

CALIFORNIA HORSE RACING BOARD
1010 HURLEY WAY, SUITE 300
SACRAMENTO, CA 95825
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SAFETY COMMITTEE MEETING

of the California Horse Racing Board will be held on Friday, September 4, 2009, commencing at 10:30 a.m., at the Del Mar Surfside Race Place (Downstairs General Admission Area), 2260 Jimmy Durante Blvd., Del Mar, California. Non-committee Board members attending the committee meeting may not participate in the public discussion, official committee vote or committee closed session.

Agenda Items

1. Presentation of resolution to **Dominic "Bud" Alessio and family for their contribution in the development of the Caliente Jockey Helmet.**
2. Report by Dr. Richard Timms, Chairman and Director of R&D Troxel, LLC and discussion **regarding safety helmets and ASTM standards.**
3. Discussion regarding presentation of products by **manufacturers of safety helmets and vests.**
4. Discussion and action regarding recommendations from the Jockeys' Guild and the California Horsemen's Safety Alliance regarding proposed amendments to **CHRB Rules 1689 Safety Helmets Required, and 1689.1, Safety Vest Required, to establish and/or revise standards for vests and helmets worn by jockeys, drivers, exercise riders and other mounted personnel training and racing on California racetracks.**
5. Discussion and action regarding the proposed amendment to **CHRB Rule 1685, Equipment Requirement, to revise the standards for whips used on California racetracks.**

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

SAFETY COMMITTEE
Commissioner Bo Derek, Chairman
Kirk E. Breed, Executive Director

CALIFORNIA HORSE RACING BOARD

SEPTEMBER 4, 2009
SAFETY COMMITTEE MEETING

There is no board package material for Item 1

STAFF ANALYSIS
REPORT BY DR. RICHARD TIMMS
CHAIRMAN AND DIRECTOR OF R&D TROXEL, LLC
AND DISCUSSION REGARDING
SAFETY HELMETS AND ASTM STANDARDS

Safety Committee Meeting
September 4, 2009

BACKGROUND

Dr. Terry Smith, Principal Scientist for Dynamic Research Inc. in Torrance, California is prepared to speak to the Safety Committee regarding "Equestrian Helmet Standards – Who Need Them?"

Dr. Richard Timms, Chairman and Director of Research and Development for Troxel LLC, was to have made a presentation to the Safety Committee. However, his schedule prevents him from being able to attend this meeting.

STAFF ANALYSIS
DISCUSSION REGARDING PRESENTATION OF PRODUCTS
BY MANUFACTURERS OF SAFETY HELMETS AND VESTS

Safety Committee Meeting
September 4, 2009

BACKGROUND

Business and Professions Code section 19481 states that the Board shall establish standards governing equipment for horse and rider to improve the safety of horses, riders, and workers at the racetrack.

Board Rule 1689, Safety Helmets Required, states 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. Board Rule 1689.1, Safety Vest Required, provides that 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 unless wearing a safety vest, as specified.

At the July 23, 2009, Regular Board Meeting the issue of establishing new standards for safety helmets and safety vests was discussed. The items were assigned to the Safety Committee for further discussion and development of proposed regulatory language.

ANALYSIS

Various manufacturers of safety helmets and vests are prepared to make presentations to the Safety Committee to provide information regarding safety products available to the industry.

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING RECOMMENDATIONS FROM THE
JOCKEYS' GUILD AND THE CALIFORNIA HORSEMEN'S SAFETY ALLIANCE
REGARDING PROPOSED AMENDMENTS TO
CHRB RULES 1689, SAFETY HELMETS REQUIRED
AND 1689.1, SAFETY VEST REQUIRED

Safety Committee Meeting
September 4, 2009

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. Board Rule 1689.1, Safety Vest Required, requires jockeys and apprentice jockeys to wear safety vests when riding in a race. Additionally, the rule provides that jockeys, apprentice jockeys and exercise riders must wear a safety vest when they train or exercise any horse on the grounds of a racing association or racing fair. Rule 1689.1 currently specifies that such safety vests shall meet the British Equestrian Trade Association standard for horse riders' body and shoulder protectors.

This item was last heard at the July 23, 2009 regular meeting of the Board. Representatives from the California Horsemen's Safety Alliance presented technical information regarding the testing of safety vests and safety helmets and several texts of proposed amendments to the rules were provided to the Board for consideration. The Board determined that discussion and action on the proposed amendments to Rule 1689, Safety Helmets Required, and Rule 1689.1, Safety Vest Required, would best be accomplished in a Safety Committee Meeting.

ANALYSIS

Due to a high frequency of accidents among exercise riders and jockeys at California racetracks, the California Horsemen's Safety Alliance (CHSA) began collecting information on the personal protective equipment being used by these two groups. Specifically, they gathered information on safety helmets and safety vests. According to the CHSA, the inspection of vests and helmets used by jockeys in Northern and Southern California revealed that none were marked to conform to any known national or international safety standard. Of alarming concern was the condition of the equipment. Many vests had been modified with padding removed to improve the fit and functionality.

The CHSA contracted the services of scientist, Dr. Terry Smith, to conduct testing on manufactures' safety vests and helmets currently in use. The field and laboratory testing was filmed and the data was used to launch a series of safety meetings with jockeys and exercise riders in California. Information on the proper fit, care and maintenance of the personal protective equipment was thoroughly reviewed and those in attendance were provided with an upgraded safety vest.

Jockeys were also given a chance to voice their concerns and give suggestions for the need to upgrade the design of the racing safety vest. A task force was formed comprising of safety specialist, manufacturers, and jockeys. This group was responsible for leading to the development of ASTM F2681-08 "Body Padding for Professional Equine Racing." The vests that meet the new standard are less cumbersome, less restrictive, and more functional, making the ability to move as a result of a fall easier and eliminating the need for jockeys to make modifications.

Regarding current safety helmets in use, the field and laboratory tests indicated helmets that meet the European and American standards provided protection against impact; however the older style helmets failed the impact test and did not meet any of the current standards, nor did they provide sufficient protection against impact.

In its most recent inventory of personal protective equipment in use by jockeys in Northern and Southern California, the CHSA noted that a large majority of the riders are now using safety vests that meet current European and Australian standards. A large majority of the jockeys are also using helmets that meet current European, American and Australian standards; however, some of the Northern California jockeys, most of the jockeys at Los Alamitos, and several in Southern California are still using older, outdated helmets.

Still of concern is the equipment used by the exercise rider population. The CHSA found that the majority of the riders are using substandard vest and helmets that are not rated or do not meet any safety standard, providing little protection against impact.

The CHSA has been working in collaboration with the Jockeys' Guild and the RCI Model Rules Committee in bringing uniformity to safety vest and helmet rules. According to the CHSA, the Board's rules on helmets and vest are outdated. The Jockeys' Guild and the CHSA are both making recommendations that Rule 1689, Safety Helmets Required, be amended to require safety helmets comply with ASTM F1163, EN 1384, or AS/ZN 3838 (Draft Text B and Draft Text C). The Jockeys' Guild and the CHSA are also making recommendations that Rule 1689.1, Safety Vest Required, be amended to require safety vests comply with BETA 2000 Level 1, EN 13158:2000 Level 1, ASTM F2681-08, or SATRA Jockey Vest Document (Draft Text B and Draft Text C). For both rules the Jockeys' Guild and the CHSA are recommending the same proposed amendment language, except the CHSA is recommending that owners and trainers be exempted from the requirement of wearing a safety helmet or safety vest. Additionally, the proposed amendment language to Board Rule

1689, Safety Helmets Required, submitted by the Jockeys' Guild and the CHSA, is very similar to ARCI Rule 008-010 (Z)(1).

In developing the proposed amendment to Rule 1689, Safety Helmet Required (Draft A), staff incorporated the recommended suggestions of the CHSA and the Jockeys' Guild, with the exception of excluding specified licensees from the requirement to wear a safety helmet, and the inclusion of European Norms and Australian and New Zealand Racing Board standards.

The proposed amendment to Rule 1689 maintains the current requirement 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. The amendment establishes a new standard requiring that a safety helmet comply with the current ASTM f1163-04a product standard. Helmets meeting the ASTM F1163-04a standard are abundant and most readily available. Additionally, requiring compliance with one product standard will enhance enforcement, as there would be one distinctive label or marking to recognize for compliance.

The proposed amendment to Rule 1689.1, Safety Vest Required (Draft A), amends the current British Equestrian Trade Association (Beta) rating standard of five to level one under the BETA 2000 Standard for Horse Riders' Body and Shoulder Protectors. In addition, the proposed amendment to Rule 1689.1 incorporates the CHSA and Jockeys' Guild recommendation to include the Shoe and Allied Trade Association (SATRA) Jockey Vest product standard and the ASTM F2681-08 standard.

Safety vests meeting the Beta Level one and SATRA standards are readily available; however, safety vests meeting the recently developed ASTM F2681-08 Body Padding for Professional Equine Rider standard are not yet available to the public. According to the CHSA, it takes manufacturers up to one year for production to catch up with the standards.

The proposed amendment of Rule 1689.1 also requires drivers to wear a safety vest while mounted in or riding on a sulky. Drivers are currently not required to wear a safety vest. This new requirement would provide additional protection to the driver should an accident occur. Drivers are currently required to wear safety helmets under Rule 1689, Safety Helmets Required.

The proposed amendment of Rule 1689.1 includes language stating that a safety vest shall not be altered from its original manufactured design. According to the CHSA many vests used by jockeys have been modified, with padding removed to improve the fit and functionality. In addition, product tags seem to be routinely removed from safety vests. Unfortunately, these modifications reduce the protective effectiveness of the vest and make it difficult or impossible to ensure the vest meets the standards set in Rule 1689.1. Prohibiting vests from being altered will insure the integrity of the equipment and allow for easier identification of the product for enforcement purposes.

The following draft texts are included for the Safety Committee's review:

Proposal to Amend CHRB Rule 1689, Safety Helmets Required

- (1) "Draft Text A" was prepared and is recommended by CHRB staff. The proposed amendment incorporates the CHSA and Jockeys' Guild recommended ASTM product standard into the existing rule language.
- (2) "Draft Text B" is language submitted by the Jockeys' Guild and is very similar to ARCI Rule 008-010 (Z)(1).
- (3) "Draft Text C" is language submitted by the CHSA and is very similar to ARCI Rule 008-010 (Z)(1). The proposed amendment language is the same as the language submitted by the Jockeys' Guild, except it exempts owners and trainers from complying with the rule.

Proposal to Amend CHRB Rule 1689.1, Safety Vest Required

- (1) "Draft Text A" was prepared and is recommended by CHRB staff. The proposed amendment incorporates into the existing language the ASTM F2681-08, BETA 2000 Level 1, and SATRA Jockey Vest Document product standards recommended by the CHSA and Jockeys' Guild. It also includes language requiring drivers to wear safety vests while mounted in or riding on a sulky, as well as language prohibiting the alteration of safety vests.
- (2) "Draft Text B" is language submitted by the Jockeys' Guild.
- (3) "Draft Text C" is language submitted by the CHSA. The proposed amendment language is the same as the language submitted by the Jockeys' Guild, except it exempts owners and trainers from complying with the rule.

RECOMMENDATION

Staff recommends the Committee:

- (1) Hear from industry representatives.
- (2) Upon agreement of language for proposals to amend Rule 1689, Safety Helmets Required, and Rule 1689.1, Safety Vest Required, recommend that the Board initiate the 45-day comment period.

Draft Text A
Prepared by CHRB staff

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

Safety Committee Meeting
September 4, 2009

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, unless the person is wearing a properly fastened safety helmet.

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

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

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

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

Draft Text B
Proposed by the Jockeys' Guild

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

Safety Committee Meeting
September 4, 2009

1689. Safety Helmets Required.

~~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.~~ Any licensee at a racing association or racing fair under the jurisdiction of the Board shall wear a properly fastened safety helmet at all times he or she is mounted on a horse. The safety helmet must comply with one of the following standards:

- (a) American Society for Testing Materials (ASTM) standard F-1163, or
- (b) European Norms (EN) standard 1384, or
- (c) Australian and New Zealand Racing Boards (AS/ZN) standard 3838.

Authority: Sections 19420 and 19440
Business and Professions Code

Reference: Sections 19481 and 19460
Business and Professions Code

Draft Text C
Proposed by the CHSA

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

Safety Committee Meeting
September 4, 2009

1689. Safety Helmets Required.

~~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. Any licensee, except owners and trainers, at a racing association or racing fair under the jurisdiction of the Board shall wear a properly fastened safety helmet at all times he or she is mounted on a horse. The safety helmet must comply with one of the following standards:~~

- (a) American Society for Testing Materials (ASTM) standard F-1163, or
- (b) European Norms (EN) standard 1384, or
- (c) Australian and New Zealand Racing Boards (AS/ZN) standard 3838.

Authority: Sections 19420 and 19440
Business and Professions Code

Reference: Sections 19481 and 19460
Business and Professions Code

Draft Text A
Prepared by CHRB staff

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

Safety Committee Meeting
September 4, 2009

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 unless wearing a safety vest. No driver shall be mounted in or riding on a sulky unless wearing a safety vest. Such safety vest 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) 2000 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 ~~collar bone~~ 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) Not 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) 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

Draft Text B
Proposed by the Jockeys' Guild

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

Safety Committee Meeting
September 4, 2009

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 unless wearing a safety vest. Such safety vest shall~~ Any person mounted on a horse or stable pony on the racing surface of a racing association or racing fair must wear a fastened safety vest at all times. The safety vest must:

(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) 2000 Standard for Horse Riders' Body and Shoulder Protectors, or

(B) "Level 1" under the European Norms (EN) standard 13158:2000, or

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

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

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

(3) Weigh no more than 2 pounds.

(b) 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

Draft Text C
Proposed by the CHSA

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

Safety Committee Meeting
September 4, 2009

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 unless wearing a safety vest. Such safety vest shall~~ Any person, except licensed owners and licensed trainers, mounted on a horse or stable pony on the racing surface of a racing association or racing fair must wear a fastened safety vest at all times. The safety vest must:

(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) 2000 Standard for Horse Riders' Body and Shoulder Protectors, or

(B) "Level 1" under the European Norms (EN) standard 13158:2000, or

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

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

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

(3) Weigh no more than 2 pounds.

(b) 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

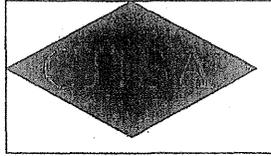
Reference: Section 19481
Business and Professions Code

*ARCI-008-010 General Provisions***Z. Safety Equipment****(1) Helmets**

Any licensee mounted on a horse or stable pony on association grounds must wear a properly secured safety helmet at all times. The licensee is responsible for providing sufficient evidence that his/her helmet meeting one of the following safety standards: American Society for testing and Materials (ASTM 1163); UK Standards (EN-1384 and PAS-015); or, Australian/New Zealand Standard (AS/NZ 3838).

(2) Vests

A safety vest, designed to provide shock absorbing protection of at least a rating of five, as defined by the British Equestrian Trade Association (BETA), must be worn at all times on association grounds when racing, parading or warming up a horse prior to racing; or jogging or exercising a horse at any time.



CALIFORNIA HORSEMEN'S SAFETY ALLIANCE

MEMORANDUM

DATE: July 9, 2009
 TO: Mr. John C. Harris, Chairman and CHRB Board
 FROM: Sonia Flores Pishevvar, CHSA Administrator
 SUBJECT: Proposal for Amendment on Rule 1689. Safety Helmets and Rule 1689.1. Safety Vests

1. Rule Overview:

The current CA Rules on Safety Equipment/Personal Protective Equipment (PPE).

Rule 1689. Safety Helmets Required. States "A racing association may not permit any person to gallop or pony a horse in a race or be mounted in or riding on a sulky unless the person is wearing a properly fastened safety helmet."

Rule 1689.1. Safety Vest Required. States

(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 unless wearing a safety vest. Such safety vest shall:

(1) Provide a minimum of shock adsorbing protection to the upper body of a five rating as defined by the British Equestrian Trade Association (BETA)... and ASTM F1937-4 "Specifications for Body Protectors Used in Horse Sports and Horseback riding.

2. Discussion of Issue:

For the past seven years CHSA has collected data on work related accidents. For the past 3 years the highest frequency of accidents was within the exercise rider and jockey population. We began to gather information on the personal protective equipment being used by this population and identified that the current governing racing rules were outdated and the safety equipment in use by this population was substandard and unregulated. The inspection of the vests and helmets used by jockeys in Northern and Southern California revealed that none were marked to conform with any known national or international safety standard, of alarming concern was the condition of the equipment, many had been modified, padding removed in order to improve the fit and functionality.

With the assistance of my safety consultant Tony Bahno form AIU Holdings; we made contact with leading manufacturer of safety vests and helmets. We contracted the services of a leading scientist, Terry Smith PhD, to conduct testing on the safety equipment currently in use.

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Both field and laboratory testing was conducted. (For details on the testing results please review reports from Dynamic Research Laboratory, Terry Smith PhD. Dated February and March 2009)

This process was filmed and this data was used to launch a series of safety meetings with jockeys and exercise riders in California. Information on the proper fit, care and maintenance of the personal protective equipment (PPE) was thoroughly reviewed. Those in attendance were provided with upgraded safety vest.

Jockeys voiced concern with the need to upgrade the design of the racing safety vest. A vest the jockeys are willing to use, to be light weight and pliable and eliminating the need to make any modifications for fit and functionality.

A task group was form comprised of safety specialists, manufactures and jockeys, this led to the development of ASTM F2681-08 "Body Padding for Professional Equine Racing" The design of the vest that meet ASTM F1937 are too cumbersome and not functional and it restricted the jockeys' ability to move especially as a result of a fall.

The field and laboratory tests on helmets indicated that the helmets that meet the European and American standards do provide protection against impact. However the older style helmets failed the impact test and did not meet any of the current standards and does not provide sufficient protection against impact.

3. Concerns:

In comparison with regulations from nine other states, California was shown to be the least restrictive on the helmet regulation as noted in the study performed by NIOSH, April 2009. The CHRB Rules sited above on Helmets and Vest are out dated.

In our most recent inventory of personal protective equipment in use by jockeys in Northern and Southern California it was noted that a large majority of the riders are using safety vests that meet current European and Australian Standards, some are using equipment that is not rated.

On the safety helmets a large majority of the jockeys are using helmets that meet the current European, American and Australian Standards. Of concern is that some of the jockeys in Northern California, most of the jockeys in Los Alamitos and 3 of the jockeys of Southern California are still using the older style outdated helmets.

In the exercise rider population, the majority of the riders are using substandard vests and helmets that are not rated or do not meet any safety standard providing little protection against impact.

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4. Recommendations:

CHSA has been working in collaboration with the Jockey's Guild, representative Jeff Johnston and the RCI Model Rules Committee in bringing uniformity to safety vest and helmets rules.

Safety Helmet:

We are making recommendations for an amendment to the rules making them current and consistent with international standards. We also recommend amplifying the helmet rule making it mandatory for all mounted licensees on facility and association grounds must wear a fasten safety helmet at all times. Except Trainers and Owners. The safety helmet must comply with one of the following standards:

In December 2008 ARCI approved the rule outlining that the helmet must meet one of the following standards:

ASTM 1164, (American Society of Testing and Materials)
 EN 1384 (European Norms)
 AS/NZ 3838.(Australian and New Zealand Racing Boards)

These international standards are current and the leading manufactures are in compliance with these safety standards. Among them are Champion, GPA, LAS, Troxtel & Charles Owen.

Safety Vest:

We are making the recommendations for an amendment to the vest rule amplifying as follows: Any person mounted on a horse or stable pony on the association's racing surface must wear a fasten safety vest at all times. Except Trainers and Owners. The safety vest must comply with one of the following standards:

BETA 2000, Level 1 (British Equestrian Trade Association)
 EN 13158:200 Level 1 (European Norms)
 ASTM F2881-08 (American Society of Testing and Materials)
 SATRA Jockey Vest Document M6 Issue 3, ARB 3 (Australian Racing Board)

The following manufacturers produce safety vests that meet one or more of the above standards:

Tipperary, Excalibur, Charles Owen, Race Safe.

It is recommended that the riders do not remove any of the identifying labels on their safety equipment.

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5. Comments:

CHSA appreciates the opportunity given to conduct the research and investigation and the participation of all the jockeys, exercise riders and dedication of the task group in gathering the information on the safety vest and helmets.

Updating the current Rules on Safety vests and helmets will ensure the jockeys and exercise riders are outfitted with the personal protective equipment that provides the best level of protection for use in the professional sport of horse racing.

CHSA will be conducting safety training targeting the exercise rider population. Those who complete the training program and pass a written or oral exam will be given a safety certification. These exercise riders will be eligible for our used equipment exchange program. CHSA will provide a subsidy of part of the cost of the new upgraded equipment. We are currently in negotiations with leading manufactures to provide those that participate in CHSA safety program a discounted price on vests and helmets.

CHSA has committed to making safety for the jockeys, stable employees, trainers and horses our number one priority. We want to assist in making California the leading state in safety in Thoroughbred Horse Racing.

7/13/2009

Corrected to exclude trainers and owners. SFP

BROAD & GUSMAN, LLP
ATTORNEYS AT LAW

July 10, 2009

John Harris
Chairperson
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825

RE: Jockey Helmets and Safety Vests

Dear Chairperson Harris and Members of the Board,

The Jockeys' Guild joins with the California Horsemen's Safety Alliance to support the modification of the current regulations regarding jockey safety equipment as discussed below. This proposal is consistent with the effort of the RCI Model Rules Committee to bring national and international uniformity to rules regarding safety vests and helmets.

Safety Helmet:

We recommend that the current regulation be amended to add the following language:

"All licensees on facility and association grounds shall wear a safety helmet at all times they are mounted on a horse. The safety helmet must comply with one of the following standards:

ASTM 1164, (American Society of Testing and Materials)
EN 1384 (European Norms)
AS/NZ 3838 (Australian and New Zealand Racing Boards)"

These international standards are current and the leading manufactures, such as Champion, GPA, LAS, Troxteel & Charles Owen, are in full compliance.

Safety Vest:

We recommend that the current regulation regarding vests be amended to add the following language:

"Any person mounted on a horse or stable pony on the association's racing surface must wear a fastened safety vest at all times. The safety vest must comply with one of the following standards:

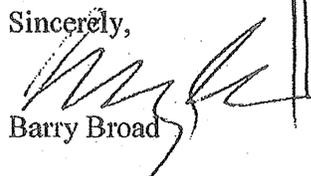
BETA 2000, Level 1 (British Equestrian Trade Association)
EN 13158:200 Level 1 (European Norms)
ASTM F2881-08 (American Society of Testing and Materials)
SATRA Jockey Vest Document M6 Issue 3, ARB 3 (Australian Racing Board)"

1127 11TH Street, Suite 501
Sacramento, CA 95814
(916) 442-5999
Fax (916) 442-3209

Again, most leading manufacturers of safety vests, including Tipperary, Excalibur, Charles Owen, Race Safe, produce vests that meet one or more of the above standards.

Thank you for the opportunity to comment on this crucial safety issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barry Broad', written over a vertical line that serves as a separator between the signature and the name below.

Barry Broad

cc: Terry Meyocks
Darrell Haire

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE PROPOSED
AMENDMENT TO
CHRB RULE 1685, EQUIPMENT REQUIRED
TO REVISE THE STANDARDS FOR WHIPS USED ON
CALIFORNIA RACETRACKS

Safety Committee Meeting
September 4, 2009

BACKGROUND

Business and Professions Code section 19420 provides that the Board shall have jurisdiction and supervision over meetings in California 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. Business and Professions Code section 19440 states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of Chapter 4, Business and Professions Code. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19481 provides that in performing its responsibilities, the Board shall establish safety standards governing equipment for horse and rider.

Board Rule 1685, Equipment Required, sets the weight, type of "popper," and length of whips authorized for use by jockeys. The rule states: "No bridle shall weigh more than two (2) pounds, nor shall any whip weigh more than one-half pound. No whip shall be used unless it has affixed to the end a looped "popper" made of leather or other material approved by the stewards, not less than one and one-quarter (1 1/4) inches in width, and not over three (3) inches in length, and be "feathered" above the "popper" with not less than three (3) rows of "feathers" made of leather or other material approved by the stewards, each feather not less than one (1) inch in length. No whip shall exceed thirty-one (31) inches in length. All whips are subject to inspection and approval by the stewards.

At the July 19, 2007 Regular Board Meeting, representatives of the Jockeys' Guild (Guild) requested the Board approve the use of an alternative whip. While the current CHRB rules on the use and construction of whips are designed to prevent abuses, the Guild representatives explained that the newly designed whip would take another step to promote the health and safety of racehorses. The alternative whip was described as being "kinder" to horses due to its materials and construction. The most notable difference between traditional whips and the alternative whip was the additional of a softer, padded material on the tip that was rounded without hard edges. The whip was

described as “equine friendly” and the Guild representative stated most jockeys preferred it.

At the July 19, 2007 Regular Board Meeting the Guild stopped short of requesting that the Board mandate the use of the new whip because of design problems that increased its cost and limited its availability. At the meeting the Board temporarily suspended Rule 1685’s limit on authorized whips by also allowing use of a specified “kinder whip” with a tip, or “popper” that was narrower than the traditional whips authorized by Rule 1685. The Board also suspended action on amending Rule 1685 to require the use of the alternative whip until the Guild brought the matter back for consideration. Compared to the whip authorized by Rule 1685, the alternative whip authorized under the July 2007 suspension of Rule 1685 had a narrower popper, was made of softer material, and had padding to make the tip nearly round in configuration (eliminating hard edges on the sides). The authorized alternative whip also had to have a longer popper than those authorized by Rule 1685, extending as far up as the handle on some models. For alternative whips with poppers six inches or greater in length, feathers or loose leather strips were not required.

At the August 27, 2009 Regular Board Meeting the Guild reported that advancements have been made in the design of the new “kinder” styles of whip, especially in the use of more durable materials. Now, in 2009, the whips are more affordable and readily available. As a result of this progress, the Guild requested that the Board reconsider amending Rule 1685 to require the whip’s use. The Guild also requested that the Board again waive Rule 1685 to specifically allow for use of the newly designed whips. Such a waiver would supersede the 2007 waiver, and authorize the use of the new “kinder” alternative whips. This would be in addition to the whips currently described in Rule 1685. The suspension would be effective until the completion of the regulatory process. The Board waived Rule 1685, Equipment Required, as it pertains to the construction of whips specifically to allow for the use of a new style of whips that is described as being “kinder” and “safer” for horses and referred the issue to the Safety Committee for discussion and action to develop a proposal for the amendment of Rule 1685.

ANALYSIS

The text of the proposed amendment to Rule 1685 incorporates the specifications for “kinder” alternative whips, which were adopted by the Association of Racing Commissioners International in the spring of 2009. The proposed text specifies a whip which is slightly shorter and lighter than whips that are currently authorized for use in California. The new whips have soft, rounded, padded material at the tip, no feathering and shock absorbing characteristics.

RECOMMENDATION

Staff recommends the Committee:

- (1) Hear from industry representatives.
- (2) Upon agreement of language for proposals to amend Rule 1685, Equipment Required, recommend that the Board initiate the 45-day comment period.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 8. RUNNING THE RACE
RULE 1685. EQUIPMENT REQUIRED

Safety Committee Meeting
September 4, 2009

1685. Equipment Required.

(a) No bridle shall weigh more than two (2) pounds, ~~nor shall any whip weigh more than one half (1/2) pound. No whip shall be used unless it has affixed to the end a looped "popper" made of leather or other material approved by the stewards, not less than one and one quarter (1 1/4) inches in width, and not over three (3) inches in length, and be "feathered" above the "popper" with not less than three (3) rows of "feathers" made of leather or other material approved by the stewards, each feather not less than one (1) inch in length. No whip shall exceed thirty one (31) inches in length. All whips are subject to inspection and approval by the stewards.~~

(b) Whips allowed for use in flat racing shall have shaft and flap, shall weigh no more than eight ounces, and shall be no more than 30 inches in length.

(1) The minimum diameter of the shaft shall be one half inch, with a smooth contact area, and no protrusions or raised surface. The shaft's contact area must be covered by shock absorbing material that gives a compression factor of at least one-quarter millimeter throughout its circumference.

(c) The only allowed attachment to the shaft is the flap, which shall not extend more than one inch beyond the shaft.

(1) The width of the flap shall be not less than 0.8 inch, or more than 1.6 inches. The flap shall have no reinforcements or additions beyond the end of the shaft, no binding within seven inches of the end of the shaft, and shock absorbing characteristics similar to those of the contact area of the shaft.

(d) All whips are subject to inspection and approval by the stewards.

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

Reference: Sections 19441.2 and 19481,
Business and Professions Code.