CALIFORNIA HORSE RACING BOARD
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MEDICATION AND TRACK SAFETY COMMITTEE MEETING

of the **California Horse Racing Board** will be held on **Wednesday, January 15, 2014**, commencing at **2:00 p.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 proposal to **designate clenbuterol administration to quarter horses as a veterinary treatment requiring 1) placement on the Veterinarian's List for a period of 15 days and 2) requiring a blood and urine test to be clear of clenbuterol before the official veterinarian can declare the horse fit to race pursuant to CHRB Rules 1866, Veterinarian's List, and CHRB Rule 1855, Medication Procedures and Related Instructions.**

2. Discussion and action regarding the proposal to **amend CHRB Rule 1858, Test Sample Required, to eliminate the maximum restriction on samples that may be taken and to add horses registered to race at an inclosure, nominated to a race, and pre-entered in a race to those horses subject to testing.**

3. Discussion and action regarding the proposal to **amend CHRB Rule 1866, Veterinarian's List, to require horses placed on the Veterinarian's List multiple times as unsound or lame to remain on the Veterinarian's List for longer periods of time for repeated instances.**

4. Discussion and action regarding **options for implementing and administering a third party authorized bleeder medication program in California.**

5. Discussion and action regarding **backside security issues.**

6. **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 AND
TRACK SAFETY COMMITTEE
1st Vice Chairman Bo Derek, Chairman
Chairman Chuck Winner, Member
Jacqueline Wagner, Assistant Executive Director

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE PROPOSAL TO DESIGNATE CLENBUTEROL ADMINISTRATION TO QUARTER HORSES AS A VETERINARY TREATMENT REQUIRING 1) PLACEMENT ON THE VETERINARIAN'S LIST FOR A PERIOD OF 15 DAYS AND 2) REQUIRING A BLOOD AND URINE TEST TO BE CLEAR OF CLENBUTEROL BEFORE THE OFFICIAL VETERINARIAN CAN DECLARE THE HORSE FIT TO RACE PURSUANT TO CHRB RULE 1866, VETERINARIAN'S LIST, AND CHRB RULE 1855, MEDICATION PROCEDURES AND RELATED INSTRUCTIONS

Medication and Track Safety Committee Meeting
January 15, 2014

BACKGROUND

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper for 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 19562 provides that the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in this State.

Board Rule 1855, Medication Procedures and Related Instructions, provides that the Board may issue orders governing medication procedures and related instructions, to amplify the provision of Article 15, Veterinary Practices. The current version of Board Rule 1866, Veterinarian's List, states the official veterinarian shall maintain a Veterinarian's List of those horses determined to be unfit to compete in a race due to physical distress, unsoundness, or infirmity. Horses placed on the Veterinarian's List as injured, unsound or lame may not workout for 72 hours after being placed on the list without the permission of the official veterinarian. A horse placed on the list Veterinarian's List shall be removed from the list only after having established or demonstrated to the satisfaction of the official veterinarian or the racing veterinarian that the horse is then raceably sound and in fit physical condition to exert its best effort in a race.

Rule 1866 is in the process of being amended to provide that any horse on the Veterinarian's List as sick or receiving veterinary treatment-shockwave therapy not be allowed to workout for a minimum of 72 hours without the permission of the official veterinarian. The proposed amendment to Rule 1866 will also modify subsection 1866(e) to provide that any horse placed on the Veterinarians List as lame or unsound be required to be on that list for a minimum of 10 days for the first incident in 365 days, for 30 days for the second incident in 365 days, 60 days for the third incident in 365 days and 180 days for the fourth incident in 365 days. The proposal is modeled after Rule 1845, Authorized Bleeder Medication, subsection (e), which requires mandatory restrictions from racing for bleeding episodes.

The suspension of the use of clenbuterol in all breeds was accomplished under the authority of Board Rule 1844.1, Suspension of Authorized Medication. The regulation was adopted by the Board in July 2011 specifically to address issues related to equine medication.

At the August 2011 Regular Board Meeting the Los Alamitos Race Course (LARC) and the Pacific Coast Quarter Horse Racing Association requested that the CHRB consider enacting Rule 1844.1 to suspend the authorized administration of clenbuterol to horses entered to race at LARC for a period of 12 months effective October 14, 2011. The Board enacted Rule 1844.1 and approved the joint request to temporarily suspend the use of clenbuterol in quarter horses entered to race at LARC, effective October 14, 2011 through October 14, 2012. In May 2012 the Board temporarily suspended the use of clenbuterol in all breeds at all California racetracks. At its June 28, 2012 Regular Meeting the Board reaffirmed the suspension of the use of clenbuterol in all breeds at all California race tracks for a period of twelve months, and voted to acknowledge a 21-day withdrawal pursuant to Board Rule 1844.1. The previous action by the Board to impose a total ban on the use of clenbuterol in quarter horses would continue as enacted. In June 2013, the Board again voted to suspend for twelve months the use of clenbuterol by all breeds at all California race tracks.

ANALYSIS

The Equine Medical Director, Dr. Rick Arthur, has proposed the implementation of procedures regarding the administration of clenbuterol to quarter horses. Among the provisions of the procedures is the requirement that trainers to report the administration of clenbuterol to quarter horses on the CHRB form Trainer Medication Report CHRB-60. In addition, veterinarians prescribing clenbuterol must include the diagnosis for the basis of prescribing clenbuterol, the dosage and estimated last dose date. Any quarter horse administered clenbuterol will be placed on the Veterinarian's List for a minimum of 30 days. No quarter horse on the Veterinarian's List will be allowed to enter to race until it is removed from the list. Any quarter horse found to have clenbuterol in either blood or urine in out-of-competition (OOC) testing that has not been properly reported to the CHRB official veterinarian will be ineligible to race until a hearing has been conducted to determine the circumstances. In addition, any trainer of a quarter horse found to have clenbuterol in blood or urine in OOC testing will forfeit his or her stall allocation and must re-apply for stall space.

Government Code section 11342.6, Regulation, defines a regulation as: "*...every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedures*." The proposed procedures fit the criteria for a regulation governing the administration of clenbuterol to quarter horses. The Committee may consider adopting the proposed procedures in the form of a regulation specific to quarter horses. A draft text of a proposed regulation, Rule 1843.7, Administration of Clenbuterol to Quarter Horses, is attached.

RECOMMENDATION

This item is presented for Committee discussion and action.

Clenbuterol had become a scourge in QH racing. There are arguments as to whether it is performance enhancing, however, if clenbuterol didn't make a different, they would give it up a lot easier than they are now. The drug is a bit like bicarbonate loading (milkshaking). Both are hard habits to break.

Below are proposed procedures for the administration of clenbuterol to quarter horses. The CHRB has the infrastructure to administer this:

- Administration of clenbuterol to quarter horses must be reported by trainers on CHRB-60 (Trainer Medication Report) to the CHRB official veterinarian. Any quarter horse administered clenbuterol will be placed on the Vet's List for a minimum of 30 days from the last dose and be required to be clear of clenbuterol in both blood and urine before removal from the list. Quarter horses on the Veterinarian's List for clenbuterol administration will not be allowed to enter until the horse is removed from the Vet's List.

- Any horse found to have clenbuterol in either blood or urine in out-of competition testing that has not been properly reported to the CHRB official veterinarian will be ineligible to race at Los Alamitos until a hearing has been conducted to determine the circumstances. The trainer of horse found to have clenbuterol in either blood or urine in out-of competition testing that has not been properly reported to the CHRB official veterinarian will forfeit his or her stall allocation and must re-apply for stall space. Regardless of circumstances, quarter horses found to have clenbuterol in either blood or urine in out-of competition testing will be placed on the Vet's List for a minimum of 30 days from the last dose and be required to be clear of clenbuterol in both blood and urine before removal from the list. Quarter horses on the Veterinarian's List for clenbuterol administration will not be allowed to enter until the horse is removed from the Vet's List.

- Veterinarians prescribing clenbuterol must include the diagnosis for the basis of prescribing clenbuterol, the dosage and estimated last dose date. Clenbuterol may only be prescribed to a specific individual horse for a specific diagnosis and for a specific period of time. The horse, diagnosis, dosage and estimated last administration date must be reported to the CHRB official veterinarian on form CHRB-24 (Veterinarian Report).

- Practicing veterinarians must include the name of the specific horse, the specific dosage and duration of treatment on the label of any clenbuterol dispensed to quarter horses within the CHRB enclosure to be in compliance with CHRB 1864 (Labeling of Medication).

- Owners of quarter horses entered off-site from a non-CHRB facility insure the condition of their horses equally as the trainer. *(Owners/trainers should be required to register any horse they intend to race at Los Alamitos at least 30 days prior to entry, allow access to that location to CHRB or Los Alamitos personnel and make their horse available for out of competition testing.)*

DRAFT

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED ADDITION OF
RULE 1843.7. ADMINISTRATION OF CLENBUTEROL TO QUARTER HORSES

Regular Board Meeting
January 16, 2014

1843.7. Administration of Clenbuterol to Quarter Horses.

(a) The trainer of a quarter horse that is administered clenbuterol shall report such administration to the official veterinarian on the form Trainer Medication Report, CHRB-60, which is hereby incorporated by reference. Such horse administered clenbuterol shall be placed on the Veterinarian's List for a minimum of 30 days from the date of the last dose and shall be required to test clear of clenbuterol in both blood and urine before removal from the list. A quarter horses on the Veterinarian's List for clenbuterol administration shall not be allowed to enter to race until it is removed from the Veterinarian's List.

(b) Veterinarians prescribing clenbuterol must report the name of the horse, the diagnosis for the basis of prescribing clenbuterol, the dosage and estimated last administration date on the form Veterinarian Report, CHRB-24, which is hereby incorporated by reference. Clenbuterol shall only be prescribed to a specific individual horse for a specific diagnosis and for a specific period of time.

(c) Practicing veterinarians must include the name of the specific horse, the specific dosage and duration of treatment on the label of any clenbuterol dispensed to quarter horses within the CHRB enclosure to be in compliance with Rule 1864, Labeling of Medication.

(d) Owners of quarter horses entered off-site from a non-CHRB facility insure the condition of their horses equally as the trainer.

(b) Any horse found in out of competition testing to have clenbuterol in either blood or urine that has not been reported to the official veterinarian as required under this regulation shall be ineligible to race until a hearing has been conducted to determine the circumstances. The trainer of a horse found to have clenbuterol in either blood or urine in out-of competition testing that has not been properly reported to the official veterinarian will forfeit his or her stall allocation and must re-apply for stall space. Regardless of circumstances, quarter horses found to have clenbuterol in either blood or urine in out-of competition testing will be placed on the Veterianarian's List for a minimum of 30 days from the last dose and shall be required to be clear of clenbuterol in both blood and urine before removal from the list.

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

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

TRAINER MEDICATION REPORT

HORSE: _____

DATE OF RACE: _____ RACE NO.: _____

MEDICATION: _____

_____

DATE TREATED: _____ TIME: A.M. ☐ P.M. ☐ _____

TRAINER: _____
(SIGNATURE)

_____
(PLEASE PRINT NAME)

COMMENTS: _____

CHRB-60

1-7

CALIFORNIA HORSE RACING BOARD

VETERINARIAN REPORT

Date

Veterinarian Signature

CONFIDENTIAL

Race Track

No.	Name of Horse	Name of Trainer	Time	Medication Administered, Prescribed or Dispensed	Check If Racing Today

CHRB-24

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE PROPOSAL TO AMEND CHRB RULE 1858, TEST SAMPLE REQUIRED, TO ELIMINATE THE MAXIMUM RESTRICTION ON SAMPLES THAT MAY BE TAKEN AND TO ADD HORSES REGISTERED TO RACE AT AN INCLOSURE, NOMINATED TO RACE, AND PRE-ENTERED IN A RACE TO THOSE HORSES SUBJECT TO TESTING

Medication and Track Safety Committee Meeting
January 15, 2014

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 19562 states that 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 provides that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horseracing in California.

Board Rule 1858, Test Sample Required, currently requires blood and urine samples to be collected from the winner of every race, horses placing second or third in a stakes race with a gross purse of $75,000 or more, and not less than six or more than nine other horses selected by the Equine Medical Director, the stewards or the official veterinarian. Additionally, Rule 1858 provides that every horse within the inclosure or entered to race is subject to testing, and no person having care of a horse shall refuse to submit it for testing when directed by the stewards or official veterinarian.

ANALYSIS

The proposed amendment of Board Rule 1858 would eliminate the current limitation on the maximum number of horses that may be tested daily at a particular race track. The Board's Equine Medical Director provides that the "upward limit" of nine horses on additional test samples could be exceeded in any number of circumstances. The Board currently tests all claimed horses, the first four finishers in Breeders' Cup races, and all horses have been tested in certain races at Los Alamitos Race Course. Removing the current limitation on the number of horses tested daily would allow for testing of more than nine additional horses – as needed. The upward limit of nine horses was implemented in 2001 with an amendment to Rule 1858. At that time, nine other horses were required to be tested; however, the regulation also required that all claimed horses be tested, and the stewards and the official veterinarian had the discretion to select additional horses for testing. In 2001, one of the rationales for implementing the upward limit of nine horses was that the number could include claimed horses if needed.

The proposed amendment to Rule 1858 will require that "*every horse registered to race at an inclosure, or nominated or pre-entered*" to race is subject to testing. The phrase is meant to clarify that the CHRB can test horses meeting these criteria, even if they are not in a CHRB inclosure.

Currently, horsemen must apply for stalls if they plan to run at a meeting – thus "registering" their horses that will occupy the stalls as potential entrants. However, under the proposed amendment to Rule 1858, "registering" a horse with a racing association regardless of the horses location (off-site) is a new concept. Any horse that potentially may run at a race meeting could be required to register in advance with the association; thus, off-site horses would be available for testing. The concept does raise some questions, including the CHRB's jurisdiction to go outside the inclosure to test horses, and what action the CHRB might take if there was a positive. Adding nominated and pre-entered horses would provide regulatory authority for the Board's out-of-competition (OOC) testing program for the Breeders' Cup and other stakes. Currently, the Board relies on the Breeders' Cup entry provisions for such OOC testing. The proposed amendment would provide authority to have test samples taken in other states for horses nominated to California stakes, and to sample horses for other states as the CHRB currently does for the Kentucky Horse Racing Commission for the Kentucky Derby.

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
RULE 1858. TEST SAMPLE REQUIRED

Medication and Track Safety Committee Meeting
January 15, 2014

1858. Test Sample Required.

Blood and urine test samples shall be taken daily from the winner of every race, from horses finishing second and third in any stakes race with a gross purse of $75,000 or more, and from not less than six ~~or more than nine~~ other horses designated for testing by the Equine Medical Director, the stewards or the official veterinarian. Every horse within the inclosure, every horse registered to race at an inclosure, or nominated, pre-entered or entered in any race is subject to testing and no owner, trainer or other person having the care of a horse shall refuse to submit it for testing when directed by the Equine Medical Director, the stewards or the official veterinarian.

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

Reference: Section 19580(b),
Business and Professions Code; and
Sections 337f, 337g and 337h, Penal Code.

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE PROPOSAL TO AMEND CHRB RULE 1866, VETERINARIAN'S LIST, TO REQUIRE HORSES PLACED ON THE VETERINARIAN'S LIST MULTIPLE TIMES AS UNSOUND OR LAME TO REMAIN ON THE VETERINARIAN'S LIST FOR LONGER PERIODS OF TIME FOR REPEATED INSTANCES

Medication and Track Safety Committee Meeting
January 15, 2014

BACKGROUND

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper for 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 19562 provides that the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in this State. Board Rule 1866, Veterinarian's List, states the official veterinarian shall maintain a Veterinarian's List of those horses determined to be unfit to compete in a race due to physical distress, unsoundness, or infirmity.

Board Rule 1866(b) provides that horses placed on the Veterinarian's List as injured, unsound or lame may not workout for 72 hours after being placed on the list without the permission of the official veterinarian. Subsection 1866(c) provides that a horse placed on the Veterinarian's List shall be removed from the list only after having established or demonstrated to the satisfaction of the official veterinarian or the racing veterinarian that the horse is then raceably sound and in fit physical condition to exert its best effort in a race.

At its September 18, 2013 Medication and Track Safety Committee Meeting, the Committee discussed a proposed amendment to Rule 1866. The proposed amendment would specify the amount of time a horse would remain on the Veterinarian's List as unsound or lame by providing for increasingly longer periods each time a horse is on the list within the same 365 day period. The proposed amendment would also prohibit workouts for 72 hours after a horse was placed on the list due to Veterinary treatment-shockwave therapy. After discussing the proposal, the Board directed staff to initiate the 45-day public comment period regarding the proposed amendment. The documents required to initiate the 45-day public comment period are currently at the Business, Consumer Services, and Housing Agency (BCSHA) for review and approval. Subsequent to BCSHA's approval, the documents will be forwarded to the Office of Administrative Law for publication.

ANALYSIS

Under current CHRB policy a horse placed on the Veterinarian's List as undergoing the veterinary treatment shock wave therapy are placed on the Veterinarian's List for 10 days but there is no restriction on workouts even though veterinary treatment shockwave therapy is

recognized to produce a transitory analgesia for up to 48 hours. In addition, there is not a policy restricting workouts on horses that have been placed on the veterinarian's list as sick.

The Board's Equine Medical Director has proposed amending Rule 1866(b) to provide that any horse on the Veterinarian's List as sick or receiving veterinary treatment-shockwave therapy not be allowed to workout for a minimum of 72 hours without the permission of the official veterinarian. There are currently no restrictions in Rule 1866 as to how long the horse is required to be on the list before it can be examined for removal from the Veterinarian's List under 1866 (c). At this time there are multiple policies in California administered by track and CHRB official veterinarians. The proposed amendment to Rule 1866 will also modify subsection 1866(e) to provide that any horse placed on the Veterinarians List as lame or unsound be required to be on that list for a minimum of 10 days for the first incident in 365 days, for 30 days for the second incident in 365 days, 60 days for the third incident in 365 days and 180 days for the fourth incident in 365 days. The proposal is modeled after Rule 1845, Authorized Bleeder Medication, subsection (e), which requires mandatory restrictions from racing for bleeding episodes.

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
RULE 1866. VETERINARIAN'S LIST

Medication and Track Safety Committee Meeting
January 15, 2014

1866. Veterinarian's List.

(a) The official veterinarian shall maintain a Veterinarian's List of those horses determined to be unfit to compete in a race due to veterinary treatment, physical distress, injury, lameness, unsoundness or infirmity.

(1) When a horse is placed on the Veterinarian's List, the trainer of such horse shall be notified within 72 hours.

(b) A horse placed on the Veterinarian's List as sick, veterinary treatment-shockwave therapy, injured, unsound or lame may not workout for 72 hours after being placed on the list without the permission of the official veterinarian.

(1) The official veterinarian may require any horse placed on the Veterinarian's List to undergo a veterinary examination prior to resuming training at any facility under the jurisdiction of the Board.

(c) A horse placed on the Veterinarian's List shall be removed from the list only after having established or demonstrated to the satisfaction of the official veterinarian or the racing veterinarian that the horse is then raceably sound and in fit physical condition to exert its best effort in a race.

(1) A horse placed on the Veterinarian's List as lame or unsound for the first time within a 365 day period must stay on the Veterinarian's List for a minimum of 10 days before the horse is eligible to be removed from the list.

(2) A horse placed on the Veterinarian's List as lame or unsound for the second time in 365 days must stay on the Veterinarian's List for a minimum of 30 days before the horse is eligible to be removed from the list.

(3) A horse placed on the Veterinarian's List as lame or unsound for the third time in 365 days must stay on the Veterinarian's List for a minimum of 60 days before the horse is eligible to be removed from the list.

(4) A horse placed on the Veterinarian's List as lame or unsound for the fourth time in 365 days must stay on the Veterinarian's List for a minimum of 180 days before the horse is eligible to be removed from the list.

(d) A horse may be required to perform satisfactorily in a workout or qualifying race to demonstrate its physical fitness, and if so a blood and/or mine 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.

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

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

Reference: Sections 19440 and 19562,
Business and Professions Code.

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING OPTIONS FOR IMPLEMENTING AND ADMINISTERING A THIRD PARTY AUTHORIZED BLEEDER MEDICATION PROGRAM IN CALIFORNIA

Medication and Track Safety Committee Meeting
January 15, 2014

BACKGROUND

Business and Professions Code section 19440 states the Board has all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board 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 provides that 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, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19581 states that no substance of any kind shall be administered by any means to a horse after it has been entered to race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof.

Board Rule 1845, Authorized Bleeder Medication, currently provides that authorized bleeder medication for the control of exercised induced pulmonary hemorrhage may be administered to a horse on the authorized bleeder medication list. A horse is eligible to race with authorized bleeder medication if the licensed trainer and/or veterinarian determine it is in the horse's best interest. If a horse will race with authorized bleeder medication, the official veterinarian must be informed prior to entry, as specified.

At its October 2012 Regular Meeting the Board endorsed a Medication and Track Safety Committee recommendation to amend CHRB Rule 1845 to require that authorized bleeder medication be administered by independent, third party veterinarians. The proposed amendment was noticed for public comment on December 21, 2012. During the 45-day public comment period objections were raised by private veterinarians and the California Veterinary Medical Association. Those in opposition to the proposed amendment stated that it violated the veterinary medical practice act by interfering with the client-veterinarian-patient relationship required for prescription medications since furosemide is a federal prescription medication. The hearing for the proposed amendment, which was to have occurred in February 2013, was postponed until April 2013. After a lengthy discussion of the proposed amendment at the February 2013 Medication and Track Safety Committee Meeting, the hearing for adoption was postponed indefinitely pending a resolution to the objections.

In July 2013, the Medication and Track Safety Committee again discussed the proposed amendment. The Board's Equine Medical Director, Dr. Rick Arthur, proposed to resolve the

objections to the amendment by including a prescription for furosemide as part of the CHRB-194 Authorized Bleeder Medication Request (CHRB-194) process. The proposed change in the form CHRB-194 would change the name of the form to CHRB-194 Authorized Bleeder Medication Request and Prescription, and would require the CHRB licensed attending veterinarian's signature acknowledging the CHRB-194 constituted a lawful prescription for furosemide consistent with CHRB Rule 1845. During a lengthy discussion of the issue, the Committee heard numerous arguments in opposition to the proposal. In addition, the Executive Director of the Veterinary Medical Board (VMB) stated her agency had some concerns with the proposed text. The primary objection of the VMB was the proposed amendment's possible conflict with Title 16, Division 20, Article 4, Section 2032.1, Veterinarian-Client-Patient Relationship (VCPR). The conflicting section requires that a veterinarian-client-patient relationship must exist. The Committee also heard the objections of the California Veterinary Medical Association (CVMA). Both the VMB and CVMA representatives indicated it was possible to resolve their issues. The Committee did not act on the proposal to modify the form CHRB-194; instead, it tabled the item and referred it to staff counsel for discussions to take place between interested parties to achieve a resolution of the issues.

ANALYSIS

Prior to the implementation of the proposed amendment to Rule 1845, a framework for its management must be in place. The Equine Medical Director has provided an outline and discussion of four possible methods under which the third party administration of Lasix may be managed (attached). The four options are: 1) CHRB veterinarians administer Lasix for the Board; 2) Racing Association veterinarians administer Lasix at the tracks; 3) The CHRB contracts with outside professional veterinary service providers; 4) Racing Associations contract with outside service providers.

Mr. Steve Schwartz, an attorney, has provided a document that outlines four approaches to implementing the RMTC Model Rule regarding administration of Lasix on race day. The items are: 1) a proposed amendment of Rule 1561, Duties of the Racing Veterinarian; 2) an alternate amendment of Rule 1845; 3) the proposal to amend both 1561 and 1845 (rather than just one of the regulations); 4) A recommendation for the Board to issue an order under Rule 1855, Medication Procedures and Related Instructions, establishing the RMTC bleeder medication guideline as an "amplification" of Rule 1843, Medication, Drugs and Other Substances.

Government Code section 11346.4(b) provides that the effective period of a notice issued pursuant to this section shall not exceed one year from the date thereof. If the adoption, amendment, or repeal of a regulation proposed in the notice is not completed and transmitted to the office within the period of one year, a notice of the proposed action shall again be issued pursuant to this article. The notice of proposed action regarding the amendment of Rule 1845 was published in the Notice Register on December 21, 2012. To implement the proposed amendment to Rule 1845, a new 45 day notice period must be initiated.

RECOMMENDATION

This item is presented for committee discussion and action.

Re: Pending CHRB 1845 Amendments

Proposed amendments to CHRB 1845 to implement changes to the ARCI model rules are currently under consideration by the CHRB. The rule calls for administration of Lasix by veterinarians or registered veterinary technicians who are not "working as private veterinarians or registered veterinary technicians at the race track or with participating licensees." When the amendments were approved by the Board to be noticed to the public, then CHRB chairman Keith Brackpool instructed the equine medical director to explain to the Board exactly how this program would be implemented.

There are currently at least four different ways this program is being administered in North America: racing commissions veterinarians; association veterinarians, commissions contracting with outside professional veterinary service providers and associations contracting with outside veterinary service providers. The proposed CHRB amendment does not restrict how the provisions are accomplished and allows the official veterinarian or racing (track/association) veterinarian to designate other veterinarians or registered veterinary assistants under the supervision of a veterinarian to administered bleeder medication.

- Racing commissions veterinarians administer Lasix for the KHRC. This is accomplished with 3 veterinarians assigned to Lasix administration duties with 2 other veterinarians available if necessary. In Kentucky the test barn, pre-race examining veterinarians and on-track veterinarians are KHRC veterinarians. They all rotate through the various positions. The cost is $20 for each treatment through the paymaster/horseman's bookkeeper.

- Association veterinarians administer Lasix at NYRA tracks. Usually 3 but sometimes 4 veterinarians are assigned to Lasix administration. The veterinarians are paid by NYRA on either an hourly or per diem basis. There is a veterinary assistant to assist with the coordination of the program. The cost is $20 for each treatment through the paymaster/horseman's bookkeeper.

- Commission contracting with outside professional veterinary service providers is how Lasix is administered at Woodbine . The program has been in place since the early 90's through a federal contract. An outside service provider contracts with the Canadian government to provide a number of services including Lasix administration by veterinary technicians who are under the supervision of the Ontario Racing Commission (ORC) veterinarians at Woodbine. The cost is $60-80 (Canadian) but includes additional drug testing services so it is difficult to determine the cost of the program. The fees are charged through the paymaster/horseman's bookkeeper.

- Association contracting with outside veterinary service providers is how Lasix was administered for this year's Breeder's Cup races. The costs and staffing would not be representative of a regular program. Similar programs are in place at Penn National and a number of harness tracks in the mid-Atlantic area.

All of these programs have protocols for the Lasix administration program appropriate to their unique situations. They were all willing to share their experience to facilitate setting up the California program.

While the CHRB needs to maintain oversight of any program, the CHRB does not need to be directly involved in the Lasix administration. There are a number of complications for the CHRB administering Lasix including reimbursement procedures, inadequate veterinarian staffing and CHRB hiring difficulties. While there may be ways to overcome these problems, doing so would take a major restructuring of current CHRB veterinary services. The ideal arrangement would appear to be for the horsemen's organizations(PCQHRA,CTT, TOC, etc.) and associations to partner and to contract for Lasix services either through outside veterinary practices or through hiring individual veterinarians or veterinary technicians. In this way, horsemen and associations would have control over management of the program including cost, staffing and the professional experience and qualifications of individuals administering Lasix. Whatever arrangement relative to Lasix administration would be included in the association's meet application as part of the horsemen's agreement and approved by the Board. Once approved, the specific professional would be designated by the official veterinarian or the racing veterinarian to administer Lasix on race day.

Rick M. Arthur, DVM

Equine Medical Director

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
RULE 1845. AUTHORIZED BLEEDER
MEDICATION

Medication and Track Safety Committee Meeting
January 15, 2014

1845. Authorized Bleeder Medication.

Authorized bleeder medication for the control of exercised induced pulmonary hemorrhage (EIPH) may be administered to a horse on the authorized bleeder medication list.

(a) A horse is eligible to race with authorized bleeder medication if the licensed trainer and/or veterinarian determines it is in the horse's best interest. If a horse will race with authorized bleeder medication, form CHRB 194 (New 08/04), Authorized Bleeder Medication Request, which is hereby incorporated by reference, shall be used to notify the official veterinarian prior to entry.

(b) The official laboratory shall measure the specific gravity of post-race urine samples to ensure samples are sufficiently concentrated for proper chemical analysis. The specific gravity of such samples shall not be below 1.010.

(c) If the specific gravity of the post-race urine sample is determined to be below 1.010, or if a urine sample is not available for testing, quantitation of furosemide in serum or plasma shall then be performed. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

(d) A horse qualified to race with authorized bleeder medication shall be assigned to a pre-race security stall prior to the scheduled post time for the race in which it is entered, and shall remain there until it is taken to the receiving barn or the paddock to be saddled or harnessed for the race. While in the security stall, the horse shall be in the care, custody, control and

constant view of the trainer, or a licensed person assigned by the trainer. The trainer shall be responsible for the condition, care and handling of the horse while it remains in the security stall. The official veterinarian may permit a horse to leave the security stall to engage in track warm-up heats prior to a race.

(e) A horse qualified for administration of authorized bleeder medication must be treated on the grounds of the racetrack where the horse will race no later than four hours prior to post time of the race for which the horse is entered.

(1) The only authorized bleeder medication, ~~furosemide~~, shall be furosemide administered by a single intravenous injection only, in a dosage of not less than 150 mg. or not more than 500 mg.

(2) Furosemide shall be administered by the official veterinarian, the racing veterinarian or a veterinarian designated by the official veterinarian. Registered veterinary technicians under the supervision of the official veterinarian, racing veterinarian or a designee of the official veterinarian may administer authorized bleeder medication.

(a) Any veterinarian or registered veterinary technician designated to administer authorized bleeder medication shall be prohibited from working as a private veterinarian or registered veterinary technician at the race track or with participating licensees.

(b) The licensed owners of horses administered furosemide in the manner prescribed in this section shall pay the costs associated with such administration.

(3) A horse racing with furosemide must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

(4) The veterinarian administering the bleeder medication shall notify the official veterinarian of the treatment of the horse. Such Notification shall be made using CHRB form-36

(New 08/04), Bleeder Treatment Report, which is hereby incorporated by reference, not later than two hours prior to post time of the race for which the horse is entered.

(5) Upon the request of a Board representative, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.

(f) A horse placed on the official authorized bleeder medication list must remain on the list unless the licensed trainer and/or veterinarian requests that the horse be removed. The request must be made using CHRB form 194 (New 08/04), and must be submitted to the official veterinarian prior to the time of entry. A horse removed from the authorized bleeder medication list may not be placed back on the list for a period of 60 calendar days unless the official veterinarian determines it is detrimental to the welfare of the horse. If a horse is removed from the authorized bleeder medication list a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.

(g) If the official veterinarian observes a horse bleeding externally from one or both nostrils during or after a race or workout, and determines such bleeding is a direct result of EIPH, the horse shall be ineligible to race for the following periods:

- First incident—14 days;
- Second incident within 365-day period—30 days;
- Third incident within 365-day period—180 days;
- Fourth incident within 365-day period—barred for racing lifetime.

For the purposes of counting the number of days a horse is ineligible to run, the day after the horse bled externally is the first day of such period. The voluntary administration of

authorized bleeder medication without an external bleeding incident shall not subject a horse to the initial period of ineligibility as defined under this subsection.

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

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

STATE OF CALIFORNIA CALIFORNIA HORSE RACING BOARD

AUTHORIZED BLEEDER MEDICATION REQUEST AND PRESCRIPTION

CHRB – 194 (Rev. ~~05/09~~ 07/13)

HORSES NAME:_____

TATTOO NUMBER:_____ BREED:_____ DATE:_____

TRAINERS NAME:_____

( ) Request that the horse listed above be **placed** on the Authorized Bleeder Medication List and be treated pursuant to California Horse Racing Board Rules and Regulations. Article 15. Section 1845. Signature of CHRB licensed attending veterinarian is required for the horse listed above to be placed on the Authorized Bleeder Medication List.

( ) Request that the horse listed above be **removed** from the Authorized Bleeder Medication List pursuant to California Horse Racing Board Rules and Regulations. Article 15. Section 1845.

VETERINARIAN SIGNATURE:_____

Veterinarian's signature constitutes that a lawful prescription for furosemide has been prescribed for the horse named on this form, pursuant to CHRB Rule 1845. Authorized Bleeder Medication.

TRAINERS SIGNATURE:_____

APPROVED BY:_____ DATE RECEIVED:_____

APPROACHES TO CHRB REGULATIONS TO ADOPT RMTC

MODEL RULE REGARDING ADMINISTRATION OF LASIX ON RACE DAY.

Approach No. 1:

Amend rule 1561 by adding the following amendment:

The Racing Veterinarian and his/her designees shall be responsible for administration of race-day furosemide to be administered only by veterinarians not regularly practicing at the race track where the treated horse is entered to race or by registered veterinary technicians acting under the direct or indirect supervision of a the ~~licensed~~ racing veterinarian. Every horse owner in the participating race consents to this procedure and waives establishment of a veterinarian-client-patient relationship with the individual administering the furosemide.

Approach No. 2

Amend language to CHRB regulation 1845 as follows:

1845 Authorized Bleeder Medication. Authorized bleeder medication for the control of exercised induced pulmonary hemorrhage (EIPH) may be administered to a horse on the authorized bleeder medication list.

(a) A horse is eligible to race with authorized bleeder medication if the licensed trainer and/or veterinarian determines it is in the horse's best interest. If a horse will race with authorized bleeder mediation, form CHRB 194 (New 08/04), Authorized Bleeder Medication Request, which is hereby incorporated by reference, shall be used to notify the official veterinarian prior to entry.

(b) The official laboratory shall measure the specific gravity of post-race urine samples to ensure samples are sufficiently concentrated for proper chemical analysis. The specific gravity of such samples shall not be below 1.010.

(c) If the specific gravity of the post-race urine sample is determined to be below 1.010, or if a urine sample is not available for testing, quantitation of forosemide in serum or plasma shall then be performed. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

(d) A horse qualified to race with authorized bleeder medication shall be assigned to a pre-race security stall prior to the scheduled post time for the race in which it is entered, and shall remain there until it is to be taken to the receiving barn or the paddock to be saddled

or harnessed for the race. While in the security stall, the horse shall be in the care, custody, control and constant view of the trainer, or a licensed person assigned by the trainer. The trainer shall be responsible for the condition, care and handling of the horse while it remains in the security stall. The official veterinarian may permit a horse to leave the security stall to engage in track warm-up heats prior to the race.

(e) A horse qualified for administration of authorized bleeder medication must be treated on the grounds of the racetrack where the horse will race BY THE RACING VETERINARIAN OR HIS OR DESIGNEES OR BY REGISTERED VETERINARY TECHNICIANS ACTING UNDER DIRECT OR INDIRECT SUPERVISION OF THE RACING VETERINARIAN. VETERINARIANS OR REGISTERED VETERINARY TECHNICIANS ADMINISTERING BLEEDER MEDICATION MY NOT BE REGULARLY PRACTICING VETERINARY MEDICINE AT THE RACETRACK WHERE THE TREATED HORSE IS ENTERED TO RACE. FUROSEMIDE SHALL BE ADMINISTERED NO LATER THAN FOUR HOURS PRIOR TO POST TIME OF THE RACE FOR WHICH THE HORSE IS ENTERED. THE authorized bleeder medication, furosemide, shall be administered by a single intravenous injection only, in a dosage not less than 150 mg. or not more than 500 mg. A horse racing with furosemide must show a detectable concentration of the drug in the post-race serum, plasma or urine sample. The veterinarian OR REGISTERED VETERINARY TECHNICIAN shall notify the official veterinarian of the treatment of the horse. Such notification shall be made using CHRB form-3b (New 08/04), Bleeder Treatment Report, which is hereby incorporated by reference, not later than two hours prior to post time of the race for which the horse is entered. Upon the request of a Board representative, the veterinarian or REGISTERED VETERINARY TECHNICIAN shall surrender the syringe used to administer such medication, which may be submitted for testing.

(f) EVERY HORSE OWNER THAT OWNS A HORSE QUALIFIED FOR ADMINISTRATION OF AUTHORISED BLEEDER MEDICATION CONSENTS TO THE PROCEDURES DESCRIBED IN SUBPARAGRAPH (e) hereof and waives establishment of a veterinarian-client-patient relationship with the individual administering furosemide.

(g) A horse placed on the official authorized bleeder medication list must remain on the list unless the licensed trainer and/or veterinarian requests that the horse be removed. The request must be made using CHRB form 194 (New 08/04), and must be submitted to the official veterinarian prior to the time of entry. A horse removed from the authorized bleeder medication list may not be placed back on the list for a period of 60 calendar days unless the official veterinarian determines

it is detrimental to the welfare of the horse. If a horse is removed from the authorized bleeder medication list a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.

(h) If the official veterinarian observes a horse bleeding externally from one or both nostrils during or after a race or workout, and determines such bleeding is a direct result of EIPH, the horse shall be ineligible to race for the following periods:

- First Incident - 14 days;
- Second incident within 365-day period -30 days;
- Third incident within 365-day period-180 days;
- Fourth incident within 365-day period-barred for racing lifetime.

For the purpose of counting the number of days a horse is ineligible to run, the day after the horse bled externally is the first day of such period. The voluntarily administration of authorized bleeder medication without an external bleeding incident shall not subject a horse to the initial period of ineligibility as defined under this subsection.

Approach No. 3

Do both No. 1 and No. 2

Approach No. 4

Have the CHRB issue an order under Regulation 1855 establishing the RMTC bleeder medication guideline as an "amplification" of Regulation 1843.

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING BACKSTRETCH SECURITY

Medication and Track Safety Committee
January 15, 2014

BACKGROUND

Security in the stable area has been a major concern of the California Horse Racing Board for more than 10 years, as evidenced by the creation of an Ad Hoc Security Committee that met eight times in 2003 and 2004. Chaired by racing commissioners and staffed by CHRB personnel, the security Committee membership included owners, trainers, veterinarians, racetrack executives and racetrack security personnel, racing secretaries, CHRB investigators, and stewards. Collectively, they provided a broad perspective and invaluable knowledge and experience. The discussions tended to focus on six key elements of security:

1) CHRB investigators, their primary responsibilities, their responsibilities in terms of backstretch security, and their training and qualifications for detecting the illegal use of performance-enhancing drugs.
2) Racetrack security personnel, both permanent staff with a daily/nightly presence in the stable area and additional personnel as needed for important races, their responsibilities and their interaction with CHRB investigators.
3) Drug testing, its scope, limitations, quality, and direction.
4) Penalties for violations, the need to increase fines and suspensions for medication violations.
5) Detention barns, their pros and cons, benefits and limitations.
6) Video surveillance, the effectiveness of cameras, the logistics of placing, maintaining and monitoring them.

These meetings resulted in several new programs and policies, most significantly the advent of TCO2 testing, the effectiveness of which is evident by a great reduction in the use of alkalizing agents designed to affect the performance of racehorses. The racetracks began the practice of hiring extra security personnel to monitor the individual stalls of horses entered to run in graded stakes races and purchased hand-held cameras and communications equipment for those personnel. CHRB investigators were encouraged to spend more time in the stable area and step up their surprise random inspections of barns and the vehicles of veterinarians. And in ensuing years the CHRB revised its drug classifications and penalty guidelines, making the consequences more severe for medication violations.

The Security Committee initially considered detention barns as a way to improve the public perception of horse racing and to provide the desired level of security. However, some horsemen and racing associations strongly opposed this proposal. As an alternative, the Committee explored the use of camera surveillance systems in the stable area. After months of reviews and considerable expense (e.g. the Del Mar Thoroughbred Club spent more than $100,000 on a camera experiment), the consensus seemed to be that cameras were not the solution, principally

because it would have cost millions to hardwire the stable areas and install a sufficient number of cameras without any guarantees that camera surveillance would provide the desired level of security. (Notes and an overview of the Security Committee meetings are included in this Committee package.)

ANALYSIS

The Racing Medication and Testing Consortium established its own Security Committee. That Security Committee considered many of the same issues that were explored in California, plus others. And with greater resources, the RMTC review was more comprehensive. That Committee made the following recommendations in a report to the RMTC Board in 2011:

1. **Monitoring/Detention Barn**: Detention barns are the best and most effective way to prevent or reduce improper race day medication. All entries in at least two (2) randomly selected races per day be held in a detention barn for a minimum of eight (8) hours prior to post time. If the RMTC recommends a 24 hour medication ban, twenty four hours in a properly monitored barn prior to the race is the "gold standard" to prevent inappropriate administration of medication. Races should be selected by the stewards and/or the racing association and may include the stakes or featured race. Randomly selected horses could also be identified for inclusion in a monitoring barn by drawing numbers. At a minimum, one race per day should be designated on a random basis for detention barn coverage. All races would be eligible for detention barn designation, which would occur after entries were taken and then announced on the overnight. Recommendations for specifications for the detention facility are included in the TRPB document appended at the end of this Committee report. Access to the monitoring/detention barn should be controlled by security to prevent unauthorized access to horses that would provide an opportunity for inappropriate medication administration.

2. **Receiving Barns**: Arrival time of a ship-in horse is the most important (but not the only) factor in preventing improper pre-race administrations. The closer the arrival is to race time, the greater the opportunity for improper pre- race administrations. Race tracks should have a receiving barn(s) with capacity sufficient to accommodate the maximum number of shippers on a given day/race card. The degree of security conditions/controls used for shippers at a receiving barn should be matched for horses stabled on the grounds so that the same racing conditions exist for all entrants. Security measures at receiving barns are necessary if improper pre-race administrations are to be prevented. There needs to be a workable balance in arrival time between the respective operations of tracks and horsemen. Horses should be required to be presented to the receiving barn a minimum of 8 hours prior to race time. Further specifications and recommendations for receiving barns are included in the appendix TRPB document. Access to the receiving barn should be controlled by security to prevent unauthorized access to horses that would provide an opportunity for inappropriate medication administration.

3. **Camera Surveillance**: Digital cameras may be installed in every barn or at least "in today" stalls in order to monitor activities particularly during the hours prior to racing (in conjunction with roving patrols and spot-checking. These cameras would be connected to large-capacity hard drives and would need to be monitored by security personnel. There are many technical issues to

be addressed with video camera surveillance and the technology is rapidly evolving. Camera surveillance could be used as part of an "earned surveillance program.

4. **"In-today" Stall Signs**: A sign that identifies a horse in a certain stall as an "in-today" horse should be displayed on the stall of every horse entered on the day's card. These signs should be put on the stall the day before race day and security personnel should spot check barns during the 24-hour period before the race, particularly between the hours of 3 to 6 AM, and significant fines or suspensions to be levied if a horse is moved from the stall or if unauthorized persons enter the stall. The tattoo number, color and sex of the entered horse should be posted on the "in today" sign, along with a local 800 number for track security in order to facilitate reporting violations. Copies of a horse identifier's list of entered horses with their tattoo numbers should be made available to security personnel who patrol the general barn area; to be used for checks of "in today" horses. *[Note: The CHRB has required In-Today signage since the late 1980s.)*

5. **Periodic Inspections:** Racing association security personnel should conduct random and periodic inspections of licensees physically present on racetrack grounds, to include trainers, assistant trainers, grooms, veterinarians, veterinarian technicians, and vendors. Inspections shall comply with association policies and procedures regarding predication, execution and scope of said inspections, as well as the inclusion of racing commission or other individuals authorized to participate or witness the inspection.

6. **Eight-Hour Rule:** All entered horses must be on the grounds of the racetrack, in either the detention/monitoring barn or at an identified stall with security personnel in place, no later than eight hours prior to post time. Access to these horses should be restricted for at least 8 hours before post- time by anyone other than certain authorized personnel. Horses that are not on the grounds by the specified time prior to post time would be scratched with discretion given to stewards to consider extenuating circumstances (traffic or weather conditions not under the control of the horse's connections).

7. **Vet "ride-along" program:** In this program investigators or security personnel would accompany veterinarians during their rounds for the day, particularly between the hours of 3 to 6 AM. Wherever feasible or practical, different veterinarians should be selected for a "ride-along" program. Consideration should also be given to doing this with vendors on a periodic basis as well. This might best be used as a component of an "earned surveillance" program.

8. **Training of Security Personnel:** Racing associations should develop comprehensive training programs which enable backstretch security personnel to expand their knowledge and abilities in policing and securing the stable area. Associations should support and participate in available security training opportunities, such as those provided by the Thoroughbred Racing Protective Bureau (TRPB) and the Organization of Racing Investigators (ORI). These programs should promote use of "best practices" to secure horses on race day. Training programs should be incorporated into standards for NTRA accreditation of North American Racetracks.

9. **Earned Surveillance:** All horses racing from a stable that has repeated or egregious positive drug tests should be required to report to the detention barn (8) hours prior to post time, for a period of no less than 30 days. These stables would also qualify for increased scrutiny by

security personnel. Licensees who have repeated or egregious violations would similarly qualify for increased scrutiny by security officers (e.g. "ride-along" program, use of video surveillance, increased random visits to the barn, or spot checks of licensees).

10. **Random Barn Inspections:** The barn of a trainer of a random horse in a random race once a week is inspected by track security with a horsemen's group representative to witness and a commission investigator to act.

11. **Reporting and Communication**: All participants in racing, and particularly those whose livelihoods bring them to the backstretch of a racetrack each day, have an opportunity to contribute to improving the integrity of our sport by reporting suspected untoward activity immediately to association security or racing commission personnel, or TRPB, through its toll-free, anonymous tip line (1-866-TIP-TRPB). Association investigators should, through appropriate dissemination mechanisms such as TRPB, ensure information regarding alleged untoward activity on the part of licensees, improper race- day substances, or other useful or actionable intelligence gleaned during their race meeting, is shared amongst their peers and to racing commission investigators. (The CHRB has maintained an anonymous tip line [800-805-7223] for more than 10 years. More than 90 % of the calls received are related to questions about licensing issues). (The complete RMTC report is included in this Committee package.)

The Medication and Track Safety Committee discussed the issue of backstretch security at its May 2013 and September 2013 meetings. In September 2013 the discussion centered on monitoring horses that would race the day surveillance occurred. The Committee discussed the merits and costs of portable cameras and how the resulting video streams might be monitored. It was reported that a portable video camera system, using 16 cameras, would cost from $3,000 to $4,000 or more, depending on the quality of the cameras. The costs associated with staff – to monitor the video images would be considerably more. The Committee also discussed the advantages of having security staff monitor the backstretch, either in place of video monitoring, or as an adjunct to video monitoring.

RECOMMENDATION

Staff recommends the Committee hear testimony on these and any other concerns and recommendations.

Ad Hoc Committee on Security December 27, 2003

Minutes for the first meeting of the Ad Hoc Committee on Security held December 27, 2003, in the Baldwin Room at Santa Anita Park. Chaired by CHRB Chairman Roger Licht. Also representing the CHRB, Commissioner William Bianco, Ingrid Fermin, Mike Marten, and Jim Hamilton; representing Hollywood Park, Tim Barden, Eual Wyatt, and Don Barney; representing Magna and Santa Anita, Jack Liebau, George Haines II, and Roger Middleton; representing the TOC, Ron Charles, John Van de Kamp, Drew J. Couto, and Tracy Gantz; representing the CTT, Ed Halpern; representing veterinarians and the Oak Tree Racing Association, Dr. Rick Arthur; trainers Vladimir Cerin and Darrell Vienna; owner Aase Headley; and reporting for the Daily Racing Form, Steve Andersen.

Although there was no actual agenda for the meeting, the CTT provided a list of nine recommendations that occasionally served as an agenda, as follows:

1) DENTENTION BARNS – While the Committee recognizes that detention barns offer the most effective way of ensuring that no tampering or administration of unauthorized substances takes place, these barns create hardships for both the trainers and the horses that are not acceptable. Furthermore, experience in other jurisdictions has shown that the use of detention barns is impractical.

2) EARNED SURVEILLANCE – Any horse that is found to have run in violation of prohibited substance rules should be ineligible to run again for 30 to 90 days after the violation occurred.

3) IN-TODAY HORSES – A sign should be displayed on the stall of all horses that are entered to run on the day's card. Spot checks should be made by security personnel to confirm that signs are in place and fines levied for failure to post said signs. Horses should not be removed from said stalls nor should unauthorized persons be allowed to enter the stall.

4) SURVEILLANCE CAMERAS – A system of surveillance cameras and monitors should be used so as to monitor the activities of in-today

horses. Preliminary investigation of this method of enhancing security has shown such a system to be feasible.

5) LASIX ADMINISTRATION – Lasix should be administered by a state veterinarian. Because this could be accomplished at a reduced cost, profits should be used to fund the camera surveillance. If Lasix administration is to remain the responsibility of private veterinarians, all Lasix administration should be done in view of a surveillance camera, with the syringe then deposited in a receptacle seen by the camera. Syringes should then be collected by the California Horse Racing Board and randomly analyzed.

6) FIVE HOUR RULE – All in-today horses should be on the grounds no less than five hours prior to their post time and in no case after 11 a.m.

7) SPOT CHECKING – The deterrent effect of spot checks cannot be underestimated. Therefore, security personnel should make unannounced, random visits to the stalls of in-today horses. Visits should be timed to coincide with the administration of Lasix and/or the hanging of the bridle, although visits should not be limited to those times. Security personnel should spot check vendors and veterinarians and their vehicles where legally permissible.

8) VISIBILITY AND USE OF RACETRACK SECURITY PERSONNEL – Where possible, CHRB investigators should combine efforts with racetrack security personnel for spot-checking and to create an overall visible presence on the backstretch during the racing day. This type of joint effort will ease the shortage of manpower and increase visibility, thereby helping to deter violators. The combined use of security personnel will take advantage of all available resources without creating an undue increase in expense.

9) TRAINING OF SECURITY PERSONNEL – The CHRB training program for investigators should be expanded to cover racing-specific training. The purpose of this program would be to provide CHRB investigators and racetrack security personnel with information and or procedures that would be beneficial in their attempts to discover and/or deter violations of medication rules. Such a program could include the use of veterinarians, trainers, and racetrack personnel to provide education on where, when, and how illegal and/or improper procedures might be implemented.

Roger Licht opened the meeting by stating the reason that he created the committee. He said there is a great perception among many trainers and fans about the possible use of illegal substances to enhance the performance of horses, fueled by "statistical aberrations" whereby some trainers have enjoyed extraordinary success over extended periods of time to a degree that others feel is unrealistic. He said drug testing in California is "state of the art" and unsurpassed by any other racing jurisdiction, but the fear remains that state-of-the-art drug testing still might not be enough to stop cheaters because they might be ahead of the labs and using drugs that are currently undetectable. He asked the committee members to discuss ways to address these concerns.

John Van de Kamp noted that Dr. Ronald Jensen would be making a presentation at the next CHRB meeting on a proposed pre-race testing program to test for the practice of "milkshaking."

Drew Couto said that drug testing is "just one part of the puzzle." He said another piece should be enhanced security in the stable area.

Darrell Vienna agreed that testing alone is not comprehensive enough to prevent potential abuse. He said testing is limited to "pre-identifying what you are looking for." He said even the much-heralded "super test" simply utilizes "a wider spectrum of available tests." He said that until such time as laboratories can identify all foreign substances – "and we are a long way from that point" – we must rely on increased surveillance to keep people honest. He said the evidence of potential wrongdoing is more than a statistical aberration. He said that on those occasions when there is increased surveillance, those under surveillance "seem to lose that high peak." He suggested one other possibility for the decline in performance under surveillance – that some horsemen might be doing perfectly legal practices that they wish to keep as "trade secrets," so they alter their practices when they are being watched.

Don Barney described the camera surveillance system in place at Hollywood Park. He said it was initially installed in the public areas on the front side primarily to deal with slip-and-falls, thefts, and other matters unrelated to security in the stable area. The system was expanded to include some coverage in the stable area, but he said this is at the "embryo stage."

This prompted a discussion of whether backside surveillance systems should be covertly installed and designed to catch wrongdoers or openly installed and clearly visible so as to deter illegal activities. The consensus of the committee seemed to be that deterrence is the principal objective.

There was a related discussion about the cost of such a system. Barney said that Hollywood Park uses extremely sophisticated cameras that cost $7,500 each. Several other committee members suggested that for deterrence purposes, the industry could get away with much less expensive cameras. The issue of cost and who would pay for installing and monitoring a surveillance system went on for some time. Roger Licht and William Bianco both said some of this expense could be privately funded by individuals and organizations interested in protecting the integrity of horse racing.

Mike Marten suggested creating a subcommittee of three or four members to look into issues of cost and how surveillance systems should be designed, including the possible use of dummy cameras – given that the principal aim is deterrence – and whether the cameras can be moved from racetrack to racetrack.

Jack Liebau suggested that the discussion focus more on the list of recommendations submitted by the CTT.

Ed Halpern said the CTT has one other recommendation that was not included on the printed list. He suggested freezing blood samples, so that if a test is later developed, those samples can be tested for that prohibited substance. He reported that Dr. Scott Stanley said the Ken Maddy Laboratory at UC Davis could freeze samples for one year at a total cost of $17,000.

Darrell Vienna said there are legal issues to consider in regards to the freezing of samples, such as the CHRB rule concerning the notification of trainers about potential positives within 17 days of a race.

Focusing on the list of recommendations, Vladimir Cerin said trainers do not want detention barns and would prefer the alternative of creating detention stalls within their own barns in which in-today horses would be placed and watched via surveillance systems.

There was a clear consensus among the members in favor of camera surveillance systems over detention barns.

Darrell Vienna said the detention-stall system would require the spot checking of horses to make certain that in-today horses really are in the detention stalls. He suggested that the official horse identifier could begin work a couple of hours earlier and start by walking through the barn area and checking the lip tattoos of 10 to 20 horses in detention stalls.

Jack Liebau said the creation of detention stalls would cut into stall inventories at live tracks, so horsemen should be aware that fewer stalls would be available.

Eual Wyatt cautioned that a full camera surveillance system "is not going to happen overnight."

Rick Arthur said a camera surveillance system "could take years…and that is why we should concentrate on the reallocation of security personnel" to deal with the problem. He said "as few as two people" assigned to the stable area would be very effective, explaining "you never know where they are going to be."

Roger Licht asked Jim Hamilton how much time he and other CHRB investigators spend in the stable area. Hamilton said he had spent some of the previous day watching horses entered in the Grade I stakes.

Roger Middleton, stable security manager at Santa Anita, said he has staffing limitations but perhaps Santa Anita could provide someone to work with CHRB investigators for "a couple of hours" a day.

Concerning recommendation number 2 regarding earned surveillance, Darrell Vienna said there are problems with that suggestion, such as the status of claimed horses.

Concerning recommendation number 3 regarding in-today horses, Ingrid Fermin said there is a CHRB rule requiring signs to be posted at the stalls of in-today horses but that it hasn't been rigorously enforced. She said something could be published on the overnight alerting horsemen that investigators could be cited for violations of this rule and that the stewards would be issuing penalties for violations.

Concerning recommendation number 5 regarding Lasix administration, Rick Arthur said we would need to hire two more official veterinarians to handle the administrations. He suggested that the current system could be retained and effectively monitored if investigators confiscated just two or three syringes a day for testing.

Roger Licht asked Mike Marten if he had any idea what the testing of syringes might cost. Marten said the numbers would add up quickly. Three syringes per day for more than 300 racing days could mean 1,000 tests. It was then suggested that not all of the confiscated syringes would actually need to be tested – that simply confiscating the syringes and testing just some of them would produce the desired deterrence effect.

Concerning recommendation number 6 regarding a five-hour rule, there was a consensus that this could be easily be accomplished, provided the stewards followed through and punished violators who do not have reasonable excuses for their horses arriving late.

Concerning recommendation number 8 regarding visibility and the use of security personnel, there were a number of suggestions to increase the security presence at some barns and about how those barns could be selected. One criterion could be a trainer ranking among the top 10 in the standings for races won. Another could be winning percentages. Another suggested by Rick Arthur could be using data from the testing laboratories that would provide "probable cause" for "earned surveillance." John Van de Kamp said a better term for legal purposes would be "reasonable suspicion."

Concerning recommendation number 9 regarding training of security personnel, Mike Marten said the CHRB is in the process of setting up just such a program with the help of trainers Richard Mandella, Howard Zucker, and Vladimir Cerin.

Drew Couto suggested the creation of several subcommittees to address the various recommendations.

Based on preferences stated by the members, Roger Licht named Ron Charles and/or Drew Couto to represent the TOC on the subcommittee that will review recommendation 4 concerning surveillance cameras, along with Don Barney, Donn Luby (the stall manager at Santa Anita), William Bianco, and a security expert who works for TOC director Mace Siegel.

Licht named himself, Rick Arthur, and Ed Halpern to address recommendation 5 concerning Lasix administration.

Concerning the five somewhat-related recommendations regarding in-today horses (3), a five-hour rule (6), spot-checking (7), security personnel (8), and security training (9), Licht asked Ingrid Fermin, Rick Arthur, Mike Marten, Roger Middleton, Aase Headley, Michael Kilpack, and either trainer John Sadler or Vladimir Cerin to participate on that subcommittee.

The subcommittees will report on their progress at the next meeting of the full committee on January 10.

Ad Hoc Security Committee January 3, 2004

The subcommittee of the Ad Hoc Security Committee dealing with personnel issues (recommendations 3,6,7, and 9 on the CTT list) met at Santa Anita on January 3. In attendance were Ingrid Fermin, Aase Headley, Mike Kilpack, John Sadler, Dr. Rick Arthur, Vladimir Cerin, Roger Middleton, and Mike Marten.

The subcommittee agreed to implement recommendation 3 (In-Today Horses). Ingrid Fermin said she would have something placed on the overnight advising horsemen that either the green sign indicating in-today horses or the yellow sign indicating Lasix for in-today horses must be posted on the stall of each horse entered to run that day. Violations will be reported to the stewards, who will take appropriate action. As the green in-today signs have not been widely used in recent years and are scarce, the yellow Lasix signs will suffice in the short term as they cover roughly 95 percent of horses entered.

This prompted a brief discussion about who is permitted to enter the stall once the sign is posted. Rick Arthur said there once were procedures established that covered this and related matters. He said he would attempt to locate them. Ingrid Fermin and Mike Kilpack said they also would look for their copies. And Fermin said she would speak with Dr. Bell.

There was another related discussion about what could be administered to horses within four hours of a race. This discussion focused primarily on the use of mouth rinses. Aase Headley said anything other than water should be prohibited. Several others agreed. But Mike Marten noted that Dr. Bell has determined that other mouth rinses are acceptable, and Roy Wood has not indicated any objection to this. Marten suggested that things should move ahead without resolving this issue and that anyone wishing to challenge this practice should do so independently without delaying the implementation of the rest of the procedures and recommendations by the Committee.

Recommendation 6 (Five-Hour Rule) was quickly dealt with. The stable-gate guard will notify the stewards whenever a horse arrives later than five hours before a race. The stewards will take appropriate action. This information will be placed on the overnight.

Discussion of recommendations 7 (spot checking) and 8 (visibility of security personnel) dominated the meeting. Everyone seemed in agreement that security personnel could and should spend more time in the stable area.

Mike Kilpack and Roger Middleton agreed to do so within their staffing limitations. Middleton said his racetrack stable security officers would work more closely with Kilpack's CHRB investigators to provide a more visible presence in the backside, but he said it must be understood that his personnel have other duties and they could be shifted away from the backside at any time to perform some other functions. Everyone seemed fine with this.

Kilpack explained that he has five investigators, who also have a great range of responsibilities, including enforcement at other Southern California racetracks, training centers, and simulcast facilities. They have some, limited responsibilities on the frontside, such as enforcement of other gambling-related laws and regulations, but Kilpack handles most of that. Investigators also attend hearings. And there is a great deal of paper and computer work associated with their cases. Still, he said his investigators already spend more time in the stable area than most people realize. He said they pass through barns, as recommended, and check on horses, but the trainer is not always aware of this.

Mike Kilpack complimented the Santa Anita Park/Oak Tree security force and predicted that a program for increased security in the stable area will work well in Arcadia. He said he hopes the other racing associations will provide comparable assistance to make the program work as well at their racetracks.

There was some discussion of the paper and computer work that takes up the time of CHRB investigators. The subcommittee asked Mike Marten to look at this more closely and to work with Kilpack and Roy Wood to determine if some of it could be eliminated, so as to free up investigators to spend more time in the stable area.

The general theme of this discussion was that CHRB investigators and racetrack security personnel each could be very effective just by walking through different sections of the stable area for 10 or 15 minutes every hour, which would allow them to spend the balance of the hour on their other work. (Vladimir Cerin did call for a more constant presence, such as intermittently posting someone at the stalls of in-today horses at the barns of trainers who have "earned surveillance.")

All agreed that while passing through barns at random times, checking in-today horses, verifying the horses' identities, watching Lasix administration, and generally keeping an eye on things, the investigators and security personnel must make their presence known. They should identify themselves, ask questions, and be more assertive in their manner.

Ingrid Fermin noted that investigators often work in pairs. She said they should split up, so as to cover twice as much ground. Mike Kilpack said they routinely work as a team for their own protection, as there have been instances where investigators have been attacked. While agreeing that some situations certainly require investigators to work in pairs, Fermin suggested this shouldn't be necessary for routine walks through the stable area.

To be most effective, investigators and security personnel should know the stall and barn numbers for each in-today horse and should be provided with tattoo numbers for each horse. The subcommittee asked Mike Marten to work with Dr. Bell, Diane Piper, Mike Kilpack, and Roger Middleton to set up a procedure to provide them with this information at the start of each racing day.

John Sadler emphasized that some unauthorized activity could be done as close as an hour or two before a race, so the work schedules of investigators and security personnel should be set to make sure someone is in the stable area in the afternoons as well as the mornings. Middleton said his people already are there "at all hours."

While all in-today horses would be subject to increased scrutiny, the subcommittee feels that investigators and security personnel should spend more time at the barns of trainers who have "earned surveillance." Establishing the criteria for earned surveillance is a work in progress, but it begins with the trainers winning the most races and/or with the highest percentage of winners.

Rich Arthur suggested that the official laboratories might have some information that would be helpful. He said he would speak with Dr. Bell and Dr. Jensen about this.

Vladimir Cerin said that some trainers consistently move horses up following a claim, and this information is available in publications. He suggested this could be part of the criteria for earned surveillance. The subcommittee asked Mike Marten to check into this and to provide helpful information to the stewards.

The stewards will take all of the information available and identify the trainers who have earned surveillance. The criteria for being placed on this list will be made clear to all horsemen.

Concerning recommendation 9 (training), Mike Marten said he would be working with trainers Richard Mandella, Vladimir Cerin and others to set up a training program for investigators and security personnel.

Ad Hoc Security Committee January 10, 2004

The Ad Hoc Security Committee met Saturday, January 10, at Santa Anita Park. Chaired by CHRB Commissioner Roger Licht, also in attendance were Craig Fravel, George Haines II, Mike Kilpack, Don Barney, Tim Barden, Tom Robbins, Ralph Schorbach, Vladimir Cerin, Tracy Gantz, Mike Marten, Barbara Dutton, Aase Headley, Roger Middleton, Drew Couto, John Van de Kamp, Ingrid Fermin, Ed Halpern, Tim Read, Darrell Vienna, Dr. Rick Arthur, Dino Perez, and Steve Anderson.

Licht began by saying he had received "real good feedback" about the work of the committee and the cooperation of the California Horse Racing Board.

Halpern gave the subcommittee report on the monitoring of Lasix administration and the proposal to confiscate syringes. He said the subcommittee members question whether this would constitute illegal search and seizure, given that absent probable cause, there is no actual CHRB rule requiring veterinarians to turn over all such syringes to CHRB investigators. He said racing associations probably could require that syringes be turned over to their security personnel, but the subcommittee felt it would be preferable for a government agency to collect the syringes.

Licht explained that Governor Arnold Schwarzenegger has issued an executive order prohibiting all state agencies from adopting new rules for six months. In the interim, Licht said one suggestion is to ask veterinarians to voluntarily turn over syringes to security personnel. But in the course of the committee meeting, this suggestion was rejected, the consensus being that no veterinarian who had administered an illegal substance would voluntarily turn over the syringe to anyone.

Van de Kamp, noting that it takes many months to adopt a regulation, said the process should begin now. The CHRB should draft proposed language and conduct hearings, so that at the end of the six-month restriction, a proposed regulation would be ready to go. (It was later determined that the executive order prohibits even beginning the rule-making process by drafting proposed language.)

Fravel said he would work with the CTT and TOC to determine the feasibility of trainers waiving their expectation of privacy through additional language in the stall application, which could grant the CHRB authority to confiscate syringes in their barns. This would apply to all syringes, not just Lasix administrations. Licht said he would seek an opinion from the Office

of the Attorney General on these matters, including the current authority of CHRB investigators to confiscate syringes and whether the CHRB could receive such authority through stall applications.

Marten gave the subcommittee report on personnel issues. He said the subcommittee favors enforcement of the requirement that either yellow Lasix signs or green in-today signs be posted on the stalls of horses entered to race. He noted there is no actual CHRB rule requiring such signs, but there is a reference in the "Horsemen's Handbook Concerning Medication Rules and Regulations," which the CHRB wrote and distributed in 1999 to assist horsemen in their understanding of CHRB regulations and procedures. A paragraph in the handbook requires the posting of a yellow sign on detention stalls for horses receiving bleeder medication. The consensus of the committee was that this interpretation by the CHRB of its own regulations, along with the long-standing practice, constituted grounds for renewed enforcement of this requirement. Licht said he had "no problem" placing language on the overnight indicating that the sign requirement will be enforced.

Dr. Arthur noted that during the discussion of the detention stall issue, the question came up about who could enter the stall within four hours of a race, following the administration of Lasix. He recalled an old requirement that veterinarians needing to go into a stall for some emergency purpose had to first contact the official state veterinarian for permission. He suggested that he and Marten look into this former practice to determine on what authority it was based and why it stopped being enforced.

On the related subject of what could be given to a horse in a detention stall within four hours of a race, Marten said the subcommittee had discussed the practice of rinsing out a horse's mouth before a race with something other than water. He noted that Dr. Bell permits the use of mouthwashes for this purpose. He suggested that anyone opposed to the practice should feel free to seek change, but that it might slow down the work of this committee to belabor the issue. But it was the consensus of the committee that this matter definitely falls within the scope of its inquiry and that the subject of mouthwashes should be addressed by the committee. Several members, including the trainers serving on the committee, said that water alone is sufficient to rinse out a mouth and that nothing else should be permitted. Licht said he would take the responsibility of reviewing the rules relating to this subject (e,g., 1843.5), speaking with Dr. Bell and Roy Wood, and determining the best course of action.

The subcommittee dealt quickly with the requirement that horses stabled elsewhere must be on the grounds at least five hours before they race. Language has been placed on the overnight advising horsemen that the stewards will enforce this requirement.

Licht said there have been suggestions that some horses stabled on the grounds are being shipped off and back on between races for reasons unknown, perhaps secretly. This led to a discussion of horse identification, including the possibility of inserting microchips in horses' ears. Another subcommittee was formed to look into this issue consisting of Craig Fravel, Mike Kilpack, Roger Licht, Roger Middleton, and George Haines.

As for the dissemination of information about the various requirements coming out of the committee's work (e.g., syringes, five-hour requirement, detention signs, and mouthwashes), it was agreed that at some point a complete list of the requirements and changes would need to be written and distributed, but in the interim this information will continue to be posted on the overnight as it develops, and Halpern agreed to take responsibility for getting the word to trainers in other ways, such as leaving notices at their offices.

The subcommittee spent considerable time dealing with recommendations relating to personnel issues, such as having CHRB investigators and racetrack security personnel spot-check horses entered to race. Kilpack reported on changes already implemented concerning the assignment of CHRB investigators. Kilpack said that at that very moment, at least two investigators and one racetrack security officer assigned to the CHRB were in the backside. He said that all investigators have been instructed to spend as much time as possible in the stable area. But to be certain of adequate coverage, he has worked out a schedule that assigns specific investigators to the stable area from 8 a.m. to 3 p.m. each racing day. This provides a guaranteed minimum coverage, along with whatever additional coverage the other investigators and track security personnel can provide whenever they have time. Likewise, Middleton said his staff has been instructed to work with the CHRB to provide stable-area coverage when possible.

Diane Piper is supplying the investigators/security with tattoo numbers and the markings for each horse entered to race. These tattoos will be checked occasionally to make certain the correct horse is in the detention stall. For now, investigators/security will need to determine the stall numbers for in-today horses on their own. Licht said he would speak with Roy Wood and perhaps Dr. Bell to work out an arrangement whereby the official

veterinarians (Drs. Bell and Baran) will jot down the stall numbers when they inspect horses the morning of the race, then those stall numbers can be provided to investigators/security.

In the continuing discussion of personnel assignments, several committee members offered suggestions relating to extra surveillance for trainers who have "earned" it, and the assignment of guards at stalls of horses entered in graded stakes for several hours before they race. These additional guards would not be CHRB investigators. They might be pulled from the community. They would require training. Couto suggested the industry should "be creative" in this area.

Any additional surveillance would require funding. Licht suggested that individual horse owners might be willing to donate money for this purpose. Cerin and Dutton suggested that relatively small sums could be pulled from purses. Most of this discussion focused on surveillance for Grade I races, a practice that has been discontinued at Santa Anita due to the cost and the shortage of trained guards. Dutton suggested that a fund for this purpose could be generated by withholding a relatively small amount from the purses in Grade I races. Cerin suggested that the program should include more than Grade I races. Couto said he would bring these suggestions to the attention of the TOC Board, and then report back to the committee.

As for the matter of "earned surveillance," at least in the context of investigators/security making their rounds through the stable area, Marten said those trainers listed in the official program with the most wins and highest winning percentages will be subject to increased surveillance. He noted that Dr. Arthur would be discussing other possible criteria relating to laboratory data with Drs. Stanley and Jensen. And Marten said he would pursue another suggestion relating to trainer statistics. But for now, the official program is the only criteria for increased surveillance.

Kilpack reported that while in the stable area, investigators/security would make special efforts to monitor Lasix injections and to visit the stalls of in-today horses randomly and at unpredictable times, up until the time they leave for the receiving barn. That raised the question of what they will be looking for (in addition to checking tattoos and looking for obvious violations). Marten said the training program for investigators/security might answer that question. He will be arranging for investigators and security personnel from all racetracks to be in the CHRB office one morning in February to hear from any trainer wishing to offer suggestions. For example, already has suggested that investigators have the groom kick the straw in the

stall to detect any milkshaking equipment. All such suggestions would be evaluated for possible inclusion in the daily routine. Vienna said a list should be developed spelling out things that investigators should be alert for. The committee agreed.

Kilpack said investigators now are split up and working individually in order to increase their coverage of the stable area.

Couto reported that the cameras subcommittee had not yet met, but he planned to work with Marten to move that subcommittee meeting agenda along rapidly. Additional members were assigned to work with that subcommittee. Mike Kilpack and Mike Marten (CHRB), Alex Furer (Santa Anita), Michael Ernst, Craig Fravel and Tim Read (Del Mar), and Ed Halpern (CTT) and will work with the previously assigned members, William Bianco (CHRB), Ron Charles, Drew Couto, and Gene Thompson (TOC), Don Barney (Hollywood Park), and Donn Luby (Santa Anita).

Dr. Arthur made a closing remark that seemed to echo the sentiment of the other members. He thanked the CHRB for taking a "big step forward" in the area of stable area security.

(After the meeting, Dino Perez, the new business manager of the Pacific Coast Quarter Horse Racing Association, asked that we include Los Alamitos in this program.)

The next meeting of the Ad Hoc Security Committee will be held Saturday, February 7, beginning at 10 a.m. in the executive board room at Santa Anita.

Ad Hoc Security Committee February 7, 2004

Notes for Ad Hoc Security Committee meeting at 10 a.m. on February 7, 2004, in the executive conference room at Santa Anita Park. Chaired by CHRB Commissioner Roger Licht. Also attending, Mike Kilpack, Drew Couto, Dr. Rick Arthur, Pete Lang, Aase Headley, Mike Marten, Alex Furer, Roger Middleton, Tim Read, Don Barney, Tom Robbins, George Bradvica, Jeff Mullins, Ed Halpern, Tracy Gantz, John Van de Kamp, Darrell Vienna, Sherwood Chillingworth, and Steve Andersen.

Roger Licht opened the meeting by introducing Peter Lang, special projects coordinator for the Thoroughbred Racing Protective Bureau. The TRPB is a wholly owned subsidiary of the Thoroughbred Racing Associations of North America and operates as a national investigative agency in the horse-racing industry. Its mandate is to expose and investigate all activity prejudicial to horse racing and to maintain public confidence in the sport. One TRPB agent, John Nance, is assigned to Santa Anita and works fulltime with CHRB investigators on backstretch security. Lang provided copies of a TRPB report (attached to these notes) dealing with security issues.

Licht noted that CHRB investigators and staff have been checking lip tattoos of in-today horses and recently determined that one horse entered to race was not in the correct stall. The horse in the detention stall (marked by a yellow sign) turned out to be another horse that was not entered to run. The in-today horse was located across the aisle in an unmarked stall. CHRB investigators are preparing an incident report to file with the stewards.

This led to a brief discussion about how the tattoos are checked and whether CHRB personnel actually touch the horse's mouth. Mike Marten said CHRB personnel always ask the person attending the horse to lift the lip. But Jeff Mullins said that during the Oak Tree meet someone from the security force touched the mouth of one of his horses and "was not wearing protective gloves." It was not clear whether this was one of the guards brought in for graded stakes races or if it was a CHRB investigator. In any event, it was agreed that security personnel should not touch the horse's mouth.

Licht encouraged people to come forward with problems, as some have already done, "and we will pursue any lead that is credible at all." He complimented Santa Anita and the investigative staff for being cooperative in this effort.

Drew Couto gave reports on the progress of subcommittees dealing with surveillance cameras, security procedures, and the duties and assignments of security personnel in the stable area.

Couto said the work of these subcommittees is interrelated. He said the principal objective is to establish procedures in tandem with a camera system that together will meet the primary goal of creating a legitimate deterrent. Eventually it would be desirable to have continuous and complete shedrow/detention stall camera surveillance, but as the estimated price for complete coverage might run anywhere from $500,000 to $2 million for each stable area, it would be necessary to begin with limited camera surveillance. Limited surveillance would include random surveillance on a rotating basis. And there should be some form of earned surveillance, based on criteria that still needs to be developed but would likely include trainers with unusually high winning percentages and/or medication violations.

Alex Furer said Santa Anita is in the process of purchasing a four-camera digital system for about $5,000 that can be moved from barn to barn as an experiment. He hopes to install the system within the next two weeks. Initially the cameras will run via cable to a recording device that will be stored within the barn in a secure, locked container.

The principal purpose of the experiment is to determine the quality and effectiveness of the cameras, how they deal with variances in light, and their range. The experiment will not address the issue of linking the cameras to a centralized monitoring area. The recording system at the barn will have the capacity to store data for about 30 days. As the experiment moves from one barn to another, the infrastructure (cables, mounting brackets, etc.) will be left in place at each barn for future use. Only the cameras will be moved to each new barn where a new infrastructure will be specifically tailored for each individual barn.

Couto asked if it might be feasible to purchase cameras that will work in all stable areas, so that associations could share the cost. Marten suggested that while that might be preferable, it is not likely to be possible because the stable areas at each racetrack are unique. He noted that lighting is likely to be a problem at Santa Anita because there are so many openings to the outside of each barn, which create patterns of contrasting light and dark for the length of the shedrow. At Hollywood Park, on the other hand, there are fewer openings and the lighting is far more constant. At Hollywood Park the challenge might be camera range because the shedrows are so long. Therefore, a camera that works at one racetrack might not suit another.

Marten suggested that the other racetracks begin their own experiments as soon as possible and not wait for the conclusion of the Santa Anita experiment. That way they might have limited camera systems in place for the start of their meets. The representatives of Del Mar and Hollywood Park nodded in agreement.

As for the data stored in the recording device at the barn, Licht noted that investigators would not routinely retrieve and review that data. "There would need to be some cause to look at it," he said. "Something would need to trigger you to look at it."

Darrell Vienna raised concerns about the proposed camera system, its limitations, and procedural matters relating to detention stalls. He asked about the possibility of using some dummy cameras in addition to working cameras, and he mentioned other technical considerations.

Couto responded that many of the issues raised by Vienna have been discussed at the subcommittee level without resolution. He said, "Let's get the process rolling, see what information we do in fact have, then decide what to do with it."

Don Barney added, "This is a start. At least we are doing something."

Lang said he has been to various racetracks with complete surveillance systems, and of those the Meadowlands probably has the best. The Meadowlands has two 60-stall barns with video surveillance in each stall.

Licht wondered if The Meadowlands has statistical data indicating the general performance of horses when under surveillance compared to those not under surveillance. Lang said he would contact The Meadowlands and would work with Marten to provide that information to the committee.

Marten provided an update on the increased presence of CHRB investigators and security personnel in the stable area between the hours of 9 a.m. and 4 p.m. The investigators move individually and in teams throughout the stable area checking in-today horses up to the time they leave for the receiving barn. These inspections are random and sometimes the investigators arrive to check a horse only moments after other investigators have left the same barn.

Aase Headley cited three specific cases where she was told (by named persons) that investigators passed by a barn and did not go into the shedrow to observe a horse entered in a Grade II race or, on another occasion, entered the shedrow only briefly. She said investigators often travel in pairs or even threes, sometimes on a golf cart

Marten noted that Nance of the TRPB is the only person associated with the CHRB who has a cart, though sometimes a CHRB investigator is with him in the cart. All other investigators routinely walk the stable area. Marten said he had spent many hours with investigators over the last two months and they always behaved in a professional manner.

As for their effectiveness, Marten said security personnel are eager to hear recommendations from Headley and other licensees on ways to be more effective during their rounds. Marten said a training session is set for February 20 from 8 to 11a.m. CHRB investigators and security personnel from the racetracks will be present in the CHRB office at Santa Anita during those hours. Licensees will be encouraged to pay unscheduled visits to the CHRB office to make suggestions about procedures that security personnel might follow and things they might look for in the barns. Announcement of the training session will be posted on the overnight in the days preceding February 20, and Marten will be spreading the word beforehand during training hours at Santa Anita and Hollywood Park.

And as for the investigators sometimes traveling in pairs, Marten said the suggestion has become a personnel issue that is unlikely to be resolved by the committee. Several members inquired further, stressing the need for investigators to work individually to increase their effectiveness. Licht said he would check into this matter and report back to the committee.

Aase Headley said that Vladimir Cerin, who could not attend the meeting, had made a suggestion that $50 be added to the stakes nomination fee in order to pay for detention-stall guards. Couto responded that the TOC board had discussed adding a fee to graded stakes for surveillance purposes. He said the TOC directors were "amenable" to the suggestion but they want more information, such as the program cost and how it might be assessed. For example, should security costs be added to the stakes nomination fee or to the entry fee?

Roger Middleton said Santa Anita now is providing guards for Grade I races at the meet. He said the cost for guards for the last Grade I race was $750 for the day. Headley said she would prefer that guards be stationed at the stalls of all horses entered to run, not just for graded races. Licht asked Couto to urge TOC directors to "take immediate affirmative action."

Licht reported that some samples now are being sent to both Truesdail and the Ken Maddy Laboratory, and "the data certainly could be helpful."

Ingrid Fermin suggested that ideas raised at the most recent meeting of the CHRB Medication Committee could be implemented as well, such as testing

for EPO. Licht said he would read the transcript for that meeting and inquire about including those recommendations in the program.

There was a brief discussion about horse identification and the possible use of microchips. Lang said the technology is not perfected yet and it is possible to quickly remove a chip from one horse and place it in another.

Dr. Rick Arthur said the national consortium is discussing the matter of access to in-today horses within four hours of a race, especially access by veterinarians, and eventually there will be recommendations to limit such access.

The next meeting of the committee will be at 10 a.m. on March 13 in the executive board room at Santa Anita Park.

Ad Hoc Security Committee March 13, 2004

Notes for Ad Hoc Security Committee meeting on March 13, 2004, in the executive conference room at Santa Anita Park, chaired by CHRB Vice Chairman Roger Licht. Others in attendance: Tim Barden, George Haines, Don Barney, Ingrid Fermin, Chris McCarron, Barbara Dutton, Jack McDaniel, Aase Headley, Sherwood Chillingworth, Dick Honaker, Tom Robbins, Tim Reed, John Sadler, Roger Middleton, Vladimir Cerin, Mike Marten, Mike Kilpack, Tracy Gantz, and Ed Halpern.

Roger Licht opened the meeting by indicating there have been some "interesting results" since the creation of the committee in December and the increased presence in the stable area of CHRB investigators and racetrack security personnel. He said the performance of some barns has "changed dramatically." He said people must decide for themselves whether the change is coincidental or attributable to the security changes.

Licht said the CHRB has been inundated with complaints from horsemen about other trainers using illegal methods to win races, such as "milkshaking," but that in all cases the subsequent investigations have determined that none of the information was firsthand or reliable, "every tip was fruitless." He said the CHRB does not have sufficient personnel to chase down bad information that might be rooted in jealousy rather than fact. He said the CHRB would not follow bad leads that are unverified. He said unjust allegations must be considered in light of libel and slander laws. He

suggested one way to "eliminate a lot of hearsay" would be to require testimony given under penalty of perjury. Members expressed mixed feelings about that suggestion, mostly in opposition.

Licht's comments prompted some horsemen to relate two incidents in different seasons at Del Mar that they said were reported to the CHRB but they felt were not properly handled or adequately resolved. Mike Kilpack described the actions taken by his investigators in response to one of the reports and the difficulties the investigators encountered. Then the horsemen brought up a third incident that occurred at Santa Anita last year the day before the Breeders' Cup involving the oral treatment of a horse with a substance labeled "Air Power," described by the CHRB's equine medical director as a mouthwash. Chris McCarron noted that despite the fact that the bottle was confiscated, it was returned to the trainer without being analyzed to determine it's contents.

Licht asked the committee to stay on track and to go forward by dealing with current issues. Accordingly, John Sadler and others asked about current CHRB procedures and rules relating to the use of mouthwash or the administration of anything on the day of the race. Licht said the language is open to different interpretations, so he agreed to work with the CHRB staff and commissioners to have something placed on the overnight that will clearly explain the CHRB's interpretation and procedures on this matter.

Sherwood Chillingworth said he has heard from many people who believe that increased security personnel in the stable area would be a great deterrent. He noted that Oak Tree paid for extra security for all graded stakes and for "supertests" during the fall meeting.

Aase Headley noted this issue has been discussed repeatedly without resolution and that the TOC was supposed to report back to the committee on a proposal to add $50 to the stakes nomination fee that would pay for extra security personnel. Sadler, a TOC director, said his board has not finished that discussion but he believes the TOC "will come up with the money." Others suggested additional sources of funding for the program, such as contributions from horse owners and other interested parties. McCarron said the "industry is in peril" and the State of California should be persuaded to come up with additional funds. Once the funds are obtained from whatever source, McCarron felt the extra personnel should be assigned on the basis of "earned surveillance" to the barns with the best records.

This prompted a discussion about who would be responsible for administering the fund, hiring the extra security personnel, and supervising them. Dick Honaker said there are labor union issues to consider if the racing associations do the hiring. Jack McDaniel and George Haines both said there are liability issues if the racetracks are involved in enforcement. They said this all falls more within the CHRB's purview. But Licht and Marten both cited difficulties with this approach, particularly the hiring aspect and the administration of non-governmental funds. After continued discussion, this issue was not resolved but in order to move forward it was agreed, at least for the short term, to build on the current program in which Santa Anita retains an outside agency to provide security for Grade I races.

Licht said the CHRB staff has come up with an idea for a volunteer force, perhaps off-duty or retired peace officers, who might donate their time or work for some nominal fee, such as a few free passes into the racetrack.

McCarron volunteered to work with Honaker, Haines, Chillingworth, and possibly others on the security personnel matter. He said they would try to determine the number of additional people needed and what the program might cost.

In reference to new security personnel, McCarron added, "The training has to be right," indicating the training of past security personnel was not adequate. Marten said the training issue extends beyond additional personnel and pertains to current CHRB investigators. He described unsuccessful efforts to obtain input from horsemen and other licensees on how CHRB investigators could be more effective when they are in the stable area making surprise visits to barns, checking in-today horses, etc. Licht noted that only one trainer showed up for a well publicized training session with CHRB investigators and he criticized horsemen for not providing more assistance in this area. Ed Halpern volunteered to find trainers to assist Marten and Kilpack in this training effort.

On the matter of deterrence, Ingrid Fermin said "not one suspension" has been served by violators over the last two years since a new state law placed Class 1, 2, and 3 cases in the jurisdiction of deputy attorney generals. She requested that Licht provide a list of violations and a review of settlements during this period.

Turning to the subject of drug testing, Licht said the CHRB had selected a few samples that were sent to UC Davis for "supertesting" but that nothing turned up in those samples. He said the samples were chosen arbitrarily because they represented a "statistical aberration." Licht also described a survey (unrelated to the Davis supertesting) that is currently underway to determine if milkshaking is a problem in California horse racing. This involves taking pre-race blood samples from horses at the receiving barn and sending them to Iowa State. He said someone who wishes to remain anonymous donated the money for this survey, and that Oak Tree also has offered funds for this project.

Licht said the official state veterinarian selects the races for the survey and that all horses in the selected races are included. Some horsemen suggested that the current selection process is not as secure as it should be, and to assure everyone that the survey is totally random and fair, the stewards drawing pills should determine the selection of the races. Licht said there is an increased risk of the information leaking out if more people know which races will be included in the survey, but he said he would pass along the suggestions.

At this point the meeting had lasted 90 minutes and several people indicated they needed to leave even though a major item of business, an update on the surveillance camera experiment at Santa Anita and updates by the other tracks, had not yet been presented. McDaniel quickly explained that four cameras were in place at Dick Mandella's barn. He turned on a computer, which displayed three views of the Mandella shedrow and one of a stall at Mandella's barn on the four-way split screen. The cameras are hard-wired from the barn to a location near the association gate where they are linked to the infrastructure of the racetrack's main surveillance system. The quality of all views at the barn was exceptional. McDaniel said this four-camera DVR system, including 480 gigs (sufficient for four weeks of recording) cost $16,000. The system will be moved to other barns for more testing.

The meeting concluded before members could adequately discuss this and other matters relating to surveillance systems, such as how the monitoring would take place and who would do the monitoring.

The next meeting of the Ad Hoc Security Committee is set for 10 a.m. on April 10 in the same executive conference room at Santa Anita.

Ad Hoc Security Committee April 10, 2004

Meeting of the Ad Hoc Security Committee on April 10, 2004, in the executive conference room at Santa Anita Park, chaired by CHRB Vice Chairman Roger Licht. CHRB Commissioner William Bianco also was present. Others in attendance: Ingrid Fermin, Jeff Mullins, Ed Halpern, Roger Middleton, Dick Honaker, Jack McDaniel, Chris McCarron, George Haines, Mike Kilpack, Pete Lang, Dr. Rick Arthur, Aase Headley, Mike Marten, Drew Couto, Tom Robbins, Sherwood Chillingworth, Steve Anderson, George Bradvica, John Van de Kamp, Darrell Vienna, Larry Bortstein, and Tracy Gantz.

There were three items on the agenda for the meeting:

1) Discussion of camera surveillance systems and the status of experiments at Santa Anita and other racetracks.
2) Update on the deployment of security personnel in the stable area.
3) Discussion of setting up a training program for security personnel.

Roger Licht began with an announcement that something will be placed on the overnight beginning with the Hollywood Park meeting that will clearly provide the CHRB interpretation of the regulations relating to what can be given to a horse on race day (e.g. mouthwashes) and the CHRB policy for enforcement.

While waiting for a presentation on Santa Anita's surveillance camera experiment, items 2 and 3 were taken out of order.

Mike Kilpack provided an update on the deployment of security personnel. He said CHRB investigators continue to patrol the stable area on race days, paying surprise visits to barns and checking in-today horses as much as five hours before post and up to the time the horses leave for the receiving barn. He said on certain days (e.g. the day before the Santa Anita Derby and on Derby Day), the entire investigative staff is in the barn area. Supplied with lip tattoo numbers by the horse identifier, the investigators randomly select in-today horses for identification.

Mike Marten noted the program of increased activity by CHRB investigators and racetrack security staff in the barn area is entering its fifth month. Whereas past programs had involved a highly visible flurry of increased activity followed by a pull back, this program represents a permanent change

in the routines of CHRB investigators, who accept the need for their continued presence in the backside.

Marten repeated his request for input on how best to train investigators to be most effective while they are in the barn area. Dr. Arthur said just spending more time on the backside, the way they are now, should be giving investigators a pretty good education. Dick Honaker said Santa Anita is putting together a video that is primarily designed for new security personnel. The video will include commentary by Kilpack and John Sadler. Dr. Arthur agreed to help with the video. Ed Halpern said he would speak with trainers to determine what additional training might be helpful.

Chris McCarron said he and other committee members reviewed the cost of posting extra people at barns to supplement regular CHRB and racetrack security personnel. He said the cost of placing four additional guards at barns for eight hours would be $520 to $750 a day, depending on whether the guards are regular staff (more expensive) or provided by an outside service.

Drew Couto said the TOC Board has discussed the issue of paying for extra security personnel by adding something to the cost of nominating to graded stakes races. Couto carefully explained that the TOC is supportive of this effort and the TOC intends to contribute financially in some way to the security program. But he also expressed a concern that horse owners are being asked much too frequently for money. He said the TOC Board wants to be assured that everyone is contributing to this program and that the money will be spent wisely and most effectively. For example, should the TOC help pay for extra security guards or would that money produce a greater benefit by helping to pay for camera surveillance equipment? "We want to see a broader program in place," said Couto. "It is not fair to ask the owners to apply a Band-Aid that does not solve the problem."

This led to a discussion about where the committee is going. For example, should the committee be focusing at all on the drug-testing program? Ingrid Fermin said there are many pieces to the puzzle that need to fit together. Darrell Vienna said the drug-testing program in California is as good or better than any in the country but all drug-testing programs have limitations, so the committee needs to address backside security. Given a choice between more guards or cameras, Vienna said he would clearly prefer cameras. For one thing, he noted that guards would only be in place five or six hours before a race but "electronic surveillance is not limited to six

hours." Vienna urged the committee to focus on the creation of security stalls at individual barns and the increased use of camera surveillance.

Regarding funding, Licht said the financially strapped State of California is not in a position to contribute anything more to security. Dr. Arthur said Oak Tree would contribute its share. Vienna suggested the committee should "commit itself to the process of determining the best program to provide security on the backside, then sort out how we finance it." Licht agreed, "Let's decide what we would like to accomplish in an ideal world."

Jack McDaniel began the presentation on the camera experiment. He set up a computer screen that displayed four views of Dick Mandella's barn at Santa Anita, where four digital cameras are located in the middle of the shedrow. One camera is aimed left, another right, and together the two shots provide a full view of the shedrow from the center out. A third camera is aimed directly into a stall. A fourth is pointed outside to the walking ring. All of the shots shown on the computer screen were clear and vivid and provided great detail, particularly when one shot was singled out to occupy the full computer screen. Vienna said he was "amazed" by the quality of the images.

When asked how long the images could be stored in the system for later review, McDaniel said the system has "500 gigs of hard drive" and the capacity for as much as 30 days of storage depending on several variables. He said the system can run 24/7 or be activated by motion detection. And the number of frames per second can be increased or lowered. The trade-off is reduced detail for increased storage. He said the system is currently set at the highest resolution.

The stand-alone system in place at Mandella's barn cost $5,600. By itself, that system would just feed the images into a recording device in the barn. However, Santa Anita ran cable from the barn to an access point to the track's own digital system. That is how it came to be on the computer screen in the executive conference room. As for the prospect of wiring the entire barn area, McDaniel and the other Santa Anita executives weren't sure how much in addition to the $5,600 per set it might cost to run multiple systems to a central location, such as the CHRB investigators office.

Couto said the cost might be considerably less if we use less expensive camera systems. He said the TOC and CTT purchased a $300 system, which has been provided to the Santa Anita technicians. Additionally, an interested party has contributed an even cheaper $120 system. "Let's get all three cameras side by side and compare them," suggested Couto. "Let's see if we

can use lesser technology to achieve a comparable level of deterrence. We should bear in mind that we don't need perfection. The question is what level of deterrence we can get given our resources."

There was a discussion of related issues, such as whether the cameras should be pointed down the shedrows or into the individual stalls of in-today horses, and what criteria should be used to determine which barns require increased or earned surveillance, but those issues were not resolved.

The next meeting of the Ad Hoc Security Committee will be held May 8 in the same executive conference room at Santa Anita.

Ad Hoc Security Committee October 1, 2004

Notes for Ad Hoc Security Committee meeting conducted October 1, 2004, in the Executive Board Room at Santa Anita Park., chaired by CHRB Commissioner William Bianco, with CHRB Chairman John Harris also in attendance. Others attending: Dr. Rick Arthur, Tom Robbins, Ed Halpern, Aase Headley, Darrell Vienna, Barbara Dutton, Ingrid Fermin, Ben Bollinger, Mike Marten, Roger Middleton, Dottie Ingordo, Eual Wyatt, Sherwood Chillingworth, Tim Barden, Jack Williams, Mike Kilpack, Drew Couto, Chris McCarron, and Steve Anderson.

William Bianco opened the meeting by indicating the committee had been meeting for 10 months and it was time to present something to the CHRB. Some of the members had come prepared with various proposals relating to surveillance barns, designated surveillance stalls, human surveillance, the retention of frozen blood samples, backstretch security plans, the time it takes to prosecute cases and the resulting penalties, the confiscation of syringes, and suggestions for earned surveillance criteria.

Although many of these proposals were discussed, none of these proposals ever came up for a formal vote because the meeting went off in another direction beginning with updates from Oak Tree Director Dr. Rick Arthur and Executive Vice President Sherwood Chillingworth on security enhancements in place for the current Oak Tree meet (beyond the TCO2 testing that had been thoroughly discussed at prior meetings).

The Oak Tree executives reported that additional security guards are in place at the stalls of all horses entered in graded races six hours before their race. Each guard carries a hand-held camera to record activities in the stalls. Additionally, two members of their security staff had been reassigned to work solely in the stable area spot-checking in-today horses on a daily basis, expanding greatly on the monitoring that CHRB investigators do as time permits. "We've taken the first steps (to improving security)," said Dr. Arthur. "Now let's ratchet it up."

This led to a discussion of various ways for the racetracks to "ratchet up" security. Barbara Dutton said the security guards should be better trained. Ingrid Fermin suggested choosing non-graded races randomly for six-hour surveillance. She also suggested checking the identifications of horses coming and going from the racetrack and recording the names and license numbers of individuals entering the backstretch at night.

Dr. Arthur immediately agreed to the random surveillance of all horses in a race to be selected randomly by the stewards on days when there are no graded races. He would not agree to implement any kind of program based on earned surveillance until such time as legal and liability issues can be resolved. Drew Couto said the Thoroughbred Owners of California would seek a legal opinion on earned surveillance.

Chillingworth said he would work with security and others to better monitor the movements of horses and to identify individuals entering the stable area after 8 p.m. And he said he would accelerate the training of extra security personnel and work on having a training video developed to help educate any new security people.

Eual Wyatt said Hollywood Park would duplicate the new security measures for the upcoming fall meet. But he urged the CHRB to adopt a regulation to codify these measures rather than leaving it for racetracks to implement them voluntarily. Bianco agreed that something concrete should be presented to the Board. But John Harris questioned whether it should be a regulation or a proposal to add security requirements to the track licensing process. The industry will work on drafting specific security proposals.

Couto wondered if there might be any money available for diversion from the California Marketing Committee to help fund the security enhancements. One suggestion was for the creation of a permanent staff of as many as six security personnel to be extensively trained and moved from track to track to monitor in-today horses, either by spot-check or assigned to stalls. Some sort of permanent funding would make this possible.

Harris said the laws pertaining to both CMC and the stabling and vanning fund should be reviewed to determine if any of those funds could be used for security purposes. He stated that he personally felt that the issue of integrity in racing was extremely important and such funds should be considered to incrementally increase security while also maintaining and expanding each racing association's role in security.

There seemed to be a consensus that the voluntary steps being taken by Oak Tree and promised by Hollywood Park are moving things in the right direction, but something more definitive should be put in place by the CHRB to ensure the continuation of these enhanced security measures at all racetracks. Couto said he would get together with representatives from the racetracks and the California Thoroughbred Trainers to draft some regulatory language to provide to Bianco to present at the October 14 CHRB meeting.

The meeting concluded without a discussion of setting a date for another meeting of the committee.

November 4, 2004

TO: CALIFORNIA RACING COMMISSIONERS

SUBJECT: UPDATE ON RACETRACK SECURITY AND TCO2 TESTING

This is to bring you up to date on improvements in the security programs at racetracks and the status of the proposed regulation for TCO2 testing.

The California Horse Racing Board and horse-racing industry have jointly made considerable progress in the area of stable area security during the last year, largely through the efforts of the Ad Hoc Security Committee that was formed last December, and through the generosity of Commissioner William Bianco and the Oak Tree Racing Association, who initially funded a survey that determined the improper use of alkaline substances in thoroughbred horse racing by measuring total carbon dioxide (TCO2) levels in blood samples taken from horses just before they raced.

This survey and subsequent evaluations made by racing associations suggested there is limited administration of bicarbonate and/or other alkaline substances, commonly known as "milkshakes," in apparent attempts to influence the outcome of races. The number of positive tests in the first six months of the year at thoroughbred racetracks in Northern and Southern California represented about 1 percent of the samples collected. The number increased when the Del Mar Thoroughbred Club continued the testing on its own, reportedly 10 percent at the start of the Del Mar meet. The number went back down to less than 1 percent at the Oak Tree meet. To some, the apparent use of milkshakes is much less than feared. To others, even one positive is too many. The CHRB adopted this tougher view by authorizing for public notice in September a regulation specifically banning the administration of alkalizing agents and establishing maximum levels of TCO2 in blood serum or plasma. I apologize for not pushing this matter more quickly. The proposed regulation will be ready for public notice by November 19.

CHRB regulations prohibit the administration of any substances within 48 hours of a race except for specifically authorized substances. Milkshakes are not among the authorized substances, so their administration would be a violation of CHRB rules and state law. However, carbon dioxide is natural to the horse, so mere detection of any carbon dioxide in equine samples would not in itself indicate wrongdoing. The new regulation will permit us to differentiate between what is natural to the horse and what is administered by measuring the amount of TCO2. However, there is a problem. The Horse Racing Law currently requires that a duplicate be taken of all blood and urine samples from horses for the purpose of split sample testing. The law specifically grants licensees the right to have

the split samples tested. But TCO2 testing does not lend itself to split sample testing because of the rapid dissipation of carbon dioxide from the samples. Even experts do not agree on how quickly this dissipation occurs, but 48 hours would seem to be the outside limit.

There does not appear to be a way to test the original sample, notify the owner of the horse, and then have the split sample tested within 48 hours. Therefore, in order to implement the proposed regulation, the law would need to be amended to exempt TCO2 testing from the split sample requirement. Staff met on Wednesday with Derry Knight, our counsel in the Attorney General's Office, and came to an agreement on language to amend the law concerning split samples by exempting TCO2 testing from the split sample law. I have asked Sherwood Chillingworth, executive vice president of the Oak Tree Racing Association, to help arrange for an author to sponsor a bill to amend the Business and Professions Code. He referred me to a lobbying firm. I spoke with Anthony Gonzalves. I will be sending him the proposed amendment language, and he will secure an author. With an urgency provision, he estimated that if everything were to go smoothly, we might be able to complete this matter by April, perhaps sooner.

In the interim, TCO2 testing is continuing at Hollywood Park, which like Oak Tree, is administering the test as part of its stall allocation process. There are drawbacks to this voluntary program in that racing associations are severely limited in the actions they may take against offenders, so it is imperative that the CHRB implement a regulation as soon as the law allows, but the testing by racing associations is adequate as a stop-gap measure.

The Ad Hoc Security Committee has met eight times since its creation last December. Commissioner Bianco and former Commissioner Roger Licht have been active on that committee. Initially the committee considered detention barns as a way to improve the public perception of horse racing and to provide the desired level of security. However, some horsemen and racing associations considered this proposal as too Draconian. As an alternative, the committee explored the use of camera surveillance systems in the stable area. After months of reviews and considerable expense (e.g. the Del Mar Thoroughbred Club spent more than $100,000 on its camera experiment), the consensus seemed to be that cameras were not the solution we seek, principally because it could cost millions to hardwire the stable areas and install a sufficient number of cameras, and even then there would be no guarantees that camera surveillance would provide the desired level of security.

Del Mar and the Oak Tree provided new direction for the committee and the industry when those associations financed continued TCO2 testing and assigned security guards to the stalls of all horses entered in graded stakes. And with additional funding from the Thoroughbred Owners of California, those guards were equipped with hand-held cameras to record activities in those stalls. Oak Tree expanded on these additional security measures by reassigning two of the regular security staff fulltime to the stable area to monitor horses entered to run. Additionally, on days when there was no graded stakes, Oak Tree agreed to provide guards for a race selected randomly by the stewards. As with the case of graded stakes, those guards took positions as the stalls of the entered horses

six hours prior to post and recorded activities with the hand-held cameras. And to better monitor the comings and goings of licensees in the stable area during non-work hours, the guards at the stable gates entered the names and CHRB license numbers of individuals entering and leaving the stable area between 8:30 p.m. and 4 a.m. Another proposal for the guards to check the lip tattoos of horses moving in and out of the stable area to verify their identities was never implemented because of safety concerns.

Hollywood Park has agreed to implement the same security enhancements during the fall meet. I personally met with Hollywood Park executives and discussed these matters prior to the start of their meet.

It is not our intent to have these voluntary security programs continue indefinitely. Key members of the Ad Hoc Security Committee are working on language to provide to Commissioner Bianco to present to the full Board, hopefully at the December 2 meeting, to require these and perhaps other security enhancements at each non-fair race meet in California. This could be accomplished by regulation or by requiring that racetrack license applications include a security plan containing the desired elements.

The CHRB staff will remain committed to the goal of improving security in order to provide a level playing field for all participants and to improve the public perception and confidence in California horse racing.

Sincerely,

Roy Minami

Assistant Executive Director

cc: California Racing Associations

Thoroughbred Owners of California

California Thoroughbred Trainers

Version: 7.28.2011

RMTC Security/Surveillance Committee Report

Subsequent to the International Summit on Race day Medication Dr. Lewis formed an ad hoc committee to address the following charges:

1. Review the work of the prior RMTC Security Committee
2. Recommend a security system adequate to protect the horses in the event of either (a) turning race day salix over to regulatory vets and/or (b) phased ban of race day medication.
3. Make a recommendation as to how this security system should be funded.

The following document represents the report of the RMTC Security/Surveillance committee to the RMTC Board of Directors on security techniques to protect horses from the inappropriate administration of medication on race day.

Background:

In 2007 the RMTC convened a Security Committee that created a "Security/Investigative Training Program" in order to identify and promote 'best practices' in backstretch security. This document included recommendations intended to demonstrate the racing industry's intention to provide a strong, integrity-based racing environment meant to improve the overall quality of racing, the perception that racing is being conducted honestly and improve the racing product to the wagering public. Further, it would foster the cooperation of most racing participants to assist investigators in security matters.

This committee suggested that a strong backstretch security presence (a collaborative effort by track, state, TRPB and other law enforcement agencies) would prompt an attitude change among backstretch licensees who see improper activities to come forward and take greater personal responsibility in security matters. An environment driven by coordinated security/investigative professionalism must be in place for this to happen.

The following quote from that document is as relevant to our current situation as it was to the circumstances that led to the formation of that effort in 2007: "Public confidence in our sport is undermined by the perception that drugs can be used to enhance racing performance. Standards of integrity for racing have never been more important. The abuse of illegal medication threatens not only our long-term growth, but our survival as an industry. The future of our sport is at stake."

Increased and improved pre-race security measures can potentially minimize or eliminate the administration of illegal drugs to racehorses. It is imperative that racehorse owners demand stringent security prior to a race, and the backstretch

personnel be educated as to the need for security procedures. It is equally important for racing associations to enforce these security procedures and to include language detailing them in stall applications.

Potential Recommendations for Security Procedures to secure horses on race day:

1. **Monitoring/Detention Barn**: Detention barns are the best and most effective way to prevent or reduce improper race day medication. All entries in at least two (2) randomly selected races per day be held in a detention barn for a minimum of eight (8) hours prior to post time. If the RMTC recommends a 24 hour medication ban, twenty four hours in a properly monitored barn prior to the race is the "gold standard" to prevent inappropriate administration of medication. Races should be selected by the stewards and/or the racing association and may include the stakes or featured race. Randomly selected horses could also be identified for inclusion in a monitoring barn by drawing numbers. At a minimum, one race per day should be designated on a random basis for detention barn coverage. All races would be eligible for detention barn designation, which would occur after entries were taken and then announced on the overnight. Recommendations for specifications for the detention facility are included in the TRPB document appended at the end of this committee report. Access to the monitoring/detention barn should be controlled by security to prevent unauthorized access to horses that would provide an opportunity for inappropriate medication administration.

2. **Receiving Barns**: Arrival time of a ship-in horse is the most important (but not the only) factor in preventing improper pre-race administrations. The closer the arrival is to race time, the greater the opportunity for improper pre-race administrations. Race tracks should have a receiving barn(s) with capacity sufficient to accommodate the maximum number of shippers on a given day/race card. The degree of security conditions/controls used for shippers at a receiving barn should be matched for horses stabled on the grounds so that the same racing conditions exist for all entrants. Security measures at receiving barns are necessary if improper pre-race administrations are to be prevented. There needs to be a workable balance in arrival time between the respective operations of tracks and horsemen. Horses should be required to be presented to the receiving barn a minimum of 8 hours prior to race time. Further specifications and recommendations for receiving barns are included in the appendix TRPB document. Access to

the receiving barn should be controlled by security to prevent unauthorized access to horses that would provide an opportunity for inappropriate medication administration.

3. **Camera Surveillance**: Digital cameras may be installed in every barn or at least "in today" stalls in order to monitor activities particularly during the hours prior to racing (in conjunction with roving patrols and spot-checking. These cameras would be connected to large-capacity hard drives and would need to be monitored by security personnel. There are many technical issues to be addressed with video camera surveillance and the technology is rapidly evolving. Camera surveillance could be used as part of an "earned surveillance program.

4. **"In-today" Stall Signs**: A sign that identifies a horse in a certain stall as an "in-today" horse should be displayed on the stall of every horse entered on the day's card. These signs should be put on the stall the day before race day and security personnel should spot check barns during the 24 hour period before the race, particularly between the hours of 3 to 6 AM, and significant fines or suspensions to be levied if a horse is moved from the stall or if unauthorized persons enter the stall. The tattoo number, color and sex of the entered horse should be posted on the "in today" sign, along with a local 800 number for track security in order to facilitate reporting violations. Copies of a horse identifier's list of entered horses with their tattoo numbers should be made available to security personnel who patrol the general barn area; to be used for checks of "in today" horses.

5. **Periodic Inspections:** Racing association security personnel should conduct random and periodic inspections of licensees physically present on racetrack grounds, to include trainers, assistant trainers, grooms, veterinarians, veterinarian technicians, and vendors. Inspections shall comply with association policies and procedures regarding predication, execution and scope of said inspections, as well as the inclusion of racing commission or other individuals authorized to participate or witness the inspection.

6. **Eight-Hour Rule:** All entered horses must be on the grounds of the racetrack, in either the detention/monitoring barn or at an identified stall with security personnel in place, no later than eight hours prior to post time. Access to these horses should be restricted for at least 8 hours before post-time by anyone other than certain authorized personnel. Horses that are not

on the grounds by the specified time prior to post time would be scratched with discretion given to stewards to consider extenuating circumstances (traffic or weather conditions not under the control of the horse's connections).

7. **Vet "ride-along" program:** In this program investigators or security personnel would accompany veterinarians during their rounds for the day, particularly between the hours of 3 to 6 AM. Wherever feasible or practical, different veterinarians should be selected for a "ride-along" program. Consideration should also be given to doing this with vendors on a periodic basis as well. This might best be used as a component of an "earned surveillance" program.

8. **Training of Security Personnel:** Racing associations should develop comprehensive training programs which enable backstretch security personnel to expand their knowledge and abilities in policing and securing the stable area. Associations should support and participate in available security training opportunities, such as those provided by the Thoroughbred Racing Protective Bureau (TRPB) and the Organization of Racing Investigators (ORI). These programs should promote use of "best practices" to secure horses on race day. Training programs should be incorporated into standards for NTRA accreditation of North American Racetracks.

9. **Earned Surveillance:** All horses racing from a stable that has repeated or egregious positive drug tests should be required to report to the detention barn (8) hours prior to post time, for a period of no less than 30 days. These stables would also qualify for increased scrutiny by security personnel. Licensees who have repeated or egregious violations would similarly qualify for increased scrutiny by security officers (e.g. "ride-along" program, use of video surveillance, increased random visits to the barn, or spot checks of licensees).

10. **Random Barn Inspections:** The barn of a trainer of a random horse in a random race once a week is inspected by track security with a horsemen's group representative to witness and a commission investigator to act.

11. **Reporting and Communication**: All participants in racing, and particularly those whose livelihoods bring them to the backstretch of a racetrack each day, have an opportunity to contribute to improving the integrity of our sport by reporting suspected untoward activity immediately to association security

or racing commission personnel, or TRPB, through its toll-free, anonymous tip line (1-866-TIP-TRPB). Association investigators should, through appropriate dissemination mechanisms such as TRPB, ensure information regarding alleged untoward activity on the part of licensees, improper race-day substances, or other useful or actionable intelligence gleaned during their race meeting, is shared amongst their peers and to racing commission investigators.

Critical Analysis of available Security Options:

1. **Monitoring/Detention Barn**:
   a. Strengths – This technique provides the "gold standard" for securing the horse prior to the race and is the only technique that can most reliably do so.
   b. Weaknesses – Some horses may not race to form because they are being held in an unfamiliar environment. A requirement to be in the facility 8 hours prior to race time places an extreme burden on those trainers entered in early races. For example, a horse entered in the first race may have to be in the barn by 4 AM. It is quite conceivable that the horse will need to be loaded and shipped from a training center or nearby racetrack at 2 AM or earlier to make that deadline. Experience in New York has shown that the requirement to be in the detention barn will significantly reduce the number of horses that will be entered to race. There is a significant cost to the trainer and passed along to the owner to have a handler remain with the horse in the detention facility. Short time intervals (less than 8 hours) provide opportunity to treat the horse on race day prior to arrival at the detention barn. The use of detention barns for selective or high purse level races minimizes this burden.

2. **Receiving Barns:**
   a. Strengths – Security at receiving barns that is comparable to detention facilities helps to provide a level playing field by addressing the inherent discrepancies in pre-race conditions for ship-in horses and horses stabled on the grounds.
   b. Weaknesses –It is virtually impossible to secure ship-in horses in the same way that horses on the grounds may be secured.

3. **Camera Surveillance**:

a. Strengths – Supervision of horses can be achieved over large areas and for increased period of time, possibly avoiding the need to sequester horses in a detention barn. A few trained security persons can monitor a large number of barns/stalls from a remote location. Video records may be recorded for future review and use in investigations/prosecutions. Some video systems are capable of providing alarm functions (either covert or overt) as well as remotely activating exterior or interior lights to enhance security.
b. Weaknesses – Cameras may malfunction and can be defeated by avoiding field of view or removing the horse from the stall (ostensibly for blacksmith work, for example). Cameras would need to be placed into the stalls of horses in order to provide appropriate surveillance of "in today" horses. Video surveillance is not currently in place and the costs of putting this system in place would likely represent a significant capital expense. Redundancy of hard drives will be required in order to provide backup for secure data storage. Surveillance cameras must be capable of providing clear detail of the faces of anyone entering the in today stall. Surveillance considerations include purchase and maintenance of hardware, staffing of the cameras and storage of the data.

4. **In-today Horses:**
   a. Strengths – Horses may remain in their natural environment and are more likely to perform up to their form. Trainers save the expense of having a groom dedicated to taking the horse to a detention barn. All licensees should be encouraged to report potential violations. Cell phones (with cameras) provide a unique technological opportunity to document and report possible violations. This security technique should be incorporated with an educational effort to enlist support and buy-in of all licensees on the backstretch of the racetrack. The presence of these signs reminds all licensees of the commitment to security.
   b. Weaknesses – If horses are not supervised, either by cameras or by security personnel, this technique will not reliably eliminate potential breaches of security by individuals who intend to administer inappropriate medication. There is increased opportunity provided to breach this system due to the decreased degree of direct observation.

5. **Periodic Inspections:**

a. Strengths – Randomness of this technique leverages the effect on potential violators.
b. Weaknesses – Randomness creates opportunities to breach security.

6. **Eight-Hour Rule:**
   a. Strengths – This technique requires that horses be placed in an environment where security can be more easily provided. Scratching horses that do not arrive on time encourages compliance.
   b. Weaknesses - A requirement to be in the facility 8 hours prior to race time places an extreme burden on those trainers entered in early races. For example, a horse entered in the first race may have to be in the barn by 4 AM. It is quite conceivable that the horse will need to be loaded and shipped from a training center or nearby racetrack at 2 AM or earlier to make that deadline.

7. **Vet "ride-along" program:**
   a. Strengths - Properly done, this technique provides an opportunity, not only to discourage inappropriate behavior by veterinarians or veterinary technicians, but encourages relationship building between trained investigators and veterinarians that could lead to increased collaborative efforts.
   b. Weaknesses – Improperly done, this technique will antagonize both parties and create an adversarial relationship. It is also labor-intensive. It is critical that the security officer not be overly-intrusive so as to disrupt the veterinary-client-patient relationship. Training of security personnel will be required with an emphasis placed upon establishing a collaborative rapport with good communication.

8. **Training of Security Personnel:**
   a. Strengths – Training increases the ability of security personnel to be more effective. Training resources are currently available and minimal cost.
   b. Weaknesses – Apathy toward security on the part of many racing associations.

9. **Earned Surveillance:**

a. Strengths – This focuses surveillance in areas where the impact is likely to be increased. It also conveys the commitment of the security program to follow-up on egregious violators even after a first violation.
b. Weakness – Cost. The cost of this surveillance should be imposed upon the violator.

10. **Random Barn Inspections:**
    a. Strengths – The randomness of this technique will have a deterrent effect upon potential violators. The presence of a horsemen's group representative and a racing commission official facilitates immediate action.
    b. Weaknesses – Improperly done, this technique will antagonize both parties and create an adversarial relationship. It is also labor-intensive. Training of security personnel will be required with an emphasis placed upon establishing a collaborative rapport with good communication. There needs to be an open line of communication established between investigators and stewards and commission officers regarding barn inspections. Investigators will need permission and authorization by the Stewards to perform these inspections and if the inspections are not properly conducted with commission officers present, they may compromise the investigation and will potentially embarrass or anger the Stewards and disrupt the important working relationship between security officers and the racing office.

11. **Reporting and Communication:**
    a. Strengths – Increased collaboration between association investigators, TRPB, and racing commission investigators will enhance overall security efforts in a more effective manner. The development and sharing of intelligence, while maintaining requisite confidentiality requirements, is essential toward proactively addressing security/integrity vulnerabilities.
    b. Weaknesses – Although the technical infrastructure for collecting, digitally cataloguing, and disseminating intelligence/investigative information is in place at TRPB for TRA-member racetrack association security departments, certain administrative and legal matters would need to be addressed before TRPB could expand services to all racing venues. Participants need to be mindful of legal pitfalls (FOI/PA requirements, due process, arm's-length relationships) when government and private sector investigators interact on an on-going basis (e.g., investigations).

Funding Security:

It is our belief that current economic pressures are the primary limiting factor in regulators' "appetite" for security. Typically, the state racing commission is charged with ensuring the integrity of racing in their jurisdiction. Creating a rule to eliminate race day medication without funding security amounts to an unfunded mandate. Having said that, we believe that security is everyone's responsibility. Trainers should participate by funding private barn security to protect their horses from tampering. Owners should participate by funding initiatives that will ensure a level playing field. A small portion of the money spent on race day medication could be devoted to security to ensure the level playing field. Tracks should participate by providing basic security of the facility. Veterinarians should participate by providing security of their medication and supplies and use proper medical waste procedures in order to ensure that needles and syringes are not made available to laymen or other individuals who would use them inappropriately to breach security and violate the rules of racing. The cost of meaningful race day security will be reduced to the degree that some or many of the necessary components may already be in place. Our goal should be to be maximally efficient with the resources that we have at hand. If testing efficiencies can be realized (e.g. outsourcing testing to accredited regional laboratories), some of that money could be diverted to support security. Re-allocation of funds currently used to fund security/testing efforts should be investigated.

The actual cost of security programs will vary with the protocols designed to meet the needs of individual racetrack facilities. Once the RMTC determines the parameters to be included in a model rule recommendation, a range of cost estimates can be provided.

Summary/Conclusions:

The fundamental objective of race-day security is to prevent the administration of inappropriate medication to horses entered to race that day. If adequate security and surveillance measures are put in place within 24 hours of racing, then the advantage of cheating goes away. One of the major challenges inherent in our diverse horse racing industry is how to provide similar and appropriate levels of security and supervision for horses that are stabled both on track and at off-track facilities. ALL horses would have to be on the track at 24 hours to make security equal for all.

Race-day Security recommendations must be adequate to enable enforcement of whatever model rules are recommended. It is counterintuitive and undermines the credibility of the racing industry to create a model rule that is unenforceable. A model rule to eliminate race day medication without security in place to enforce that rule is

simply "window dressing." For example, if a model rule requires that horses not receive medication on race day, then effective security must be in place throughout the period defined as "race day." Therefore it is critical at the start, to define the "race day" period. For example, requiring horses to report to a detention/monitoring barn 4 hours prior to a race will not secure them on "race day" if they are being treated in the barn area, at a training center or on the van prior to reporting to the detention/monitoring barn at the race track.

There is not a "one size fits all" specific strategy that will provide appropriate race-day security at all racing facilities. It is important to develop a strategic security plan as deemed appropriate by security/administrative officers based upon the unique facility and manpower requirements of a given venue. Nonetheless, minimum strategic concepts must be in place, employing a combination of the security techniques outlined above. The committee feels that uniformity of security policy among North American racing jurisdictions is critical to the success of our industry. At a minimum, a combination of a modest increase in race day security in combination with severe penalties for egregious or repeat violators should be encouraged in all jurisdictions.

It is extremely unlikely that any single recommendation option, in and of itself, will enable us to secure horses on race day. Rather a comprehensive security plan will need to be created for each racing facility. The culture of security and cooperation by licensees is a laudable goal, but will take years to cultivate and nurture. In the meantime, a strong commitment to physical security methods is needed to begin to achieve that goal.

Security works hand-in-hand with testing and enforcement. The key to the success of an effective security program is to enable racing officials to identify violators and prosecute them to the extent that the penalty for violation is significant enough to deter others from cheating. The racing association must have the option to seek the removal of a trainer or veterinarian from its grounds in the best interest of racing. National uniformity of penalties will be helpful to support security and consideration should be given to encourage legislatures to pass laws that make tampering with the outcome of a race (including the illegal drugging of racehorses) a felony offense. A horse with an egregious positive test should be prohibited from racing for a specified period of time in order to impose a significant penalty against the owner of the horse, not just the trainer. Although quality testing is critical to the elimination of race day medication, security is equally as important, since many of the medications that we seek to regulate are not currently detectable. Out-of-competition testing will play an increasing role in enforcement of medication rules in the future. Authorization for random out-of-competition testing should be included in license documents for owners and trainers and stall applications.

Reporting and communication is an extremely important component of any national policy and although the infrastructure for this is largely in place, the desire for collaboration is currently lacking. Commissions and racetracks are protective of their turf and often reluctant to share what may be perceived as security or integrity failures. This behavior must be discouraged and the value of reporting and communication must be emphasized and the practice encouraged by incorporating this strategy in a model rule.

If these fundamental strategic concepts are put in place, monitored and subjected to regular quality control review processes, security will be achieved to the degree supported by the political will of the regulatory body for a particular racing jurisdiction/facility.

Minimum Standards Recommended for increasing race-day security:

- Match requirements for race day security with the scope of model rule recommendations
- Provide security in receiving barns
- Use "in today" signage on stalls with emergency phone numbers to report violations
- Random barn inspections should be performed weekly
- Implementation of "earned security" procedures, including Vet "ride along" procedures, video surveillance and random inspections
- Severe penalties for repeat or egregious violations
- Create reporting and communication programs across all racing jurisdictions
- Promote use of TRPB tip line to reporting violations of racing rules in all racing jurisdictions

These minimum recommendations by no means represent what we consider to be the best practices for providing race day security. We recommend these standards as a starting point in order to provide a cost-effective program that will demonstrate a uniform commitment to meaningful security procedures across North America. As is the case with the NTRA Safety and Integrity Alliance protocol, security measures should be upgraded over time with the goal of continual improvement in mind.

"Best Practices" for race day security would employ a combination of the above recommendations and would likely include a secure monitoring barn for all horses to be housed prior to racing for the period specified in the language of a model rule.

Respectfully Submitted:

Version: 7.28.2011

RMTC Security/Surveillance Committee

Frank Fabian, Chris Scherf, Terry Meocks, Dr. Scott Hay, Tim Read, John Ward, Jamie Haydon, Mike Ziegler, Rogers Beasley, Mike Hopkins and Scott Palmer, Chairman

APPENDIX:

The following is a reference document for the RMTC Board to review at its discretion. This document represents the work of the TRPB and has not been modified in any way. TRPB's recommendations as stated in this document reflect that which its TRA-member racetrack associations have previously been presented, and have incorporated, in varying degrees, into their security protocols. Portions of the content of this document have been incorporated into the body of the committee report.

Prevention of Improper Pre-Race Administrations

in Thoroughbred Racing

Version: 7.28.2011

Section I

Introduction

Industry Focus on Race Day Medication, Exercised-Induced Pulmonary Hemorrhage (EIPH), and the Racehorse

On June 13-14, 2011, an International Summit on Race Day Medication, EIPH, and the racehorse was conducted at Belmont Park, Elmont, New York, as part of the United States horse racing industry's undertaking a thorough evaluation of the use of medications on race day.

At the conclusion of the summit, sponsored by the Racing Medication Testing Consortium (RMTC), American Association of Equine Practitioners, and the National Thoroughbred Racing Association, a meeting of the Board of Directors of the RMTC was convened, and four subcommittees created within the RMTC to develop strategies to further some of the findings from those participating in the summit. One such subcommittee was the Security Subcommittee, to which this submission by TRPB responds.

TRPB, created in 1946 as a wholly-owned subsidiary of the Thoroughbred Racing Associations of North America (TRA), provides investigative, security, information management, wagering analytic and tote security services to its TRA-member racetrack association ownership. It has assessed the issue of preventing improper pre-race medications on a number of occasions over the years, and presented recommendations to its member associations.

Definitions

In its previous reviews on this subject, TRPB defined improper pre-race administrations to mean the infusion of a drug, chemical, or other substance in a horse that is entered to race, generally (but not exclusively) within a few hours of a race, and with such infusion intended to alter the condition of the horse and affect racing performance, as well as escape post-race detection.

The principal purpose of improper pre-race administration is to gain an unfair or exclusive advantage over other competitors - that is, to cheat.

Improper pre-race administrations were not taken to mean treatment of an entered horse with medications currently permitted by individual regulatory jurisdictions on race day, such as Furosemide, Phenylbutazone, similar non-steroidal anti-inflammatory agents, or adjunct medications.

Improper pre-race administrations were also not taken to mean the administration of therapeutic medications by veterinary practitioners to maintain the normal health and well-being of a horse during training, even if such medications might constitute a "positive" if detected in post-race sampling. However, infusion of a normally acceptable therapeutic medication on race day or within time frames not permitted by individual commission regulation would constitute an improper administration.

Approaches to the Problem

While effective post-race testing and diligent investigation of all reports of improper use of drugs and medications are both necessary in the ongoing effort to address improper pre-race administrations, more needs to be done in two particular areas.

First, current operating practices and procedures that might facilitate improper pre-racing need to be amended or discontinued. In so doing, the opportunity to improperly pre-race a horse might be stopped outright or at least made as difficult as possible. In either case, a strong message would be sent that improper pre-racing is unacceptable and subject to a greater chance of detection.

Second, and perhaps more difficult, there needs to be a change in attitude among that segment of licensees (trainers, owners, veterinarians, and vendors) who see improper pre-racing as "taking their best shot" at the expense of other competitors, the betting public, and race tracks, all of whom have a capital investment in play. Instead, an attitude of greater personal responsibility needs to supplant that of personal self-gain at the expense of others.

Closing off the opportunity to improperly pre-race and working toward attitudinal changes is the principal reason for offering the following practical security controls and operating procedures as guidelines for the thoroughbred racing industry. It is thought that the guidelines as presented can be used as a starting point for additional discussion

The guidelines that have been assembled are offered to the thoroughbred industry in good faith and without any agenda beyond seeking to address what is thought to be a problem that is compromising the thoroughbred industry. The guidelines are the work product of the TRPB, and cover:

- Detention Barns
- Receiving Barns
- General Stable Area
- Veterinary Considerations
- Vendors

Section II

Recommended Guidelines

to Prevent

Improper Pre-Race Administrations

Detention Barns

Version: 7.28.2011

Conclusions - Detention barns are the *best and most effective way* to prevent or reduce improper pre-race administrations.

The expense of operating detention barns and physical limitations within a stable area works against the use of a detention program for every horse in every race.

While detention barns are generally being used for selective stakes or high purse level races or other circumstances in *standardbred* racing, this **is not** the case in *thoroughbred* racing.

Recommended

Guidelines - At a minimum, one race per day should be designated on a random basis for detention barn coverage. All races would be eligible for detention barn designation, which would occur after entries were taken and then announced on the overnight. Said designation would be made by appropriate executive(s) of the racing association.

In the above scenario, horses entered in a designated race would enter detention at 6:00 p.m. on the day prior to race day (preferred) or at a minimum 6:00 a.m. on race day.

For night racing, a comparable arrival time would be established, e.g. 8:00 a.m. morning of race.

- A track's detention barn should have sufficient stalls to accom-modate those horses in pre-race detention, and post-race cool out period, and incoming detention horses for the next day; also to allow for cleaning and disinfecting vacated stalls.

The operating standards and conditions of a detention barn should include the following:

- Secure facility - fenced, one entry/exit point that is controlled by trained security personnel

- Limited number of licensed personnel permitted to enter - maximum of three (e.g. trainer, groom, and owner).

  Unlicensed guests not permitted.

- Entry-exit logs kept

- Administrative searches and checks of all equipment, feed, hay, bales, etc.

- Video surveillance of all areas from a top down or ceiling vantage point -- prominent posting of signs that video sur-

  veillance is in use

- Limited and controlled veterinary access - monitoring of veterinary approach to an entered horse. Veterinarians

  logged in and escorted.

- Security personnel and/or investigators on patrol within the detention barn

- No food and beverage for human consumption allowed in or around stall space

- Horses stabled on the grounds that are entered in a race desig-

nated for detention must also go into detention to insure level

(same) conditions for all participants in the race

- Horses identified upon arrival and assigned to specific (numbered) stall

- Lasix administration in designated stalls by single veterinarian designated by track management and agreement of horsemen's

  association.

Receiving Barns

Conclusions -

The arrival time of a ship-in horse is the most important (but not the only) factor in preventing improper pre-race administrations.

The closer an arrival time is to race time, the greater the opportunity for improper pre-race administrations. Conversely, the further the arrival time is from race time, the better the opportunity to reduce or close off such administrations.

Race tracks should have a receiving barn(s) with capacity sufficient to accommodate the maximum number of shippers on any given day/race card.

The degree of security conditions/controls used for shippers at a receiving barn should be matched for horses stabled on the grounds so that the same racing conditions exist for all entrants. This *might* include horses stabled on the grounds going to a receiving barn if security operations and conditions at the facility approach that of a detention barn.

Security measures at receiving barns are necessary if improper pre-race administrations are to be prevented.

There also needs to be a workable balance (in the arrival time) between the respective operations of tracks and horsemen.

Recommended

Version: 7.28.2011

Guidelines - Arrival Times

For tracks with day racing, the following arrival times for horses in the receiving barn of the track where live racing is being held are suggested:

Post Time	Arrival Time
12:30 p.m.	6:30 a.m. preferred arrival time
	7:30 a.m. minimum

Version: 7.28.2011

Post Time	Arrival Time
1:00 p.m.	7:00 a.m. preferred arrival time
	8:00 a.m. minimum
1:30 p.m.	7:30 a.m. preferred arrival time
	8:30 a.m. minimum

Recommended

Guidelines - Arrival Times

For tracks with night racing --

Post Time	Arrival Time
6:30 p.m.	12:30 p.m. preferred arrival time
	1:30 p.m. minimum
7:00 p.m.	1:00 p.m. preferred arrival time
	2:00 p.m. minimum
7:30 p.m.	1:30 p.m. preferred arrival time
	2:30 p.m. minimum

- If a trainer who is shipping in to race also has regularly assigned stall space, the ship-in horse could be placed in one of the trainer's regular stalls rather than going into a stall at the receiving barn. This assumes that the track does not have any pre-existing policy that prohibits this practice. The foregoing will not apply if a horse is entered in a race designated for detention barn coverage.

While pre-race arrival time is the most important factor in controlling improper pre-race administrations, it is not the only one. The degree of security controls at receiving barns is also important to closing the window of opportunity to pre-race a horse. Thus, depending on exactly what other conditions are linked to arrival time, there could be two separate levels of receiving barn operations that in turn would create **minimum** and **maximum** levels of prevention against improper pre-race administrations.

Version: 7.28.2011

Minimum Level of Prevention

- Designated stall space at receiving barn is assigned by a security person or stall office personnel

- Receiving barn has on-site supervisors/administrators during pre-race ship-in hours and during racing until last race goes to the paddock

- Random security patrols of receiving barn same as in the general (on the grounds) stable population

- For ship-in horses, all Lasix administrations given at the receiving barn

Maximum Level of Prevention

- Designated stall space at receiving barn is assigned by a security person or stall office personnel

- Receiving barn has on-site supervisors/administrators during pre-race ship-in hours and during racing until last race goes to the paddock

- At least one trained security guard/investigator assigned to patrol the receiving barn

- For ship-in horses, all Lasix administrations given at the receiving barn except that ship-in horses eligible to be placed in a trainer's regular assigned stall space would be given Lasix treatment in said

stall and not at the receiving barn

- Introduction/use of *some* aspects of a detention barn, e.g. secure facility, controlled access, spot checks of equipment and feed, use

  of video surveillance, and controlled veterinarian access

Alternate Maximum Level of Prevention

- Designated stall space at receiving barn is assigned by a security person or stall office personnel

- Receiving barn has on-site supervisors/administrators during pre-race ship-in hours and during racing until last race goes to the

  paddock

- At least one trained security guard assigned to patrol the receiving barn

- With introduction of *some* aspects of a detention barn at a receiving barn, horses stabled on the grounds would be required to be in the receiving barn - same as ship-in horses – 5-6 hours before race time.

- All Lasix administrations given at the receiving barn except that ship-in horses eligible to be placed in a trainer's regular assigned stall space
  would be given Lasix treatment in said stall and not at the receiving barn.

- Having all horses in the receiving barn would concentrate all security patrols in that area vs. widespread checks in general stable area of "In Today" horses.* Increased security could be obtained with reduced security personnel (cost) since general stable patrols of "In Today" horses would not be necessary.

*See General Stable Area

Version: 7.28.2011

General Stable Area

Recommended

Guidelines

- "In Today" signs posted at the stalls of all entered horses that are stabled on the grounds as well as any horse that ships into a trainer's regularly assigned stall space. Signs posted a minimum of 8 hours before race time or upon arrival of a ship-in horse. Tattoo number of the entered horse posted on the sign.

- Copies of a Horse Identifier's List of entered horses with their tattoo numbers should be made available to security personnel who patrol the general barn area; to be used for checks of "In Today" horses.

- Security personnel, as a matter of standard policy and practice, should not touch or handle an "In Today" horse in any manner. This would specifically include a check and verification of the horse's tattoo brand number. Any such check should be performed <u>for</u> security personnel by a trainer, vet, or caretaker of the horse.

- For entered horses stabled on the grounds, use of designated and *trained* security personnel to regularly patrol and check at the stalls of all "In Today" horses. Spot checks made to verify that correct (entered) horse is in the "In Today" stall.

- Security personnel would challenge and review activity of any veteri-

narian observed at or in the stall of an "In Today" horse.

- No horse stabled on the grounds of a race track hosting live racing should be permitted to leave its stall or ship off the grounds after the posting of the "In Today" sign.

- Trained security personnel or investigators should on a random or probable cause basis select a limited number of entered horses each day for escort from its stall to the paddock with such escort beginning a minimum of 1 hour before post time.

Version: 7.28.2011

Veterinary Considerations

Recommended

Guidelines - Veterinarians have *limited* reasons to approach an entered horse on race day whether it is in detention, the receiving barn, or its own stall. They should not do so except for:

- Approved Lasix administration or other permitted race day medications

- Examination of an ongoing condition, for illness, and scratch from race

Excluding the use of a hypodermic to administer Lasix or other permitted medication, a veterinarian should not approach an entered horse with a hypodermic containing any other drug or with other implements used to infuse, e.g. tubing, dose syringes,

or similar.

Regular monitoring of veterinarians by trained track security/

investigative personnel should be conducted when a veterinarian

is present at the receiving barn of the live race track and/or when a veterinarian is present at the stall of an "In Today" signed horse.

Wherever feasible or practical, different veterinarians should be selected at least twice a week for a "ride along" program whereby a trained track security officer/investigator accompanies the veterinarian on his rounds for several pre-race hours.

On a bi-annual basis, upon arrival at the racetrack, a random inspection of a veterinarian's vehicle and equipment should be conducted by qualified security personnel, and any unapproved, outdated, or unlabeled medications or substances confiscated for testing or disposal.

Track management and practicing veterinarians on the grounds are

encouraged to have regular meetings to ensure conditions, policies, and concerns are effectively communicated and understood.

It is recognized that many jurisdictions require submission of daily

treatment reports to a Commission/State Veterinarian and that

handling and release of these reports is privileged, e.g. Stewards;

however, in the absence of Commission requirements, veterinarians should voluntarily maintain daily billing/treatment records that fully identify the patient (horse), date and time of treatment/medication, dispensed, and related information, making such records promptly available during a bona fide inquiry by authorized Commission or racing association investigative personnel. It is understood that such records would be requested only when veterinary treatment is at issue.

(Similarly, a Trainer should be required to keep a daily log of horses receiving medication/treatment, including the horse's name; medication/treatment; route and dosage; name of person administering medication/treatment; and name of person prescribing medication/treatment, making such records promptly available during a bona fide inquiry by authorized Commission or racing association investigative personnel.)

Vendors

Recommended Vendors seeking entry onto the grounds to sell to tack shops Guidelines - or veterinarians should not be allowed access unless and until each

is fully identified and licensed, and specific authorization/approval is received from track security or an authorized track representative.

Before authorization/approval is given, vendors should

- complete a Personal History form
- identify their product(s)
- have product(s) reviewed and approved by state veterinarian
- have a background check completed through TRPB files
- execute a Consent to Search form
- agree not to make direct deliveries to veterinarians; rather, drop ship at the main stable gate or to the veterinarian's off-track place of business/residence
- agree not to bring any hypodermics, other implements used for infusion, or injectable medications on the grounds at any time.

Violations

In the event that a trainer, his employee, or agent commits a serious violation of established track policies such as:

- Repeated or flagrant late ship-in to detention or receiving barn

- Wrong horse in stall marked "In Today"

- Improper administration or in-stall approach to an entered horse with improper substances and/or implements

said violation should first be referred to the Stewards and, second, may become the basis of a separate hearing by track management for imposition of its own penalty that may, as an example, include any of the following:

- Barring further entry of the horse for a limited period of time, e.g. minimum 180 days

- Barring further entry by the trainer for a limited period of time, e.g. minimum 180 days

- Mandatory detention for a limited period of time for all horses entered by the offending trainer

- In the event a horse is post-race positive for a prohibited substance, bar its entry for 30-45 days independent of any Stewards' action

  against the trainer.