

CALIFORNIA HORSE RACING BOARD
1010 HURLEY WAY, SUITE 300
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REGULAR MEETING

of the California Horse Racing Board will be held on Friday, February 19, 2010, commencing at 10:30 a.m., in the Baldwin Terrace Room at the Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California.

AGENDA

Action Items:

1. Presentation of the **California Horse Racing Board Resolution to Richard Shapiro.**
2. **Public Comment:** Communications, reports, requests for future actions of the Board. **Note:** Persons addressing the Board under this item will be restricted to **three (3) minutes** for their presentations.
3. Public hearing and action by the Board regarding the **proposed amendment to CHRB Rule 1689, Safety Helmets Required**, to establish and/or revise standards for safety helmets worn by jockeys, drivers, exercise riders and other mounted personnel training and racing on California racetracks. (Note: This concludes the 45-day public comment period. The Board may adopt the proposal as presented.)
4. Public hearing and action by the Board regarding the **proposed amendment to CHRB Rule 1689.1, Safety Vest Required**, to establish and/or revise standards for safety vests worn by jockeys, drivers, exercise riders and other mounted personnel training and racing on California racetracks. (Note: This concludes the 45-day public comment period. The Board may adopt the proposal as presented.)
5. Discussion and action by the Board regarding the **possibility of amending CHRB Rule 1766, Designated Races**, to require a jockey or driver to serve additional suspension days should a suspended jockey or driver participate in more than one designated race per day in California.
6. Discussion and action by the Board regarding a **report and presentation from representatives of Southern California Off-Track Wagering, Inc. (SCOTWINC)** regarding SCOTWINC's organizational background, expenses and current financial position.

7. Discussion and action by the Board regarding a report and presentation from representatives of Northern California Off-Track Wagering, Inc. (NCOTWINC) regarding NCOTWINC's organizational background, expenses and current financial position.
8. Discussion and action by the Board regarding the Northern California Off-Track Wagering, Inc. (NCOTWINC) Shortfall Agreement submitted by the Thoroughbred Owners of California (TOC) and the Pacific Racing Association in response to the Board's April 24, 2009 approval of a request for modification of California advance deposit wagering (ADW) distributions on thoroughbred races as permitted under Business and Professions Code section 19604(f) (5) (E).
9. Discussion and action by the Board regarding a report from the California Thoroughbred Trainers (CTT) regarding the results of its recent Board election and CTT's plans for 2010 and beyond.
10. Discussion and action by the Board regarding a report from the Thoroughbred Owners of California (TOC) regarding its management plans for 2010 and beyond.
11. Discussion and action by the Board regarding a report from the representative of the Commerce Club Minisatellite Wagering Facility regarding the facility's daily handle.
12. Discussion and action by the Board regarding a report and presentation from the Los Alamitos Quarter Horse Racing Association and California Exposition and State Fair Harness Racing Association regarding the status of the night industry and promotional programs for harness and quarter horse racing.
13. Discussion and action by the Board regarding the allocation of race dates for the California Exposition and State Fair Harness Racing Association (H) commencing August 13, 2010 through December 18, 2010.
14. Discussion and action by the Board regarding the distribution of race day charity proceeds of Hollywood Park Racing Association in the amount of \$160,000 to 23 beneficiaries.
15. Discussion and action by the Board regarding an update and report from Santa Anita Park Race Track on drainage issues associated with its Pro-Ride track, the current condition of the racetrack and the financial impact resulting from the loss of racing and training days.
16. Discussion and action by the Board regarding an update from Magna Entertainment Corporation concerning its bankruptcy filing, racing operation and the status of statutory funds that may still be owed money for pre and post bankruptcy petition debts.

17. Discussion and action by the Board regarding the **assignment of Board Members to CHRB Standing Committees for 2010.**
18. **Closed Session:** For the purpose of receiving advice from counsel, considering pending litigation, reaching decisions on administrative licensing and disciplinary hearings, and personnel matters, as authorized by section 11126 of the Government Code.
 - A. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending litigation described in the attachment to this agenda captioned "Pending Litigation," as authorized by Government Code section 11126(e).
 - B. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending administrative licensing or disciplinary matters described in the attachment to this agenda captioned "Pending Administrative Adjudications," as authorized by Government Code section 11126(e).

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

CALIFORNIA HORSE RACING BOARD

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PENDING LITIGATION
FEBRUARY 2010

CASE

Jamgotchian, Jerry v. Slender, George, et al.
Court of Appeal, Second Appellate District, Case No. B205337

Pamela A. Berg v. CHRFB
Superior Court of California, County of Sacramento, Case No. 34-2008-00028104

Magna Entertainment Corporation, et al.
District of Delaware Case No. 09-10720 (MFW)

PENDING ADMINISTRATIVE ADJUDICATIONS
FEBRUARY 2010

MATTER

State of New York State/Commonwealth of Kentucky Policies regarding Penalties and Appeals

CALIFORNIA HORSE RACING BOARD

FEBRUARY 19, 2010
REGULAR BOARD MEETING

There is no board package material for Item 1

CALIFORNIA HORSE RACING BOARD

FEBRUARY 19, 2010
REGULAR BOARD MEETING

There is no board package material for Item 2

STAFF ANALYSIS
PUBLIC HEARING AND ACTION REGARDING THE PROPOSED AMENDMENT OF
CHRB RULE 1689, SAFETY HELMETS REQUIRED, TO ESTABLISH AND/OR REVISE
STANDARDS FOR SAFETY HELMETS WORN BY JOCKEYS, DRIVERS, EXERCISE
RIDERS AND OTHER MOUNTED PERSONNEL TRAINING AND RACING ON
CALIFORNIA RACETRACKS

Regular Board Meeting
February 19, 2010

BACKGROUND

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in this 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, Safety Helmets Required, provides that a racing association may not permit any person to gallop or pony a horse, to ride a horse in a race or be mounted in or riding on a sulky unless the person is wearing a properly fastened safety helmet.

At the July 23, 2009 Regular Board Meeting, the California Horsemen's Safety Alliance (CHSA) presented technical information regarding the testing of safety helmets. In addition, several proposed texts of an amendment to Rule 1689 were provided to the Board for consideration. The Board decided to refer further discussion on the proposed amendment of Rule 1689 to the Safety Committee (committee).

A committee meeting was held on September 4, 2009 to discuss the CHSA and Jockey Guild recommendations regarding the proposed amendment to Rule 1689. The committee determined it would recommend that Rule 1689 be amended to provide that a racing association, fair, or authorized training facility may not permit any person to gallop or pony a horse, to ride a horse in a race, or be mounted in or riding on a sulky, unless the person is wearing a properly fastened safety helmet that meets at least one of four specified product standards.

At its October 15, 2009 Regular Meeting, the Board accepted the committee recommendation, and added "any person handling a horse on the racetrack" to the list of those required to wear a safety helmet. Staff was directed to initiate a 45-day comment period regarding the proposed amendment to Rule 1689.

The proposed amendment to Rule 1689 was again discussed at the Board's November 17, 2009 Regular Meeting. At that meeting, the issue of whether a trainer walking his horse on the racetrack should be required to wear a safety helmet was discussed, as the proposed language requiring any person handling a horse on the race track to wear a safety helmet could be construed to mean trainers walking horses would be required to wear helmet. The CTT representative commented that the CTT believed the text that the Board directed staff to notice

for 45 days was similar to the current regulation, which requires any person galloping, ponying or riding a horse in race to wear a safety helmet. Trainers walking a horse would not be required to wear a safety helmet, and to require trainers to wear a helmet when just sitting on a pony on the track, or grooms to wear a helmet when walking a horse off the track after a race would be over regulating.

The CTT concurred with the addition of the proposed safety product standards, however it objected to the proposed text: "any person handling a horse on the racetrack," and recommended the text be deleted and replaced with "or works as a member of the gate crew." Barry Broad, on behalf of the Teamsters Union, which represented the gate crews, supported the proposal to require gate crews to wear helmets.

Hollywood Park representative Jack Liebau commented that under Hollywood Park's house rules anyone mounted on a horse would be required to wear a helmet. This was the basis of the National Thoroughbred Racing Association certification for Hollywood Park. Trainers or anyone else mounted on a horse would be required to wear a safety helmet at the Hollywood Park race track.

The Board ultimately deleted the language requiring "any person handling a horse on the racetrack" to wear a helmet and added language requiring any person working as a member of the gate crew to wear a helmet. The Board determined that individual tracks, however, could implement horse rules requiring anyone mounted on a horse to wear a helmet.

The proposed amendment was subsequently noticed for the 45-day comment period.

ANALYSIS

The proposed amendment to Rule 1689 adds any person working as a member of the gate crew to the list of those who must wear a safety helmet. For purposes of the rule, a member of the gate crew includes any person licensed as an assistant starter or any person who handles a horse at the starting gate. The amendment also establishes new standards requiring that safety helmets comply with at least one of the following four product standards: American Society for Testing Materials (ASTM) standard F1163-04a, European Norms (EN) standard 1384, Australian and New Zealand Racing Boards (AS/ZN) standard 3838, and Snell Memorial Foundation (Snell) standard H2000. These standards were recommended by the CHSA and Jockeys' Guild.

During the 45-day public comment period, the following comment was received:

President of Hollywood Park, F. Jack Liebau, suggested the Board amend Rule 1689, Safety Helmets Required, to require anyone mounted on a horse on a racetrack to wear the prescribed helmet. In his comment, Mr. Liebau cited a National Institute for Occupational Safety and Health Study, which found that from 1992-2006, "work related fatalities of trainers at racetracks exceeded those of jockeys." The Study also found that during the period from 1998-2006, 23% of nonfatal work related injuries in the horseracing industry were to the head/neck. Mr. Liebau also indicated that Kentucky recently enacted a regulation requiring a person mounted on a horse

or stable pony to wear a properly secured helmet at all times and for the helmet to meet certain specifications.

At its November 17, 2009 Regular Meeting, the Board discussed including any person mounted on a horse on a racetrack to the list of individuals required to wear a safety helmet. After consideration, the Board determined it would not include this language into the proposed rule amendment of Rule 1689; however individual tracks, are able to implement a house rule requiring all persons mounted on a horse on the race track to wear a safety helmet.

RECOMMENDATION

If the Board accepts the recommendation to modify the proposed amendment to Rule 1689, the rule will need to be re-noticed for an additional 45-day comment period.

This item is presented to the Board for public hearing and adoption.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 8. RUNNING THE RACE
PROPOSED AMENDMENT OF RULE 1689, SAFETY HELMETS REQUIRED

Regular Board Meeting
February 19, 2010

1689. Safety Helmets Required.

(a) A racing association, fair, or authorized training facility may not permit any person to gallop or pony a horse, to ride a horse in a race, or be mounted in or riding on a sulky, or work as a member of the gate crew unless the person is wearing a properly fastened safety helmet.

(1) For purposes of this regulation, a member of the gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate.

(b) Safety helmets required under subsection (a) of this rule shall comply with one of the following product standards:

(1) American Society for Testing Materials (ASTM) standard F-1163-04a, or

(2) European Norms (EN) standard 1384, or

(3) Australian and New Zealand Racing Boards (AS/ZN) standard 3838, or

(4) Snell Memorial Foundation (Snell) standard H2000.

Authority: Sections 19420 and 19440,
Business and Professions Code.

Reference: Sections 19481 and 19460,
Business and Professions Code.

From: jack liebau
Sent: Friday, January 15, 2010 3:08 PM
To: Germek, Colleen;
Cc: John C. Harris; Bo Derek; David Israel
Subject: Safety Helmet

Attachments: KY Reg - Safety Helmet.doc; Nosh Report.pdf

RE: NOTICE OF PROPOSAL TO AMEND RULE 1689. SAFETY HELMET REQUIRED

The Rule presently provides that a racing association shall not permit any person to gallop or pony a horse in a race without wearing a helmet. Hollywood Park has a more restrictive House Rule that requires anyone mounted on a horse on the racetrack to wear a helmet. Hollywood Park believes that the existing Rule should be amended to conform to its House Rule. Those mounted on a horse are vulnerable to injury on the racetrack. The CHRB is mandated to establish safety standards to improve the safety of workers at the racetrack.

Only a single trainer has voiced his objection to Jack Liebau, President of Hollywood Park with regard to Hollywood Park's House Rule. The trainer, in the simplest terms, thought that such Rule violated his civil rights. In short, he thought whether he wore a helmet or not should be a matter of personal choice and should he be hurt as a result of not wearing a helmet, it was his own fault. Such reasoning has not been adopted by the CHRB in that the CHRB now requires helmets and safety vests to be used under certain circumstances.

Forwarding a Study entitled "An Overview of Safety and Health for Workers in the Horse Racing Industry" prepared by the Department of Health and Human Services, Center for Disease Control and Prevention, National Institute for Occupational Safety and Health. From 1992 -2006 the Study found that work related fatalities of trainers at racetracks exceeded those of jockeys (see p. 6). During the period from 1998-2006, there were 3,200 non-fatal work related injuries to the "head/neck" in the horse racing industry, 23% of such work related injuries. In the Study, it is further noted that New York, Pennsylvania and Washington require anyone mounted on horseback to wear a helmet (see p. 10). Some states require the helmets to meet certain specifications (see p. 10). Interestingly, it is noted in the Study that of the states surveyed, California is the least restrictive state when it comes to requiring the use of helmets (see p. 10).

Kentucky has recently enacted a Regulation requiring a person mounted on a horse or stable pony to wear a properly secured helmet at all times and for the helmet to meet certain specifications. A copy of the Regulation is attached.

The Rule should be amended to require anyone mounted on a horse on a racetrack to wear the prescribed helmet. Fatal injuries to trainers and non-fatal injuries to the head/neck have been quantified by the submitted Study and should be of concern to the CHRB. Other states, most recently Kentucky, has required helmets to be worn by those mounted on horses. Those mounted on a horse are vulnerable to injury at racetracks and need to be protected by a rule requiring the wearing of helmets.

Respectfully submitted,

F. Jack Liebau
President, Hollywood Park

KY Reg – KAR 810:1:026 Section 30

Section 30. A person mounted on a horse or stable pony at a location under the jurisdiction of the commission shall wear a properly secured safety helmet at all times. If requested by a commission official, the person shall provide sufficient evidence that his helmet has a tag, stamp, or similar identifying marker indicating that it meets one of the following safety standards:

- (a) ASTM International Standard, ASTM F1163-04a;
- (b) British Standards, BS EN 1384:1997 or PAS 015:1999; or
- (c) Australian/New Zealand Standard, AS/NZS 3838:2006.

AN OVERVIEW OF SAFETY AND HEALTH FOR WORKERS IN THE HORSE-RACING INDUSTRY



DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Disease Control and Prevention
National Institute for Occupational Safety and Health



CDC
Workplace
Safety and Health

NIOSH

An Overview of Safety and Health for Workers in the Horse-Racing Industry

Kitty J. Hendricks, Amia Downes, John Gibbins, Virgil Casini, Elena Page

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Disease Control and Prevention
National Institute for Occupational Safety and Health

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Acknowledgments

The authors are indebted to the staffs at the Randall 'Doc' James Racetrack, the Keeneland Race Course, and the North American Racing Academy for their assistance in facilitating site visits and investigations. Additionally, we appreciate the efforts of the Bureau of Labor Statistics and the Consumer Product Safety Commission for their reviews of the data.

Introduction

The safety and health hazards associated with the horse-racing industry, along with a lack of adequate disability and health insurance for its workers, prompted an investigation by Congress which culminated with hearings in 2005. One of the outcomes from these Congressional hearings was a letter from the Chairman and Ranking member of the Subcommittee on Oversight and Investigations of the U.S. House of Representatives Committee on Energy and Commerce to the Department of Health and Human Services Secretary, requesting assistance from the National Institute for Occupational Safety and Health (NIOSH) in investigating the safety and health hazards in the horse-racing industry.

In response to this request, NIOSH conducted a review of the available safety and health literature on thoroughbred and standardbred horse racing; conducted site visits to two race-tracks in Lexington, Kentucky, Keeneland Race Course and the North American Racing Academy; completed a fatality investigation; conducted analyses of injury data from relevant data sources; reviewed regulations governing the horse-racing industry in the United States and other countries; and held a public meeting in order to garner concerns about the health and safety of workers in the horse-racing industry.

This document is intended for all workers associated with the horse-racing industry, including jockeys, other race track workers, horse and race track owners, and racing commissions. The document summarizes NIOSH's efforts in responding to the Congressional inquiry and provides

recommendations for reducing the number of injuries and adverse health effects for workers in the horse-racing industry.

Background of the Horse-Racing Industry in the United States

Horse racing is a popular spectator sport in the United States [Press et al. 1993]. It is an ancient sport, having its origins among the prehistoric nomadic tribesmen of Central Asia around 4500 B.C. The first race track in the United States was established as early as 1665 in Long Island, New York [Parker 1998]. Currently, thoroughbred race tracks exist in more than half of the States, with over 125 tracks in operation [USA Horse Racing 2003].

Little is known about the health status or number and nature of injuries and illnesses that are sustained by workers in the horse-racing industry. Many risk factors are involved when a 115-pound jockey rides an 1,100 pound animal running 40 miles per hour. Besides the jockey, other workers (e.g., backstretch workers, farriers, grooms, trainers, starting gate attendants, etc.) have their own safety and health considerations.

The total number of workers in the horse-racing industry is hard to determine. Employment data from customary sources, such as the Current Population Survey [U.S. Census Bureau 2008], are categorized by broad industry group. The horse-racing industry falls within the broad group of spectator sports, which includes auto racing, football, etc. Since subgroup distributions by sport are not available from the group of

An Overview of Safety and Health for Workers in the Horse-Racing Industry

spectator sports, other sources for employment data were considered, including the American Horse Council Foundation and the Jockeys' Guild of America.

In 2004, the American Horse Council Foundation commissioned a study on the economic impacts of the horse-racing industry in the United States. This study estimated the equivalent of 146,625 full-time employees directly working in the industry [American Horse Council Foundation 2005]. Directly employed workers include jockeys, trainers, exercise riders, grooms, valets, starting gate attendants, apprentice jockeys, and veterinarians. The breakdown of workers into each of these categories was not reported in the Council's study.

The Jockeys' Guild of America represented an estimated 1,200 riders nationwide in 2007 [Jockeys' Guild 2007]. To qualify as a member of the Guild, a jockey must hold a valid, unrevoked jockey's license. A statistical study of jockeys' mounts for 2005 reported 1,908 licensed professional jockeys rode during that year [Colton 2007]. However, not all licensed jockeys are members of the Guild.

The horse-racing industry presents a demanding lifestyle. Most work days start at 4 a.m. and often continue late into the night. Workers travel from track to track, and traveling introduces another risk. Commonly, jockeys compete in more than 1,000 races a year, often riding several hundred different horses [Burwinkle 2002].

Jockeys are considered independent contractors [Gitomer 2005], as are many employees associated with horse racing; they may not be covered by the Occupational Safety and Health Administration (OSHA) or by the Department of Labor's Wage and Hour Division. Opacich and Lizer [2007] report that backstretch workers, considered independently contracted agricultural workers, and

jockeys are both exempt from minimum wage requirements and often are not entitled to workers' compensation or social security benefits.

The safety and health concerns associated with horse racing are numerous. While health issues, particularly those associated with weight reduction, have become more recognized, there is a lack of scientific literature concerning safe work practices and the use of proper personal protective equipment (PPE). Furthermore, as new technologies such as synthetic tracks become more common, the impact they may have on worker safety and health must be addressed.

Public Input

On May 22, 2007 NIOSH held a public meeting to garner concerns about the health and safety of workers in the horse-racing industry. The meeting, "Safety and Health in the Horse Racing Industry and Best Practices," was attended by 26 individuals, representing 16 different agencies, including the Jockeys' Guild, the National Thoroughbred Racing Association, the American Horse Council, the Grayson-Jockey Club Research Foundation, and the Racing Medication and Testing Consortium. In addition to the meeting, presentations, and ensuing discussions, a docket was established to receive comments from the public [NIOSH 2007a].

NIOSH received nine submissions to the docket covering a range of topics. Among these were comments on the many health issues that jockeys face. Many of these health effects are related to weight-reduction and weight-maintenance practices. Other areas of concern included exposure to lead, and the effects of repeated head trauma. Other submissions included information on the use of PPE, requirements and qualifications for on-site emergency medical service at race tracks, the health disparities found between

those employed in the horse-racing industry and the general population, barn fires, new technologies in racing surfaces, and other environmental health issues. Although many of these submissions were anecdotal, two submissions described research-in-progress from academic institutions.

Safety Issues

The Jockeys' Guild of America reported that over 100 jockeys have been killed from 1950 through the mid 1980s [DeBenedette 1987], and the focus of horse-racing injuries has primarily been on jockeys [Waller et al. 2000; Turner 2000; Press et al. 1993]. However, others employed in the horse-racing industry are exposed to many of the same safety risks as jockeys. In fact, Turner [2000] indicates that many injuries occur during morning warm-ups, which are more likely to involve trainers or exercise riders.

An analysis of injuries to licensed jockeys by Waller et al. [2000] identified 6,546 injuries (606 injuries/1,000 jockey years) and three fatalities from 1993 through 1996. This study also found that 44% of the injuries resulted from the jockey being thrown from the horse, with the head, neck, and face incurring the most injuries (19%). A survey completed by 706 professional jockeys collected information on the number and types of injuries that they incurred throughout their careers [Press et al. 1993]. These jockeys reported 1,757 total injuries, with fractures being the most common.

Safety in the horse-racing industry is a complex subject. There are obvious hazards associated with riding a racehorse, and there are other hazards that may be associated with the track itself. Furthermore, hazards are often associated with off-track horse activities.

PPE in this industry has undergone considerable change in recent years. Standards associated with helmets and protective vests are now regulated in several states. Also, engineering controls have been implemented in the industry including padded starting gates, new safety rails along the track to absorb much of an impact should a jockey be thrown against them, and new track surfaces intended to make a safer, more consistent racing surface.

Waller [2000] found that the start gate is one of the most common sites for injury events. The starting gate contains a horse and mounted jockey in a small, restricted area, presenting an opportunity for the jockey to be crushed against a rigid surface by the horse.

New track surfaces, especially synthetic track surfaces, have gained popularity in recent years and have been installed on some of the nation's premier race tracks. Although each of the available brands of synthetic track varies in composition, all contain some combination of synthetic fibers mixed with sand. These synthetic surfaces are designed to have a cushioning effect meant to reduce the risk of injury for horses and to maintain a more consistent racing surface. However, the synthetic fibers from these surfaces may present an inhalation risk for workers in the industry. Although synthetic surfaces claim to reduce catastrophic injuries to horses and jockeys, no quantitative assessments or peer-reviewed published data are available to substantiate these claims.

Safety reins are another area where improvements have been made. When reins snap during a race, the injuries resulting from the loss of control of a horse can often be very severe. Implementation of safety reins, which is a type of rein that is reinforced with a wire cable, nylon strap, or other safety device attached to the bit, is a simple solution to broken reins and the subsequent loss of control of the horse. Some tracks have already instituted their use.

Data Analyses of Nonfatal and Fatal Injuries

Nonfatal Injuries

NIOSH reviewed nonfatal, emergency-department data from the National Electronic Injury Surveillance System occupational supplement (NEISS-Work). NEISS data are collected by the Consumer Product Safety Commission (CPSC), which shares them with NIOSH through an interagency agreement. NEISS-Work provides nationally representative data for persons treated for nonfatal work-related injuries and illnesses in U.S. hospital emergency departments.

NEISS-Work uses a nationally stratified probability sample of 67 U.S. hospitals with 24-hour emergency departments (EDs).^{*} Hospitals in the sample were selected from the approximately 5,300 rural and urban U.S. hospitals after stratification into four size-based strata (i.e., by total annual ED visits) plus a children's hospital stratum. Each injury/illness was assigned a statistical weight correlating to the probability of selecting the treating hospital within its sample stratum. Weights were adjusted monthly for nonresponse among the sample hospitals and annually for national fluctuations in ED use. NIOSH estimates that ED-treated injuries and illnesses in NEISS account for approximately one-third of all U.S. work-related injuries and illnesses that require medical treatment [CDC 2001].

On the basis of a NIOSH review of NEISS-Work case narratives,[†] an estimated 14,200 injuries and

illnesses (95% confidence interval [CI] 8,400 to 19,900) associated with the thoroughbred and standardbred horse-racing industry occurred in the United States from 1998 through 2006. Males incurred 61% (8,700, 95% CI 5,000 to 12,400) of the injuries compared to 39% (5,500, 95% CI 2,600 to 8,400) for females. The highest proportion of injuries (33%) occurred to workers from 35 years to 44 years of age. Table 1 presents a complete breakdown of injuries by age.

The part of the body injured most often, at 33%, was the upper extremities (i.e., the shoulder, upper arm, elbow, lower arm, wrist, hand, and fingers). A distribution of injured body parts appears in Table 2. In almost all of the cases of nonfatal injuries (91%), the injured person was treated and released, with the remainder either being admitted or transferred to another hospital. When looking at what times of year nonfatal occupational injuries occur, 67% (9,491, 95% CI 5,500 to 13,482) occurred from April through September.

Fatal Injuries

The Census of Fatal Occupational Injuries (CFOI) is a multi-source data system maintained by the U.S. Bureau of Labor Statistics (BLS) to identify work-related deaths in the United States. To better meet the research needs of NIOSH, BLS provided NIOSH with a detailed research file that includes variables such as specific age (NIOSH research was conducted with restricted access to BLS data. The views expressed here do not necessarily reflect the views of the BLS.) The New York City Department of Health did not authorize the release of these more detailed data to NIOSH; therefore, data from New York City are excluded from these analyses. A NIOSH review

^{*}The NEISS-Work data collection system is operated by the Consumer Product Safety Commission (CPSC) as a supplement to its NEISS surveillance of consumer product-related injuries. NEISS-Work estimates include all work-related injuries regardless of product involvement. NEISS-Work uses approximately two-thirds of the CPSC sample of 101 hospitals. Because of hospital closures and other nonparticipation/nonresponse factors, the number of reporting hospitals can vary monthly and yearly.

[†]Cases were identified by conducting a narrative search for the

terms "trainer," "exercise rider," "horse," "race," "groom," "jockey," "starter," "hot walker," "outrider," and "valet."

An Overview of Safety and Health for Workers in the Horse-Racing Industry

Table 1. National estimates of nonfatal work-related injuries in the horse-racing industry presented to hospital emergency departments by age group, 1998–2006

Age group	Nonfatal Injuries	Percentage	95% Confidence interval*
Less than 25 years	3,000	21	1,000 to 5,000
25–34 years	3,300	23	1,600 to 4,900
35–44 years	4,600	33	2,300 to 6,900
45+ years	3,300	23	1,800 to 4,700
Total	14,200	100%	8,400 to 19,900

Source: National Electronic Injury Surveillance System—Occupational Supplement.

*Confidence intervals may not be symmetrical due to rounding.

Table 2. National estimates of nonfatal work-related injuries in the horse-racing industry presented to hospital emergency departments by body part injured, 1998–2006

Body part injured	Nonfatal injuries	Percentage	95% Confidence interval*
Upper extremities	4,700	33	2,400 to 7,000
Lower extremities	3,600	25	1,700 to 5,500
Head/neck	3,200	23	1,900 to 4,500
Abdomen/trunk	2,600	18	1,400 to 3,700
Internal injuries	NR†	NR†	—
Multiple body parts	NR†	NR†	—
Total	14,200	100%	8,400 to 19,900

Source: National Electronic Injury Surveillance System—Occupational Supplement.

*Confidence intervals may not be symmetrical due to rounding.

†Estimate is not reportable or is suppressed because of a non-reportable cell.

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Table 3. Work-related fatalities in the horse-racing industry by occupation, U.S., 1992–2006

Occupation*	Number of deaths	Percentage
Trainer	28	35
Jockey	26	33
Exercise rider	8	10
Groom	7	9
Other track personnel†	10	13
Total	79	100%

Source: Census of Fatal Occupational Injuries, 1992–2006. Special research file provided to NIOSH; excludes New York City decedents.

*Occupation was coded through a combination of the occupation code and the occupation narrative fields.

†Includes owners, farriers, stable workers, handlers, managers, etc.

of CFOI narratives along with industry and occupation variables[‡] identified 79 deaths between 1992 and 2006 associated with the thoroughbred and standardbred horse-racing industry, resulting in an annual average of 5.6 fatalities per year (Figure 1). The level of detail available in the narrative information on which the identification of these deaths is based varies. Because of this, 79 is likely an underestimate of the true number of occupational fatalities in the horse-racing industry.

Males accounted for a majority (65, 82%) of the 79 fatalities between 1992 and 2006. Twenty-one percent of the decedents were Hispanic, which is higher than the proportion of Hispanic occupational fatalities for all industries over the same time period (12.5%) [BLS 2008]. When examining these deaths by occupation, trainers (35%) and jockeys (33%) incurred the majority of the fatalities (Table 3). The age of the decedent ranged from less than 20 years to greater than 65 years, with an average age of 45 years. Table 4 provides information on fatalities by age group.

[‡]Cases were identified by conducting a narrative search for the terms “trainer,” “exercise rider,” “horse,” “race,” “groom,” “jockey,” “starter,” “hot walker,” “outrider,” and “valet.”

A further breakdown of fatalities and exact age range could not be provided due to confidentiality requirements.

Forty-eight percent (38) of the fatalities were sustained on the grounds of the race track, but not during an actual race. Twenty-three percent (18) of the deaths occurred during a race. In 49% of the fatalities, the decedent was either thrown or fell from or with the horse. Seventeen (22%) of the fatalities occurred as a result of either being kicked or stepped on by the horse. Of these 17 deaths, 14 resulted from a kick to the chest or abdomen. The narratives in these cases did not indicate if PPE was worn at the time of injury.

When looking at what times of year fatalities occur, 62% (49) of deaths in the horse-racing industry occurred from April through September. Figure 1 shows the number of deaths by year.

Case Report

The following case report is an example of several risks that jockeys in the horse-racing industry face while at work. This case was investigated

Table 4. Work-related fatalities in the horse-racing industry by age group, U.S., 1992–2006

Age group	Number of deaths	Percentage
< 20 years	6	8
20-24 years	5	6
25-34 years	11	14
35-44 years	19	24
45-54 years	14	18
55-64 years	11	14
> 65 years	13	16
Total	79	100%

Source: Census of Fatal Occupational Injuries, 1992–2006. Special research file provided to NIOSH; excludes New York City decedents.

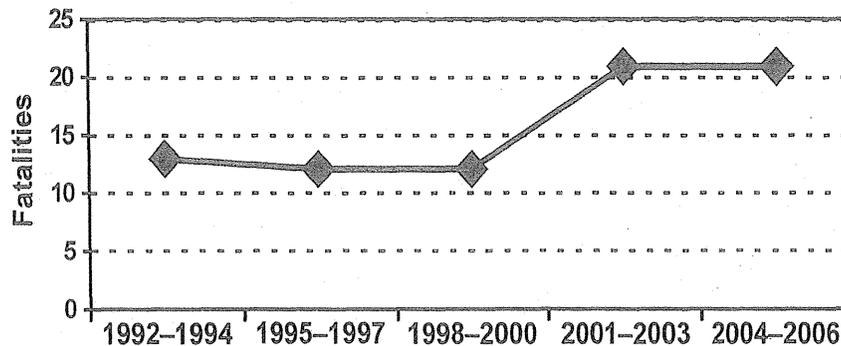


Figure 1. Work-related fatalities in the horse-racing industry by year, U.S., 1992–2006.

Source: Census of Fatal Occupational Injuries, 1992–2006. Special research file provided to NIOSH; excludes New York City decedents.

by NIOSH through the Fatality Assessment and Control Evaluation Program [NIOSH 2007b].

On February 18, 2007, a 65-year-old male jockey died after being thrown from his mount in the starting gate during the start of a race. The jockey and his mount were being led into the eighth stall of an eight-stall mobile starting gate. As this

was being done, the horse in the fifth stall reared and struck the door of the starting gate. All eight stall gates opened simultaneously, effectively starting the race. Whether the starting gate had opened because of the horse bolting in the fifth stall or because of operator error is not clear. A videotape review of the race indicated that, at the time of the gates opening, the jockey in the

eighth stall had not completely settled onto his mount. The jockey was thrown backward and appeared to hit his head on the back door of the stall. Since the horses would have to pass the location of the starting gate to complete the race, the starting gate was hooked to a tractor for quick removal from the track. When the tractor operator saw the horses break from the starting gate, he began to pull the starting gate from the track. When other track workers saw the horse without a rider, they signaled for the tractor operator to stop. The starting gate, which had been pulled up onto the abdomen of the thrown jockey, was backed off the victim by the tractor operator. Rescue personnel stationed in an ambulance at the track responded immediately. The victim was unconscious. Three additional ambulances and a rescue unit responded within minutes. He was transported to the hospital where he died in surgery approximately four hours after the incident. The victim had suffered broken ribs and a ruptured spleen. The death certificate stated that the victim died of complications during surgery to repair a damaged spleen.

Adverse Health Effects

Adverse health effects is another area of research that has been focused primarily on jockeys. Although eating disorders and their long- and short-term effects have been widely studied in this population [Leydon and Wall 2002; Labadoarios et al. 1993; Bishop and Deans 1996; King and Mezey 1987; Price 1973], other health effects, such as musculoskeletal concerns [Tsirikos et al. 2001; Lavelle and Murphy 1977] have also been studied.

Musculoskeletal Disorders

Rather than riding directly in the saddle, jockeys use their legs for gripping, stability, and balance. This forces them into a forward lean, creating a forced

static posture over the horse. Jockeys are subject to dynamic and static joint loading, impact loading, and injuries associated with acceleration and deceleration from racing. The combination of the applied forces, static postures, repetitive motion, and trauma from joint loading may lead to musculoskeletal disorders of the lower extremities and spine [Tsirikos et al. 2001; Lavelle and Murphy].

Weight Reduction

The competitive nature of this sport, added to existing pressures for jockeys to maintain low body weights, increase the risk for jockeys to acquire disordered eating habits and to adopt other unhealthy behaviors [Leydon and Wall 2002; Labadoarios et al. 1993; Bishop and Deans 1996; King and Mezey 1987; Price 1973]. Examples include vomiting, abusing laxatives and diuretics, using saunas and hot baths to lose water weight, exercising excessively, smoking to curb appetite, restricting or avoiding food, taking diet pills, and restricting fluid intake. These disordered eating habits and other weight-loss behaviors can result in short- and long-term health effects such as dental erosion, nutritional deficiencies, menstrual irregularity, low bone density, dehydration, and heat stress. Cardiac arrhythmias have been reported in individuals with anorexia nervosa and bulimia nervosa [Mitchell and Crow 2006; Palla and Litt 1988]. Renal abnormalities, including kidney stones and renal failure, have also been reported in these populations [Jonat and Birmingham 2003; Inui et al. 1997; Copeland 1994; Palla and Litt 1988]. However, the medical literature does not report any studies of cardiac arrhythmias nor renal abnormalities specifically for jockeys.

Lead Exposure

Historically, uncovered lead plates have been added to saddles to adjust the weight each horse

carries as determined by handicapping for races that use a pari-mutuel betting system.⁵ The lead plates are typically handled by the valets and/or the clerks of scales, but some jockeys handle them as well. The plates are often stored in an open box in the jockey room. When plates are thrown into the box for storage, lead dust is generated. A number of tracks have eliminated the use of uncovered lead weights, either encasing lead weight in leather or another type of cover or using weighted pads that are placed under the saddle. There are no published studies of blood lead levels in jockeys or environmental lead levels in jockey rooms. Exposure to lead in dust occurs primarily through ingestion from hand-to-mouth contact. Since gastrointestinal absorption of lead is lower in adults than in children, ingestion of lead by these workers does not pose the same risk as it does for children [Diamond et al. 1998].

Respiratory Issues

Several race tracks across the country recently began using a composite synthetic track surface. Synthetic surfaces, which have been in use in Europe for over two decades, are a combination of polypropylene fibers, recycled rubber, and silica sand covered in a wax coating. Little information is available about how this material deteriorates over time from rain, sunlight, heavy use, and other track conditions. Potential health concerns are the effects due to the release of respirable silica over time [LaMarra 2007]. There has been no research comparing the two surface types in regard to the safety and health of the jockey.

⁵Pari-mutuel betting is a betting system in which all bets of a particular type are placed together in a pool; taxes and a house "take" or "vig" are removed, and payoff odds are calculated by sharing the pool among all placed bets.

Regulations

Rules and regulations in the horse-racing industry are determined by individual states and can be referenced through sources such as state racing commissions, administrative codes, horse-racing boards, and business regulations. There are no national standards or regulations for this industry.

This document summarizes regulations from nine horse racing states. Five of these states, including California (CA), Illinois (IL), New York (NY), Ohio (OH) and Kentucky (KY), were selected based on their recognition within the horse racing industry [California Horse Racing Board 2007; Joint Committee on Administrative Rules 1994; New York State Legislature 2007; Ohio State Racing Commission n.d.; Kentucky Administrative Regulations 2007]. The other four states, Delaware (DE), Washington (WA), West Virginia (WV) and Pennsylvania (PA), were chosen because of some unique feature in their respective state's rules and regulations governing horse racing [Delaware General Assembly 2007; Washington State Legislature 2007; West Virginia Racing Commission 2000; Pennsylvania Code 1997].

Weight and Fitness Requirement

Of the states reviewed, only California imposes a maximum weight limit (125 lbs.) for jockeys to be licensed. Four states (IL, PA, WV, and CA) require annual physical examinations for all jockeys. In California and Illinois, these must be conducted by a physician who has been approved by the state's Horse Racing Board. Six states (DE, KY, NY, OH, WA, and WV) can also require proof of fitness to ride before any race, if the board or stewards have reasonable concerns about a jockey's health. Proof of fitness to ride includes a physical examination and a medical

affidavit signed by a physician prior to the start of the race and can also include tests for drug or alcohol use.

Personal Protective Equipment (PPE)

Helmets

Regulations from all nine states had at least a minimum requirement regarding helmets. The least restrictive state (CA) requires only jockeys to wear a properly fastened helmet. Five other states (DE, IL, NY, OH, and PA) require the helmet be approved by the Stewards⁵ or the state racing commission. The most stringent states (KY, WA, and WV) require helmets meet the American Society for Testing and Materials (ASTM) standard F1163-04 [ASTM 2007a], "Specifications for Headgear Used in Horse Sports and Horseback Riding."

Personal protective equipment (PPE) rules also vary by state in regards to who is required to wear a helmet and when. While a few states require anyone mounted on horseback to wear a helmet (NY, PA, and WA), Illinois requires helmets to be worn by jockeys and stable employees only [Joint Committee on Administrative Rules 1994]. Ohio requires helmet use for jockeys while racing but also stipulates that anyone working out a horse on a flat racing strip must wear a helmet. Kentucky and Delaware have no written requirements about when a helmet must be worn. Table 5 details, by state, the standards established for PPE.

Vests

Five of the six states that require jockeys to wear safety vests also specify that the vest have a shock

absorption protection rating of at least 5 as certified by the British Equestrian Trade Association (BETA) (IL, KY, NY, OH and WV) [BETA 2007]. California requires that the vest meet additional standards in regards to body coverage [California Horse Racing Board 2001], and Washington requires that vests meet the ASTM/Safety Equipment Institute (ASTM/SEI) standard F1937-04, "Specifications for Body Protectors Used in Horse Sports and Horseback Riding" [ASTM 2007b; Washington State Legislature 2007].

Requirements among states for the use of a safety vest have even greater variation than those for wearing a helmet. West Virginia requires vests only for jockeys, and Washington has rules requiring vests for all persons on horseback. Ohio and West Virginia require that the equipment must be worn only when racing. Neither Delaware nor Pennsylvania specify who must wear a vest or when it must be worn, but California, Kentucky, and New York have established rules requiring a vest essentially at all times when mounted on horseback (racing, training, exercising, warming up, or parading). Table 5 outlines the specifics of PPE use.

Safety Reins

In addition to these two pieces of PPE, Ohio has adopted a rule mandating the use of safety reins; this rule went into effect July 1, 2008. The rule states that no person mounted on horseback that is riding, breezing, exercising, galloping, or working out the horse on facility grounds under the jurisdiction of the commission will do so without using safety reins [Ohio State Racing Commission n.d.].

PPE Weight Requirements

The only aspect of PPE use that does not appear to have much variation from state to state is related to how the equipment affects a jockey's

⁵ To be accredited as a Steward for flat racing, an applicant must complete a 60-hour educational seminar, pass an examination, and meet the requirement for amount of experience in the racing industry [Racing Officials Accreditation Program 2007].

Table 5. Safety equipment regulations* in the horse-racing industry for selected states

Personal Protective Equipment	States								
	CA	DE	IL	KY	NY	OH	PA	WA	WV
Helmet									
Properly Fastened	•								
Approved by Commission, Board or Stewards		•	•		•	•	•		
ASTM F1163-04a				•				•	•
Who Must Wear a Helmet									
Jockey		•	•						•
Apprentice Jockey, Stable Employees			•						
Any Person on Horse on Flat Racing Strip	•			•	•	•	•	•	
When Helmet Must be Worn									
Not Specified		•		•					
Racing, Exercising	•		•		•	•	•		•
All Mounted Persons on Facility/ Association Grounds								•	
Type of Vest									
No Requirement							•		
Approved by Commission/Board		•							
BETA Vest (rating of 5)			•	•	•	•			•
BETA Vest (rating of 1), ASTM F1937-04								•	
BETA Vest (rating of 5), Coverage Requirement	•								
Who Must Wear a Vest									
Not Specified		•		•			•		
Jockey	•		•		•	•			•
Apprentice Jockey						•			
Exercise Rider, Stable Employee	•		•		•				
All Mounted Persons								•	
When Vest Must be Worn									
Not Specified		•					•	•	
Racing	•		•	•	•	•			•
Schooling, Exercising	•		•	•	•				
Training, Warm-up, Parading	•			•	•				

*State regulations are subject to change. These regulations are accurate as of January 2008.

BETA=British Equestrian Trade Association

ASTM=American Society for Testing Materials

weight prior to a race. States appear consistent in that all safety vests can weigh no more than two pounds and the weight of PPE (e.g., helmets and protective vests) should not be included in the jockey's weight when weighing in. There appears to be very little variation in the weight of the PPE used by the majority of jockeys.

PPE Requirements in Other Countries

Jockeys in other countries, such as Australia and Ireland, are subject to more stringent rules and regulations related to safety equipment than even the most strict states in the United States. For example, with respect to helmets, these two countries have rules specifying serviceable condition, types of acceptable chin straps, correct sizing, requirements for helmet liners, and the use of a mounted safety warning light on helmets when worn in darkness [Australian Racing Board 2007; The Turf Club 2007]. Ireland has taken additional steps to ensure safety by recommending that all riders wear safety goggles [The Turf Club 2007].

Licensure

In the United States, jockey licenses are handled by state agencies; there are no national requirements for jockey licensure. For the states that were reviewed, there are only two licensure requirements common to every state: a minimum age limit and evidence of physical fitness. However, the minimum age limit and how physical fitness is assessed are not consistent among states. In most states (CA, DE, KY, NY, PA, and WV), jockey applicants must be at least 16 years of age. Ohio and Washington require their applicants to be at least 18 years of age. Evidence of physical fitness to ride varies from providing a medical affidavit or equivalent stating the jockey is fit to ride (DE, KY, NY, OH, and WA) to an annual physical examination (IL, PA, WV, and CA),

with California also specifying that the exam must include vision and hearing screenings. Depending on the state, these examinations are either administered by a licensed physician of the jockey's choice (OH, PA, and WV) or a licensed physician approved or designated by the Racing Commission, Board or Stewards (CA and IL). Overall, the requirements for obtaining a license have few health or safety implications.

Additional requirements include maximum weight limits (125 lbs. in CA) and requirements for the minimum number of races an applicant has to have ridden in before being granted a jockey's license (two in DE and three in KY). California requires applicants to pass an examination of the rules and regulations or to demonstrate their qualification through some other assessment. Some states (NY, PA, and WV) stipulate the number of races one can ride in as an apprentice jockey or temporary permit holder before attaining a jockey's license, which ranges from 2 to 10 races. Applicants in Delaware and Kentucky must have served in the stables 1 year prior to applying for their license.

Race Track Design

Several of the states that were reviewed have regulations pertaining to the design of race tracks. New York and Pennsylvania have a general rule in regards to the safety of racing facilities in their respective states. These states charge each racing association with maintaining racing facilities in good condition and having tools and equipment available to maintain a uniform track, weather permitting.

California has some of the most stringent rules related to race-track safety. California regulations include specifications for rails (permanent vs. non-permanent), rail posts, turf course paths, distance between rails and other objects,

drainage ditches, rail gate openings, ingress and egress gates or gaps, lighting systems, and track surface elevation [California Horse Racing Board 2006a]. In 2006, the California Horse Racing Board approved a rule requiring the installation of a polymer, synthetic-type racing surface for all tracks that operate 4 weeks of continuous thoroughbred racing in a year. All tracks were to comply with this rule by December 31, 2007 [California Horse Racing Board 2006b].

Insurance

One of the objectives of modern workers' compensation law is the encouragement of safe and healthful workplaces [National Commission on State Workmen's Compensation Laws 1972]. Jockeys are independent contractors and therefore do not qualify for workers' compensation under their respective states' statutes. A limited number of states have established funds specifically for jockeys to address this problem.

Delaware has established a Jockey's Health and Welfare Board to administer the Jockey's Health and Welfare Benefit Fund, which is used to provide health coverage to active jockeys who regularly ride in Delaware, eligible retired jockeys, and disabled Delaware jockeys [Delaware General Assembly 2006]. The fund also pays for health coverage for eligible dependents of these groups of jockeys. Money from licensed video lottery agents and the purse account are transferred and maintained in an account at the state's Department of Agriculture. Through investments made by the state Treasurer, proceeds from this account are used by the Fund to pay for health coverage.

New York has established a Jockey Injury Compensation Fund [New York State Legislature 2007]. These funds purchase workers' compensation insurance coverage on a blanket basis for

jockeys in their state. All owners and trainers licensed in this state are required to contribute to these funds to cover the cost of the premium. In California, no persons applying to be an owner or trainer will be granted a license unless they have secured workers' compensation insurance for licensed employees and proof of insurance can be submitted to the Board [California Horse Racing Board 1978]. If coverage is cancelled or terminated, the trainer's or owner's license will be automatically suspended with grounds for revocation of the license.

One significant drawback to the funds is the lack of availability of coverage when riding in another state or country. For example, a rider from New York who was permanently disabled while riding in a race in Kentucky would not be eligible to collect New York workers' compensation because the injury was sustained out of state.

Conclusions and Recommendations

Data show that between the years 1998 and 2006 an estimate of more than 14,000 occupational injuries associated with the horse-racing industry were treated in U.S. hospital emergency rooms. Further, between 1992 and 2006, 79 deaths occurred to those working in this industry. These numbers are almost certainly underestimates of the true numbers.

The data demonstrate that jockeys are not the only workers exposed to hazards in this industry. Trainers, grooms, exercise riders, and various others encounter many of the same hazards as jockeys, and it is important that these occupations have the same health and safety protections, for example, wearing safety vests and helmets when in close proximity with horses.

The true risk for injuries in this industry cannot be properly evaluated without sustained data

collection over an extended period of time, including collecting data on the number of workers in this industry and the injuries and fatalities that occur. It is not within the scope of current national surveillance systems to collect data to the detail necessary to accurately capture these injuries. Furthermore, without appropriate denominator data, injury rates cannot be calculated. The calculation of injury rates would allow for meaningful comparisons to workers in other industries. In order to accurately collect these data, a standardized injury report form could be created to collect critical information about injury incidents. This information could then be recorded and maintained in a centralized database. The development of such a system would allow for meaningful analyses to determine the etiology of injury in the United States for this industry. Northern California has implemented a system where track-side Board of Stewards provide independent reports on the purported cause, final reported status, and outcomes of injuries to jockeys. Other states could use the Northern California system as a model for their own horse racing injury surveillance.

The variation of regulations between states creates an additional complication for worker safety and health. Safety and health concerns could be more easily managed if regulations were more synchronized among states. This would help improve health and safety requirements and PPE use regulations.

To be competitive in this sport, jockeys must be vigilant in maintaining a low body weight. To keep a minimum weight, jockeys often resort to weight-reducing techniques, commonly known in the industry as 'wasting' and 'flipping.' These techniques pose a hazard to a jockey's long-term health. These activities may also lead to more immediate hazards if a jockey is dehydrated or otherwise not fit to ride. Representatives in

other sports where weight can be an issue, like wrestling, have examined alternatives to weight requirements for keeping athletes healthy, such as minimum body fat requirements [NFHS 2006]. These alternatives should be evaluated for relevance in the horse-racing industry. Also, providing some form of health and nutritional education to jockeys would be prudent.

Many opportunities exist for research regarding worker safety and health in the horse-racing industry and injury prevention. The possibility for lead exposure should be quantitatively assessed. If it is found that the exposure limits exceed current standards, this hazard could be remedied either by using an alternative to lead weights, such as weighted pads, or by encapsulating all lead weights. An evaluation of the effect of silica or synthetic fibers on the respiratory health of workers also is needed. The potential benefits of synthetic surfaces for the well-being of the horse should be weighed against possible respiratory ailments that jockeys and horses may suffer. As with all emerging safety and health issues, NIOSH will do its best to continue monitoring the health and safety of these workers.

An effort on the part of horse-racing industry representatives (race tracks, racing commissions, and horse owners) can be taken to lessen the many hazards faced by workers in the horse-racing industry. However, the responsibility to improve the safety and health of employees in this industry lies among all participants. Below are some measures for consideration.

Industry Representatives (Race Tracks, Racing Commissions, and Horse Owners)

- Make safety and health issues a part of the everyday, decision-making processes (e.g., whether races are held, conditions for canceling a race, assessments of a jockey's fitness to ride);

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- Work with jockeys and other professional associations to ensure adequate insurance and support for injured workers, while encouraging primary injury prevention practices;
 - Assess the health implications of the current weight requirements and options for adjusting weights consistently in consultation with health experts;
 - Develop and maintain a track-, state-, or corporate-level monitoring system to collect data on workers and their injuries and illnesses, which could serve as a model for developing a national-level surveillance system;
 - Develop standards for quality on-track and off-track medical care for all facilities that include the use of staff certified in Advanced Cardiac Life Support and adequate medical equipment;
 - Explore workplace and jockeys' room conditions with the intent of developing criteria for design, safety, hygiene, ventilation, and habitation;
 - Integrate the safety of both humans and animals into the design of equipment and facilities (e.g., padded starting gates and safety rails);
 - Support independent scientific inquiry into the dynamic health status of workers in the horse-racing industry; and
 - Develop and provide appropriate education, consultation, referral, and treatment for jockeys regarding eating and weight control issues.
- Wear PPE and ensure that it is properly fitted and in good condition; and
 - Work with industry representatives and professional associations to ensure appropriate support and follow up for injured workers, while encouraging primary injury prevention practices.

Professional Associations

- Promote the safety and health of jockeys and other race track staff by working with industry representatives;
- Work with industry representatives and jockeys to ensure appropriate support and follow up for injured workers;
- Work with industry representatives to ensure adequate on-track and off-track medical care is available at all facilities;
- Work with industry representatives to develop criteria for safe, clean jockeys' rooms; and
- Support industry representatives and jockeys in the development of appropriate education, consultation, referral, and treatment for eating and weight control issues.

Other Race Track Workers

- Become educated and trained in safety issues relevant to work responsibilities;
- Consider wearing PPE (e.g., helmets and vests) when in the vicinity of a horse; and
- Work with industry representatives and professional associations to ensure appropriate support and follow up for injured workers, while encouraging primary injury prevention practices.

Jockeys

- Become educated about proper nutrition and consider healthy alternatives for weight management;

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STAFF ANALYSIS
PUBLIC HEARING AND ACTION
REGARDING THE PROPOSED AMENDMENT OF
CHRB RULE 1689.1, SAFETY VEST REQUIRED,
TO ESTABLISH AND/OR REVISE STANDARDS FOR SAFETY VESTS WORN BY
JOCKEYS, DRIVERS, EXERCISE RIDERS AND OTHER MOUNTED PERSONNEL
TRAINING AND RACING ON CALIFORNIA RACETRACKS

Regular Board Meeting
February 19, 2010

BACKGROUND

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in this 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 a safety vest 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 vest shall meet the level five rating of the British Equestrian Trade Association (BETA) standard for horse riders' body and shoulder protectors.

At the July 23, 2009 Regular Board Meeting, the California Horsemen's Safety Alliance (CHSA) presented technical information regarding the testing of safety vests. In addition, several proposed texts of an amendment to Rule 1689.1 were provided to the Board for consideration. The Board decided to refer further discussion on the proposed amendment of Rule 1689.1 to the Safety Committee (committee).

A committee meeting was held on September 4, 2009 to discuss the CHSA and Jockey Guild recommendations regarding the proposed amendment to Rule 1689.1. The committee determined it would recommend that Rule 1689.1 be amended to 1) change the outdated BETA standard of level five to level one under the BETA 2009 standard for horse rider's body and shoulder protectors; 2) add the Shoe and Allied Trade Association (SATRA) Jockey Vest product standard and the ASTM F2681-08 standard, and 3) include a provision prohibiting the alteration of a safety vest from its original manufactured design.

At its October 15, 2009 Regular Meeting, the Board accepted the committee recommendations, and it also added assistant starters and harness drivers to the list of those required to wear a safety vest. Staff was directed to initiate a 45-day comment period regarding the proposed amendment to Rule 1689.1.

The proposed amendment to Rule 1689.1 was again discussed at the Board's November 17, 2009 Regular Meeting. The proposed language was not modified at that meeting and the proposed amendment was subsequently noticed for the 45-day comment period.

ANALYSIS

The proposed amendment to Rule 1689.1 adds harness drivers and assistant starters to the list of those who must wear a safety vest and changes the outdated BETA standard of level five to level one under the BETA 2009 standard for horse rider's safety vests. The proposed amendment also adds the SATRA Jockey Vest product standard and the ASTM F2681-08 standard to the rule. To ensure that safety vests are not modified in an attempt make them more comfortable, the proposed amendment also prohibits the alteration of a safety vest from its original manufactured design.

No comments were received during the 45-day comment period.

RECOMMENDATION

Staff recommends the Board adopt the proposal as presented.

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

Regular Board Meeting
 February 19, 2010

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, ~~or racing fair,~~ or authorized training facility unless wearing a safety vest. ~~Such safety vest shall:~~

(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:
~~of a five rating as defined by the British Equestrian Trade Association (BETA);~~

(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 Trade Association (SATRA) Jockey Vest Document M6 Issue 3, Australian Racing Board (ARB) 3.

(2) Cover the entire torso from the ~~collarbone~~ 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.

(b) (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: Section 19481
Business and Professions Code

DISCUSSION AND ACTION BY THE BOARD REGARDING THE
POSSIBILITY OF AMENDING RULE 1766, DESIGNATED RACES,
TO REQUIRE A JOCKEY OR DRIVER TO SERVE ADDITIONAL SUSPENSION DAYS
SHOULD A SUSPENDED JOCKEY OR DRIVER PARTICIPATE IN
MORE THAN ONE DESIGNATED RACE PER DAY IN CALIFORNIA

Regular Board Meeting
February 19, 2010

BACKGROUND

Business and Professions Code section 19460 provides that all licenses granted under this chapter are subject to all rules, regulations, and conditions from time to time prescribed by the Board. Business and Professions Code section 19461 states every license granted under this chapter is subject to suspension or revocation by the Board in any case where the Board has reason to believe that any condition regarding it has not been complied with, or that any law, or any rule or regulation of the Board affecting it has been broken or violated. Business and Professions Code section 19520 provides that every person who participates in, or has anything to do with, the racing of horses, including a jockey shall be licensed by the Board pursuant to rules and regulations that the Board may adopt. No person required to be licensed by this article may participate in any capacity in any horse race meeting without a valid and unrevoked license authorizing the participation. Board Rule 1766, Designated Races, states that the Board of Stewards shall, immediately prior to the commencement of a meeting, designate the stakes, futurities or futurity trials or other races in which a jockey or a driver who is under suspension for ten days or less for a riding or driving infraction will be permitted to compete, notwithstanding the fact that such jockey or driver is technically under suspension at the time the designated race is run. A day in which a suspended jockey or driver participates in one designated race in California shall count as a suspension day. A day in which a suspended jockey or driver participates in more than one designated race in California shall not count as a suspension day.

ANALYSIS

Rule 1766 allows a jockey or driver who is under suspension for ten days or less to participate in one designated race in a day, and still have that day count as a day of suspension. However, if that jockey or driver participates in more than one designated race in a day, that day shall not count as a day of suspension. If the jockey or driver participates in more than one designated race in a day, the stewards will issue a ruling suspending the jockey or driver for one additional day. Some have suggested that the current rule allows jockeys to "pick and choose" the suspension days they will serve. An example of this is a jockey who is on suspension Friday, Saturday and Sunday – days with better races – who decides to ride in more than one race on Saturday and serve an additional suspension day the following Wednesday or Thursday, which are "bread and butter" days with less rewarding purses. The jockey chose to take the chance of a bigger pay check on Saturday, with the penalty of not riding on a day that might not offer such a high return. If the Board determines it wishes to discourage jockeys from riding in more than one designated race in a day, Rule 1766 may be amended to provide a deterrent.

RECOMMENDATION

This item is presented for Board discussion and action.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 11. OBJECTIONS AND PROTEST; APPEALS
RULE 1766. DESIGNATED RACES

Regular Board Meeting
February 19, 2010

1766. Designated Races.

(a) The Board of Stewards appointed for a race meeting shall, immediately prior to the commencement of that meeting, designate the stakes, futurities or futurity trials or other races in which a jockey or a driver who is under suspension for ten (10) days or less for a riding or driving infraction will be permitted to compete, notwithstanding the fact that such jockey or driver is technically under suspension at the time the designated race is to be run.

(b) Official rulings for riding or driving infractions of ten (10) days or less shall state: "The term of this suspension shall not prohibit participation in designated races in California." However, the Board of Stewards may prohibit a jockey or a driver from participating in designated races if such jockey or driver has previously been suspended at least twice during the race meeting specified in subsection (a) of this rule.

(c) Prior to the commencement of a meeting, a listing of the races designated in accordance with subsection (a) of this rule shall be submitted in writing to the Board. A copy of the list of designated races shall be posted in the Jockey or Driver's Room, and any other such place deemed appropriate by the stewards.

(d) A suspended jockey or driver must be named at the time of entry to participate in any designated race.

(e) A day in which a suspended jockey or driver participates in one designated race in California shall count as a suspension day.

(f) A day in which a suspended jockey or driver participates in more than one designated race in California shall not count as a suspension day.

(g) Notwithstanding the above, a day in which a jockey or a driver participates in one or more designated races in another jurisdiction while under suspension in California shall not count as a suspension day.

Authority: Section 19460,
Business and Professions Code.

Reference: Sections 19460, 19461 and 19520,
Business and Professions Code.

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD REGARDING THE REPORT AND
PRESENTATION FROM REPRESENTATIVES OF SOUTHERN CALIFORNIA OFF-
TRACK WAGERING, INC. (SCOTWINC) REGARDING SCOTWINC'S
ORGANIZATIONAL BACKGROUND AND FINANCIAL POSITION

Regular Board Meeting
February 19, 2010

BACKGROUND

Business and Professions Code section 19608 requires an association other than a fair that conducts a horseracing meeting with an average daily handle of \$1,500,000 or more to produce a live audiovisual signal of its racing program, and to make this signal available, in accordance to the law, to any satellite wagering facility authorized to conduct wagering. Business and Professions Code section 19608.1 allows any fair or any association with an average daily handle of less than \$1,500,000 to produce a live audiovisual signal of its racing program. If the fair or association chooses to produce a signal of its program, the signal shall be made available, in accordance with the law, to any satellite wagering facility authorized to conduct wagering.

Business and Professions Code section 19608.2 authorizes associations and fairs providing audiovisual signals pursuant to Section 19608 or 19608.1 to form an organization to operate, under Board supervision, the audiovisual signal system. The organization may consist of any combination of associations and fairs and it must provide horsemen's organizations contracting with associations and fairs for racing meetings, and non-racing fairs operating satellite wagering facilities, meaningful representation on its governing board. Any organization formed is responsible for administering the audiovisual signal and pari-mutuel operations at satellite wagering facilities and must bear the costs of operating the audiovisual signal system. These costs include:

1. Leasing or purchasing, and operation of equipment for transmission and decoding of audiovisual signals and wagering data.
2. Totalisator equipment, mutual department labor and equipment charges.
3. The organization administering the satellite wagering program, including labor, and overhead.

The primary funding of a simulcast organization's operational expenses recently changed with the signing of Assembly Bill 1575 (Chapter 650, Statutes of 2009). Prior to this bill the law (Business and Professions Code sections 19605.7 and 19605.71) provided that for thoroughbred meetings, *2.5 percent or the amount of actual operating expenses*, as determined by the board, whichever is less, shall be distributed to a simulcast organization. The amended law allows the simulcast organization the flexibility to petition the Board to increase the amount distributed for operating expenses to an amount not to exceed 4 percent of the amount handled by satellite wagering facilities on conventional and exotic wagers. An increase in the amount distributed would require the mutual consent of the racing association, the organization representing the

horsemen participating in the meeting, and the Board – and may only occur between January 1, 2010, until December 31, 2013. Any amount greater than the current amount deducted, but not exceeding 4 percent, must be approved by the Board for no more than 12 months at a time, and only upon a determination by the Board that the greater amount is in the economic interest of thoroughbred racing.

ANALYSIS

Southern California Off-Track Wagering, Inc. (SCOTWINC) was formed as a California limited partnership in 1988, pursuant to California Business and Professions Code section 19608.2, for the purpose of administering simultaneous broadcasts, via satellite, of horse racing meets to satellite wagering facilities. The shareholders as of December 31, 2008, include Thoroughbred Owners of California; Hollywood Park Racing Association; Los Angeles Turf Club; Del Mar Thoroughbred Club; Oak Tree Racing Association; California Harness Horsemen's Association; California Exposition and State Fair; Hollywood Park Racing Association (Quarter Horse); Los Alamitos Harness Racing Association; Los Angeles County Fair Association; Pacific Coast Quarter Horse Racing Association; and Quarter Horse Racing, Inc.

RECOMMENDATION

A representative of SCOTWINC is prepared to make a report to the Board.

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD REGARDING THE REPORT AND
PRESENTATION FROM REPRESENTATIVES OF NORTHERN CALIFORNIA OFF-
TRACK WAGERING, INC. (NCOTWINC) REGARDING NCOTWINC'S
ORGANIZATIONAL BACKGROUND AND FINANCIAL POSITION

Regular Board Meeting
February 19, 2010

BACKGROUND

Business and Professions Code section 19608 requires an association other than a fair that conducts a horseracing meeting with an average daily handle of \$1,500,000 or more to produce a live audiovisual signal of its racing program, and to make this signal available, in accordance to the law, to any satellite wagering facility authorized to conduct wagering. Business and Professions Code section 19608.1 allows any fair or any association with an average daily handle of less than \$1,500,000 to produce a live audiovisual signal of its racing program. If the fair or association chooses to produce a signal of its program, the signal shall be made available, in accordance with the law, to any satellite wagering facility authorized to conduct wagering.

Business and Professions Code section 19608.2 authorizes associations and fairs providing audiovisual signals pursuant to Section 19608 or 19608.1 to form an organization to operate, under Board supervision, the audiovisual signal system. The organization may consist of any combination of associations and fairs and it must provide horsemen's organizations contracting with associations and fairs for racing meetings, and non-racing fairs operating satellite wagering facilities, meaningful representation on its governing board. Any organization formed is responsible for administering the audiovisual signal and pari-mutuel operations at satellite wagering facilities and must bear the costs of operating the audiovisual signal system. These costs include:

1. Leasing or purchasing, and operation of equipment for transmission and decoding of audiovisual signals and wagering data.
2. Totalisator equipment, mutual department labor and equipment charges.
3. The organization administering the satellite wagering program, including labor, and overhead.

The primary funding of a simulcast organization's operational expenses recently changed with the signing of Assembly Bill 1575 (Chapter 650, Statutes of 2009). Prior to this bill the law (Business and Professions Code sections 19605.7 and 19605.71) provided that for thoroughbred meetings, *2.5 percent or the amount of actual operating expenses*, as determined by the board, whichever is less, shall be distributed to a simulcast organization. The amended law allows the simulcast organization the flexibility to petition the Board to increase the amount distributed for operating expenses to an amount not to exceed 4 percent of the amount handled by satellite wagering facilities on conventional and exotic wagers. An increase in the amount distributed would require the mutual consent of the racing association, the organization representing the

horsemen participating in the meeting, and the Board – and only may occur between January 1, 2010, until December 31, 2013. Any amount greater than the current amount deducted, but not exceeding 4 percent, must be approved by the Board for no more than 12 months at a time, and only upon a determination by the Board that the greater amount is in the economic interest of thoroughbred racing.

ANALYSIS

Northern California Off-Track Wagering, Inc. (NCOTWINC) was formed as a California limited partnership pursuant to California Business and Professions Code section 19608.2, for the purpose of administering simultaneous broadcasts, via satellite, of horse racing meets to satellite wagering facilities. The shareholders as of February 19, 2010, are: Pacific Racing Association, California Authority of Racing Fairs, and Thoroughbred Owners of California. Additional information regarding NCOTWINC is included in the attachment.

RECOMMENDATION

A representative of NCOTWINC is prepared to make a report to the Board.

Northern California Off-track Wagering, Inc. Organization & Current Status

*Summary Report for
California Horse Racing Board
Friday, February 19, 2010*

Shareholders

- Pacific Racing Association – Peter Tunney, Director
- California Authority of Racing Fairs – Christopher Korby, Director
- Thoroughbred Owners of California – Guy Lamothe, Director

Organization

- Mutuels – Bryan Wayte, Manager (*manager for all NorCal Mutuels*)
- Administrative Office – Patrice Van Dussen, Controller
Korynn Philpott, part time assistant

Money Room Flow of Funds

- Takeout funds from all Northern California locations are deposited with NCOTWINC's Money Room
- Statutory distributions are made by NCOTWINC

Expense Funds

- Expense Funds Generated, 2009:
Golden Gate Fields - \$5,163,000 (*2.5% of handle*)
CARF - \$6,245,000 (*6.0% of handle*)
- Expenses Incurred, 2009:
Golden Gate Fields - \$6,436,000
CARF – \$3,735,000
- Expenses breakdown:

Payroll and related benefits	– 71%
Tote related expenses	– 19%
Other Mutuel expenses	– 7%
Administrative expenses	– 3%

Expense Fund Status

- 2005 – 2009 deficits total \$2.7 million (*carried by GGF*)
- Temporary ADW distribution through June 2010 projected to generate \$850K to offset the Post-Petition Deficits
- Fairs' Expense Fund generates operating surplus, which is distributed equally to Fair associations and horsemen (purses)

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD REGARDING THE NORTHERN
CALIFORNIA OFF-TRACK WAGERING, INC. (NCOTWINC) SHORTFALL
AGREEMENT SUBMITTED BY THE THOROUGHBRED OWNERS OF
CALIFORNIA AND THE PACIFIC RACING ASSOCIATION IN RESPONSE TO
THE BOARD'S APRIL 24, 2009 APPROVAL OF A REQUEST FOR
MODIFICATION OF CALIFORNIA ADVANCE DEPOSIT WAGERING (ADW)
DISTRIBUTIONS ON THOROUGHBRED RACES AS PERMITTED UNDER
BUSINESS AND PROFESSIONS CODE SECTION 19604(F)(5)(E).

Regular Board Meeting
February 19, 2010

BACKGROUND

Business and Professions Code section 19604(f)(5)(E) states that notwithstanding any provision of the section to the contrary, the distribution of market access fees (related to ADW wagering) may be altered upon approval of the Board, in accordance with an agreement signed by all parties whose distribution would be affected. The parties affected by an adjustment to the market access fees, are the associations, horsemen, and breeders' awards.

At its April 24, 2009, Regular Meeting the Board approved a modification of California's ADW distribution on thoroughbred races as permitted under Business and Professions Code section 19604(f)(5)(E). In requesting the modification the industry represented that for several years Southern California Off Track Wagering, Inc. (SCOTWINC) and Northern California Off Track Wagering, Inc. (NCOTWINC) ran shortfalls in funding, due to handle moving from traditional satellite wagering to ADW, and a general decline in wagering activity at "brick and mortar" wagering sites. The distribution from satellite facilities was fixed, and 2.5 percent of that funding went to SCOTWINC and NCOTWINC for pari-mutuel expenses.

At the April 24, 2009 meeting, instead of asking for an increase in the takeout, the industry requested the creation of a new distribution from ADW source market fees to fund the shortfalls at SCOTWINC and NCOTWINC over a two-year period. The requested distribution for SCOTWINC would be 4.12 percent of the ADW source market fee and NCOTWINC would receive 4 percent of the ADW source market fee. The funds would come from ADW wagers placed by California residents on California thoroughbred races.

The Board approved a motion, pursuant to Business and Profession Code section 196049f)(5)(E), to alter for a two year period commencing July 1, 2009 and ending June 30, 2011, the market access fees from ADW wagers made by California residents, while thoroughbred associations conducted race meetings, by the creation of an additional deduction for distribution based on 4.12 percent of handle in Central and Southern zones

to the SCOTWINC Trust, and 4 percent of handle in the Northern Zone to the NCOTWINC Trust.

At its January 15, 2010, Regular Meeting the Board accepted the SCOTWINC Shortfall Agreement submitted by TOC and the Los Angeles Turf Club (LATC), as an addendum to the LATC winter racing meeting at Santa Anita Park Race Track commencing December 26, 2009 through April 18, 2010.

ANALYSIS

The Pacific Racing Association (PRA) and Thoroughbred Owners of California have submitted the NCOTWINC Shortfall Agreement, in response to the Board's approval of the request to alter the ADW distribution. The agreement alters the distribution of market access fees from ADW wagers placed on all racing hosted by PRA at its Winter Race Meeting, effective December 26, 2009 through June 13, 2010, to 4 percent of handle in the Northern Zone that would otherwise be payable as thoroughbred purses and commissions.

RECOMMENDATION

Staff recommends the Board accept the NCOTWINC Shortfall Agreement as an addendum to the PRA Winter Racing Meeting at Golden Gate Fields, commencing December 26, 2009 through June 13, 2010.

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD
REGARDING A REPORT FROM THE
CALIFORNIA THOROUGHBRED TRAINERS (CTT)
REGARDING THE RESULTS OF ITS RECENT BOARD
ELECTION AND CTT'S PLANS FOR 2010 AND BEYOND

Regular Board Meeting
February 19, 2010

BACKGROUND

Business and Professions Code section 19613.1 states that with respect to thoroughbred racing, the Board shall determine which matters shall be the subject of negotiation and contract between the owners' organization and the association, and which matters shall be the subject of negotiation and contract between the trainers' organization and the association. The owners' organization shall generally be responsible for negotiating purse agreements, satellite simulcast agreements, and all other business agreements relating to the conduct of racing that affects the owners. The trainers' organization shall generally be responsible for negotiating issues relating to the backstretch, track safety, and the welfare of backstretch employees. The Board shall resolve issues that are not settled between the associations and organizations representing owners and trainers.

Board Rule 2040, Horsemen's Organizations for Owners and Trainers, provides that the Board shall acknowledge one respective horsemen's organization that represents horse owners and trainers of each separate breed of racehorse that competes in such meets except thoroughbreds. The Board shall acknowledge separate horsemen's organizations for owners and trainers of thoroughbred racehorses.

The California Thoroughbred Trainers (CTT) is the Board recognized horsemen's organizations for thoroughbred trainers. The newly elected CTT Board recently met and elected its officers. In addition, a CTT press release defined several CTT Board priorities for 2010. Among the items are:

1. Reunification of California horsemen under one organization.
2. The replacement of synthetic racing surfaces with newly designed and composed natural surfaces.
3. Hiring a new CTT Executive Director.
4. Expansion of the nine-member CTT Board.

RECOMMENDATION

This item is presented for Board discussion and action. A representative of CTT is prepared to make a report regarding the recent CTT Board election and CTT's plans for 2010 and beyond.

FOR IMMEDIATE RELEASE
(626) 590-9999

Contact: Darrell Vienna

CTT

(626) 447-2339

New CTT Board Holds First Meeting

ARCADIA, CA (January 27, 2010) - Newly elected Board Members of the California Thoroughbred Trainers were officially seated today at the first regular meeting of the new Board. John Sadler was elected President and Darrell Vienna and Gloria Haley were elected as Vice-Presidents of the nine member Board.

The Board has invited any members interested in serving on CTT Committees to contact the CTT office or any Board member. Positions are available on the following committees:

Finance and Audit	Workers' Compensation
Membership Communication	Medication
Backstretch	Pension
TOC Liaison	Racing Liaison
Track	ADW/OTB
Reorganization	

At today's meeting, the Board recognized as its highest priority the reunification of California horsemen under one organization and looks forward to working with the Thoroughbred Owners of California toward this goal.

Based upon the most recent poll of the membership, the Board supports and will be seeking the replacement of the currently mandated synthetic surfaces with newly designed and composed natural surfaces.

The Board has authorized the solicitation of applications for the position of Executive Director and will be publishing a job description, salary, and benefits package for the position. Former Executive Director Ed Halpern has resigned from the position but has graciously offered his assistance without compensation during the transition period.

The Board has discussed expansion of the nine member Board and will be considering the potential appointment of additional Board members at its next regular meeting.

Meetings of the Board are open to all CTT members and the Board encourages the attendance of the membership at its regular meetings.

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STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD
REGARDING A REPORT FROM THE
THOROUGHBRED OWNERS OF CALIFORNIA (TOC)
REGARDING ITS MANAGEMENT PLANS FOR 2010 AND BEYOND

Regular Board Meeting
February 19, 2010

BACKGROUND

Business and Professions Code section 19613.1 states that with respect to thoroughbred racing, the Board shall determine which matters shall be the subject of negotiation and contract between the owners' organization and the association, and which matters shall be the subject of negotiation and contract between the trainers' organization and the association. The owners' organization shall generally be responsible for negotiating purse agreements, satellite simulcast agreements, and all other business agreements relating to the conduct of racing that affects the owners. The trainers' organization shall generally be responsible for negotiating issues relating to the backstretch, track safety, and the welfare of backstretch employees. The Board shall resolve issues that are not settled between the associations and organizations representing owners and trainers.

Board Rule 2040, Horsemen's Organizations for Owners and Trainers, provides that the Board shall acknowledge one respective horsemen's organization that represents horse owners and trainers of each separate breed of racehorse that competes in such meets except thoroughbreds. The Board shall acknowledge separate horsemen's organizations for owners and trainers of thoroughbred racehorses.

The California Thoroughbred Owners (TOC) is the Board recognized horsemen's organizations for thoroughbred owners.

In November 2009, Drew Couto resigned as president of TOC. Mr. Steve Schwartz, a lawyer and thoroughbred horse owner, was retained as president of TOC in November, 2009. On February 5, 2010, TOC announced Mr. Schwartz had resigned as president of TOC.

RECOMMENDATION

This item is presented for Board discussion and action. A representative of TOC is prepared to make a report regarding the TOC's management plans for 2010 and beyond.

TOC Press Releases

Steve Schwartz Resigns TOC Position

Arcadia, Calif. – Effective immediately, Steve Schwartz has resigned from his position as President of the Thoroughbred Owners of California. Schwartz indicated that, having given this decision a lot of thought, he felt the time and travel involved were beyond his expectations. Spending enough time with family has always been a priority, Schwartz commented. He also expressed how much he enjoys being a part of the California racing industry and he intends to continue to be active whenever possible.

Marsha Naify, Chair of the TOC Board of Directors, stated, "We respect Steve's decision and wish him all the best in his future endeavors."

TOC is the official organization serving new, veteran and future Thoroughbred owners in the state. It represents, advances, and protects owners' interests and rights in legislative, administrative and business matters. Additionally, the organization provides ongoing educational opportunities for current and prospective owners, regularly presenting programs on Thoroughbred ownership. www.toconline.com.

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD REGARDING
A REPORT FROM THE REPRESENTATIVE OF THE
COMMERCE CLUB MINISATELLITE WAGERING FACILITY
REGARDING THE FACILITY'S DAILY HANDLE

Regular Board Meeting
February 19, 2010

BACKGROUND

Assembly Bill (AB) 241 (Price), Chapter 594, Statutes of 2007, added sections 19410.7, 19605.25 and 19605.54 to the Business and Professions Code to provide that the Board may authorize up to 15 minisatellite wagering sites in each of the three zones (total 45) under certain conditions. Board Rule 2066, Application for License to Operate a Minisatellite Wagering Facility, sets forth the application process and provides the criteria for persons or entities who wish to operate a Minisatellite Wagering Facility.

At its April 24, 2009, Regular Meeting the Board heard an application for license to operate a minisatellite wagering facility of the California Commerce Club, Inc. d/b/a Commerce Casino. The Commerce Casino wished to operate a minisatellite wagering site at the Commerce Casino in Commerce, California, for a period of up to two years. Operations would begin upon approval of the application. The Commerce Casino is in the southern zone, and at the time of application it requested a six-month exclusive right among card clubs in Los Angeles County to operate a minisatellite facility. The Commerce Casino opened with five convertible teller/self service machines, four dedicated self-service machines, and a seating capacity of 35, with nine tables and 14 television monitors. The Board approved the California Commerce Club application for license to operate a minisatellite wagering facility with a six-month exclusive right, and the option to extend its license for an additional 18 months.

At the July 2009 Regular Board Meeting Rod Blonien, representing the California Commerce Club, stated the minisatellite wagering facility at Commerce Casino opened the week of July 13, 2009, without advertising or promotions. He said the facility did \$10,000 on Hollywood Park racing its first night, and within three days did \$37,000. On the opening day of the Del Mar meeting, Mr. Blonien reported the Commerce Casino minisatellite did \$42,000. Mr. Blonien commented the minisatellites were an opportunity for the industry to grow.

In October 2009 the Commerce Club expanded its minisatellite wagering capabilities by adding a second room within its facility. The additional minisatellite wagering room featured self service machines, while the original minisatellite wagering space had four windows with two pari-mutuel clerks. At the October 15, 2009, Regular Board Meeting a Commerce Club representative reported that during the Del Mar Thoroughbred Club meeting and the Fairplex Park Pomona meeting, the Commerce Club's minisatellite average daily handle was about \$80,000 a day. The representative stated the facility was subsequently handling an average of about \$60,000 a day. The Commerce Club minisatellite facility has been open approximately eight months and wishes to make a presentation to the Board regarding its daily handle.

RECOMMENDATION

Staff recommends the Board hear from the Commerce Club representative.

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD REGARDING
A REPORT AND PRESENTATION FROM THE
LOS ALAMITOS QUARTER HORSE RACING ASSOCIATION
AND
CALIFORNIA EXPOSITION AND STATE FAIR HARNESS RACING
ASSOCIATION
REGARDING THE STATUS OF THE NIGHT INDUSTRY AND
PROMOTIONAL PROGRAMS FOR HARNESS AND QUARTER HORSE RACING

Regular Board Meeting
February 19, 2010

BACKGROUND

The California Exposition and State Fair Harness Association (Cal-Expo) and the Los Alamitos Quarter Horse Racing Association (LAQHRA) recently received approval to reduce their weekly racing schedule to three days from four days. Cal-Expo began running three days a week on January 28, 2010, and LAQHRA began January 29, 2010 and will run Friday through Sunday until April 1, 2010. The three-day a week racing program was approved on an emergency basis due to problems with horse inventory. The racing associations believe that the modified racing program will strengthen their programs and help to alleviate some of the issues associated with purse cuts and overpayment.

The LAQHRA and Cal-Expo are prepared to make a report to the Board regarding the status of the night industry and their promotional programs to increase the handle and attract more horse owners.

RECOMMENDATION

This item is presented for board discussion and action. Representatives of LAQHRA and Cal-Expo are prepared to make a report to the Board.

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD REGARDING THE
ALLOCATION OF RACE DATES FOR THE CALIFORNIA EXPOSITION AND
STATE FAIR HARNESS ASSOCIATION (H) COMMENCING AUGUST 13,
2010 THROUGH DECEMBER 18, 2010

Regular Board Meeting
February 19, 2010

BACKGROUND

Business and Professions Code section 19440(a) states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include allocation of racing dates to qualified associations in accordance with law.

Board Rule 1430, Allocation of Racing Weeks and Dates, states the Board shall allocate racing weeks and dates for the conduct of horse racing in this State for such time periods and at such racing facilities as the Board determines will best subserve the purposes of the Horse Racing law and which will be in the best interest of the people of California in accord with the intent of the Horse Racing Law.

At its October 15, 2009 Regular Meeting, the Board approved the early season harness race meeting at California Exposition and State Fair (Cal-Expo) from December 26, 2009 through June 19, 2010. Cal Expo has submitted a request for the allocation of harness racing days for the Summer/Fall period of 2010.

ANALYSIS

Cal Expo proposes to race 55 days of harness racing from August 13, 2010 through December 18, 2010. The proposed calendar would offer a Thursday through Saturday weekly schedule with the exception of Thanksgiving week.

Attached are the following items to assist in the allocation of proposed race dates for the Cal-Expo Summer/Fall harness race meeting:

1. 2010 Proposed Cal-Expo Harness Race Dates from August 13, 2010 through December 18, 2010 (2nd Meet)
2. 2010 Allocated Cal-Expo Harness Race Dates from December 26, 2009 through June 19, 2010 (1st Meet)
3. 2010 Allocated Los Alamitos Quarter Horse Race Dates from December 26, 2009 through December 19, 2010

RECOMMENDATION

This item is presented to the Board for discussion.



CAL EXPO

February 2, 2010

Mr. Kirk Breed
Executive Director
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825

Dear Mr. Breed:

On behalf of the California Exposition & State Fair, we respectfully submit our request to the CHRB members for the allocation of harness racing days for the Summer/Fall period of 2010.

We respectfully request 55 racing days from August 13, 2010 through December 18, 2010. Our racing calendar, if approved, will offer a Thursday through Saturday weekly schedule with the exception of Thanksgiving week. We will race on Friday and Saturday of that week.

We sincerely appreciate the consideration of our request.

Respectfully,
CALIFORNIA EXPOSITION & STATE FAIR

David Elliott
Assistant General Manager, Racing Events

cc Cal Expo Board of Directors
Norbert Bartosik, Cal Expo
Alan Horowitz, CHHA

CALIFORNIA EXPOSITION & STATE FAIR

P.O. Box 15649 • Sacramento, CA 95852-1649 State of California • Arnold Schwarzenegger,
Governor

2010 PROPOSED CAL-EXPO HARNESS RACE DATES

Cal Expo Harness 55 (Second Meet)

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						26
27	28	29	30	31		

January						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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February						
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June						
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November						
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9

2010 ALLOCATED CAL-EXPO HARNESS RACE DATES

13-4

Cal Expo Harness 80 (First Meet)

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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27	28	29	30	31		

January						
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February						
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June						
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October						
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November						
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December						
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1/26/10 Approved to cancel racing on Wed. starting 1/27. Racing Thur. thru Sat from 1/28 to 6/19
 12/29/09 Approved to cancel 1/31,2/14, 2/21, 2/28, 3/7, 3/14, 3/21, 3/28 and added 1/27, 2/3, 2/10, 2/24, 3/3, 3/10, 3/17, 3/24, 3/31
 Subject to Modification

February 19, 2010 Regualr Board Meeting

2010 LOS ALAMITOS RACE DATES

13-5

Los Alamitos 194

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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27	28	29	30	31		

2

January						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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May						
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September						
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February						
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June						
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October						
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March						
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July						
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November						
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April						
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August						
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December						
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12

Approved 1/23/10 to race Friday through Sunday until April 1, 2010
(Subject to Modification)

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD REGARDING THE
DISTRIBUTION OF RACE DAY CHARITY PROCEEDS OF
THE HOLLYWOOD PARK RACING ASSOCIATION IN THE
AMOUNT OF \$160,000 TO 23 BENEFICIARIES

Regular Board Meeting
February 19, 2010

BACKGROUND

Business and Professions Code section 19550 (a) states the Board shall require each licensed racing association that conducts 14 or less weeks of racing to designate three racing days, and each licensed racing association that conducts more than 14 weeks of racing to designate five racing days during any one meeting, to be conducted as charity days by the licensee for the purpose of distribution of the net proceeds therefrom to beneficiaries through the distribution agent. Business and Professions Code section 19550 (b) states no racing association shall be required to pay beneficiaries more than an amount equal to two-tenths of 1 percent of the association's total on-track handle on live races conducted. Business and Professions Code section 19556 provides that the distributing agent shall make the distribution to beneficiaries qualified under this article. At least 50 percent of the distribution shall be made to charities associated with the horse racing industry.

ANALYSIS

The Hollywood Park Racing Association is requesting approval to distribute proceeds from charity day races conducted at Hollywood Park during its 2009 race meetings from April 22, 2009 through July 19, 2009 and November 11, 2009 through December 21, 2009. The net proceeds from the charity days totaled \$160,000. The list of organizations selected and amount to be distributed is attached. Staff notes that 57 percent of the proceeds will be given to racing related organizations.

RECOMMENDATION

Staff recommends that the Board approve this request.

Hollywood Park Racing Charities, Inc.

1050 South Prairie Avenue
Inglewood, California 90301

Mailing Address:
P.O. Box 389
Inglewood, California 90308

(310) 419-1500

President and Chairman:
Tirso Del Junco, M.D.

Secretary:
Barbara Richardson Knight

Treasurer:
Angie Dickinson

Vice Presidents:
Willie D. Davis
Alvin Segel, Esq.

January 5, 2010

Mr. Francisco Gonzales
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, California 95825

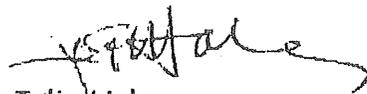
Fax # (916) 263-6042

Re: HOLLYWOOD PARK RACING CHARITIES 2009
GRANTS

This is a list of the grants for 2009 from the Hollywood Park Racing Charities, Inc. Please include these in the next available meeting. We would like to get the checks out as soon as possible.

Any questions or corrections, please contact me at (626) 922-2912, or call Eual Wyatt at Hollywood Park, (310) 419-1527.

Sincerely,


Julie Hale
Administrative Secretary

Mr. CH
Date 1-29-10
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Date	1-29-10
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Hollywood Park Racing Charities, Inc. - 2009 Grants

Education

Inglewood Education Fund \$15,000

Health

Inglewood Children's Dental Center \$ 2,500

Miscellaneous

Los Angeles NAACP \$ 6,000

Los Angeles Urban League \$ 6,000

\$12,000

Racing

California Equine Retirement Foundation \$ 5,000

California Thoroughbred Horsemen's Foundation \$8,000

Disabled Jockeys Endowment \$32,000

Edwin Gregson Foundation \$ 3,000

Don MacBeth Memorial Jockey Fund \$10,000

Racetrack Chaplaincy of America \$ 8,000

Southern California Equine Foundation \$ 5,000

Tranquility Farm \$ 5,000

Winners Foundation \$15,000

\$91,000

Social Services

Centinela Valley Juvenile Diversion Project \$ 4,000

Children's Bureau of So. California \$ 5,000

Inglewood After School Program \$ 2,500

Inglewood Recreation Department \$ 3,000

Inglewood Senior Citizens Center \$ 2,500

International Life Services \$ 6,500

Saint Margaret's Center \$ 5,000

Salesian Boys & Girls Club \$ 5,000

Southern California Special Olympics \$1,000

Watts/Willowbrook Boys & Girls Club \$ 5,000

\$39,500

TOTAL \$160,000

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD REGARDING AN
UPDATE AND REPORT FROM SANTA ANITA PARK RACE TRACK
ON
DRAINAGE ISSUES ASSOCIATED WITH ITS PRO-RIDE TRACK
THE CURRENT CONDITION OF THE RACETRACK
AND THE
FINANCIAL IMPACT RESULTING FROM THE LOSS OF
RACING AND TRAINING DAYS

Regular Board Meeting
February 19, 2010

BACKGROUND

In January 2007 Rule 1433, Application for License to Conduct a Horse Racing Meeting, was amended to require the use of polymer synthetic racing surfaces at all California thoroughbred racetracks that conduct four or more continuous weeks of horse racing in a calendar year. To comply with the regulation Santa Anita Park Racetrack (SA) installed a Cushion Track that was composed of silica sand mixed with synthetic fibers, elastic fiber and granulated rubber; the material was coated with a blend of wax. The SA synthetic track installation was completed in the first week of September 2007 to allow for a couple of weeks of training prior to the September 26, 2007, opening of the Oak Tree Racing Association (OTRA) meeting. The OTRA meeting was the first meeting on the synthetic surface at SA.

During the OTRA meeting it was discovered that water was not draining through the Cushion Track. At the December 14, 2007, Regular Board Meeting, representatives of Cushion Track stated the issue was not just the racetrack surface. The racing surface was installed in extreme heat, which caused an impermeable layer to be formed on the track's tarmac foundation. The Cushion Track representative said the tarmac was removed, washed, and was made porous, and that work would begin to fine tune the surface to ensure it would drain properly. Numerous tests had been conducted with different combinations of sand, wax and rubber, and Cushion Track was confident the problem would be resolved by the December 26, 2007, opening of SA.

In January 2008, SA was still experiencing drainage problems with its Cushion Track. The Board held a Special Meeting on January 8, 2008, to set a contingency strategy should the SA synthetic track become unsafe for racing. The Board voted to amend the SA license to allow it to run at Hollywood Park Race Track, if needed. Another Special Meeting was held on February 20, 2008, to discuss racetrack surfaces in California. At that meeting an SA representative stated that despite Cushion Track's assurances the SA track was not draining, and it could not handle any amount of rain. He added the surface would only last through the end of the SA race meeting (April 2008).

At its February 28, 2008, Regular Meeting the Board heard a request by SA to modify the race days for its meeting ending April 20, 2008. The modification was requested by SA because of problems with the track surface and inclement weather. A total of eleven live race days were lost. SA ran some Wednesdays to recoup a few of the lost days, and wanted the ability to run additional days as circumstances permitted.

In August 2008 SA replaced its Cushion Track with a Pro-Ride surface. At the August 19, 2008, Regular Board Meeting SA representatives stated the track was undergoing an extensive renovation that included removing the track material down to the rock base and replacing some of the drainage. SA reported the original Cushion Track had flaws in the sand and in its rock base. If water had been able to drain through the sand, it probably would not have drained through the rock. SA started from the bottom up and replaced everything. It was using a system that treated every inch of the racing surface. The materials traveled on a conveyor belt through a mechanism and emerged with the binder and fiber - sorted and prepared to go on the surface. SA hoped to have horses training on the new Pro-Ride surface almost a month before the start of the OTRA meeting, and nearly two months before the Breeders' Cup.

No racing days were lost during the 2009 SA and OTRA race meetings, but problems have resurfaced in 2010 when rainfall totals have been higher than normal for the region.

In January 2010 SA cancelled some morning workout sessions, and three days of live racing (January 18, 21 and 22) due to excessive rain. It also announced that at the end of its current meeting in April 2010, it would seriously consider a return to a traditional dirt racing surface.

On February 6, 2010, SA was forced to cancel its Saturday racing program because its Pro-Ride synthetic track failed to sufficiently drain. The track received up to 3 ½ inches of rain over a 24-hour period.

RECOMMENDATION

This item is presented for Board discussion and action.

An SA representative is prepared to give an update on the status of the racetrack.

DISCUSSION AND ACTION BY THE BOARD REGARDING THE
UPDATE FROM THE LOS ANGELES TURF CLUB, INC., OPERATING AT
SANTA ANITA PARK AND THE SIGNIFICANCE OF THE BANKRUPTCY
FILING OF MAGNA ENTERTAINMENT CORPORATION ON ITS
RACING OPERATIONS AND THE STATUS OF STATUTORY FUNDS
THAT MAY STILL BE OWED MONEY FROM PRE AND POST
BANKRUPTCY ACCOUNTS

Regular Board Meeting
February 19, 2010

BACKGROUND

On March 5, 2009, Magna Entertainment Corporation (MEC) filed voluntary petitions for relief under Chapter 11 of the US Bankruptcy Code. At the March 19, 2009, Regular Board Meeting, the Board discussed the significance of the bankruptcy filing of MEC on its subsidiaries operating in California, Los Angeles Turf Club, Inc., and Pacific Racing Association. At its April 24, 2009, and June 5, 2009, Regular Meetings, the Board heard presentations by MEC representatives and interested parties regarding the progress of the bankruptcy proceedings and the sale of certain MEC California assets.

At the June 5, 2009, Regular Board Meeting MEC representatives reported that definitive bids for the assets identified for sale were to be filed on July 31, 2009. The bids would be evaluated between July 31, 2009 and August 7, 2009, to determine the highest and best offer, which would then be designated the stalking horse bidder for the particular asset or group of assets. On September 8, 2009, a bidding auction would allow other parties to offer higher bids or better terms than the stalking horse bid. The auction would result in the final successful bidder for any asset or assets; however, the bankruptcy court would ultimately decide whether it would approve the winning bidder. The Board also heard an extensive discussion regarding an industry petition that was filed with the bankruptcy court to force the distribution of pre-petition funds, such as advance deposit wagering fees and satellite wagering fees, and MEC's objection to the petition. The Board urged the parties to present their positions: why MEC felt its objection to the petition was appropriate, and why the industry believed the funds owed were different from funds owed general creditors and should have a priority position.

At its July 23, 2009 Regular Meeting the Board heard from representatives of MEC regarding the MEC bankruptcy proceedings. The dates for the bidding auction process, as reported at the June 5, 2009, Regular Board Meeting, had not changed. The Board was informed that industry and Board staff met with MEC representatives to discuss the Southern California Off Track Wagering, Inc. claims; however, no resolution was reached. An extensive discussion of payment of priority claims was heard. Priority tax claims and claims for fees would be paid in full over a five-year period with interest at the prevailing interest rate. The Board was informed that the State had filed its proofs of claim regarding taxes and fees owed it by MEC.

At the August 27, 2009, Regular Board Meeting an MEC representative reported that Mi Developments, Inc. (MID), MEC's principal creditor, filed a proposed modified credit agreement

with the Ontario, Canada, Securities Commission. The agreement would be heard in mid-September 2009, and would add up to \$28 million to the MEC loan that was currently in place. The additional funds would extend MEC's operational abilities through April 2010, and allow MEC to continue its operations and meet its obligations. The agreement contained milestones that pertained to some of MEC's California operations: 1) by October 31, 2009, MEC would obtain bankruptcy court orders approving the sale of various assets, including XpressBet and AmTote; 2) by November 30, 2009, there would be a sales order in place with respect to Golden Gate Fields and Santa Anita Park Race Track. MID reserved the right to credit bid on Golden Gate Fields and Santa Anita Park Race Track if it believed the sale price was not adequate. By mid-September 2009 MEC would know the extent to which the amended credit arrangement would be in place, which should provide a sense of MEC's ability to meet its obligations going forward.

At the October 15, 2009, Regular Board Meeting an MEC representative stated that on October 14, 2009, a bankruptcy court hearing was held in Delaware. The court heard a motion regarding a \$26 million credit agreement between MID and MEC, which would provide funds to allow MEC to operate through April 2010. One of the creditors had some questions, so the court granted an additional three weeks to confirm that there were no issues. The motion would be reheard on October 28, 2009. In the interim, the court granted MEC \$2 million under the MID credit agreement to allow MEC to meet its obligations through the balance of October 2009. The court did not deal with auction deadlines for Golden Gate Fields and Santa Anita Park Race Track. In addition, the MEC representative reported MEC paid its tax obligations to the State of California. The payment satisfied all outstanding pre-petition tax obligations.

At the November 17, 2009 Regular Board Meeting a representative of MEC reported that the motion to amend the credit agreement between MID and MEC was approved in late October 2009. The agreement would provide MEC with \$26 million and allow it to operate through April 2010. A February 10, 2010 deadline was set for receipt of definitive bids on Santa Anita Park Race Track and Golden Gate Fields. A stalking horse bidder for each of the properties would be announced by February 17, 2010 and an auction would be held on February 25, 2010, at which time a sale order would be entered by the court. In addition, bids were being solicited for the sale of the advance deposit wagering provider, XpressBet. Once the sale order was entered, the buyer would proceed to obtain the Board's approval for ownership.

At the January 15, 2010 Regular Board Meeting an MEC representative reported that MID, the parent company and largest creditor of MEC, had reached an agreement with the creditors' committee, subject to court approval, that would allow MID to take possession of Santa Anita Park Race Track, Golden Gate Fields, and other significant MEC holdings. There was no certain date when the transactions might be completed, nor could the MEC representative provide information concerning future racetrack operations.

RECOMMENDATION

This item is presented for Board discussion and action.

CALIFORNIA HORSE RACING BOARD

FEBRUARY 19, 2010
REGULAR BOARD MEETING

There is no board package material for Item 17