3.16 The use of behavioural techniques, as well as assessment of behaviour, is an important part of animal welfare science. Whilst these have been applied to many areas of training of horses in a variety of equestrian disciplines, these techniques have not (to the Authority's knowledge) been applied in published scientific studies that assess the use of whips in race conditions. However, the animal welfare science concepts that might be considered have recently been outlined and would serve as a basis for such work (McGreevy & McLean 2009). To date published studies that assess the effect of use of the whip have focused on safety, the running action of the horse and its performance.

3.17 Any such studies must take into account that the whip is being used within a race. This

is for the reasons described above (see earlier section on Physiological Aspects) and also because such studies must take the mental state of the horse during a race into account. Although horses do not have identical mental processes and the same degree of intelligence as humans, an emerging field in animal welfare science is the understanding of the effect of an animal's emotional or mental state on their welfare.¹⁶ A horse in a race is not in the same mental state as a horse at rest.

3.18 It is well recognised by anyone who has had contact with animals that an action or event that is unpleasant or painful is avoided at the time, and in the future, by the animal. Such a response is characterised as aversive in animal welfare science and can be a one off, but also a learned behaviour. The general observation of those involved in Racing is that, with very few exceptions, horses, both during a race and at other times, do not display overtly aversive behaviour towards the whips used in races and also that inappropriate use is counterproductive.

3.19 These observations are supported in animal welfare science by the approach known as operant conditioning which deals with the modification of voluntary behaviour.¹⁷ Here punishment (as used in this scientific context), can be counter-productive in that there are negative consequences, and the case of excessive whip use would therefore have a negative effect on control of the horse and its performance (McGreevy & McLean 2009). However,

it is possible, but not actually known, that whip use has an effect, through what is known as negative reinforcement. In this situation it has been suggested that the horse would learn that it responding to the use of a whip would result in whip use ceasing (Evans & McGreevy 2011). Whilst an aversive effect may be involved in both situations to varying degrees, the effects are very different. Negative reinforcement involves an increase in behaviour whereas punishment, usually associated with significant aversion to a greater stimulus, involves a decrease in behaviour.

3.20 It is also quite possible that responses to whip use are the result of other behavioural responses such as classical conditioning¹⁸ from training activities which link various forms of stimulus, that may include hands, heels, body movement, voice, whip use, to innate behaviours such as flight and herd instincts. Training of racehorses may consciously or unconsciously include a number of such conditioning and other techniques (McGreevy & McLean 2007).

3.21 The effects of particular whip design features and, in particular, the characteristic sound made by use of the whips as used in British Horseracing (a deliberate feature of their design) have not, to date, been explored. In terms of operant conditioning, if it is relevant, the sound made by the whip could be the reinforcing stimulus.

3.22 Overall it would seem unlikely that significant 'aversion' to

14. <http://www.link.vet.ed.ac.uk/animalpain/Pages/theories.htm>

15. <http://www.link.vet.ed.ac.uk/animalpain/Pages/theories.htm>

16. http://www.daff.gov.au/animal-plant-health/welfare/aaws/aaws_international_animal_welfare_conference/measuring_cognition_

17. http://en.wikipedia.org/wiki/Operant_conditioning

whip use is currently occurring as jockeys would find it counterproductive, and it is not known conclusively whether any response to whip use in a horse is an example of negative reinforcement. However, if the latter were the case, and in the context of the possible range of responses from sensation through local nociception to overt experienced pain it would reinforce the need for clearly defined limits on whip use to avoid punishment, which would be counterproductive, undesirable and also a risk to the welfare of the horse.

- 3.23 In conclusion, there is little scientific information available to definitively understand the behavioural effects or the welfare assessment of whip use in Racing. However, clinical assessment, the opinion of those consulted, and basic behavioural observations do not currently indicate that whip use in British Horseracing is (providing appropriate controls are enforced), inherently a welfare problem.

Effects on safety

- 3.24 In terms of safety, the Authority has been clear that Racing carries some risks to horses as well as jockeys. Jockeys themselves felt strongly that the whip must be available for safety. Contrastingly, one study (Parkin et al 2006) found that whip use is associated with greater risk of equine injury whilst another (Cohen et al 1997) found the opposite. One explanation might be that the former study focused on catastrophic injuries and the latter more on soft tissue injuries. Jockeys might

use the whip on horses whose performance is falling off due to imminent but unapparent catastrophic injuries, whereas the more insidious onset of soft tissue injuries might reduce whip use as performance falls off and the injury and resulting abnormal gait becomes apparent. One study from Japan has also noted a relatively high association of recent whip use with leg fracture but made no further analysis (Udea et al 1993).

- 3.25 There is one study on Jump racing in Great Britain (Pinchbeck et al 2004) that highlights increased risks of falling (which places jockeys and horses at risk of associated injuries) from whip use immediately before an obstacle is jumped and whilst a horse is progressing in position during the race. This may be due to increased speed and/or the horse being unbalanced by whip use.
- 3.26 In conclusion there is limited scientific information available on the risks to jockey and horse safety from whip use. Jockeys have stated very clearly to the Review Group that in their view they must carry a whip for safety purposes, citing steering and rebalancing the horse as important uses. The scientific studies that are available should be integrated into the training programme for jockeys (see Jockey Training Implications).

Effects on performance

- 3.27 There appear to be currently just two published studies in this area. One found no effect on velocity resulting from whip use, but increased stride frequency,

Implications of animal welfare science on the controls on whip use

Whilst it is possible that responses to whip use are the result of classical conditioning, especially if the basis for an acceptable effect of the use of the whip is negative reinforcement, this would emphasise the need for full compliance with the current requirements regarding acceptable use of the whip.

These requirements are that:

- Whip use must be justified in the context of the race e.g. purely for safety reasons or to encourage the horse to perform at its best providing it is still in contention and able to respond.
- There should be adequate time for the horse to respond (avoiding too rapid consecutive use).
- The stimulus applied must be controlled (avoiding excessive force, using the whip in the correct place on the horse and limiting frequency of use).

Whilst it should be emphasised that there is currently a speculative element to such application of animal welfare science to the use of a whip in a race, the Review Group believes, having considered existing scientific evidence, that the Rules are soundly based on the current state of knowledge. This leads to the need for clear controls and full compliance with these controls (including use of a whip of an appropriate design). Such controls are necessary to manage the risk to horse welfare.

changed forelimb timing patterns and decreased stride length after use of a whip (Deuel & Lawrence 1988). The applicability of the study may be limited, as an American design of riding crop in use at that time was used and carried out using four Quarter horses (a different breed of racehorse bred to sprint short distances ranging from 220 to 870 yards on dirt track surfaces).

3.28 More recently another study (Evans & McGreevy 2011), using the same whips as used in Flat racing in Great Britain, focused on assessing if there was any increase in velocity, especially at the finishing part of the race. This study found no significant change in velocity in the final 400 metres of a race. The applicability of this study to the British situation may be limited because it was in Australian flat races where unlimited frequency of whip use is allowed in the final 100 metres. This study has been criticised scientifically for its small sample size (48 horses in 5 races of 1200-1250 metres) and the use of statistical models that provide a relatively limited explanation of the published outcomes. These limitations are probably inevitable because of the unrestricted whip use in the last section of Australian races, such that large enough differences (between amounts of whip use) were not present to be measured and because of the use of sectional rather than real times (such that any small time differences would not be measurable). The restrictions on frequency of whip use in Great Britain, and the use of real time measurement, with a larger number of observations, might provide the context for a further study that would deliver greater clarity.

3.29 Unfortunately, the manner in which RSPCA Australia, which funded the aforementioned study, went on to state definitively that its results will help end the debate over whether there is a place for whipping in the future of Australian Thoroughbred Racing¹⁹ is not helpful. It is likely to have closed the door to further cooperative work in that area that would have clarified the results of such a limited pilot study. This episode illustrates the importance of constructive relationships between welfare organisations and Racing Authorities to ensure horse welfare policies have a firm basis in science.

3.30 In conclusion there is limited information available to provide clarity from a scientific perspective on the effects of the whip on performance. Generally, when asked, jockeys are clear that the whip is needed for safety and as an aid to horsemanship to motivate and focus the horse. The public opinion research undertaken as part of this Review (see Chapter Five) found that a very common public perception was that whip use was primarily to make horses go faster, with 80-90% of those asked giving this as the reason they believe the whip is used.²⁰

Jockey Training Implications

3.31 An important part of jockey training should be to emphasise that one of several possible reasons for failure to respond to whip use, where performance is declining, may be a sign of injury or imminent injuries, and jockeys should take this into account as an important safety factor for the horse and themselves.

3.32 Furthermore, as use of a whip may unbalance the horse, and may increase speed, there should be particular care in use before an obstacle, especially if the horse is progressing, so as to avoid increased risk of falls. It should also be recognised, however, that experienced jockeys say that whip use, because it can change stride length and affect the balance of the horse, is important during Jump racing for safe and effective jumping.

3.33 Finally, current understanding of animal behaviour should be emphasised, such that the underlying basis of allowing a horse to respond, and the counterproductive nature of excessive or improper use of a whip, are understood.

3.34 A list of key scientific studies of relevance to the above Chapter can be found in Annex B of this document.

3.35 Recommendation 3: Whilst current scientific evidence broadly supports the continued use of the whip in Racing providing strict controls are enforced further research is needed and the Authority should continue to support investigations in this field.



Chapter Four

The Whip: Energy Absorbing Design

The evolution of the whip

4.1 The current design of the energy absorbing whip was developed by a Jockey Club panel, with input from the RSPCA, and is produced by manufacturers Old Mill Whips of Carrickfergus, Northern Ireland. The cushioned concept, more accurately described in terms of materials science as energy absorbing, was initially instigated by Jim Mahon²¹, an Irish horseman who devoted many years of his life to producing a pain-free whip. This whip was introduced in 2004 for Jump racing and in 2007 for Flat racing.

4.2 The success of this approach has been demonstrated by the widespread international adoption of the principle of energy absorbing whips in Racing and other equine sports. However,

further work is now required to better understand the whip used in British Horseracing.

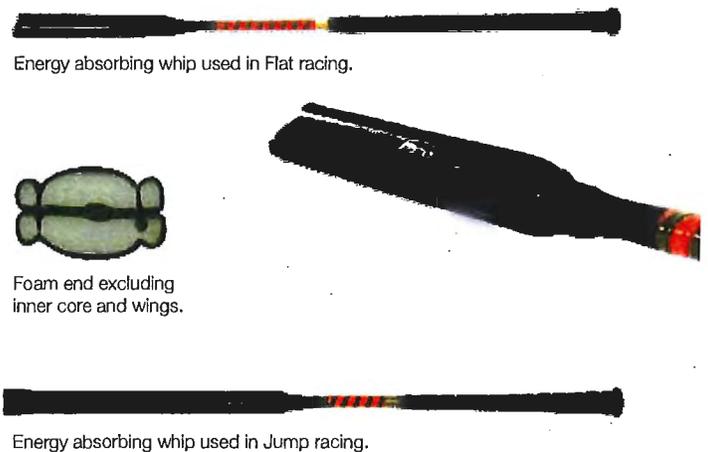
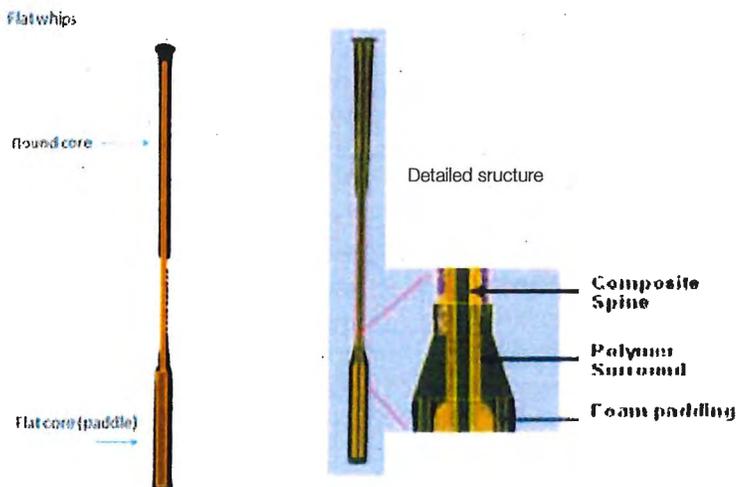
4.3 The energy absorbing whip was developed empirically, using the experience of horsemen and whip manufacturers. To develop the design further the Authority is funding research, together with the RSPCA and World Horse Welfare, into the function of the materials used in the current design of whip. This basic scientific research, at the Faculty of Engineering, University of Nottingham, has also been aided by information on use by the introduction of an identifier microchip (the same as used to identify horses) that has allowed (through linking individual whips to jockeys) calculation of the number of races in which the whip has

been used to be assessed in relation to any changes in the whip materials.

4.4 This work includes the characterisation of structure, flexibility and energy absorption of the whip and the assessment of these under differing environmental conditions, in the context of the requirements for whip performance. The research plan is intended to characterise the foam energy absorber and composite spine of the whip and specifically:

- a) To measure compression properties of the foam at static and dynamic rates of loading and establish stress levels causing permanent deformation and loss of energy absorption capacity.
- b) To measure the effects of repeated loading (i.e. fatigue),

Overall appearance and structure.



- duration of loading, loading magnitude and temperature of this permanent deformation and loss of energy absorption capacity.
- c) To measure the bending flexibility and strength of the composite spines and relate to deformations in use.
 - d) Based on the above spine strength and deformations, undertake fatigue calculations to assess fatigue life of the composites spines i.e. durability.
 - e) To assess the fitness for purpose of the composite spines and foam materials based on the above characterisation results and, if necessary, propose alternative material solutions.
- 4.5 The foam surrounding the part of the whip that makes contact with the horse should have energy absorbing characteristics and these should be maintained over the lifetime of the whip. The research to date has indicated that the foam material does have the type of energy absorbing characteristics that are required, and that these do not significantly deteriorate over the likely lifespan of the whip. However, the actual force applied during the use of whips in races is still not known, although work has been done to gather the data to estimate this. If the forces applied during such actual use are higher than those used in laboratory testing then these initial conclusions may have to be reassessed.
- 4.6 It is also important to note that the research to date has not compared the actual force applied during a race to the energy absorbing capacity of the foam, and so no conclusions can be drawn as to whether the amount of foam in the current specification can be judged as suitable for the function required. This research has now been commissioned (see below).
- 4.7 The structural strength of whips has been an issue in actual use, with reports of premature breakage of the whip. The laboratory testing and calculations based on the characteristics of the material may indicate a dilemma in specifying the material. On the one hand a flexible (i.e. less stiff) whip may be needed for its function. On the other hand it may be that this flexibility comes at the cost of inadequate strength, especially if higher loadings occur in actual use.
- 4.8 In addition, as larger voids are occasionally seen in the spine, this may be a contributing factor to premature breakage. Therefore one of the key next steps in this research programme is to measure the actual bending of the whip in use, and then assess if it may indicate that the whips are at or near their design strength.
- 4.9 These are preliminary findings, based on calculations and laboratory investigations and the work is continuing. In addition to the tests conducted on the foam, which were quasi-static at ambient temperature, it is intended to test at reduced and elevated temperature and to test the foam under dynamic rates of loading. Put simply, the energy absorbing foam may function differently at low or high ambient temperatures, and this may affect its capacity to absorb energy and so protect the horse.
- 4.10 At present there is no evidence that racing whips do wear (have reduced ability to absorb energy) during normal use and over their lifetime. It will be important to understand this finding in the context of the actual load on the whips in use.
- 4.11 There is evidence that, if actual loads on whips in use are at a higher level, then the whips may be at or near their design strength and also those occasional larger voids in the spine might be a cause of the occasional premature whip failure.
- Planned studies on use of whips**
- 4.12 At present there is no objective information on how types or styles of whip use affect its function or might affect horse welfare. From the information above (see Research on Structure and Function) it is clear that the functional properties of the current design of whip, as used in British Horseracing, must be placed in the context of the actual use of the whip, where it is used and the loads that are applied.
- 4.13 Such information is also important as some of those we consulted had views on how and where the whip should be used; one point of view being the whip should only be held in the backhand when used on the rear quarters of the horse. The rationale for this is that holding in the backhand (as compared to the forehand), will serve to limit the possible forces that are able to be applied. However, other consultees raised concerns that restrictions on use to the



backhand may increase the risk that the horse may be hit in the wrong place; for example, the point of the stifle joint.

- 4.14 The Authority has therefore commissioned research that will address whether it is possible, using high speed video, to track and assess various possible whip actions by jockeys. This will be done on a race riding simulator at a racing school. Furthermore, this initial study will also assess whether it is possible to correlate these various whip actions with the force actually applied. The ultimate purpose of these studies, which may require further studies once the initial findings are assessed, is to ensure regulatory policy on how whips are used is based on objective data.

International Standardisation

- 4.15 Clearly the type of whip used in some other equestrian activities, which could, for example, be a very flexible and long 5mm round and unpadding whip is very different (in that the forces applied and the risks of injury are greater) from the 25mm wide, almost flat and foam packed whip used in British Horseracing. However, there is a danger that even superficially similar energy absorbing whips do not have the same functional characteristics.

- 4.16 The Authority is involved with an international collaboration with the United States Jockey Club. Initial calculations on the possible forces applied by superficially similar energy

absorbing whips (Peterson, 7-31 personal communication) have shown possible significant differences in forces that could be applied between some of the whips used in North America as compared to those used in Great Britain. The United States Jockey Club and the Authority share the concern that the function, as well as the form, of energy absorbing whips should be standardised. The United States Jockey Club is funding the development of objective standardised functional testing specifications and equipment. This will enable the ongoing objective assessment of whips of different designs and manufacture against a desired design specification.

- 4.17 This work by the United States Jockey Club is being coordinated with the Authority's work, such that it may contribute towards a possible international performance standard for energy absorbing whips used in Racing.

4.18 Recommendation 4: The Authority should continue to support research into the design of the whip and incorporate any future technological innovations into British Horseracing as appropriate if it is felt that equine welfare could be enhanced.

Chapter Five

Public Opinion Research

Background

5.1 The Review Group considered the role of public opinion and perception about use of the whip as part of its work. Many of those consulted by the Review Group were of the opinion that there is a perception issue about use of the whip that should be fully considered and addressed accordingly.

5.2 The Authority, along with all those involved in Racing, has a responsibility to protect the public image of the sport. Accordingly, to ensure that the Review Group was able to acquire a comprehensive understanding of the public perception of the use of the whip in Racing, the Authority commissioned a leading sports research agency, SMG/YouGov, to undertake in-depth public opinion research. Upon completion, the results, which are attached at Annex E, were presented to the Review Group for its consideration.

5.3 As far as the Authority can ascertain, no research on the public's perception of the use of the whip in equine disciplines, and particularly Racing, has ever been undertaken, either by the Authority's predecessors or any other equestrian governing body.

Objectives

5.4 The objectives of this research were to:

- a) Clearly gauge the full spectrum of views on whether the use of the whip in Racing is perceived to be cruel, and to quantify the extent to which people's views differ depending on their understanding of why the whip is used.
- b) Fully understand these views by measuring the level of understanding of the purpose of the whip and the acceptability of the use of the whip in different circumstances.
- c) Understand the public's views on the current sanctions applied when the whip Rules are contravened and what the impact of potential changes could be on interest levels, event attendance and betting levels.
- d) Attain a broader understanding of views on the use of animals in sport, safety in Racing and awareness of animal rights groups.

Method

5.5 The research was conducted using an online interview administered to members of the SMG/YouGov GB panel of 300,000+ individuals who have agreed to take part in surveys. An email was sent to panellists selected at random from the base sample, inviting them to take part in the survey and providing them with a link.

Summary by SMG/YouGov of public opinion research

- A large proportion of the population – particularly those with no interest in horseracing, and females – instinctively disagree with the use of the whip and think current penalties are too lenient.
- However, a fair number of those in disagreement have a flawed understanding of both when during a race the whip is allowed to be used, and the full range of safety reasons for which the whip is present.
- Whilst some in disagreement are very unlikely to change their views no matter what, a substantial number would be open to changing their views – changes to current practices most likely to encourage this were found to be:
 - Withholding of the offending jockey's riding fee and any prize money percentage;
 - Longer bans for offenders;
 - If revised rules were endorsed by welfare organisations.

5.6 The sample consisted of 2,071 respondents and all results were weighted to accurately reflect the total population of Great Britain.

5.7 The general areas of questioning were sketched by the Authority. However, the questions themselves were drafted by SMG/YouGov in order to ensure they were balanced and impartial. Fieldwork took place in July 2011.

Key Findings

5.8 When asked for their instinctive views on the use of the whip in Racing, 57% of all respondents said they strongly or somewhat agreed it should be banned completely, with women significantly more likely than men to say this (68% vs 45%).

5.9 The Review Group considers this to be an understandable instinctive response from members of the public concerned about the idea of any animal being hit. However, it is important to note that this question was asked without any further information being provided to respondents about how and why

the whip is used, what constitutes acceptable use, the whip design or penalties.

5.10 The research found there to be a significant level of misunderstanding amongst respondents as to both when the whip is allowed to be used during a race, and the full range of safety reasons for which the whip is present.

5.11 An explanation of why the whip is used and the pain free nature of its design was provided to respondents after they had been asked for their instinctive views. After being provided with this information a significant number of respondents changed their minds regarding use of the whip. Following the explanation, 33% (down from 57% as above) of respondents now felt that they disagreed with the continued use of the whip.

5.12 Additionally, 58% of all respondents strongly or somewhat agreed that recreational riders should be banned from carrying a whip.

5.13 Around a quarter of people in GB found the use of animals in sport very or somewhat unacceptable. Those who are vegetarians, vegans or non-meat eaters were particularly likely to feel this way while women were more likely than men to think this. However, only 14% of the population strongly or somewhat agreed that all horseracing should be banned outright.

5.14 Almost a fifth of people in the GB are very or fairly interested in horseracing.

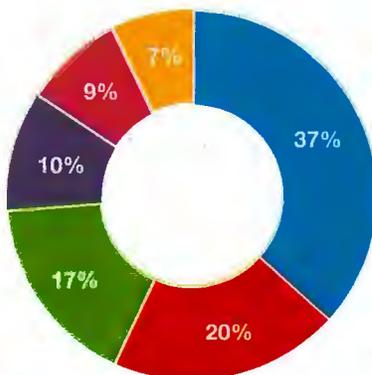
Views on penalties

5.15 47% of Racing followers and 64% of non-followers thought current penalties are much or a little too lenient.

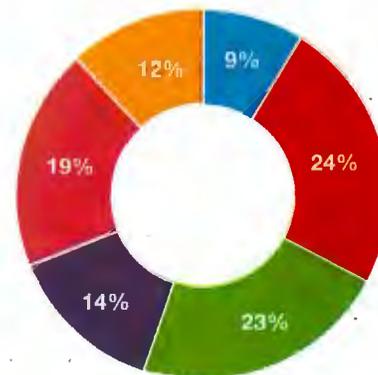
5.16 A number of potential changes to current penalties were listed and respondents were asked which would be more suitable. With 56% backing it, the withholding of the offending jockey's riding fee and any prize money won by the jockey would be the most popular penalty.

Views on the whip
 When initially asked their views on the whip in horseracing, 57% said they strongly or somewhat agreed it should be banned completely. However, after an explanation of the pain free nature of the whip, only 33% strongly or somewhat disagreed with the use of the whip.

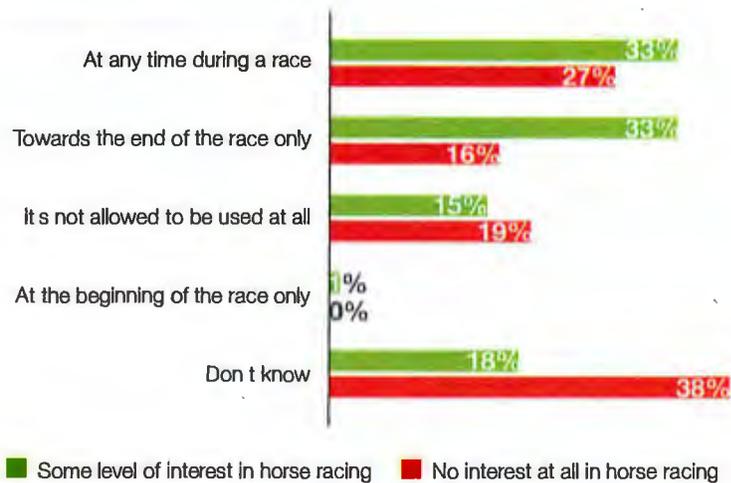
BEFORE EXPLANATION (Q7)



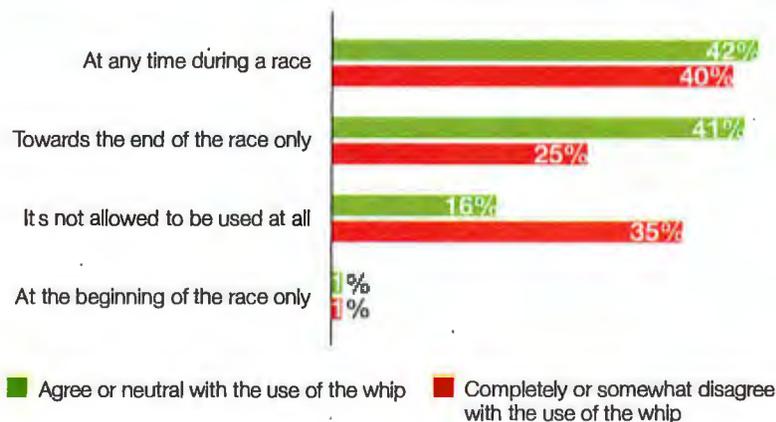
AFTER EXPLANATION (Q13)



There is a general lack of understanding amongst those both interested and not interested in horseracing as to when during a race the whip is allowed to be used



More significantly, of those that completely disagreed with the use of the whip (after the pain free nature was explained), 35% believe it is not allowed to be used at any point during a race, indicating their views may be based on a high level of misunderstanding



overall. This would also make 41% of those who disagree with the use of the whip more likely to be more accepting of it.

5.17 In addition, those disagreeing with the use of the whip also believed there should be longer bans generally (62% said this) while those who agreed with or were neutral towards the whip would like to see longer bans for

repeat offenders rather than first time offenders (63%).

5.18 Just 17% of those with an interest in Racing favoured the horse and jockey being disqualified in the case of a whip offence. It was also the least popular option for those who completely or somewhat

disagreed with the use of the whip (29%) and for those with no interest in Racing (26%).

- 5.19 If revised Rules were endorsed by welfare organisations, 42% of all those who disagreed with the use of the whip would be more likely to be accepting of the whip (52% of those with some level of interest, 35% of those with no level of interest).
- 5.20 If prize money was withheld from jockeys in breach of the whip Rules, 40% of all those who disagreed with the use of the whip would be more likely to be accepting of the whip (50% of those with some level of interest, 34% of those with no level of interest)

Possible changes and the impact on future behaviour

- 5.21 Respondents who had not attended a race meeting within the previous 12 months were asked how much more or less likely they would be to attend a meeting in future if certain changes were made.
- 5.22 10% (11% of those with some interest in Racing, 10% of those with no interest in Racing) said that banning the use of the whip completely would make them much more or somewhat more likely to attend in future.
- 5.23 10% (12% of those with some interest in Racing, 7% of those with no interest in Racing), said that withholding prize money from jockeys who have breached the whip Rules would make them much more or somewhat more likely to attend in future.



5.24 9% (11% of those with some interest in Racing, 6% of those with no interest in Racing) said that the revised Rules and penalties relating to acceptable whip use in horseracing being endorsed or supported by welfare organisations would make them much more or somewhat more likely to attend in future.

5.25 Disqualifying a horse ridden by a jockey that had breached the whip Rules was the only possible change that would make those that have placed a bet on Racing during the last twelve months less likely overall to bet on Racing again.

Summary and conclusions

5.26 The public opinion research confirmed that there is a perception issue in relation to the use of the whip, not just in Racing but also with leisure riders carrying a whip.

5.27 Wider acceptance of whip use in Racing is clearly conditional

on the understanding that the design of the whip and control of its use avoid compromising horse welfare.

5.28 There is a significant level of misunderstanding regarding both when and how often during a race the whip is allowed to be used, and the safety considerations necessitating its use.

5.29 The opinion research supported a number of significant changes to the existing penalty structure in order to help address views on the acceptability of the use of the whip in Racing.

5.30 Banning the use of the whip in Racing is no more likely overall to make people much more or somewhat more likely to attend in future than withholding prize money from jockeys and only marginally more likely than if the revised Rules and penalties were endorsed by recognised welfare organisations.

5.31 Better communication explaining why the whip is used, outlining the background to its design and the Rules and penalties for breaching those Rules will reduce the number of those fundamentally against the use of the whip.

5.32 The public opinion research conducted by SMG/YouGov confirms the importance of Racing maintaining a constructive and critical relationship with animal welfare organisations.

5.33 Recommendation 5: The Authority should widely publish the results of this Review and take other steps to try to maximise understanding of the use of the whip within Racing.

5.34 Recommendation 6: The Authority should commission future public opinion research in order to keep track of the views of the public regarding the use of the whip.

Chapter Six

The Penalty System

The current rules

- 6.1 This Review has considered fully the Authority's current penalty structure around the use of the whip in Racing.
- 6.2 The Rules empower the Stewards (and in certain circumstances, the Disciplinary Panel) to penalise jockeys who are found to have committed a breach of the whip Rules. If a jockey is found in breach of the whip Rules, the suggested penalties in the Guide commence with a caution for bottom-end contraventions of the majority of whip Rules.
- 6.3 Exceptions apply where a report is made by the Veterinary Officer of a horse being wealed, where the horse has been hit in the incorrect place, or where the whip has been used in annoyance by the jockey. In these three excepted circumstances it is recommended that the jockeys be penalised through a suspension, with the recommended entry point in line with the severity of the breach. As the degree of a contravention of the Rules escalates, so do the penalties imposed through increasing periods of suspension.
- 6.4 Despite assertions from animal rights groups²², who have linked these breaches to welfare problems, it should be clarified that these are in essence breaches of the arbitrary limits set to control whip use. However, the Review Group recognises that such continued and relatively numerous breaches must not be allowed to be ongoing.
- 6.5 The Guide does not suggest consideration be given to imposing fines, in any form, on jockeys who breach the whip Rules.
- 6.6 Therefore, any changes to the penalty structure to be applied for breaches of the whip Rules will have to bring about behavioural change in the way jockeys use the whip for the changes to be deemed a success.
- 6.9 One issue raised by jockeys during the consultation was the need for clarity in the Rules and their implementation. In particular, a clear definition should be given of what constitutes use of the whip, such that the penalties relating to the number of uses are unambiguous.
- 6.6 The Review Group is clear that in order to incentivise jockeys to comply with the Rules there needs to be in place a robust penalty structure. This must contain a sufficient deterrent component so that it is not worthwhile for the Rules to be breached. It is acknowledged that no matter what penalties are in place it is not possible to ensure 100% compliance. However, the Review Group considers that a range of measures could be taken to achieve long term behavioural change amongst jockeys.
- 6.7 The Review Group considers that the penalties currently applied to breaches of the whip Rules do not sufficiently deter jockeys from breaking the whip Rules. This is clearly demonstrated by there being in excess of 800 breaches of the whip Rules per year since 2008, the highest being 2009 with 959 breaches of which 252 were penalised by a caution.
- 6.10 Some mention has been made that the most effective form of penalty to deter jockeys from breaching the whip Rules would be to disqualify any horse ridden in contravention of the whip Rules. Proposals supporting disqualification have focused primarily on the winning horse at the top end of the sport.
- 6.11 The Rules are constructed so that those who breach them are penalised. If any person is found to be a party to a breach of the Rules by any other person, then they too may be penalised. The Review Group believes the manner in which the Rules are constructed is correct. In relation to the whip Rules, the Review Group does not believe it is appropriate to penalise persons that have not been either directly responsible

Achieving behavioural change

Disqualification

for, or party to, the breach. To disqualify a horse which is ridden contrary to whip Rules would affect not only its jockey but also the horse's owner, trainer, the stable staff who care for the horse, and any person who has backed the horse to win or be placed.

- 6.12 Disqualification under these circumstances does pose the possibility that a horse may be ridden intentionally in contravention of the whip Rules to bring about its disqualification, thus giving rise to integrity concerns. Further, if introduced, disqualification would have to be applied to all horses in the race. This would mean that the Stewards would have to review the riding of each horse prior to issuing the 'weighed-in' signal for a race.
- 6.13 Even if that approach were to be adapted for the purposes of the betting, it would mean clearing the riding of all horses finishing in a 'placed' position for such purposes. In races with large fields this could mean horses finishing down to fifth or even sixth position. Stewards would have to review not only the closing stages of the race but the entire race, including races run over distances greater than three miles, so as to ensure the horses concerned are ridden in accordance with the whip Rules, all prior to issue of the weighed-in signal. A further delay could occur while the Stewards await confirmation from the Veterinary Officer that there are no reports determining a horse to have been wealed or injured by the whip in the race. These issues give rise to serious implications for the conduct of a race meeting.

Disqualification of the horse versus loss of licence by jockey

A significant minority view from our consultations suggested disqualification of the horse following a whip offence would be the only way to bring a change in behaviour. Whilst disqualification has the initial superficial attraction of simplicity and effectiveness, our considered Review did not support this approach.

It is also of note that public opinion research rated disqualification of the horse as one of the least favoured options. The Review's clear conclusion is that ongoing whip offences that continue despite disciplinary action and remedial training should, and will, result in the Authority exercising its powers to consider a jockey's suitability to be licensed to ride in Great Britain.

The proposed penalty system

- 6.14 The Review Group accepts the majority view of those consulted that the current penalty structure is deficient, and that the 'totting up' protocol currently in place for whip offences is ineffective.
- 6.15 The protocol is triggered if a jockey is found to have committed a riding offence involving misuse of the whip which warrants a suspension, and that jockey has already been suspended from riding for a total of 20 days or more for misuse of the whip within the previous six months. The protocol directs that the jockey is referred to the Disciplinary Panel who will usually impose a suspension of between 10 and 28 days with an entry point of 14 days for the accumulation of days suspended plus a period of suspension for the offence which triggered the protocol.
- 6.16 Attached at Annex C is the Review Group's proposed

amendments to penalties to be applied for breaches of the whip Rules. Set out in this manner, clarity is provided on what constitutes a breach of the whip Rules and on what penalties apply.

Recommendations

- 6.17 The Review Group has set forward a number of recommendations which focus on achieving behavioural change amongst jockeys.

6.18 Recommendation 7: That any ambiguity within the penalty structure be removed by considering that use of the whip with the jockey's whip hand off the reins be considered as a hit regardless of how, where, or with what force the whip is used on the horse.

6.19 Recommendation 8: That the practice of issuing cautions for breaches of the whip Rules be discontinued. This is intended to bring about greater

compliance with the Rules by jockeys.

6.20 Recommendation 9: That the entry point for all whip offences be increased significantly, together with increasing the additional component by which the Stewards arrive at what they believe to be the appropriate penalty for an offence.

6.21 Recommendation 10: That the current totting up protocol be discontinued for suspensions arising out of the breaches of the whip Rules, and that in its place the Stewards consider a jockey's prior disciplinary record for whip offences within a rolling twelve month period in imposing incremental penalties for the current offence. This will lead to a jockey who is a repeat offender being referred to the Disciplinary Panel at a much earlier stage.

6.22 Schedule (B) 1 Paragraph 8 of the Rules states that a riding suspension of four days or less imposed on a professional jockey, including those imposed for whip offences, will not be effective on any days where Group 1 or Grade 1 races are programmed to take place in Great Britain, unless the jockey makes a request that this provision should not apply to him or her. Schedule (B)1 Paragraph 11 of the Rules set out the equivalent provision for Amateur Riders.

6.23 Whilst Annex C shows a significant number of proposed amended penalties that have a starting point of a five day suspension, (therefore being outside the provisions of

Schedule(B)1 Paragraphs 8 and 11), it also shows a number of offences which could result in a suspension of four days or less being applied. The Review Group consider that having Group 1 and Grade 1 races excluded from days on which these suspensions ought to apply significantly weakens the deterrent component of the whip Rules. If a jockey breaches the whip Rules, not being able to ride in Group 1 or Grade 1 races, which are the highest level and most prestigious races in our sport, should lead to greater compliance with the proposed whip Rules.

6.24 Recommendation 11: That the riding suspensions imposed on jockeys for breaching the whip Rules be effective on the days on which they are due to be served regardless of whether or not Group 1 or Grade 1 races are scheduled to be run.

6.25 As previously stated, sanction under the Rules is usually applied to those who contravene the Rules. The Review Group has set out those who would be affected if horses which were ridden in contravention of the whip Rules were to be disqualified.

6.26 Regardless of the circumstances, including any specific riding instructions on the use of the whip, it is the jockey who carries and uses the whip in the race. If a jockey contravenes the whip Rules the responsibility for doing so should rest solely with that jockey. It is therefore open for consideration that the jockey should not derive financial benefit from a race in which he

or she has contravened the whip Rules and incurred a suspension of three days or more.

6.27 Recommendation 12: Where a jockey is found to have contravened the Rules through their use of the whip during a race and such contravention results in a suspension of three days or more, before previous offences are taken into account, that jockey will forfeit any monies that they would otherwise have been entitled to under the Rules. This should apply not only to the jockey's share of the total prize fund, but also to the riding fee due for having ridden in the race.

6.28 Recommendation 13: In the case of the jockey being an Apprentice Jockey or Conditional Jockey whose employer is normally entitled to a share of the jockey's earnings, the employer shall also forfeit any monies payable from the jockey's earnings as they would otherwise have been entitled to under the Rules.

6.29 When, during the consultation process, the Review Group discussed with others the proposal for jockeys to forfeit their earnings as set out above, it was mentioned several times that the effectiveness of the proposal may be brought into question through owners paying or reimbursing the jockey the amount forfeited.

6.30 Recommendation 14: That a Rule be implemented to make it an offence for an owner to compensate, or instruct another person to compensate, any jockey for any earnings forfeited

as a result of breaching the whip Rules.

6.31 As amateur jockeys do not derive an income from race riding, the proposal for jockeys to forfeit their earnings as set out above cannot be applied to them. When considering appropriate penalties to be applied to amateur jockeys who contravene the whip Rules, the Review Group decided that the same (increased) level of suspensions that apply to professional jockeys ought to apply.

6.32 Recommendation 15: The Authority should incorporate current understanding of animal welfare, behavioural and other science into jockey training to ensure whip use is acceptable and not counterproductive and also make greater use of remedial training for jockeys, not just amateurs, who are identified to have deficiencies in their riding, including the use of the whip.

6.33 In order for remedial training to be effective the relevant triggers of when and in what circumstances a jockey should be sent for remedial training need to be identified. Amateur jockeys do not derive an income from race riding and the majority have other employment which may not necessarily be within Racing.

6.34 If an amateur jockey were required to undergo remedial training they would be required to do so at a time and place designated by the Authority. This no doubt would be a considerable inconvenience to them and would require time away from their other employment. The requirement

is to have those who have been identified as needing remedial training to either fully fund or part fund the cost of such training. This would have an added financial deterrent on amateur jockeys breaching the whip Rules. Remedial training is covered later in the report.

Impact on Point to Point Racing

6.35 The Authority, which regulates the sport of Point to Point Racing, has discussed the findings of its review with the Point to Point Authority, which governs this branch of the sport of Racing. The Point to Point Authority will work with the Authority to introduce any approved recommendations contained in this report, adapted where need be for their sport, as soon as reasonably possible.

Jockey licensing

6.36 The Rules provide for the Authority to determine all matters relating to the licensing of persons under the Rules, including the issue, renewal, suspension and withdrawal of licences. A person may not ride in any race run under Rules unless they are the holder of a jockey licence or amateur rider permit granted by the Authority, or are the holder of a licence issued by a recognised Racing Authority.

6.37 Being granted a jockey's licence or amateur rider's permit, and therefore permission to ride in races, is a privilege and not an automatic right.

6.38 Types of Jockeys Licences:

- a) A licence to allow the holder to ride in Flat races;

- b) A licence to allow the holder to ride in Steeplechases, Hurdle races or National Hunt Flat races;
- c) An Apprentice Jockey's licence to allow the holder to ride in Flat races;
- d) A Conditional Jockey's licence to allow the holder to ride in Steeplechases, Hurdle races, and National Hunt Flat races.

6.39 Types of Amateur Riders' Permits:

- a) A Category A Amateur Rider's permit to allow the holder to ride in Flat races, Steeplechases or Hurdle races which are confined to amateur riders;
- b) A Category B Amateur Rider's permit to allow the holder to ride in Flat races confined to amateur riders, Steeplechases or Hurdle races which are not confined to Professional riders, and National Hunt Flat races.

6.40 Prior to being granted an initial licence any Apprentice Jockey, Conditional Jockey, or Amateur Rider is required to have satisfactorily completed initial training and assessment at an approved training provider. This training is known as the Licence Course. Any subsequent renewal of an Apprentice Jockey or Conditional Jockey licence is, in part, subject to the licensee having satisfactorily completed any continued training as set out by the Authority. The details of the training required to be undertaken are covered elsewhere in this report.

6.41 Currently when an Apprentice Jockey or Conditional Jockey licensed by an overseas Racing jurisdiction transfers permanently to Great Britain they are not required to undertake training

prior to being licensed. After being licensed by the Authority the jockey is then required to undertake training when an appropriate course for his or her relative experience becomes available. This system creates an interval between being licensed by the Authority and undertaking any jockey training in Great Britain. It is recognised that different jurisdictions provide different training for young jockeys and that the training provided focuses on the Rules, including whip Rules, of the Racing jurisdiction providing the training. It is important that any young jockey transferring permanently to Great Britain is properly aware of the Rules, including the interpretation and application of the whip Rules. This is only fair to the young jockey.

6.42 Recommendation 16: That any Apprentice Jockey or Conditional Jockey, regardless of their experience, transferring permanently to Great Britain from an overseas Racing jurisdiction be required to undergo training at the Authority's approved training providers prior to being licensed by the Authority.

6.43 The granting of any licence or any subsequent renewal of a licence is at the discretion of the Authority. If any person, including a jockey, is considered not suitable to be licensed, the Authority has the power not to issue or renew a licence. When determining if any existing licence ought to be renewed the Authority, amongst other things, gives consideration to the applicant's disciplinary record. Each jockey's disciplinary record includes any action taken

against them under the Rules, including any whip related breaches.

6.44 The Review Group accepts the holding of a licence to ride in races is a privilege and not an automatic right. The onus falls on the jockey to display that they are suitable to have that privilege extended to them. If a jockey continues to breach the whip Rules, it is indicative that the jockey has no regard for the Authority's accepted correct and responsible use of the whip, and therefore the welfare of the horse.

6.45 Recommendation 17: That any jockey who has been referred to, and found to be in breach by, the Disciplinary Panel for whip related offences on three occasions should be required to show cause to the Authority as to why any application for a further licence ought be granted.

6.46 As stated previously, if a jockey or amateur rider is the holder of a licence issued by an overseas Racing jurisdiction they are permitted to ride in races in Great Britain, provided they satisfy the Authority they are not suspended or otherwise ineligible to compete. In general this practice works satisfactorily, however it is possible that a jockey may frequently breach the Rules, including the whip Rules, when riding in Great Britain although they do not ride here regularly. In such cases the frequency with which they commit riding offences while riding in Great Britain is not apparent and may not be caught by the proposed new penalty structure.

6.47 Recommendation 18: That the Authority put in place a system which will enable it to identify visiting jockeys whose disciplinary record, when riding in Great Britain, is of such concern that consideration of extending the privilege to that jockey of riding in Great Britain should be withdrawn.



Chapter Seven

Jockey Training

Initial training

- 7.1 Any young person embarking on a career as a jockey in Great Britain is required to satisfactorily complete the training courses approved by the Authority. In this role the Authority directs the primary curriculum and attendance requirements.
- 7.2 Jockey training is carried out at the British Racing School and the Northern Racing College, both of which are accepted by the Authority as training providers. There is also a requirement on the employer of any Apprentice Jockey or Conditional Jockey to provide them with advice and on the job training on all aspects of being a jockey.
- 7.3 The training provided to Apprentice Jockeys, Conditional Jockeys, and Category B Amateur Riders prior to any initial licence being granted is conducted by way of a four and a half day course and is aimed at ensuring the jockey has the necessary competence in race riding to be able to compete safely and within the Rules. This includes understanding the Rules relating to acceptable whip use and the correct technique for using the whip. The theoretical aspects of acceptable whip use are delivered in classroom sessions while the practical aspects are taught using horse simulators.
- 7.4 The importance of safeguarding the welfare of the horse is emphasised in this training. At

the Northern Racing School the Racing Consultant for the RSPCA delivers a talk to the jockeys during their initial training. World Horse Welfare has also expressed, to the Review Group, a keen interest in playing an active role in jockey training.

- 7.5 Training of Category A Amateur Riders is delivered through a one day classroom seminar followed by a one day assessment of the jockey's practical ability. It has been thought that the training required to be undertaken by these jockeys need not be as comprehensive as for the other training groups because these jockeys are restricted to riding in races which are confined to Amateur Riders. The Review Group does not share this view and believes the training of Category A Amateur Riders should be aligned with the training required to be undertaken by Category B Amateur Riders.

Ongoing training

- 7.6 Apprentice Jockeys and Conditional Jockeys are required to undertake continued training, as prescribed by the Authority, as they reach various milestones in their careers. The purpose of this continued training is to provide assessment and guidance to these jockeys on all aspects of their career, including continued training on acceptable and appropriate use of the whip. There are no courses set down to provide continued training to Amateur Riders, although

consideration has been given to this in the past.

Jockey Coaches

- 7.7 Early in September 2011 the Authority announced the launch of a new jockey coaching programme. The coaches are made up of successful past and present jockeys who, after training, have received a top level sports coaching qualification. These coaches aim to provide workplace coaching to help young jockeys develop both their technical and personal skills.

Racing Excellence Training Races

- 7.8 The provision of Racing Excellence Training Races enables young jockeys to develop a range of riding and professional skills under the guidance of the qualified coaches. This includes coaching on the correct and acceptable use of the whip. The races provide an additional element to other training provided.
- 7.9 A series of training races are divided by linking the eligibility of jockeys to participate to the number of race winners they have ridden. Series are conducted for the following category of jockey: those that have ridden fewer than 10 winners; those that have ridden fewer than 20 winners; and those that have ridden fewer than 50 winners. These races have varying conditions on the use of the whip which relate to rider experience. This way



a natural stage of progression is achieved in relation to the jockey's attitude and approach to use of the whip. This is helpful as the jockey matures in his or her riding skills and style.

Remedial training

7.10 Jockeys whose disciplinary records in relation to breaches of the whip Rules are causing concern, or who are identified by the Stewards to have a deficiency in their whip use technique, may be required to undertake remedial training. The Disciplinary Panel also has the power to direct a jockey who appears before it on a whip related matter to undertake remedial training. This training is a one-to-one session with the riding instructor at the training provider where the jockey's technique in using the whip and his or her understanding of the whip Rules is addressed to reduce the possibility of the jockey re-offending.

Objective of jockey training

7.11 Effective training and education sits alongside any regulatory and penalty framework in helping to address matters relating to use of the whip. The role of training in developing jockeys is primarily preventative, but it can have a corrective application through remedial training.

7.12 The Review Group considered that the training and education currently provided should be revisited in order to ensure it plays its part in helping to reduce the numbers of offences by changing attitudes and improving capabilities of jockeys and trainers. Good horsemanship skills have been highlighted, by a number of those consulted in this review, as being critical to achieving the right attitude and approach to effective and proper whip use.

Statistical analysis

7.13 In reviewing statistics relating to breaches of whip Rules by

jockeys, three groups were flagged as requiring further action: Apprentice Jockeys, Conditional Jockeys and Amateur Riders. In the case of Apprentice Jockeys and Conditional Jockeys, the proportion of breaches committed in relation to the number of rides was more than double in comparison to those committed by fully fledged Jockeys. This is a clear indicator that greater focus is required in the training and education of young jockeys and their use of the whip.

7.14 Recommendation 19: That the Authority, in conjunction with its accepted training providers, revisits the course content and structure delivered to Apprentice Jockeys, Conditional Jockeys, and Amateur Riders at each stage in their career to ensure proper consideration is given to providing the most effective training for jockeys in acceptable and correct use of the whip.

Recommendations

1. Based on extensive consultation and the detailed research outlined in this report, that the use of the whip for safety and encouragement should continue, and that the term 'correction' is superfluous.

2. Under the current Rules and penalties the number of breaches of the whip Rules each year is unacceptable, and action should be taken by the Authority to achieve behavioural change amongst, and compliance by, jockeys.

3. Whilst current scientific evidence broadly supports the continued use of the whip in Racing providing strict controls are enforced further research is needed and the Authority should continue to support investigations in this field.

4. The Authority should continue to support research into the design of the whip and incorporate any future technological innovations into British Horseracing as appropriate if it is felt that equine welfare could be enhanced.

5. The Authority should widely publish the results of this Review and take other steps to try to maximise understanding of the use of the whip within Racing.

6. The Authority should commission future public opinion research in order to keep track of the views of the public regarding the use of the whip.

7. That any ambiguity within the penalty structure be removed by considering that use of the whip with the jockey's whip hand off the reins be considered as a hit regardless of how, where, or with what force the whip is used on the horse.

8. That the practice of issuing cautions for breaches of the whip Rules be discontinued. This is intended to bring about greater compliance with the Rules by jockeys.

9. That the entry point for all whip offences be increased significantly, together with increasing the additional

component by which the Stewards arrive at what they believe to be the appropriate penalty for an offence.

10. That the current totting up protocol be discontinued for suspensions arising out of the breaches of the whip Rules, and that in its place the Stewards consider a jockey's prior disciplinary record for whip offences within a rolling twelve month period in imposing incremental penalties for the current offence. This will lead to a jockey who is a repeat offender being referred to the Disciplinary Panel at a much earlier stage.

11. That the riding suspensions imposed on jockeys for breaching the whip Rules be effective on the days on which they are due to be served regardless of whether or not Group 1 or Grade 1 races are scheduled to be run.

12. Where a jockey is found to have contravened the Rules through their use of the whip during a race and such contravention results in a suspension of three days or more, before previous offences are taken into account, that jockey will forfeit any monies that they would otherwise have been entitled to under the Rules. This should apply not only to the jockey's share of the total prize fund, but also to the riding fee due for having ridden in the race.

13. In the case of the jockey being an Apprentice Jockey or Conditional Jockey whose employer is normally entitled to a share of the jockey's earnings, the employer shall also forfeit any monies payable from the jockey's earnings as they would otherwise have been entitled to under the Rules.

14. That a Rule be implemented to make it an offence for an owner to compensate, or instruct another person to compensate, any jockey for any earnings forfeited as a result of breaching the whip Rules.

15. The Authority should incorporate current understanding of animal welfare, behavioural and other science into jockey training to ensure whip use is

acceptable and not counterproductive and also make greater use of remedial training for jockeys, not just amateurs, who are identified to have deficiencies in their riding, including the use of the whip.

16. That any Apprentice Jockey or Conditional Jockey, regardless of their experience, transferring permanently to Great Britain from an overseas Racing jurisdiction be required to undergo training at the Authority's approved training providers prior to being licensed by the Authority.

17. That any jockey who has been referred to, and found to be in breach by, the Disciplinary Panel for whip related offences on three occasions should be required to show cause to the Authority as to why any application for a further licence ought be granted.

18. That the Authority put in place a system which will enable it to identify visiting jockeys whose disciplinary record, when riding in Great Britain, is of such concern that consideration of extending the privilege to that jockey of riding in Great Britain should be withdrawn.

19. That the Authority, in conjunction with its accepted training providers, revisits the course content and structure delivered to Apprentice Jockeys, Conditional Jockeys, and Amateur Riders at each stage in their career to ensure proper consideration is given to providing the most effective training for jockeys in acceptable and correct use of the whip.



Acknowledgements

The Review into acceptable use of the whip in Horseracing was carried out under the leadership of the Stewarding and Disciplinary Policy Committee. The Review Group consists of:

Andrew Merriam (Chairman)	Chairman of the Stewarding and Disciplinary Policy Committee
Anthony Mildmay-White	Chairman of the Rules Committee
Jamie Stier (Working Party Leader)	Director of Raceday Operations and Regulation
Timothy Morris	Director of Equine Science and Welfare
Paul Struthers	Head of Communications
William Nunneley	Head of Stewarding
Nigel Macfarlane	Head of Disciplinary
Sara Hay-Jahans	Head of Industry Recruitment and Training

The Review Group consulted widely with the following groups:

- Professional Jockey's Association (PJA)
- National Trainers Federation (NTF)
- Royal Society for the Prevention of Cruelty to Animals (RSPCA)
- World Horse Welfare
- Scottish Society for the Prevention of Cruelty to Animals (SSPCA)
- Racehorse Owners Association (ROA)
- Racecourse Association (RCA)
- The British Racing School (BRS)
- Northern Racing College (NRC)
- Amateur Jockeys Association (AJA)
- Point to Point Authority
- The BHA Disciplinary Panel
- The BHA Stewarding Committee
- The BHA Rules Committee
- The BHA Veterinary Committee
- The BHA Ethics Committee

The Review Group also consulted with a wide range of Racing and equestrian audiences, as well as individuals from within and outside the industry. The Review Group also met with Towcester Racecourse (which is not a member of the RCA).

Annex A

Statistical Analysis of Whip Offences

1. Introduction

As part of the 2011 Whip Review the Authority analysed all performances and whip offences.

2. Definitions of Data and Method of Analysis

Performances A run by a horse in a race in Great Britain.

Offence A caution or a suspension for a whip offence in a race in Great Britain.

Percentage Offences as a percentage of performances.

Methods used include Standard Deviations and Rank Correlation.

3. Tracking of Offences Jan 2007 to April 2011

Flat Racing Monthly Percentage of Whip Offences and Moving Average Trend Line.



Jump Racing Monthly Percentage of Whip Offences and Moving Average Trend Line.



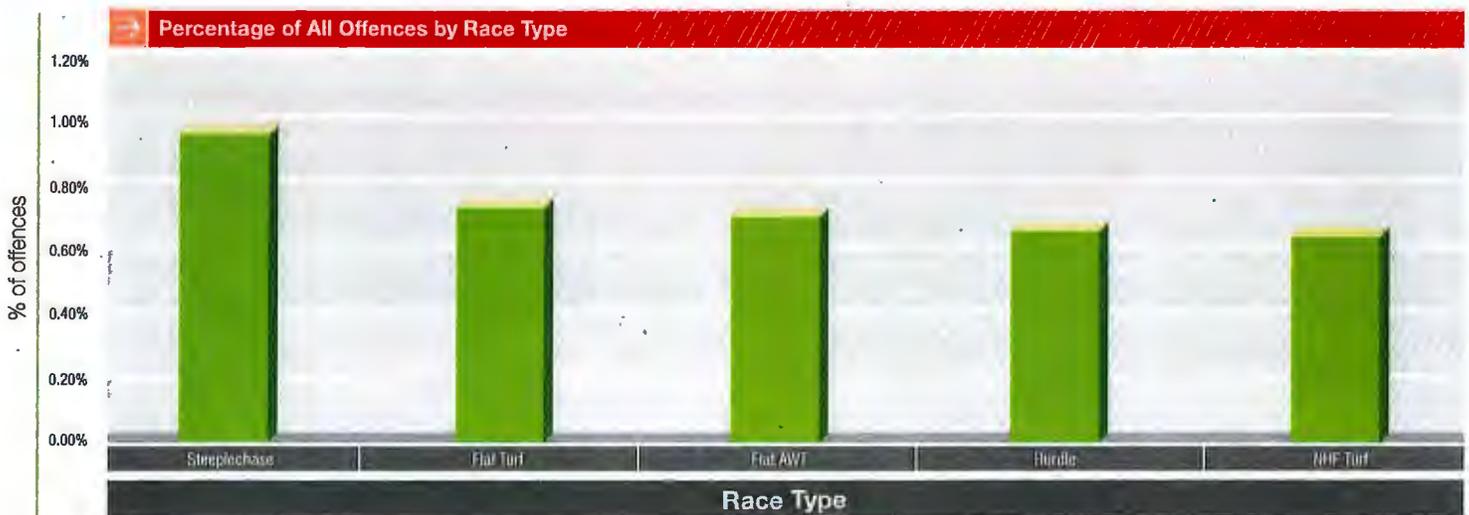
Whip suspension guidelines were previously changed in April 2009.

4. Statistical Analysis of Factors and Conclusions during the period January 2004 to April 2011

Period under Analysis	January 2004 to April 2011
Number of Performances during the period	691,461
Number of Whip Offences During the period	5,202
Percentage of Performances resulting in a Whip Offence	0.75%

4.1. Race Type

Steeplechase	Hurdle	NHF Turf	Flat Turf	Flat AWT
0.97%	0.69%	0.69%	0.74%	0.72%



4.2 Racecourse

Racecourses with highest percentage of whip offences (over two times standard deviations above mean).

Racecourse	Offences as a % of Performances
Carlisle	1.91
Hexham	1.75
Carlisle	1.55
Cheltenham	1.49
Aintree	1.46
Hamilton	1.45

Racecourses with lowest percentage of whip offences

Racecourse	Offences as a % of Performances
Fakenham	0.24
Bangor	0.36
Plumpton	0.36
Folkestone	0.37
Ludlow	0.38
Lingfield Park	0.39

4.3 Racecourse and race type

Racecourses with highest percentage of performances resulting in a whip offence (over two times standard deviations above mean).

Steeplechase		Hurdle		Flat	
Racecourse	%	Racecourse	%	Racecourse	%
Kelso	2.54	Carlisle	1.62	Hamilton	1.45
Haydock	2.28	Kelso	1.57	Carlisle	1.30
Hexham	2.20	Hexham	1.52		

4.4 Race type and going

Going (by Race type) with percentage of performances resulting in a whip offence.

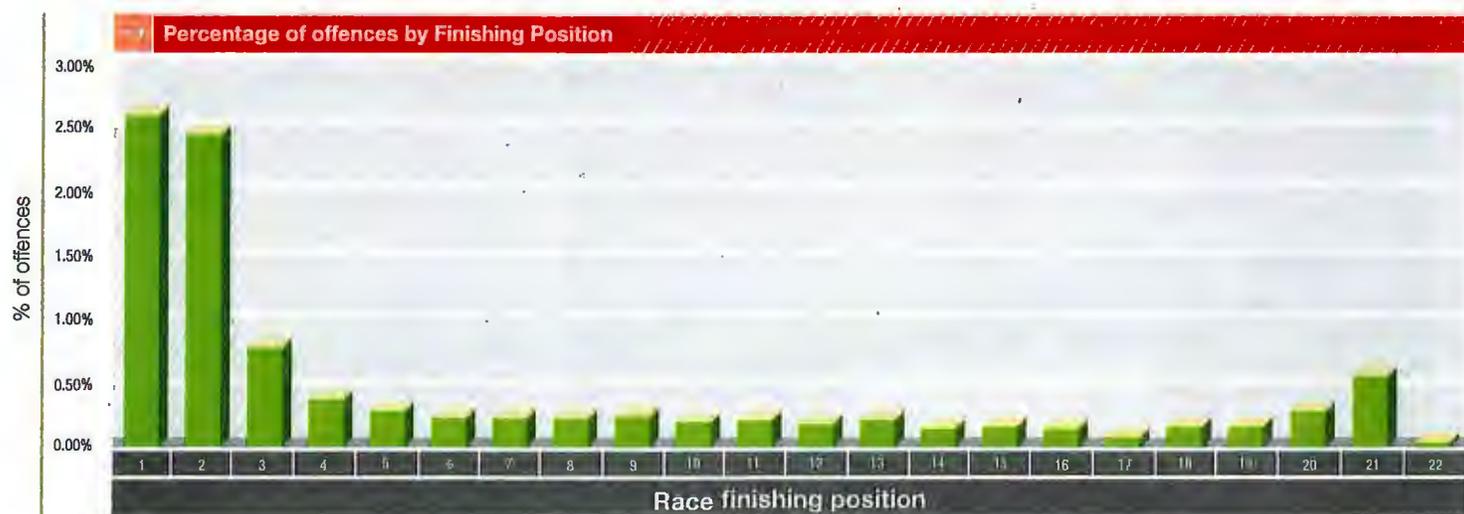
■ Slower than Good or Standard
 ■ Good or Standard
 ■ Faster than Good or Standard

Steeplechase		Hurdle		NHF		Flat Turf		Flat AWT	
Going	%	Going	%	Going	%	Going	%	Going	%
Heavy	1.37	Heavy	0.96	Good to Soft	0.81	Heavy	1.11	Slow	1.80
Soft	1.21	Firm	0.92	Heavy	0.73	Soft	0.86	Standard to Slow	1.32
Good	0.90	Soft	0.77	Good	0.71	Good to Firm	0.74	Standard to Fast	0.78
Good To Soft	0.87	Good	0.67	Good to Firm	0.65	Firm	0.74	Fast	0.69
Good To Firm	0.84	Good to Soft	0.65	Soft	0.53	Good To Soft	0.73	Fast	0.00
Firm	0.26	Good to Firm	0.61	Firm	0.00	Good	0.69		

4.5 Race finishing position

Percentage of performances by finishing position resulting in a whip offence.

Position	%	Position	%	Position	%	Position	%
1	2.57	7	0.27	13	0.26	19	0.21
2	2.44	8	0.27	14	0.20	21	0.33
3	0.80	9	0.30	15	0.21	23	0.59
4	0.43	10	0.24	16	0.19	Non Finisher	0.07
5	0.32	11	0.26	17	0.14		
6	0.27	12	0.22	18	0.21		



4.6 Race position & distance

Analysis of winning or beaten performances and those resulting in a whip offence.

Percentage of winning performances resulting in a whip offence	2.57%
Percentage of beaten performances resulting in a whip offence	0.56%

Winning Distance	% resulting in Whip Offence	Distance Beaten	% resulting in Whip Offence
Nose	10.76	Nose	8.26
Short Head	7.03	Short Head	7.13
Head	6.86	Head	6.71
Neck	5.30	Neck	5.37
½ Length	3.54	½ Length	3.66
¾ Length	3.02	¾ Length	2.65
Length	2.15	Length	1.77
1 ¼ Length	2.22	1 ¼ Length	1.34
1 ½ Length	1.55	1 ½ Length	1.02
1 ¾ Length	1.36	1 ¾ Length	0.73
2 Lengths	1.27	2 Lengths	0.66
2 to 4 Lengths	1.09	2 to 4 Lengths	0.49
4+ Lengths	0.83	4+ Lengths	0.29
100+ Lengths		100+ Lengths	0.16

4.7. Race Type and Pattern Races

Analysis of Performances split by Pattern and Non Pattern Races and those resulting in a whip offence.

Race Grade / Group	Steeplechase %	Hurdle %	NHF %	Flat %
1	1.20	1.60	1.58	1.66
2	1.31	1.21	0.74	0.98
3	1.06	1.45		1.02
Listed or Below	0.96	0.67	0.66	0.72

4.8 Race distance

Analysis of Performances split by Race Type and Distance and those resulting in a whip offence.

Steeplechase		Hurdle		NHF		Flat	
Distance (miles)	%	Distance (miles)	%	Distance (miles)	%	Distance	%
	2.45	3	0.91	1 to 1 ½	0.92	Extended	1.00
3 ¾	1.92	2 ¾	0.83	1 ½ to 2	0.65	Long distance	0.92
	1.57	3 ¼	0.87			Short	0.72
	1.50		0.74			Mile	0.67
3 ¼	1.41		0.67			Intermediate	0.67
4 ¼	1.37	2 ¼	0.52				
	0.94						
2 ¾	0.89						
2	0.84						
2 ½	0.79						
	0.70						

4.9 Trainers

Analysis of the number of whip offences for the 30 winning most Jump Trainers.

These 30 trainers account for 31% of performances and 37% of whip offences.

17 are above the national average (0.79%) for whip offences.

The 17 trainers with the highest percentages account for 18% of performances and 30% of whip offences.

Analysis of the number of whip offences for the 30 winning most Flat Trainers.

These 30 trainers account for 26% of performances and 26% of whip offences.

11 are above the national average (0.73%) for whip offences.

The 11 trainers with the highest percentages account for 11% of performances and 16% of whip offences.

4.10 Jockeys

Jockey Analysis of the number of whip offences for the 30 winning most Jump Jockeys.

These 30 jockeys account for 34% of performances and 29% of whip offences.

11 are above the national average (0.79%) for whip offences.

The 11 jockeys with the highest percentages account for 11% of performances and 16% of the whip offences.

Whip offences by licence type - Jan 2010 to June 27th 2011.

Jump			
Type	Offences	Rides	%
Jump	212	32,728	0.65%
Conditional	150	12,152	1.23%
Amateur Jump	94	4,896	1.92%
Foreign (18)			
Ire Amateur (13)			
= All Foreign	31	1,234	2.51%
All Jump	487	51,010	0.95%

Analysis of the number of whip offences for the 30 winning most Flat Jockeys.

These 30 jockeys account for 37% of performances and 27% of whip offences.

4 are above the national average (0.73%) for whip offences.

Whip offences by licence type - Jan 2010 to June 27th 2011.

Flat			
Type	Offences	Rides	%
Flat	519	67,818	0.77%
Apprentice	262	16,847	1.56%
Amateur	38	1,415	2.69%
= All Foreign	14	677	2.07%
All Flat	833	86,757	0.96%

5. Summary

Race Type

Steeplechase racing has the highest rate of whip offences.

0.97% of Steeplechase performances result in a whip offence, a whip offence for every 103 performances.

3.16% of winners in Steeplechase races incur a whip offence, a whip offence for every 31 winning performances.

Racecourse

The following 6 Racecourses have a significantly high rate of whip offences. The table also includes factors which can be considered.

Racecourse	Offences as a % of Performances	Racecourse Factors
Kelso	1.91	Long run-in to finish
Hexham	1.75	Undulating stiff track
Exeter	1.55	Severe uphill home stretch
Whitbyham	1.49	Highest quality NH racing programme
Aintree	1.46	Long run-in to finish on National course
Hamilton	1.45	Severe hill to finish

Racecourse and race type

All but one of the courses with significantly high whip offence rates are located in the North.

Going

For all race types on turf, Whip offences are 20% more likely to occur on ground slower than Good compared to ground that is Good.

This was similarly mirrored on the All Weather where the probability of a whip offence doubled on slower than Standard going compared to Standard.

Position

64% of whip offences involved a horse finishing in 1st or 2nd position.

The probability of a whip offence is over 3 times higher for a 2nd place horse compared to a 3rd place horse.

The probability of a whip offence is over 4.6 times higher for a winning horse compared to a beaten horse.

Winning Distance and Distance Beaten

There is an almost perfect rank correlation between the beaten distance of a horse to the winner and the probability of a whip offence by the beaten horse.

There is an almost perfect rank correlation between the distance of a winning horse to the second and the probability of a

whip offence for the winning horse.

60% of whip offences occur on winning horses or horses within 1 length of the winner.

73% of whip offences occur on winning horses or horses within 4 lengths of the winner.

Quality of Race

The probability of a whip offence is 1.65 times higher for a Group or Graded race performance compared to Listed and Non Group or Graded races.

1.56% of runners in Group or Grade 1 Races incur a whip offence, this compares to 0.75% in all other races (2.08 times higher).

Race Distance

In Steeplechase races the percentage of whip offences for races of 3 1/4 miles or longer is 2 times higher than those over shorter distances.

In Steeplechase races the percentage of whip offences for winners of races of 3 1/4 miles or longer is 5.16% - a whip offence for every 19 winning performances. This rises to 10% in Group and Graded races.

In Flat racing, performances over an extended (E) or long distance (L) had a higher probability of a whip offence.

Trainer

17 jump Trainers account for 30% of whip offences in Jump racing.

12 Flat Trainers account for 18% of whip offences in Flat racing.

Jockey

11 of the 30 winning most Jump Jockeys are above the national average for whip offences in Jump races.

Only 4 of the 30 winning most Flat Jockeys are above the national average for whip offences in Flat races.



List of Key Scientific Studies

Cohen ND, Peloso JG, Mundy GD, Fisher M, Holland RE, Little TV, Misheff MM, (1997) Watkins JP, Honnas CM, Moyer W. Racing-related factors and results of prerace physical inspection and their association with musculoskeletal injuries incurred in thoroughbreds during races *Journal of the American Veterinary Medical Association* 211 454-63
<http://www.ncbi.nlm.nih.gov/pubmed/9267508>

Deuel N.R., L.M. Lawrence (1988) Effects of urging by the jockey on gallop stride characteristics of quarter horses *Journal of Equine Veterinary Science* 8, 240-243
[http://dx.doi.org/10.1016/S0737-0806\(88\)80016-9](http://dx.doi.org/10.1016/S0737-0806(88)80016-9)

Evans D, McGreevy P, (2011) An Investigation of Racing Performance and Whip Use by Jockeys in *Thoroughbred Races* *PLoS ONE* 6 e15622
<http://dx.doi.org/10.1371/journal.pone.0015622>

Hoffman M.D., Shepanski M.A., Ruble S.B., Valic Z., Buckwalter J.B., Clifford P.S. (2004) Intensity and duration threshold for aerobic exercise-induced analgesia to pressure pain *Archives of Physical Medicine and Rehabilitation* 85, 1183-7.
<http://dx.doi.org/10.1016/j.apmr.2003.09.010>

Koltyn K.F. (2000) Analgesia following exercise: a review *Sports Medicine* 29 85-98.
<http://www.ncbi.nlm.nih.gov/pubmed/10701712>

McLean A.N., McGreevy P.D. (2010) Ethical equitation: Capping the price horses pay for human glory *Journal of Veterinary Behavior* 5 203-209,
<http://dx.doi.org/10.1016/j.jveb.2010.04.003>

McGreevy P.D., McLean A.N. (2009) Punishment in horse-training and the concept of ethical equitation *Journal of Veterinary Behavior* 5 193-197
<http://dx.doi.org/10.1016/j.jveb.2008.08.001>

McGreevy P.D., McLean A.N. (2007) Roles of learning theory and ethology in equitation *Journal of Veterinary Behavior* 2, 108-118
<http://dx.doi.org/10.1016/j.jveb.2007.05.003>

Parkin T.D.H., P.D. Clegg, N.P. French, C.J. Proudman, C.M. Riggs, E.R. Singer, P.M. Webbon, K.L. Morgan, (2006) Analysis of horse race videos to identify intra-race risk factors for fatal distal limb fracture, *Preventive Veterinary Medicine* 74 44-55
<http://dx.doi.org/10.1016/j.prevetmed.2006.01.006>

Pinchbeck, G. L. Clegg, P. D. Proudman, C. J. Morgan, K. L. French, N. P. (2004) Whip use and race progress are associated with horse falls in hurdle and steeplechase racing in the *UK Equine Veterinary Journal* 36 384
<http://dx.doi.org/10.2746/0425164044868387>

Ueda Y., K. Yoshida, M. Oikawa (1993) Analyses of race accident conditions through use of patrol video, *Journal of Equine Veterinary Science* 13 707-710
[http://dx.doi.org/10.1016/S0737-0806\(06\)81572-8](http://dx.doi.org/10.1016/S0737-0806(06)81572-8)

Whip Penalties Summary

Extract from The Guide

WHIP - PENALTIES

1. Separate whip offences from interference offences.
2. Excessive Frequency.

This guide is for when a jockey has used his whip more times than the permitted number.

(Figures in brackets refer to whip use that constitutes a breach under the current Rules, and the associated penalty).

Schedule (B)6 Part 2 – USE OF THE WHIP (Example 4)		
Excessive frequency	Number of hits which amount to a BREACH	Minimum penalty DAYS
Flat		
Last furlong	6 (9)	5 (caution)
Whole race	8 (16)	5 (caution)
Jump		
After last obstacle	6 (10)	5 (caution)
Whole race	9 (16)	5 (caution)

The level of penalty should be increased by 2 (1) days for each hit over the number which amounts to a breach.

Improper Riding – Penalty Guidelines

These are Guidelines and do not provide an exhaustive list of offences, or circumstances, whereby a jockey's use of the whip may be considered improper.

Schedule (B)6 Part 2 – USE OF THE WHIP (Examples 1 to 3)		
	Number of hits which amount to a BREACH	Minimum penalty DAYS
Report made by Veterinary Officer		
Minor weal		5 (5)
Moderate weal		8 (7)
Injury		refer (refer)
Arm above shoulder height	2 (2)	2 (caution)
Without regard to stride (rat – tat – tat)	3 (3)	2 (caution)
Excessive force (depending on severity)	1 (1-2)	2 (caution)
Without time to respond (allow 3 strides per stroke)	3 (3)	3 (caution)
Showing no response	3 (3)	5 (caution)

	Number of hits which amount to a BREACH	Minimum penalty DAYS
Out of contention	3 (2)	5 (caution)
Clearly winning (or other placing)	2 (2)	2 (caution)
Past the post	2 (2)	2 (caution)
Incorrect place	1 (1-2)	2 (1)
Down shoulder in forehand	2 (2)	2 (caution)

The level of penalty should be increased by 2 (1) days for each hit over the number which amounts to a breach. If the rider is in breach of more than one offence add both penalties together. E.g. 7 hits (7 days suspension for frequency) of which 2 hits were excessive force (4 days suspension) totals 11 days suspension.

RULE (B)54.2 Examples of Improper Riding which are not breaches of Schedule (B)6 Part 2. (This list is not exhaustive)

	Minimum penalty DAYS
Striking own horse in annoyance with whip	5 (4)
Throwing whip at horse in annoyance	5 (2)
Striking or attempting to strike another horse or rider	5 (2)
Kicking horse in annoyance	5 (4)
Intentionally striking or attempting to strike other horses or jockeys (see pages 23 and 25).	See Improper Riding guidelines (page 23)

Amendments to the penalties on page 23:

Rider intentionally strikes another horse or rider causing minimal

Interference/impact

5 (3-5) days

Rider intentionally attempts to strike another horse or rider

3 (3-5) days

3. If a jockey is found to have contravened Schedule (B)6 Part 2 which results in a suspension of 3 days or more before previous offences are taken into account, the riding fee and the jockey's percentage of the prize money shall be forfeited to the Authority.

It follows with apprentices and 7lb claiming conditionals their employer will not receive 50% of both the prize money and the riding fee to which they are normally entitled. With amateurs no fee is payable by the owner except in the circumstances provided for in Schedule (D)6.

4. Refer any rider who commits an offence which warrants a suspension of more than 20 (12) days before it is increased because it is not a first offence.

- 5. Refer any rider who commits an offence which warrants a suspension of more than 42 (12) days.
- 6. Offences (Schedule (B)6 Part 2) which incur a suspension of 5 days or more before previous offences are taken into account.

Second whip offence within previous 12 months

Having decided on the level of penalty for the offence, it should be doubled if it is a second offence.

Third whip offence within previous 12 months

Having decided on the level of penalty for the offence it should be trebled. If this would result in a suspension of more than 42 days, the rider must be referred.

Fourth whip offence within previous 12 months refer.

- 7. Offences (Schedule (B)6 Part 2) which incur a suspension of 2 - 4 days

Second offence within previous 12 months double penalty

Third offence within the previous 12 months treble penalty

Fourth offence within the previous 12 months quadruple penalty

Fifth offence within the previous 12 months - refer

- 8. Totting up suspensions will not apply to whip offences.
- 9. Group 1 and Grade 1 exemptions for races in this country and abroad will not apply to any whip offences.
- 10. Whip instructions by Trainer ((C)45) or Owner ((E)89)

	Entry Point (for first offence)	Range (where applicable)
When jockey IN breach		
a) Inadequate instructions	£650 (€140)	£2,000-£10,000
b) Unacceptable instructions	£2,500 (€650)	
c) Failure to give any instructions to apprentice/conditional	£650 (€140)	
When jockey NOT IN breach		
a) Failure to give any instructions to apprentice/conditional	£290 (Draw trainer's attention to requirement)	

For subsequent offences increased penalties apply.

11. Disciplinary Panel penalties

Referred

Fourth suspension of 5 days or more within previous 12 months:-

3 months 1 year suspension with an entry point of 6 months;

Rider will forfeit his percentage of the prize money and riding fee;

Attendance at a Racing School.

Referred

Fifth suspension of 2 – 4 days within previous 12 months:-

1 month 3 months suspension with an entry point of 45 days;

Attendance at a Riding School.

12. Rule (E) 89A

It will be an offence for an owner to compensate, or instruct another person to compensate, a rider for any penalty he incurs whilst riding in a race.

The following penalties shall apply for a breach of this Rule:-

Entry Point	Range
£12,500 or	£5,000 – £30,000 or
Disqualify 6 months	1 month – 3 years



Amendments to the Rules

Rule (A)61. Additional penalties: Rider's suspension extended to all racecourses

61.4 The Authority may, if it considers it appropriate to do so, substitute a different period in which the general suspension under this Rule will apply in a case where:

61.4.1 the Rider's suspension is for a period of 4 days or less,

61.4.2 the Rider's suspension was not imposed for a contravention of Schedule (B)6 Part 2 (improper riding),

61.4.3 the Rider makes an application to the Authority in accordance with Paragraph 61.5, which is accompanied by evidence that he is engaged to ride outside Great Britain, and

61.4.4 the Authority is satisfied that, without a substitution of the period under this Paragraph, the Rider's general suspension would otherwise fall on a day when the Rider is engaged to ride outside Great Britain in a race which

61.4.4.1 takes place at a meeting with a Group 1 Pattern Race,

61.4.4.2 is regarded as Group 1, as indicated in Part 1 of the International Cataloguing Standards Book, or

61.4.4.3 the Authority considers to be the equivalent of a Grade 1 Pattern Race.

Schedule (B)1 - Effective days for riding suspensions

8.1 This Paragraph applies where a riding suspension imposed on a Professional Rider is of four days or less and it was not imposed for a contravention of Schedule (B)6 Part 2 (improper riding).

8.2 The period of suspension will not be effective on any days when pattern races divided into Group 1 or Grade 1 are programmed to take place in Great Britain, as applicable to the type of licence held by the Professional Rider, unless he makes a request under Paragraph 12

of this Schedule that the provisions of this Paragraph should not apply to him.

8.3 The subsequent cancellation, abandonment or the transfer of a Group 1 or Grade 1 race to another day will not result in any suspension being transferred back to the day when such a race was originally programmed to take place.

8.4 If a Group 1 or Grade 1 race is transferred to a day when no Group 1 or Grade 1 race is programmed to take place

8.4.1 the suspension will not take effect on that day unless Paragraph 8.5 applies, and

8.4.2 any suspension which has to be moved will commence in accordance with the preceding Paragraphs of this Schedule.

8.5 Where the decision to transfer a race is taken after the time determined under Rule (F)92 for making declarations of Riders for that day

8.5.1 the suspension date will stand, and

8.5.2 the Rider will not be permitted to ride.

11.1 This Paragraph applies where a riding suspension imposed on an Amateur Rider in Steeplechases, Hurdle races or National Hunt Flat races is of four days or less and it was not imposed for a contravention of Schedule (B)6 Part 2 (improper riding).

11.2 The period of suspension will not be effective on any days when Grade 1 Pattern Races are programmed to take place in Great Britain unless the Amateur Rider makes a request under Paragraph 12 that the provisions of this Paragraph should not apply to him.

11.3 The subsequent cancellation, abandonment or the transfer of a Grade 1 race to another day will not result in any suspension being transferred back to the day when such a race was originally programmed to take place.

11.4 Paragraphs 8.4 and 8.5 shall, in relation to Grade 1 races, apply to Amateur Riders as those provisions apply to Professional Riders.

Schedule (B)6 Part 2

Improper use of whip

5. The Stewards should hold an enquiry into any case where a Rider has used his whip contrary to Paragraph 6.

Improper riding

6.1 The following are examples of uses of the whip which may be regarded as improper riding for the purposes of Rule 54.3.

Example 1 Hitting horses

- 6.1.1 to the extent of causing a weal or an injury;
- 6.1.2 with the whip arm above shoulder height;
- 6.1.3 rapidly without regard to their stride (that is, twice or more in one stride);
- 6.1.4 with excessive force;
- 6.1.5 without giving the horse time to respond.

Example 2 Hitting horses which are

- 6.1.6 showing no response;
- 6.1.7 out of contention;
- 6.1.8 clearly winning;
- 6.1.9 past the winning post.

Example 3 Hitting horses in any place except

- 6.1.10 on the quarters with the whip in either the backhand or forehand position;
- 6.1.11 down the shoulder with the whip in the backhand position; unless exceptional circumstances prevail.

Example 4 Hitting horses with excessive frequency.

6.2 Use of the whip may be judged to be improper in other circumstances.

Procedure

- 7.1 Horses will be subject to an inspection by a Veterinary Officer after the race.
- 7.2 A Trainer must remove or adjust rugs or sheets for the purposes of any inspection.

7.3 The Veterinary Officer will report to the Stewards every horse which is wealed or injured.

8. A Trainer must attend any enquiry into a wealed or injured horse trained by him and, in the event of a finding that the Rider has used the whip improperly, may be liable to Disciplinary Action pursuant to Rule (C)45 (which requires trainers to give pre-race instructions to riders).

9. A Stewards' enquiry will be held in respect of any report under Paragraph 7.3 and, if the Stewards find the Rider has used his whip improperly, he will be suspended.

Schedule (D)6 - Fees

Fees becoming due

5.1 Subject to Paragraph 5.2, a fee under Paragraph 1 or 3 becomes payable

5.1.1 in a case where the Stewards have given permission for a horse to proceed to the start before the signal to mount is given, once the Rider has mounted, and

5.1.2 otherwise, once the signal to mount is given.

5.2 A fee payable to a Rider must be forfeited to the Authority where a Rider is found to have contravened,

5.2.1 Rule (B)53 (dangerous riding), or

5.2.2 Schedule (B)6 Part 2 (improper riding), where that rider is suspended for 3 days or more before previous offences are taken into account.

Rule (E)89A

(E)89A Restriction on owners compensating riders.

89A.1 An Owner must not

89A.1.1 give to the Rider of his horse any material reward, gift, favour or benefit in kind in recognition of the consequence to that Rider of any Disciplinary Action taken against him, or

89A.1.2 instruct another person to do so on his behalf.

Rule (F)118

118. Distribution of prize money

118.1 Subject to Rules 119 to 122, the Prize Money shall be paid over by the Stakeholder in accordance with the provisions of Schedule 9.

118.2 Where a horse is trained.

118.2.1 outside Great Britain, France or Ireland, or

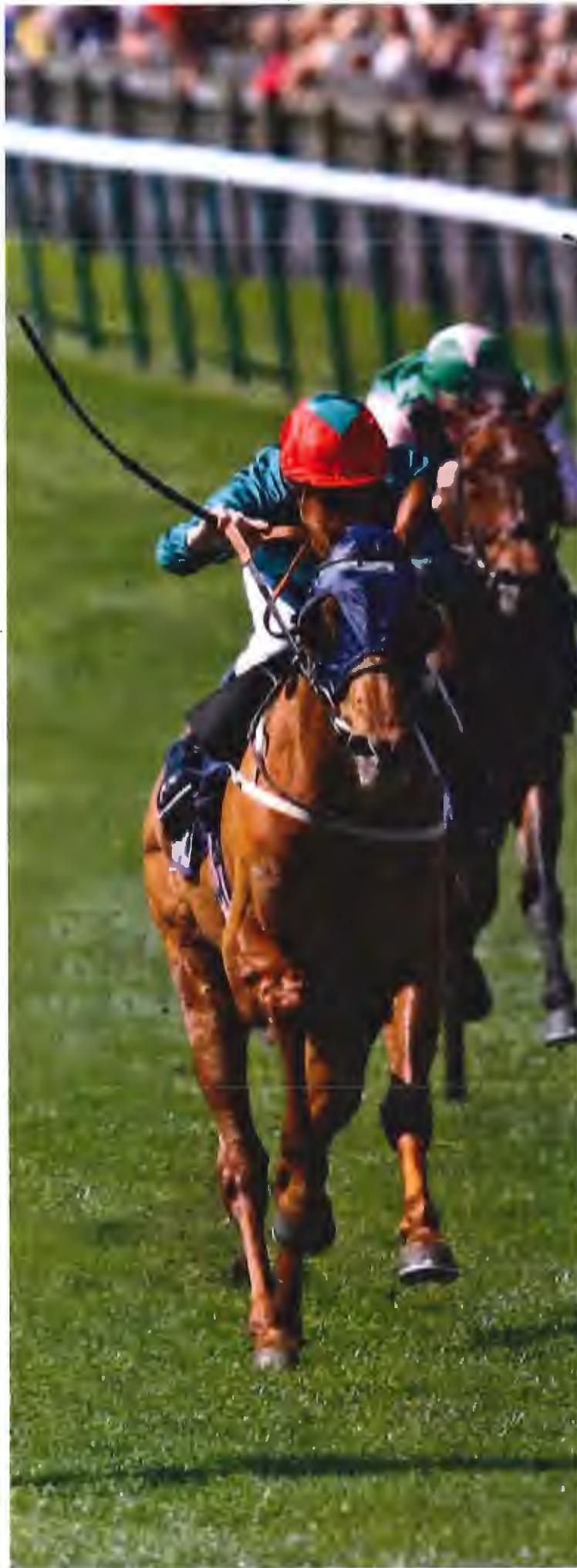
118.2.2 privately (see Rule 152.3),

any payment which Schedule 9 provides should be made to the Trainer or the stable shall instead be made to the Owner.

118.3 If a horse is trained in France, any payment which Schedule 9 provides should be made to the stable shall instead be made to the Owner.

118.4 Where an Owner is registered for VAT under Rule (A)100 (VAT registration scheme), VAT shall be added to the amount of Prize Money due to the Owner, but excluding stakes, forfeits, fees due at confirmation of entry and supplementary entry fees.

118.5 Where a Rider is found to have contravened Schedule (B)6 Part 2 (improper riding) and is suspended for 3 days or more before previous offences are taken into account, any payment which Schedule 9 provides should be made to the Rider shall instead be forfeited to the Authority.



SMG/YouGov Public Opinion Research



British Horseracing Authority: Research into the use of the whip

August 2011



1. Background



Background

- The British Horseracing Authority (BHA) is the governing and regulatory body for horseracing in Great Britain. It is the BHA's role to ensure the continued health and successful development of the sport, which attracts millions of spectators each year
- One of the Authority's most important responsibilities is to ensure that the highest possible standards of equine welfare are maintained within the sport – and that racing is as safe as possible for both horse and rider
- The BHA is currently conducting a wide-ranging review into a number of issues including use of the whip by jockeys and safety with in the sport
- Historically the penalties for using the whip have changed quite regularly and as a result of this research along with on-going research being conducted by the BHA, the BHA need to decide on any potential changes to future jockey penalties by 1st October 2011



Objectives

Specifically the objectives of the BHA are as follows:

- Clearly gauge the full spectrum of views on whether whipping is perceived to be cruel, in particular quantifying the extent to which people's views differ depending on the situation
- Fully understand these views by measuring the level of understanding of the purpose of the whip and the acceptability of the whip in different circumstances
- Understand the public's views on the current penalties for whipping and what the impact of potential changes could be on interest levels, event attendance and betting levels
- Attain a more broad understanding of views on the use of animals in sport, safety in horse racing and awareness of Animal Aid



Methodology

- The survey was conducted using an online interview administered to members of the YouGov GB panel of 300,000+ individuals who have agreed to take part in surveys
- An email was sent to panellists selected at random from the base sample, inviting them to take part in the survey and providing a link to the survey
- The sample consisted of 2,071 respondents and all results were weighted to accurately reflect the total population of Great Britain
- Fieldwork took place in July 2011



5

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SPORTS MARKETING

2. Overall Summary

- (i) Opinions on the whip
- (ii) Understanding of the whip
- (iii) Potential changes to current penalties



Summary (i) – Opinions on the whip

- When initially asked their views on the use of the whip in horseracing, 57% of respondents said they strongly or somewhat agreed it should be banned completely, with females significantly more likely than males to say this (68% vs 45%)
- An explanation of the pain free nature of the whip caused a fairly substantial number to change their minds as overall only 33% strongly or somewhat disagreed with the use of the whip after further detail was given to them
- Nevertheless, even after the explanation, one in five of those respondents with no interest in horseracing (who made up 45% of respondents) still strongly disagreed with its use even for safety purposes
- While 73% of people interested in horseracing did not find it unacceptable to use the whip at the end of a race to a *limited* extent, both those with and without an interest in horseracing were more likely than not to believe *unlimited* use of the whip at the end of a race to be unacceptable



Summary (ii) – Understanding of the whip

- There was found to be a general lack of understanding amongst respondents as to both when during a race the whip is allowed to be used, and as to the full range of safety reasons for which the whip is present
- Specifically, when compared to the two thirds of people overall who agreed with or were neutral towards the use of the whip after the pain free nature was explained, the one third of people who disagreed with the use of the whip:
 - Were significantly more likely to think the whip is not allowed to be used at all during a race ; this was true of 35% of people of people who disagreed with the use of the whip and was also high for those aged 55+ (30%), females (29%), vegetarians, vegans and non-meat eaters (32%), and those who regularly buy free range products (26%)
 - Were significantly less likely to believe it is used to both aid concentration / focus, to stop horses veering violently left or right, and to steer horses around obstacles ; females were also significantly less likely than males to believe these reasons



Summary (iii) – Potential changes to current penalties

- 47% of horseracing followers and 64% of non-followers thought current penalties are much or a little too lenient ; groups even more likely to believe penalties are too lenient are females (73%), vegetarians, vegans and non-meat eaters (77%), and those regularly buying free range products (72%)
- With 56% backing it, the withholding of the offending jockey's riding fee and any prize money % would be the most popular penalty overall ; this would also make 41% of those who disagree with the use of the whip more likely to be more accepting of it
- In addition, those disagreeing with the use of the whip also believed there should be longer bans generally (62% said this) while those who agreed with or were neutral towards the whip would like to see longer bans for repeat offenders than first time offenders (63%)
- If revised rules were endorsed by welfare organisations, 42% of those who disagreed with the use of the whip would be more likely to be accepting of the whip

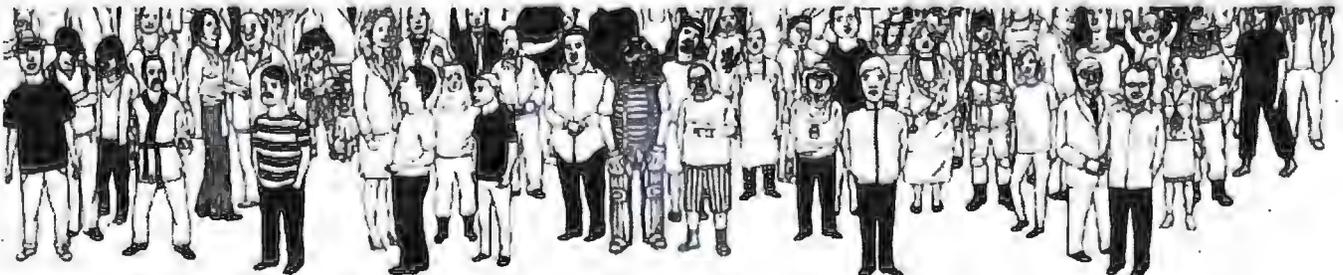


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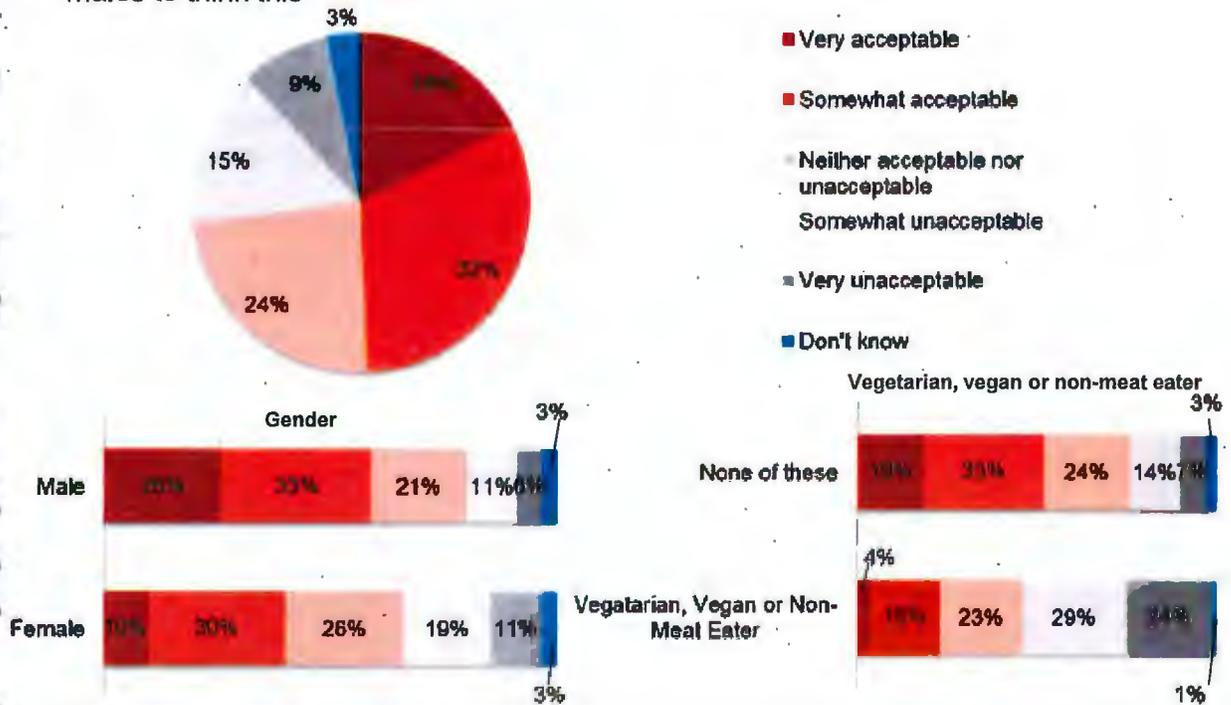
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3. Background Findings

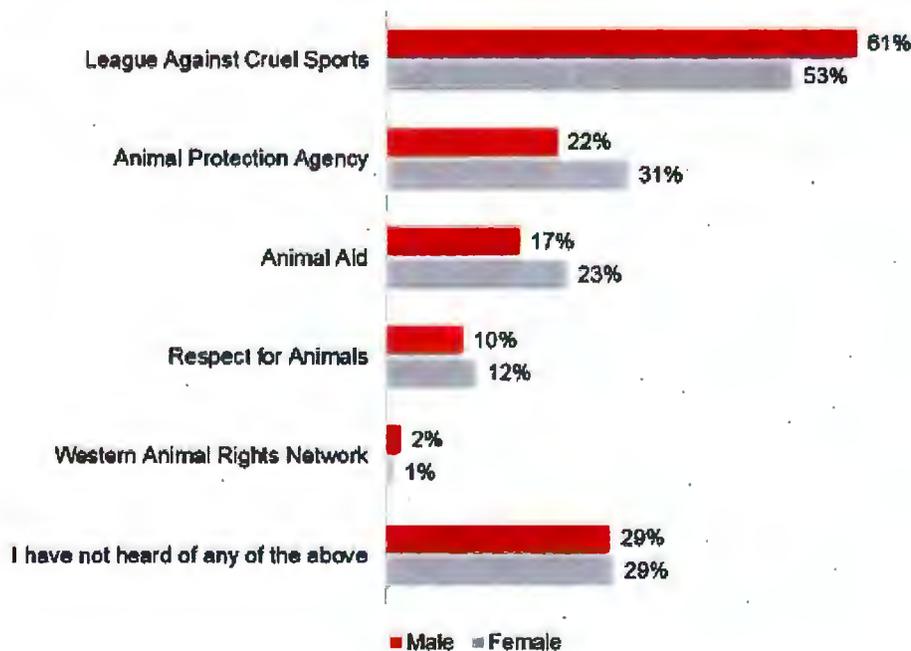


Around a quarter of people in the UK found the use of animals in sport very or somewhat unacceptable ; those who are either vegetarians, vegans or non-meat eaters were particularly likely to feel this way while females were more likely than males to think this



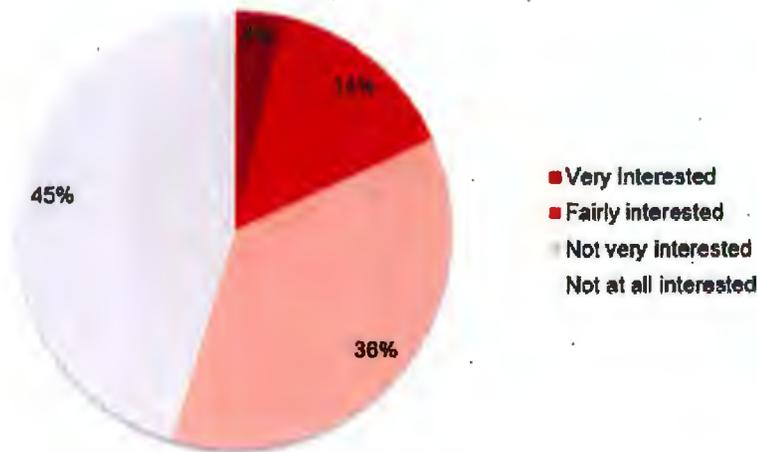
Q4 How acceptable do you find the use of animals in sport, e.g. showjumping, dog racing? N= (2071)
 Male N= 995 ; Female= 1077
 Vegetarian, Vegan or Non-Meat Eater N= 171 ; None of these N= 1884

Awareness of Animal Aid was fairly low although females were significantly more likely than males to have heard of the animal rights organisation



Q21 Which if any of the following animal rights campaigning organisations have you heard of?
 N= (2071)
 Male N= 995 ; Female= 1077

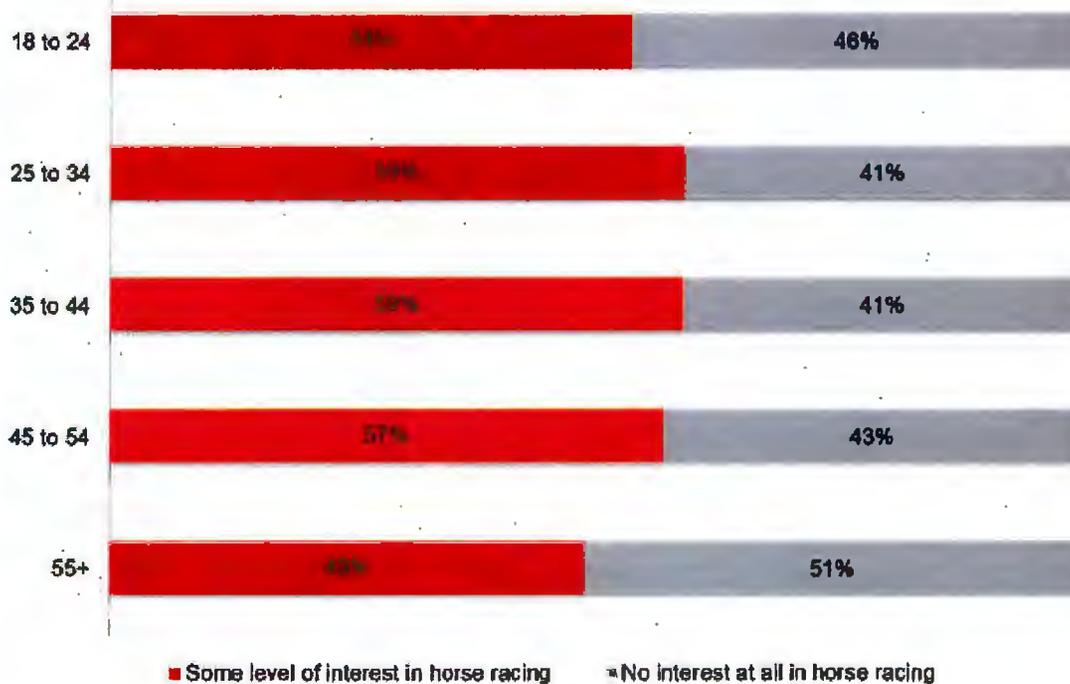
Overall 55% of people in the UK have some level of interest in horseracing with the remaining 45% not at all interested



Q5 How interested, if at all, are you in horseracing? N= (2071)

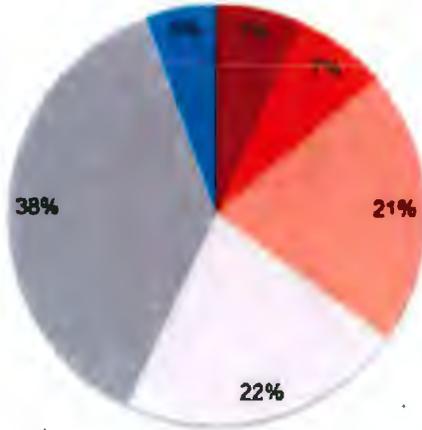
Note: In all future analysis (with the exception of slide 28), only the two groups "Some level of interest in horseracing" (N=1130) and "No interest at all in horseracing" (N=941) will be used. This grouping will be used in order to analyse groups of comparable sizes

Of all demographics analysed, Age Group reveals by far the biggest difference in level of interest, with those in the 55+ age group being significantly less likely than those in all other age groups to be interested in horseracing



Age
18 to 24 N= 249 ; 25 to 34 N= 371 ; 25 to 44 N= 351 ; 45 to 54 N= 375 ; 55+ N= 725

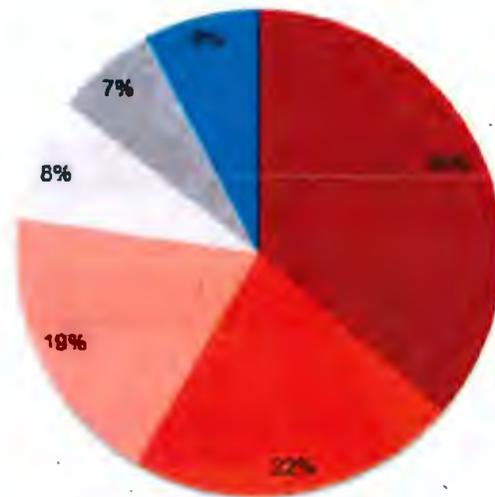
Overall only 14% of the population strongly or somewhat agreed that all horseracing should be banned outright



- Strongly agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Strongly disagree
- Don't know

Q7 To what extent do you agree or disagree with each of the following statements: All horseracing should be banned outright (N= 2071)

Overall 58% of people strongly or somewhat agreed that recreational riders should be banned from carrying a whip



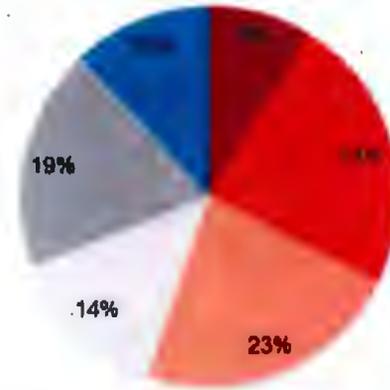
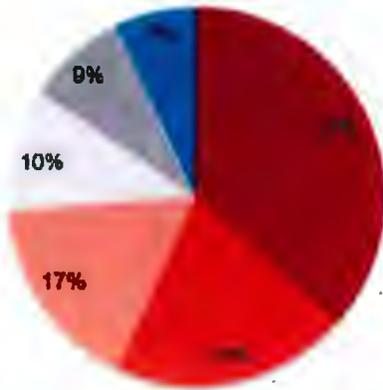
- Strongly agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Strongly disagree
- Don't know

Q7 To what extent do you agree or disagree with the following statements: Recreational riders should be banned from carrying a whip
Some level of interest in horse racing N= 1130 ; No interest at all in horse racing N= 941

When initially asked their views on the whip in horseracing, 57% said they strongly or somewhat agreed it should be banned completely – however, after an explanation of the pain free nature of the whip, only 33% strongly or somewhat disagreed with the use of the whip

Before explanation (Q7)

After explanation (Q13)



- Strongly agree
- Somewhat agree
- Strongly agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Strongly disagree
- Don't know

Q7 To what extent do you agree or disagree with each of the following statements: The use of the whip in horseracing should be banned completely
 Q13 As stated previously, the whip used in racing in Britain is a cushioned whip and has been specifically designed not to cause pain. Thinking about this, to what extent do you agree or disagree with the use of the whip during a race?
 Both N=2071

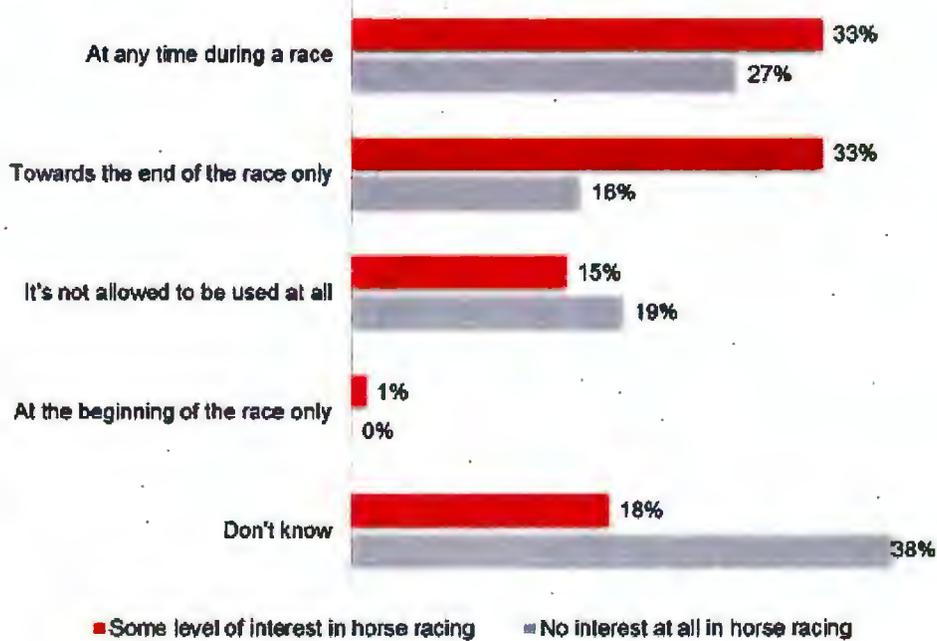
Note: In future analysis, the following two groups derived from Q13 will be regularly displayed: "Agree or neutral with the use of the whip" (N=905) and "Completely or somewhat disagree with the use of the whip" (N=521)



4. Understanding of the whip

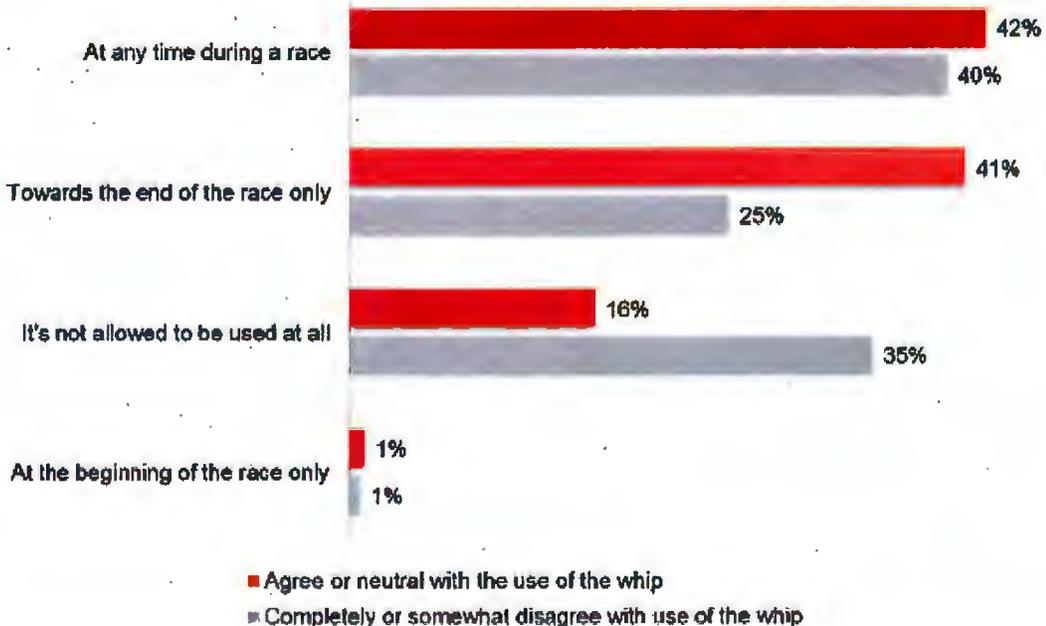


There is a general lack of understanding amongst those both interested and not interested in horseracing as to when during a race the whip is allowed to be used



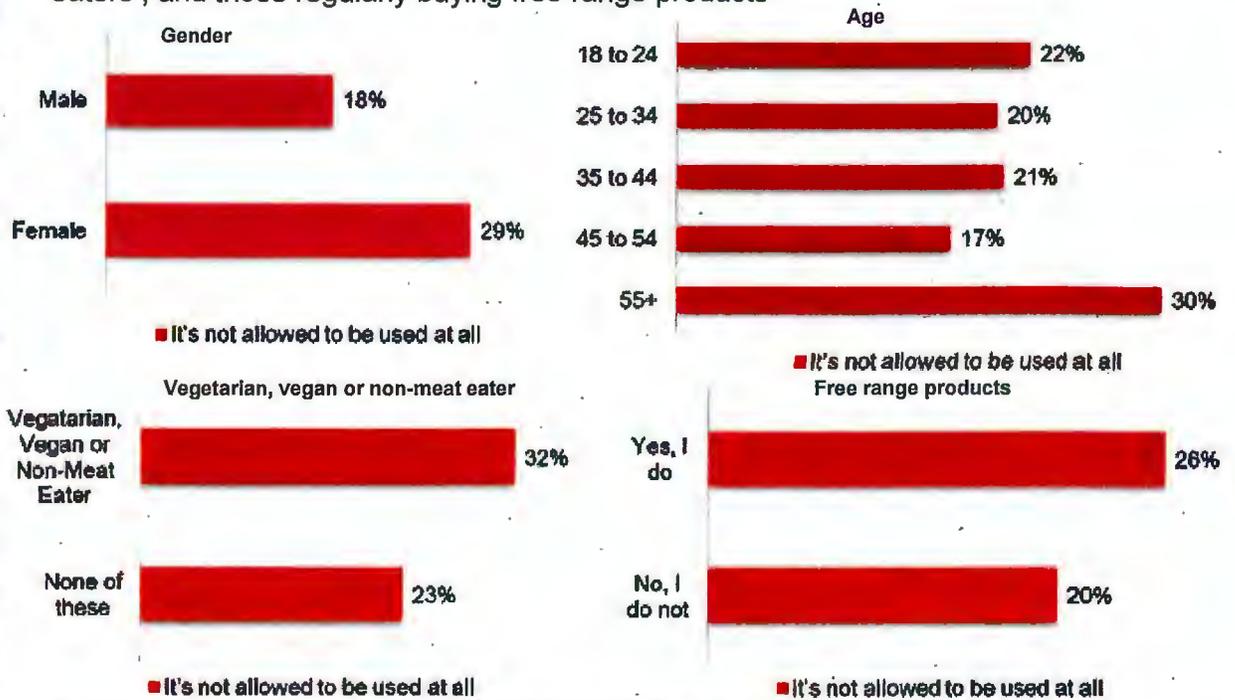
Q9 When, in the course of a horse race, do you think that the whip is allowed to be used by jockeys? Some level of interest in horse racing N= 1130 ; No interest at all in horse racing N= 941

More significantly, of those that completely disagreed with the use of the whip (after the pain free nature was explained), 35% believe it is not allowed to be used at any point during a race, indicating their views may be based on a high level of misunderstanding



Q9 When, in the course of a horse race, do you think that the whip is allowed to be used by jockeys? Please tick one response only. Agree or neutral with the use of the whip N= 905 ; Completely or somewhat disagree with the use of the whip N= 521

Other groups more likely to mistakenly believe the whip is not allowed to be used at all are females ; those aged over 55 ; vegetarians, vegans and non-meat eaters ; and those regularly buying free range products



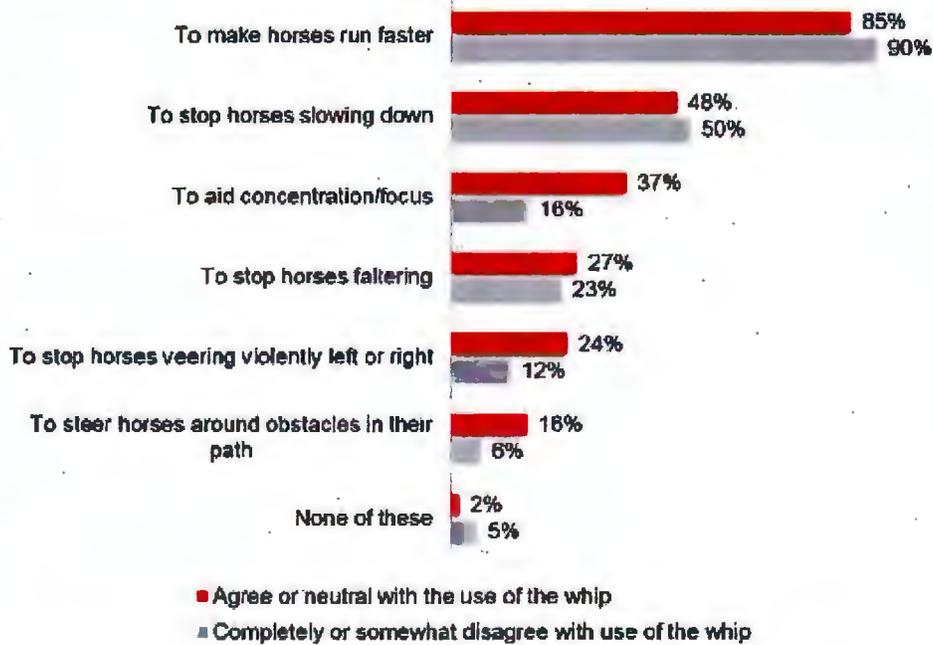
Q9 When, in the course of a horse race, do you think that the whip is allowed to be used by jockeys?
 Male N= 735; Female N= 778
 18 to 24 N= 177; 25 to 34 N= 274; 35 to 44 N= 247; 45 to 54 N= 280; 55+ N= 534
 Vegetarian, Vegan or Non-Meat Eater N= 129 ; None of these N= 1381
 Yes, I do N= 631 ; No, I don't buy free-range products once a week N= 664

In terms of the purposes of the whip, those not interested in horseracing were significantly less likely to be aware that the whip is used for aiding concentration / focus ; to stop horses veering violently left or right ; and to steer horses around obstacles in their path



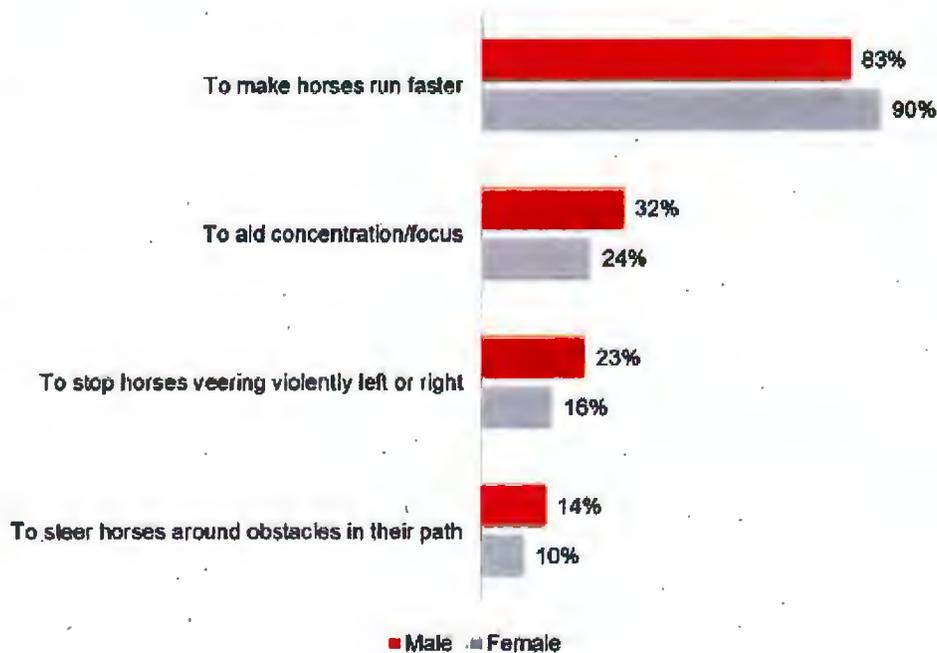
Q11 For which, if any, of the following are reasons why you believe the whip is used (Please tick all that apply)
 Some level of interest in horse racing N= 1130; No interest at all in horse racing N= 941

Similarly, when compared to those who agree with or are neutral towards the whip, those that disagreed with the whip were significantly less likely to believe it is used for concentration / focus, to stop horses veering and to steer them around obstacles – indicating further misunderstanding amongst this group



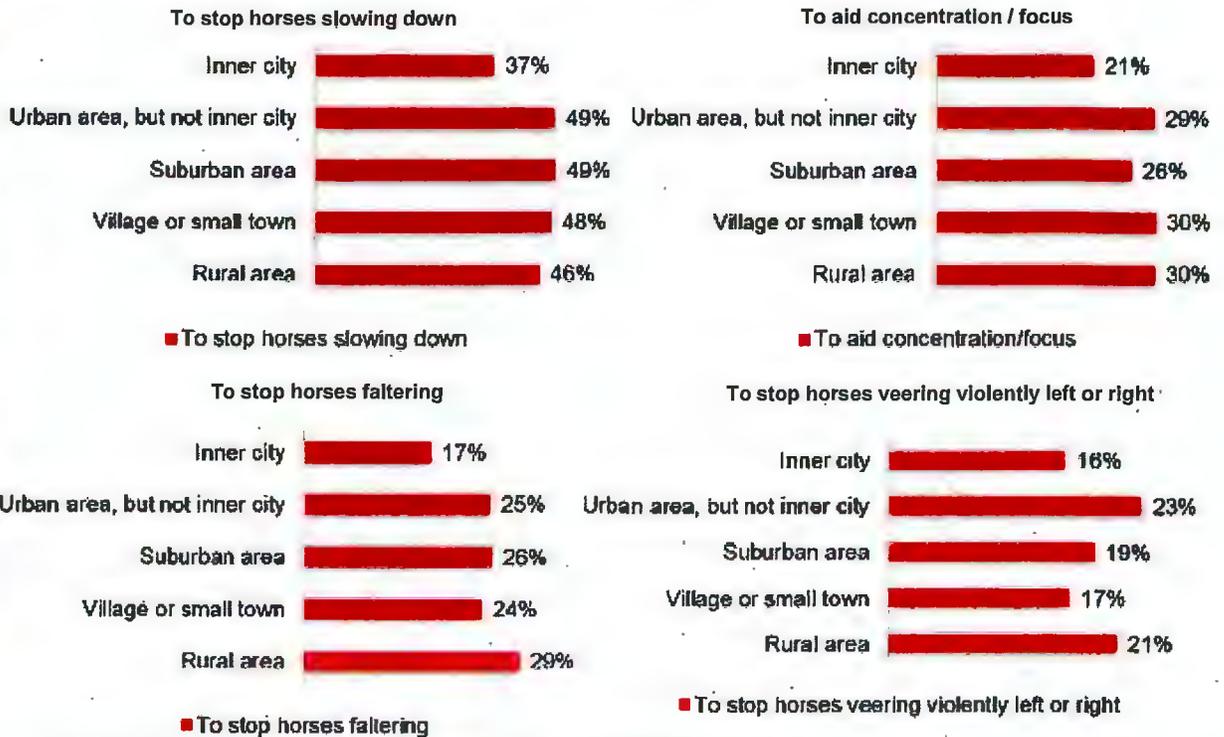
Q11 For which, if any, of the following are reasons why you believe the whip is used?
 Agree or neutral with the use of the whip N= 1114 ; Completely or somewhat disagree with the use of the whip N= 655

The same three safety uses also had strongly differing levels of awareness between males and females



Q11 For which, if any, of the following are reasons why you believe the whip is used?
 Male N= 925; Female N= 1012

Those living in inner city areas were generally less aware of most of the main safety reasons for the whip ; the most significant differences between Inner City and other regions being for the 4 reasons below



Q11 For which, if any, of the following are reasons why you believe the whip is used?

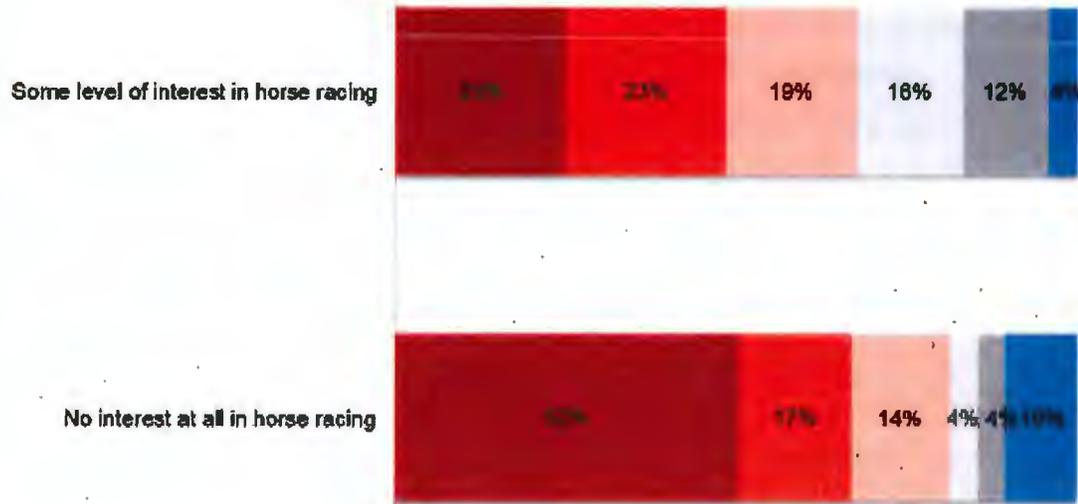
Inner city N= 176 ; Urban area, but not inner city N= 475 ; Suburban area N= 472 ; Village or small town N= 651 ; Rural area N= 147



5. Detailed views on the whip

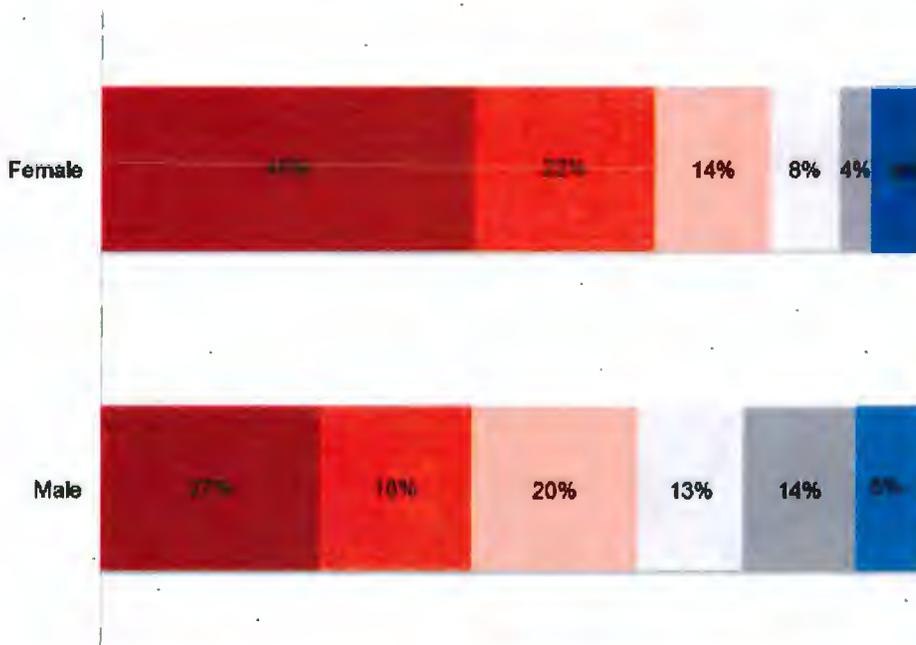


As seen previously, when initially asked their views on the whip, a large percentage of people strongly agreed that the whip should be banned completely – this was particularly true of those with no interest in horseracing



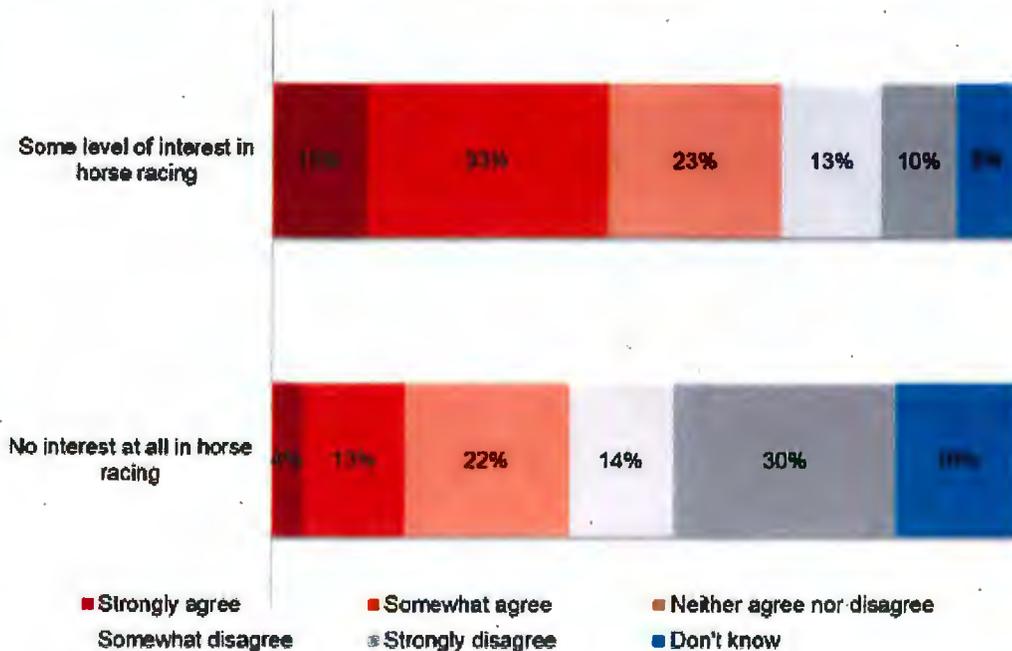
Q7 To what extent do you agree or disagree with each of the following statements: The use of the whip in horseracing should be banned completely
 Some level of interest in horse racing N= 1130 ; No interest at all in horse racing N= 941

Females were significantly more likely than males to strongly agree that the whip should be banned completely, with males more likely to either strongly or somewhat disagree with banning the whip or to be indifferent in their views



Q7 (4) To what extent do you agree or disagree with each of the following statements... The use of the whip in horse racing should be banned completely.
 Male N= 995; Female N= 1077

However, **after the pain free nature of the whip was explained to respondents**, while three in ten people with no interest in horseracing still strongly disagreed that the whip should be used during a race, only one in ten of those with some level of interest in horseracing strongly disagreed with its use

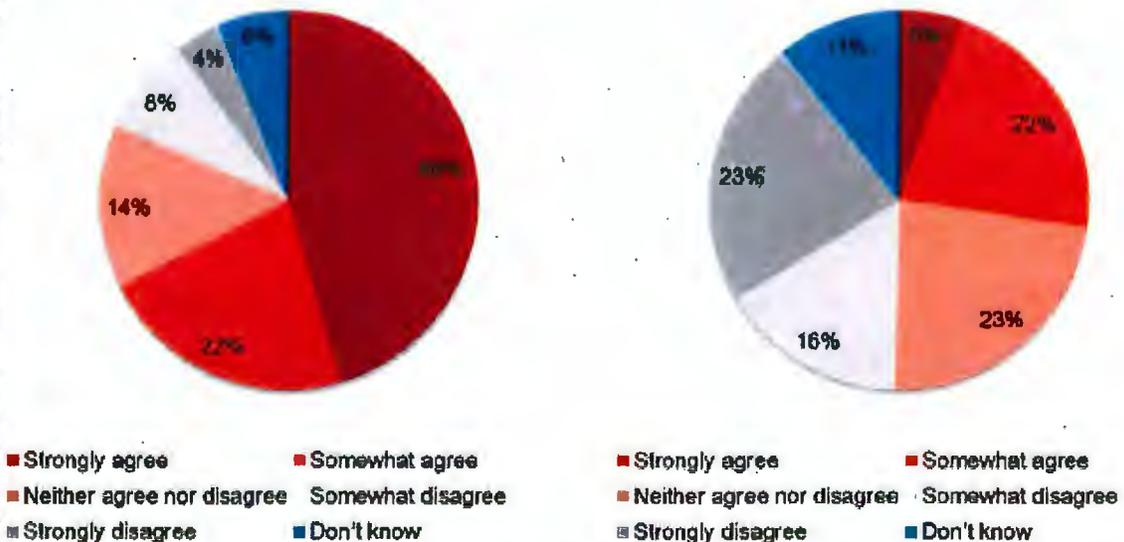


Q13 As stated previously, the whip used in racing in Britain is a cushioned whip and has been specifically designed not to cause pain. Thinking about this, to what extent do you agree or disagree with the use of the whip during a race? Some level of interest in horse racing N= 1130 ; No interest at all in horse racing N= 941

Although in both cases females are significantly more likely than males to strongly disagree with the use of the whip, they were more likely than males to soften their views after the explanation: 46% of females strongly agreed with banning the whip completely before the explanation while afterwards, only 23% strongly disagreed with its use

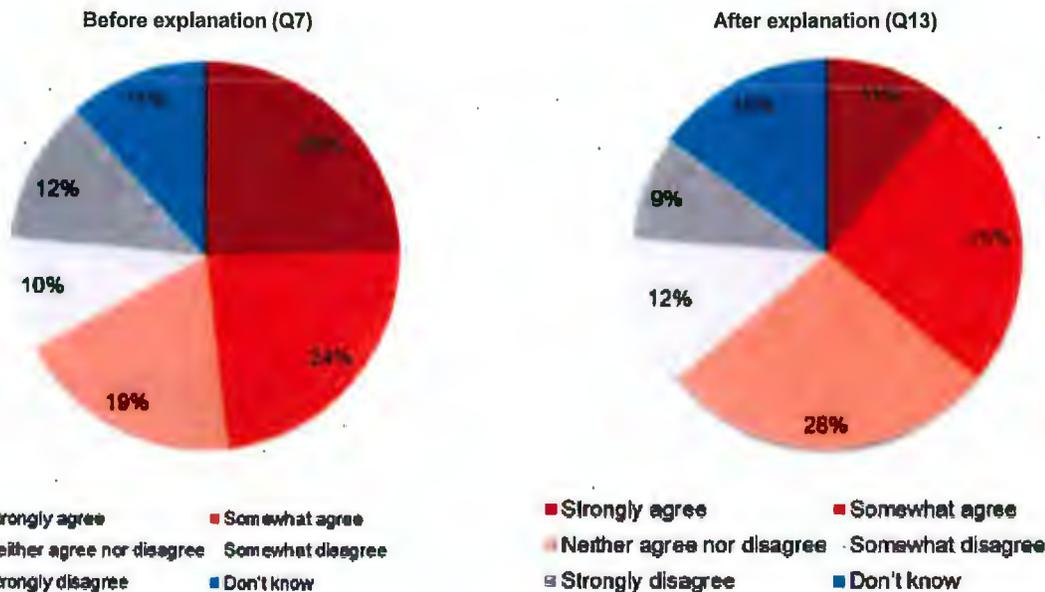
Before explanation (Q7)

After explanation (Q13)



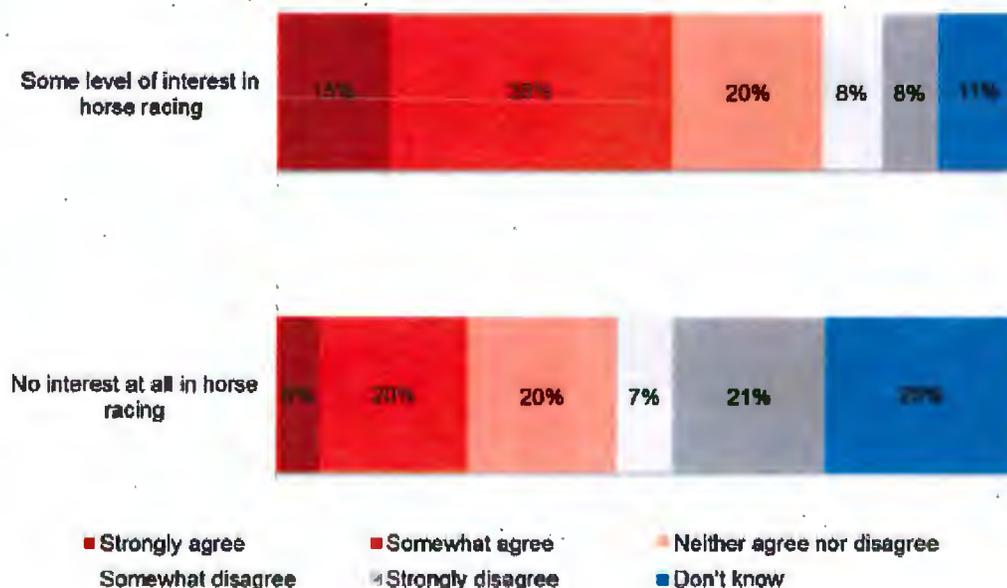
Q7 To what extent do you agree or disagree with each of the following statements: The use of the whip in horseracing should be banned completely
 Q13 As stated previously, the whip used in racing in Britain is a cushioned whip and has been specifically designed not to cause pain. Thinking about this, to what extent do you agree or disagree with the use of the whip during a race? Both N=1077 (Females)

Similarly, of all age groups, the 25 to 34 age group were most likely to change their views – initially one in four people strongly agreed that the whip should be banned completely, however after learning about the pain free nature of the whip, less than one in ten strongly disagree with its use



Q7 To what extent do you agree or disagree with each of the following statements: The use of the whip in horseracing should be banned completely
 Q13 As stated previously, the whip used in racing in Britain is a cushioned whip and has been specifically designed not to cause pain. Thinking about this, to what extent do you agree or disagree with the use of the whip during a race?
 Both N=371 (aged 25-34)

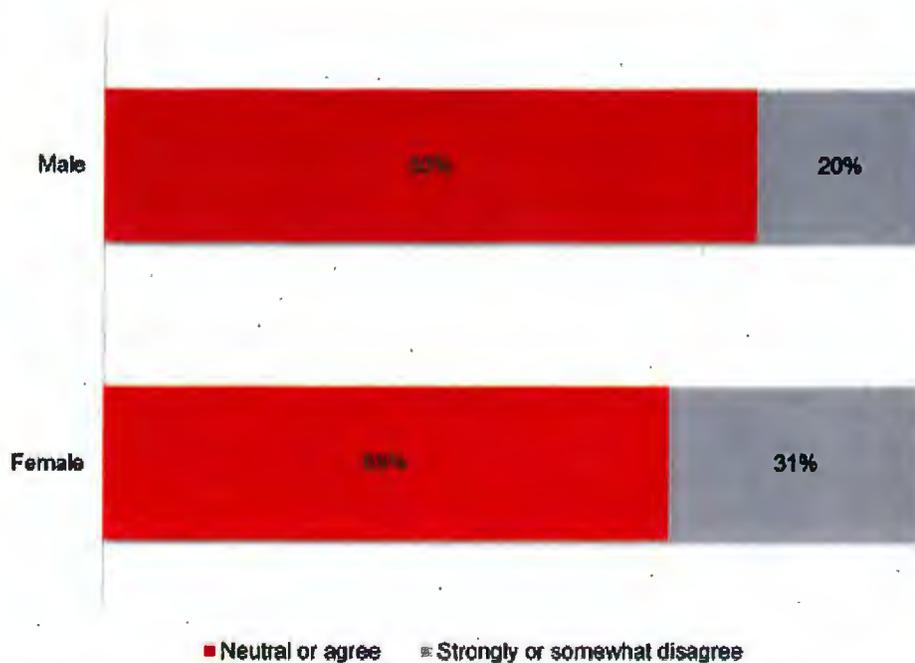
After the explanation, respondents were also asked if the whip should be used for safety purposes: one in five of those with no interest in horseracing strongly disagreed with its use even for safety purposes



Q12 The whip used in racing in Britain is a cushioned whip and has been specifically designed not to cause pain. To what extent do you agree or disagree that the whip should be used on the hind quarters and for safety purposes (e.g. to stop horses violently veering left or right etc.)?

Some level of interest in horse racing N= 1130 ; No interest at all in horse racing N= 941

There is also a significant number of females (31%) who still disagreed with the use of the whip, even for safety reasons

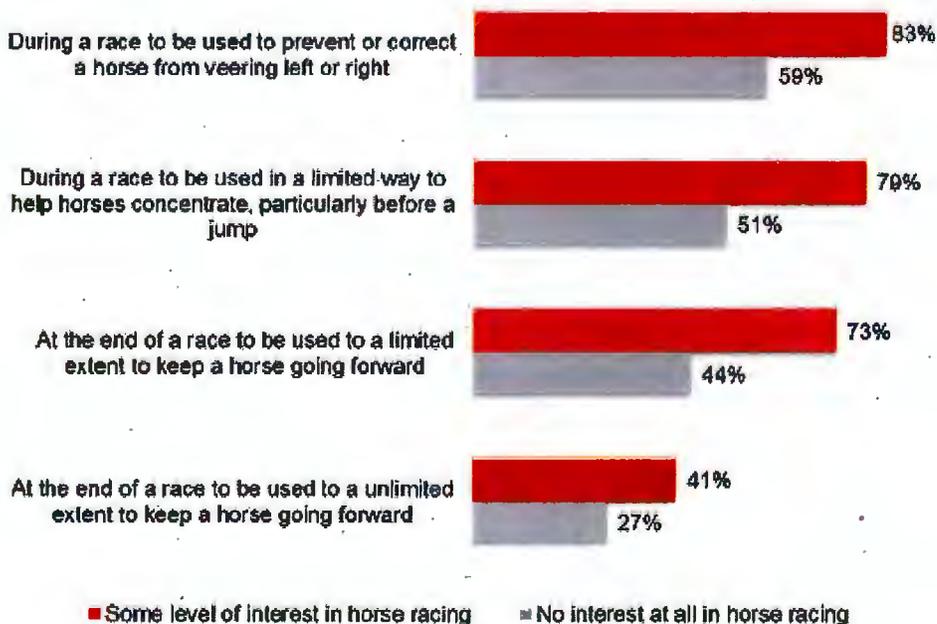


Q12 The whip used in racing in Britain is a cushioned whip and has been specifically designed not to cause pain. To what extent do you agree or disagree that the whip should be used on the hind quarters and for safety purposes (e.g. to stop horses violently veering left or right etc.)?
Male N= 816; Female N= 890

33

SMG You

Finally, while 73% of people interested in horseracing did not find it unacceptable to use the whip at the end of a race to a *limited* extent, both those with and without an interest in horseracing were more likely than not to believe *unlimited* use of the whip at the end of a race to be unacceptable

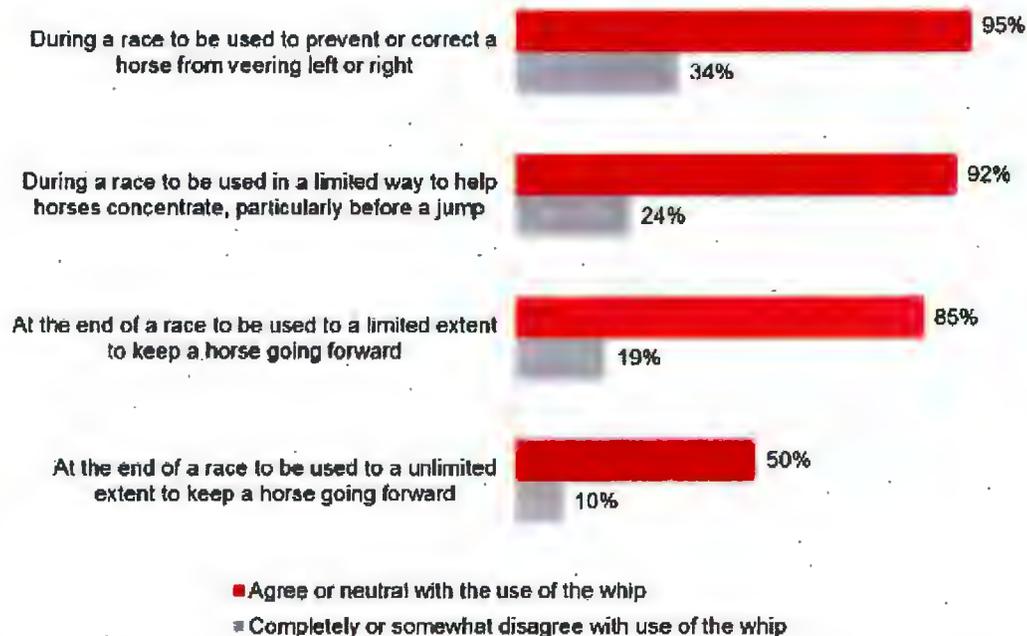


Q14 To what extent do you think the use of the whip is acceptable or unacceptable in each of the following situations? Bars indicate an answer of neutral or acceptable ;Some level of interest in horse racing N= 1130 ; No interest at all in horse racing N= 941

34

SMG You

Similarly, 85% of those who agreed with or are neutral towards the whip find the use of the whip *to a limited extent* at the end of a race acceptable ; those who disagreed with the use of the whip were most likely to accept it being used to prevent or correct a horse from veering left or right



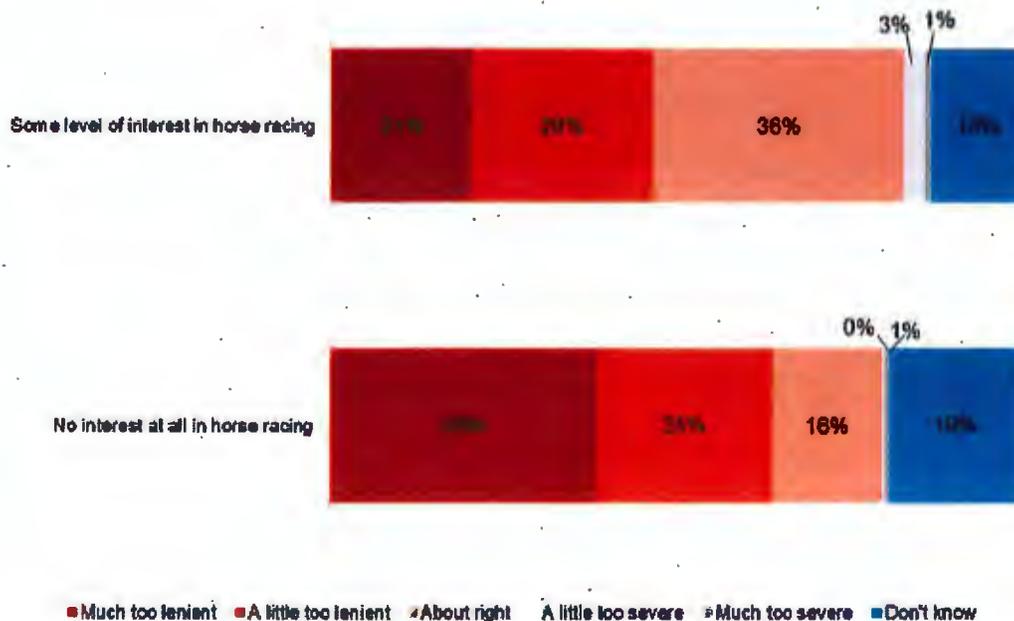
Q14 To what extent do you think the use of the whip is acceptable or unacceptable in each of the following situations? Bars indicate an answer of neutral or acceptable ; Agree or neutral with the use of the whip N= 1145 ; Completely or somewhat disagree with the use of the whip N= 679



6. Potential changes to current penalties

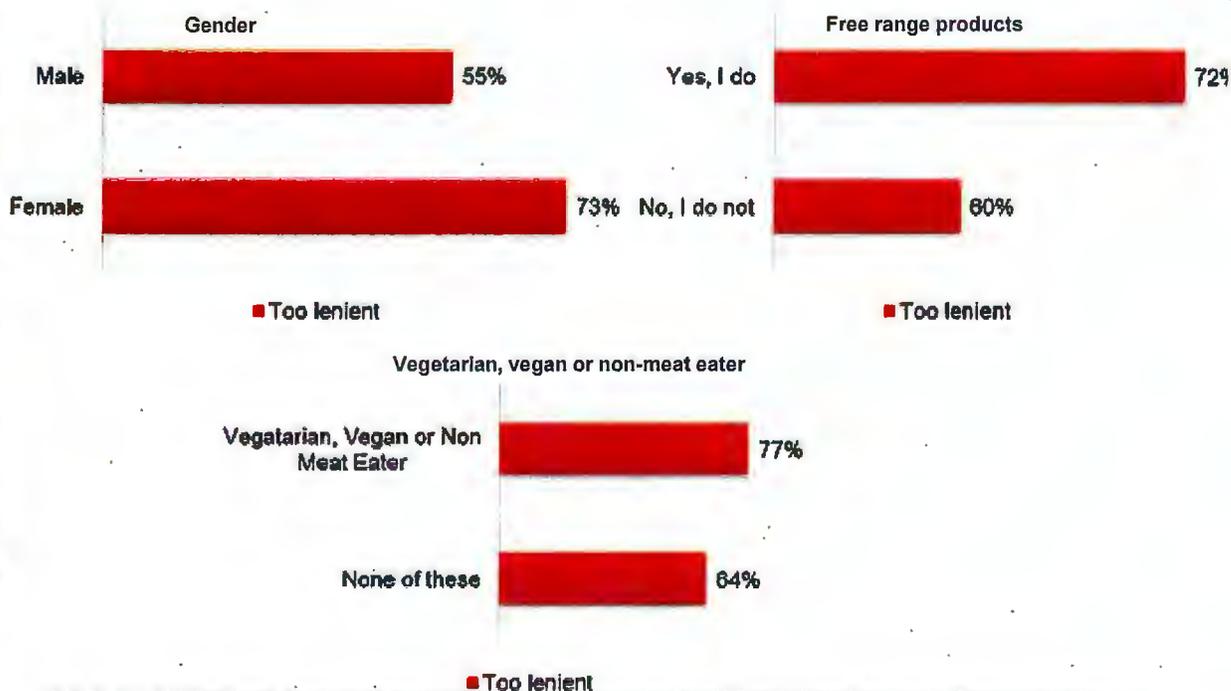


Horseracing followers were significantly more likely than non-followers to think current levels of penalties are about right ; however, nearly one in two (47%) of horseracing followers still think current penalties are much or a little too lenient



Q15 Do you think the above punishments are too lenient, too severe, or about right?
Some level of interest in horse racing N= 1130 ; No interest at all in horse racing N= 941

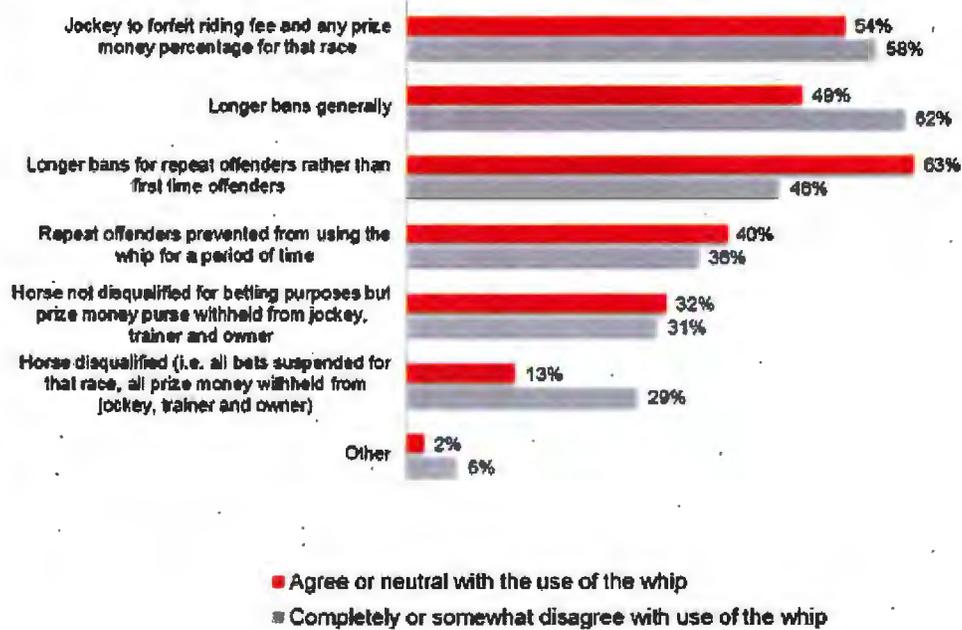
Females ; vegetarians, vegans and non-meat eaters ; and those regularly buying free range products were all very likely to think current penalties are too lenient



Q15 Do you think the above punishments are too lenient, too severe, or about right? Bars indicate those saying the punishments are either much too lenient or a little too lenient
Male N= 825 ; Female N= 921
Yes, I do N= 744 ; No, I don't buy free-range products once a week or more often but I do sometimes N= 762
Vegetarian, Vegan or Non-Meat Eater N= 158; None of these N= 1584

6

Those both for and against the whip believe a more suitable penalty should be the jockey to forfeit the riding fee and any prize money % for that race ; those disagreeing with the use of the whip also believe there should be longer bans generally while those in favour of the whip would like to see longer bans for repeat offenders than first time offenders

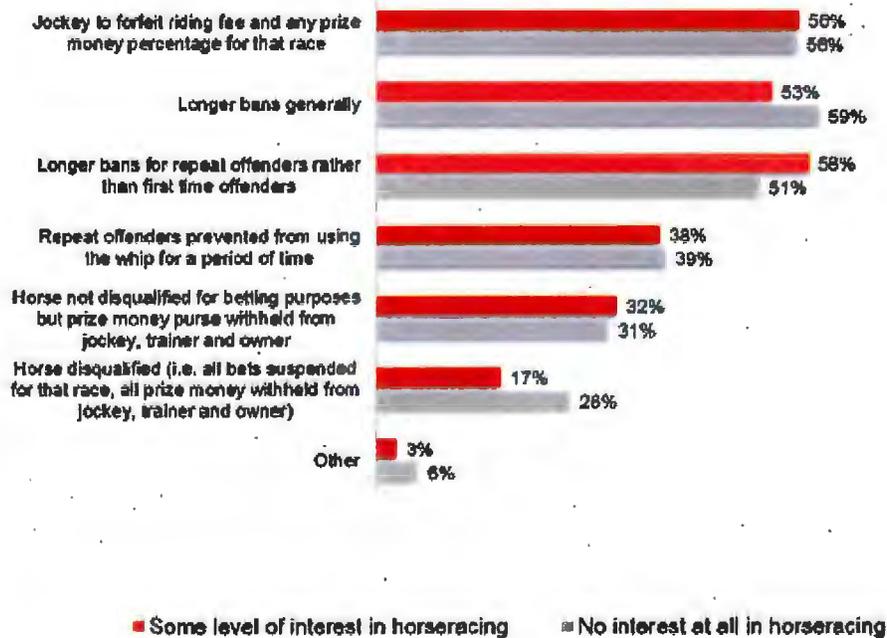


Q16 You indicated that you think the current punishments are too lenient.. Which, if any, of the following types of more severe punishment do you think would be more suitable?
 Agree or neutral with the use of the whip N= 502; Completely or somewhat disagree with the use of the whip N=565



6

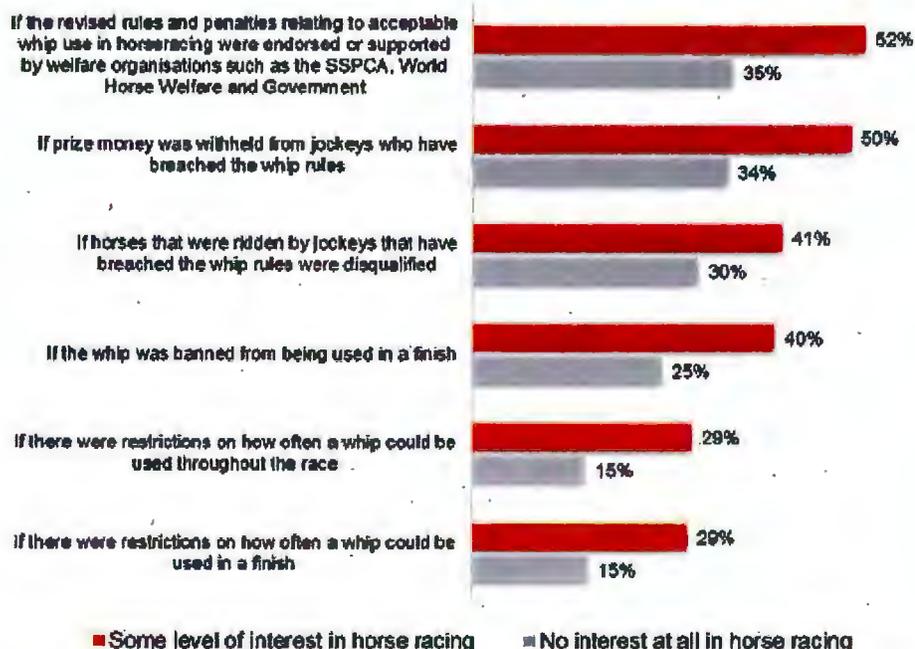
Findings were very similar when comparing those interested in horseracing with those not ; those interested were more likely to favour longer bans for repeat offenders while those with no interest favoured longer bans generally



Q16 You indicated that you think the current punishments are too lenient.. Which, if any, of the following types of more severe punishment do you think would be more suitable?
 Some level of interest in horse racing N= 1130 ; No interest at all in horse racing N= 941



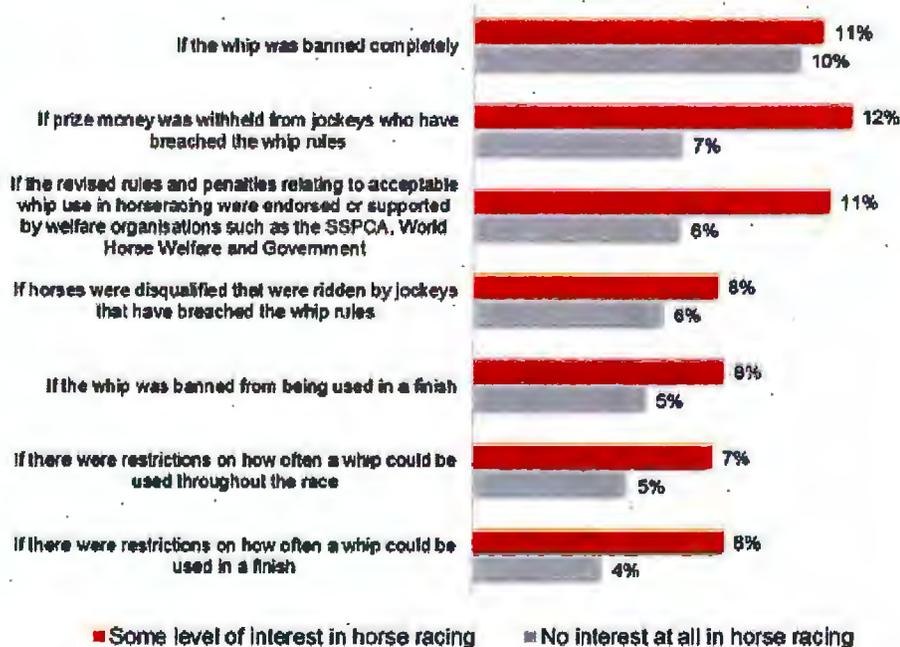
The two things most likely to make those who disagree with the whip more likely to be accepting of the whip are if revised rules were endorsed by welfare organisations and if prize money was withheld from jockeys in breach of the whip rules



Q17 You mentioned earlier that you disagree with the use of the whip during a race... How much more or less likely would you be to accept the use of the whip in racing...

Graph bars show those who answered 'Much more likely' or 'Somewhat more likely'
Some level of interest in horse racing N= 267 ; No interest at all in horse racing N= 412

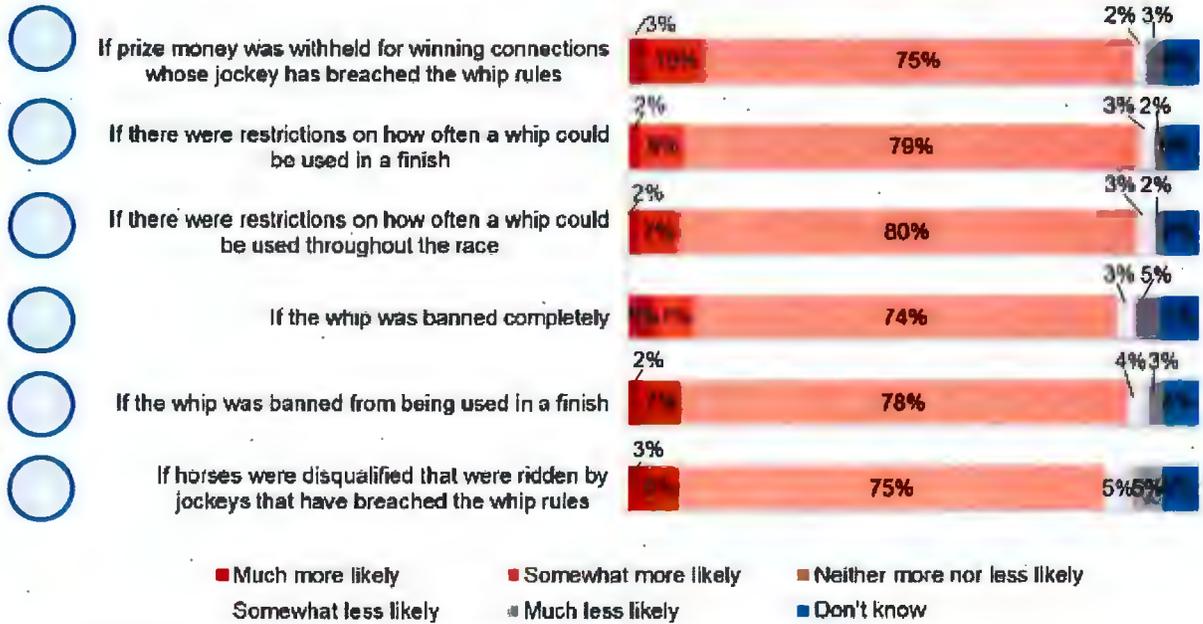
The withholding of prize money and rules to be endorsed by welfare organisations are also key to making people more likely to attend horseracing events



Q18 You mentioned earlier that you haven't attended a horserace in the past 12 months... How much more or less likely would you be to attend a horse racing event...

Graph bars show those who answered 'Much more likely' or 'Somewhat more likely'
Some level of interest in horse racing N= 967 ; No interest at all in horse racing N= 930

5 out of the 6 potential changes below would make those that have placed a bet on horseracing during the last 12 months **more** likely overall than not to do so again ; in particular withholding prizemoney for winning connections whose jockey has breached the whip rules would make 13% of bettors much or somewhat more likely to bet again with only 5% much or somewhat less likely to bet again (net difference +8%)



Q19 How much more or less likely would you be to bet on horse racing...
 Those who have placed a bet on an horse racing event in the last 12 months N= 563
 (summary: ranked in order of which is likely to have best effect on bettors)



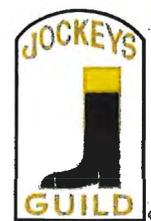
7. Summary



Summary

- A large proportion of the population – particularly those with no interest in horseracing, and females – instinctively disagree with the use of the whip and think current penalties are too lenient
- However, a fair number of those in disagreement have flawed understanding of both when during a race the whip is allowed to be used, and as to the full range of safety reasons for which the whip is present
- Whilst some in disagreement are very unlikely to change their views no matter what, a substantial number would be open to changing their views – most likely to encourage this are the following:
 - Withholding of the offending jockey's riding fee and any prize money %
 - Longer bans for offenders
 - If revised rules were endorsed by welfare organisations





For immediate release:

April 10, 2019

Contact: Terry Meyocks, Jockeys' Guild: 859-523-5625

Mary Forney, TOC: 619-609-8761

JOCKEYS' GUILD POSTPONES PLAN TO RIDE WITHOUT CROPS

Lexington, KY – Through an agreement between the Jockeys' Guild and the Thoroughbred Owners of California, jockeys will ride with crops Friday at Santa Anita. The Jockeys' Guild has postponed its planned experiment to have its members ride without them as the organization works toward longer-term implementation of policies consistent with recent guidelines issued by the California Horse Racing Board, the Guild and TOC announced today.

"We will comply, for the time being, with the request from the Thoroughbred Owners of California to not proceed with the jockeys not using riding crops during the races at Santa Anita Park on Friday, April 12," said Jockeys' Guild President and CEO Terry Meyocks. "For the past month we have received virtually no support from industry organizations in California until contacted by the TOC in the last day and a half. In the interest of moving forward to create a safer environment for both equine and human athletes, we have agreed to work with the TOC to come to a mutually agreeable position on riding crop usage in California to be submitted to the CHRB."

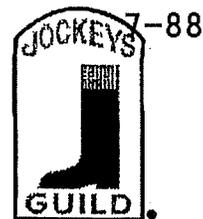
The Jockeys' Guild will be asking the jockeys at Santa Anita and Golden Gate to use the recently developed 360 GT riding crop, which was used over this past weekend of racing at Keeneland Racecourse. The 360 GT has been developed in the interest of safeguarding horses and riders. Guild officials indicated that they will continue to monitor racing conditions and crop use while seeking feedback from the riders to ensure the welfare of the horses.

"Jockeys, who take great personal risk every time they ride, are focused on safety and are vigilant caretakers of their horses," said Greg Avioli, president of the TOC. "We appreciate the Guild's willingness to continue to work with us on policy options that protect horses and riders while ensuring that races are run fairly for all participants."

"I have been fortunate to work with some of the best riders in the world in my career here in California and I have seen their dedication to the safety and welfare of our horses," said Bob Baffert, TOC board member. "We owe it to the riders to work with them to ensure that they're on board with the steps we are taking to create the safest environment possible for our athletes."

"It is and has been the Guild's position that we must have rules that are in the best interests of all of our industry participants – horses, owners, breeders, racetracks, trainers, jockeys and the betting public whose interest fuels our sport," said Meyocks.

About the Guild: Jockeys' Guild, Inc. is the organization representing professional jockeys in Thoroughbred and Quarter Horse racing in the United States. It was founded in May 1940 and has approximately 1,200 members, including active, retired and disabled jockeys. The purpose is to protect jockeys, strive to achieve a safer racing environment, to obtain improved insurance and other benefits for members and to monitor developments in local, state and federal laws affecting the racing industry, and in particular, the jockeys. More information about the Guild, visit www.jockeysguild.com or www.facebook.com/jockeysguild



JOCKEYS' GUILD ISSUES STATEMENT REGARDING HORSE RACING INTEGRITY ACT OF 2017

FOR IMMEDIATE RELEASE

LEXINGTON, KY (September 27, 2017) The board of directors of the Jockeys' Guild, composed of leading Thoroughbred and Quarter Horse jockeys selected by their peers, supports the view that there needs to be a change to better protect the integrity of our industry and promote the level playing field that all members of the racing community desire and deserve.

The Board spent an extensive amount of time, including multiple discussions with industry participants such as The Jockey Club, National Horsemen's Benevolent Protective Association, Association of Racing Commissioners International, as well as others, discussing the proposed legislation and considering the most appropriate position for all of the Guild's members.

It is always the position of the Guild that the safety of the jockeys, as well as the horses, shall always be the first priority. Additionally, the Board took into consideration the possible impact of the adoption such legislation on the entire industry, including the horsemen and owners, as well as the regulators and the racetracks.

The Guild agrees that the proposed Horse Racing Integrity Act of 2017 ("HRIA") has many needed elements that will standardize and improve uniform regulation of equine medication in our industry, and, in general, is supportive of a legislative solution. However, the Guild offers the following observation, which it believes needs to be addressed before the proposed legislation could be supported:

1. Lasix

The Guild is opposed to the elimination of Lasix on race day because we believe it is necessary for the safety of both the horse and the rider. The Guild believes that until there is a consensus reached within the industry that the elimination of Lasix on race day is in the best interest of the horse, it should not be prohibited. In addition, the Guild strongly suggests that all racing jurisdictions adopt rules requiring the administration of Lasix on race day be done by a licensed, independent third party.

2. Funding

The Guild agrees that state of the art testing and the expansion of out-of-competition testing is critical to provide a safe and level playing field and enhance the integrity of our industry. The Guild has concerns that extra costs for the proposed anti-doping agency will place severe burdens on race tracks and owners, especially at smaller tracks where many jockeys began their careers and where many of our members ride. The Guild urges more discussion on the costs of the proposed legislation and how it may be productively allocated within existing revenue sources.

3. RMTC

The Guild has long been a strong proponent for the Racing Medication Testing Consortium (RMTC), and notes its significant contribution to the racing industry, in particular the establishment of the National Uniform Medication Programs and its campaign for those rules to be uniformly adopted by the states. In that regard, we feel that the RMTC must continue to have a major role moving forward under any federal legislation and would urge amendments to the legislation that would provide the RMTC with the same significant status it enjoys today.

4. Racing Commissioners International (ARCI)

The Guild believes that in many areas, outside of the regulation of medication in racing, ARCI and the various State Racing Commissions should have a unified set of rules and regulations coordinated by the ARCI. Any federal legislation should enhance the role played by ARCI in coordinating these regulations.

5. Oversight/ Governance

The Guild believes that the horse racing industry should develop a consensus on the governance of the new entity created by the HRIA, with more general rights granted to the industry on matters of the overall performance of the new anti-doping agency. The Guild believes that the federal government review of the Horseracing Anti-Doping and Medication Control Authority (HAMCA) should be conducted at the third anniversary of the founding of the organization, not the fifth anniversary as the legislation provides. Furthermore, the Guild, while respecting the no-conflict governance structure, wishes to see the legislation amended to specifically provide for a board seat for the direct nominee of the Jockeys' Guild.

The Guild looks forward to working with the Coalition for Horse Racing Integrity and other members of the industry, as well as legislative leaders, to develop the best program of medication control for the horse racing industry.

Contact: Jockeys' Guild (859) 523-5625

CALIFORNIA HORSE RACING BOARD

APRIL 17, 2019
COMMITTEE MEETING

There is no board package material for Item 8

CALIFORNIA HORSE RACING BOARD

APRIL 17, 2019
COMMITTEE MEETING

There is no board package material for Item 9