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CHRB NEWS RELEASE

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BOARD APPROVES TCO₂ TESTING

ARCADIA, CA – The California Horse Racing Board voted Thursday to adopt a rule allowing for the collection of blood samples from horses entered to race in order to test for excess alkalizing agents that could affect the outcome of the race, a practice known as “milkshaking.”

The harness industry and thoroughbred racetracks currently are administering total carbon dioxide (TCO₂) testing on a voluntary basis. When the new rule becomes effective, the CHRB will take over responsibility for those testing programs.

However, the California Horse Racing Law currently mandates that all samples collected by the CHRB be subject to a separate, split-sample test. While this is possible with the routine collection of blood and urine samples that are analyzed for a wide assortment of compounds, the unique properties of TCO₂ do not permit split-sample testing. Therefore, Assembly Member Jerome Horton has introduced legislation to change the split-sample requirement only as it pertains to TCO₂ testing. It could take more than a month for that legislation to become law. Additional administrative processes could take another month. The CHRB is doing everything possible to streamline the regulatory approval process.

“It has taken us about one year to get to this point, but you can see now that the California Horse Racing Board has accomplished this goal,” said CHRB Vice Chairman William Bianco, who led the early effort to determine the extent of excess alkalizing agents in California horse racing and pushed for the new rule once it became evident that some horsemen had been administering milkshakes.

The new rule sets a maximum level of TCO₂ at 37.0 millimoles per liter of blood serum or plasma. As with all CHRB rules, this one does not specify a penalty for violators, but excess TCO₂ will be treated as a Class 3 violation in the CHRB classification system, so at a minimum a violation would result in forfeiture of the purse. Dr. Rick Arthur, a board member of the Oak Tree Racing Association, suggested that all horses entered by a trainer who violates the rule should be required to stay in a detention area for some number of hours before they race, where they could be closely monitored.

Commissioner Richard Shapiro said he wants the Board to establish minimum penalty standards for excess TCO₂ and for other medication violations, which should provide a deterrent.

“I would like the guy who tries to cheat to know that, absent mitigating circumstances, there is going to be a minimum penalty,” Shapiro elaborated after the meeting. “He will know what it is, and if there is a second violation, he could be gone.”

Ed Halpern, executive director of the California Thoroughbred Trainers, joined with Dr. Arthur in calling for rigorous laboratory standards for this program. In response, Dr. Scott Stanley, director of the Ken Maddy Laboratory at UC Davis, said the TCO2 testing methodology has been developed with input from the standardbred industry and international authorities with experience in this area.

“We have safeguards, allowances in place, and very sound procedures, so we are as close to zero as we can get to avoiding a false positive,” said Stanley.

The rule allows for the official veterinarian, a veterinarian licensed by the Board, or a registered veterinary technician licensed by the Board to collect blood samples for the purpose of TCO2 testing from any horse that is entered to race. The stewards or the official veterinarian must select the horse, and samples may be taken pre-race or post-race. All samples will be tested after the race.

In other business, Commissioner Shapiro reported on a meeting of the Ad Hoc Committee on the Jockeys’ Guild, which focused on a health and welfare program, administered by the Guild, that provides medical coverage for California jockeys and their families. More than \$1 million in public funds from uncashed refunds was distributed to the Guild last year alone. Shapiro wants a detailed accounting of that fund. He sent a letter to the Guild last week listing documents he believes the CHRB requires to fulfill its obligation to ensure public funds are being spent properly. He said a meeting has been arranged for next week in Sacramento with two Guild representatives, including attorney Barry Broad.

Broad said the Guild will fully cooperate with the CHRB, and he even suggested that the Board send an auditor to Guild headquarters to go over the requested documents. However, he cautioned the CHRB not to exceed its jurisdiction.

In another matter pertaining to jockeys, Tom Robbins, vice president of racing at Del Mar, reported that racetracks in California, Florida, Kentucky, and New York are dealing with the jockey weights issue by rewriting their condition books to allow for higher weights in most races. Fewer weight allowances are being offered, resulting in a minimum weight of 118 pounds in most races. He said some horses are carrying six more pounds than they would have just one year ago.

Broad called this change a “gesture.” He said the change is “not enough.” The proposal submitted to the CHRB by the Guild last year would subtract another five pounds of riding equipment that currently is included in jockey weights. And the proposal dealt with jockey health issues relating to minimum body fat and education.

Chairman John Harris said the health aspects of the Guild proposal are extremely important, and he said the Board owes jockeys an official response to their proposal. He will place this matter on the agenda for the February meeting, at which time the Board also will address the issue of whether racetracks should be required to add the weight of equipment, such as safety vests and safety helmets, which is not currently included in the jockey weights listed in the official program.

James Quinn, representing the Players Panel that was formed in 2003 as an advisory body to the National Thoroughbred Racing Association, presented the Board with 66 recommendations on subjects of serious concern and importance to horse-racing customers. He was accompanied by Daily Racing Form Publisher Steven Crist, who is not a member of the Panel but who strongly endorses the recommendations.

Quinn specifically urged the Board to adopt those recommendation relating to the late mergers of simulcast pools at the host tracks following the off-times, which have resulted in significant odds changes while the races are being run, and the “arbitrary transfer of wagers to the favorites following late scratches in Pick-3 and Pick-4 wagering.” The panel recommends various ways to have some wagering data transferred and posted more quickly. And for late scratches, the panel recommends refunds and/or consolation payoffs.

Chairman Harris and Commissioner Shapiro both expressed a strong desire to implement the recommendations as quickly as possible. They want this issue addressed at the February meeting.

In a related pari-mutuel issue, Dave Payton, representing AutoTote, said the alternate-selection option will be available for the Del Mar meet. This will allow bettors to designate alternate selections for scratched horses in multiple-race wagers involving four or more legs, including the Pick 4 and Pick 6. Payton said alternate selections cannot be offered for the Pick 3 because that wagering information is stored differently in the system.

Paige Noble, chief of administration for the CHRB, reported on the status of the California Performance Review Commissioner recommendations. He said the CHRB is not included in the group of 94 boards and commissions slated for reforming or elimination in the governmental reorganization plan submitted by the Governor to the Little Hoover Commission on January 6. However, the CHRB is among those agencies still under review. At the direction of the commissioners, Noble will draft a letter to the Governor’s Office detailing the CHRB’s overall oversight and regulation of the horse-racing industry, beyond licensing responsibilities.

The commissioners established a policy to have posted on the CHRB Website (<http://www.chrb.ca.gov>) the names of individuals who have been served with complaints/accusations for Class 1, 2, or 3 medication positives.

The Board approved the distribution of \$192,812 in charity racing proceeds by the Hollywood Park Racing Charities to 29 beneficiaries, of \$176,400 by the Del Mar Thoroughbred Club to 23 beneficiaries, and \$64,500 by the Bay Meadows Foundation to 23 beneficiaries.

The Board requested additional financial information from Capitol Racing, LLC, which operates the harness meet at Cal Expo. As a condition of its license, Capitol has posted with the Board \$2 million in bonds/irrevocable letters of credit.

The Board heard a brief report from the California Marketing Committee on its programs. Craig Fravel, the Executive Vice President of Del Mar, who is a member of the Committee that oversees the expenditure of marketing funds derived from 0.4 percent of the simulcast handle, said considerably more documentation and program descriptions will be provided to the CHRB. The Board will be taking a closer look at this and other marketing programs at California racetracks.

The Board approved for public notice an amendment to the rule governing applications for license to conduct horse-race meetings. The amended application form will require racing associations to provide more details and documentation in their licensing requests, including “audited” annual financial statements, estimated advertising budgets and promotional programs, and more elaborate security plans, such as the number of security personnel assigned to the barn area and efforts to enhance surveillance at barns.

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