

**NOTE: Government Code section 11340.85 requires the Board to post all notices, initial statement of reasons and texts of rules noticed to the public until 15 days after the proposed regulations are filed with the Secretary of State by the Office of Administrative Law.**

CALIFORNIA HORSE RACING BOARD  
TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO AMEND  
RULE 1689.1, SAFETY VEST REQUIRED

The California Horse Racing Board (Board/CHRB) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The proposed amendment to Rule 1689.1, Safety Vest Required, would extend the requirement to wear a safety vest to pony riders who pony or lead or are mounted on any horse on the grounds of a racing association or racing fair.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, June 19, 2014**, or as soon after that as business before the Board will permit, in the **Baldwin Terrace Room** at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia**, California. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on June 2, 2014**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Erica Ward, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6025  
Fax: (916) 263-6022  
E-Mail: [esward@chr.ca.gov](mailto:esward@chr.ca.gov)

## AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19481 and 19562, Business and Professions Code. Reference: Section 19481, Business and Professions Code.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in the State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board (Board). Business and Professions Code section 19481 states that in performing its responsibilities, the Board shall establish safety standards governing equipment for horse and rider to improve the safety of horses, riders, and workers in the racing inclosure. Board Rule 1689.1, Safety Vest Required, requires jockeys and apprentice jockeys to wear safety vests when riding in a race. Additionally, the rule provides that jockeys, apprentice jockeys and exercise riders must wear a safety vest when they train or exercise any horse on the grounds of a racing association or racing fair. Rule 1689.1 also specifies that such safety vests shall meet the British Equestrian Trade Association (BETA) standard for horse riders' body and shoulder protectors.

The Board proposes to amend Rule 1689.1 to specify that no pony rider shall pony or lead a horse or be mounted on a horse on the grounds of a racing association, racing fair, or authorized training facility unless wearing a safety vest. Rule 1689.1 does not currently address pony riders, which means that pony riders are not required to wear a safety vest. Rule 1689, Safety Helmets Required, does however require everyone on horseback, including pony riders, to wear a safety helmet. The proposed amendment to Rule 1689.1 would add pony riders to the list of those who must wear a safety vest. The rule was last amended on July 2010 when harness drivers and assistant starters were added to the list of those who must wear a safety vest. The starting gate crews are addressed in the current rule under subsection 1689.1 (b), which provides that an assistant starter shall not handle any horse unless wearing a safety vest. Safety vests protect the inner organs, ribs and spine. The padding helps prevent or lessen an injury from the impact of a fall, and reduce the amount of damage should the wearer be hit by a hoof. Pony riders are individuals who ride a calm horse to lead the race horse to the track. Some of the pony riders' duties can include diverting riders from another rider involved in an accident on the track, riding after a runaway horse to help a rider regain control, leading a racehorse to the paddock or receiving barn after a race, helping horse ambulance workers take away wounded horses from the track, and grooming and feeding racehorses. While pony riders are not exposed to the dangers of a race, they are subject to the rigors of handling powerful animals, which may result in injury. The amendment to Rule 1689.1 will serve to provide those pony riders who pony, lead, or who are mounted on a racehorse on the track with an additional measure of personal safety.

## POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Rule 1689.1 promotes the protection of pony rider health and safety. The health and safety of pony riders is just as vital to protect as those of jockeys, apprentice jockeys, exercise riders, and drivers. If pony riders are wearing safety vests, the risk of injury is decreased. The safety vest protects the torso of a pony rider should they fall off a racehorse. Also, if kicked by a horse when grooming or feeding a horse, the safety vest protects the pony riders' internal organs, spine, and ribs. If the safety practices of pony riders improve, the public will see horse racing as a safer sport which in turn may draw individuals to participate in the sport.

Consistency with Existing State Regulations: During the process of developing the regulation and amendment, the Board has conducted a search of any similar regulations on this topic and has concluded that the regulation is neither inconsistent nor incompatible with existing state regulations.

## DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1689.1 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: The proposed amendment requires pony riders to wear safety vests when training or exercising a horse at a racetrack or racing fair. The Board has determined that there will be an approximate one-time cost of \$170.00 to \$280.00 per individual pony rider. The cost of the safety vest is a variable that cannot be controlled by the Board.

Significant effect on housing costs: none.

## RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Rule 1689.1 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendment of Rule 1689.1 promotes the protection of pony rider health and safety. The health and safety of pony riders is just as vital to protect as those of jockeys, apprentice jockeys, exercise riders, and drivers. If pony riders are wearing safety vests, the risk of injury is decreased. The safety vest protects the torso of a pony rider should they fall off a racehorse. Also, if kicked by a horse when grooming or feeding a horse, the safety vest protects the pony riders' internal organs, spine, and ribs. If the safety practices of pony riders improve, the public will see horse racing as a safer sport which in turn may draw individuals to participate in the sport.

Effect on small businesses: none. The proposal to amend Rule 1689.1 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

## CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Erica Ward, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6025  
E-mail: [esward@chr.ca.gov](mailto:esward@chr.ca.gov)

If the person named above is not available, interested parties may contact:

Harold Coburn,  
Regulation Analyst  
Telephone: (916) 263-6397

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Erica Ward, or the alternative contact person at the address, phone number or e-mail address listed above.

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulation should be sent to the attention of Erica Ward at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

#### AVAILABILITY OF STATEMENT OF REASONS:

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Erica Ward at the address stated above.

#### BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

## INITIAL STATEMENT OF REASONS

### RULE 1689.1. SAFETY VEST REQUIRED.

#### SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to Rule 1689.1, Safety Vest Required, would extend the requirement to wear a safety vest to pony riders who pony or lead or are mounted on any horse on the grounds of a racing association or racing fair.

#### PROBLEM

The Board is proposing to amend Rule 1689.1 to include pony riders to the list of those required to wear a safety vest. The rule currently only requires jockeys, apprentice jockeys, exercise riders, and drivers to wear safety vest on the grounds of a racing association or racing fair.

#### NECESSITY

The Board proposes to amend Rule 1689.1 to specify that no pony rider shall pony or lead a horse or be mounted on a horse on the grounds of a racing association, racing fair, or authorized training facility unless wearing a safety vest. Rule 1689.1 does not currently address pony riders, which means that pony riders are not required to wear a safety vest. Rule 1689, Safety Helmets Required, does however require everyone on horseback, including pony riders, to wear a safety helmet. The proposed amendment to Rule 1689.1 would add pony riders to the list of those who must wear a safety vest. The rule was last amended on July 2010 when harness drivers and assistant starters were added to the list of those who must wear a safety vest. The starting gate crews are addressed in the current rule under subsection 1689.1 (b), which provides that an assistant starter shall not handle any horse unless wearing a safety vest. Safety vests protect the inner organs, ribs and spine. The padding helps prevent or lessen an injury from the impact of a fall, and reduce the amount of damage should the wearer be hit by a hoof. Pony riders are individuals who ride a calm horse to lead the race horse to the track. Some of the pony riders' duties can include diverting riders from another rider involved in an accident on the track, riding after a runaway horse to help a rider regain control, leading a racehorse to the paddock or receiving barn after a race, helping horse ambulance workers take away wounded horses from the track, and grooming and feeding racehorses. While pony riders are not exposed to the dangers of a race, they are subject to the rigors of handling powerful animals, which may result in injury. The amendment to Rule 1689.1 will serve to provide those pony riders who pony, lead, or who are mounted on a racehorse on the track with an additional measure of personal safety.

#### BENEFITS ANTICIPATED FROM THE REGULATORY ACTION.

The proposed amendment of Rule 1689.1 promotes the protection of pony rider health and safety. The health and safety of pony riders is just as vital to protect as those of jockeys, apprentice jockeys, exercise riders, and drivers. If pony riders are wearing safety vests, the risk of injury is decreased. The safety vest protects the torso of a pony rider should they fall off a

racehorse. Also, if kicked by a horse when grooming or feeding a horse, the safety vest protects the pony riders' internal organs, spine, and ribs. If the safety practices of pony riders improve, the public will see horse racing as a safer sport which in turn may draw individuals to participate in the sport.

#### TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS OR DOCUMENTS.

In proposing the amendment to Rule 1689.1, the Board relied on the results of its Economic Impact Assessment prepared pursuant to Government Code section 11346.3(b). The Board did not rely on any other technical, theoretical, and/or empirical study, reports or documents in proposing the amendment to Rule 1689.1.

#### RESULTS OF ECONOMIC IMPACT ASSESSMENT.

The results of the Board's Economic Impact Assessment as required by Government Code Section 11346.3(b) are as follows:

- The proposed regulation will not impact the creation or eliminate jobs within the State of California, or the creation of new businesses or the elimination of existing business or the expansion of businesses in California.
- The proposed addition of Rule 1689.1 will not impact the creation of new businesses or eliminate existing businesses in California.
- Rule 1689.1 will not impact the expansion of businesses currently doing business in California.
- The proposed regulation will benefit the health and welfare of pony riders who are California residents but will not benefit the State's environment.

The Board has made an initial determination that the proposed amendment of Rule 1689.1 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. The amendment to Rule 1689.1 is intended to provide pony riders on the track an additional measure of personal safety.

#### ALTERNATIVE TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR BUSINESSES.

The Board has determined that there were no alternatives considered which would be more effective in carrying out the purposes of the proposed regulation or would be more effective and less burdensome to affected private persons or businesses than the proposed regulation.

#### REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION.

The proposed amendment to Rule 1689.1 was discussed at the October 23, 2013 Jockey and Driver Welfare Committee Meeting and the October 24, 2013 Regular Board Meeting. No alternatives to the recommendation were proposed by the Board or by any other individual or

entity at either meeting. No subsequent alternative recommendations were made prior to the notice. The Board invites any interested party to submit comments which offer any alternative proposal.

California Horse Racing Board  
April 18, 2014

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 8. RUNNING THE RACE  
PROPOSED AMENDMENT OF  
RULE 1689.1. SAFETY VEST REQUIRED

1689.1. Safety Vest Required.

(a) No jockey or apprentice jockey shall ride in a race unless wearing a safety vest, nor shall a jockey, apprentice jockey, or exercise rider, train or exercise any horse on the grounds of a racing association, racing fair, or authorized training facility unless wearing a safety vest.

(1) No pony rider shall pony or lead a horse or be mounted on a horse on the grounds of a racing association, racing fair, or authorized training facility unless wearing a safety vest.

(b) No driver shall be mounted in or riding on a sulky, nor shall an assistant starter handle any horse on the grounds of a racing association, racing fair, or authorized training facility unless wearing a safety vest.

(c) Safety vests required to be worn in accordance with this regulation shall:

(1) Provide a minimum of shock absorbing protection to the upper body, as evidenced by a label indicating that the safety vest meets one of the following standards:

(A) "Level 1" under the British Equestrian Trade Association (BETA) 2009 Standard for Horse Riders' Body and Shoulder Protectors, or

(B) American Society for Testing Materials (ASTM) standard F2681-08, or

(C) Shoe and Allied Trades Research Association (SATRA) (1999) Jockey Vest Standard, Document M6 Issue 3, Australian Racing Board (ARB) 3.

(2) Cover the entire torso from the collarbone to a line level with the hip bone allowing a vee opening in the front neckline;

(3) Weigh no more than 2 pounds.

(4) No vest shall be altered from its original manufactured design. This includes, but is not limited to:

(A) Cutting the vest to customize fit.

(B) Removal of manufacturer's labels.

(C) Removal of protective padding.

(d) The weight of a safety vest shall not be included in the weight of a jockey or apprentice jockey when weighing out or weighing in or when adding weight to make up a weight assignment.

Authority: Sections 19420, 19481 and 19562,  
Business and Professions Code.

Reference: Sections 19481,  
Business and Professions Code.