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CHRB NEWS RELEASE

JANUARY 11, 2007

COMMITTEE TAKES HARD LINE ON DRUGS, PENALTIES

ARCADIA, CA – Regulations that could lead to the prohibition of anabolic steroids and clenbuterol in horses entered to race in California and the adoption of tough penalty guidelines for violations of these and other medication regulations received the go-ahead Tuesday from The Medication Committee of the California Horse Racing Board and will be discussed by the full Board at the January 23 monthly meeting in Arcadia.

If preliminary approved by the Board later this month, the rule amendments for clenbuterol and the penalty guidelines would begin the regulatory approval process and be noticed for 45 days of public comment followed by a public hearing. The amendment for anabolic steroids requires changes in drug testing methodology at the Maddy Laboratory and other preparatory work, so the Medication Committee will discuss this proposed rule again before it goes to the full Board for consideration.

Anabolic steroids and the bronchodilator clenbuterol could still be used in some situations to protect the health of racehorses in California if the amendments ultimately receive final approval from the Board. However, those substances would need to be completely out of a horse's system before the horse could compete. In the case of steroids, this clearing process could take months, and for clenbuterol more than four weeks, so in effect the prohibitions would effectively eliminate the use of these substances in horses actively preparing to race.

CHRB Chairman Richard B. Shapiro, who along with Vice Chairman John Harris and Commissioner William Bianco serves on the Medication Committee, repeatedly took a hard-line stance during the committee meeting at Santa Anita Park on Tuesday, setting the tone for the entire four-hour meeting, such as when he began the discussion of clenbuterol.

"I believe this is a drug that is being widely used as performance enhancing, not strictly as a bronchodilator," said Shapiro. "I would like a rule that expands the time period when it can be administered before a race to 28 days or whatever the timeframe should be, so that it can only be used for legitimate therapeutic treatment. I accept that clenbuterol has a very good therapeutic use, but when it is being given to most of the horses, I believe it is being overused for competitive purposes rather than therapeutic purposes. If a horse requires clenbuterol for health reasons, that's fine. If it means the horse cannot race for 30 days, so be it. This will ensure that clenbuterol will not be used for non-therapeutic purposes."

Dr. Rick Arthur, the equine medical director for the CHRB, explained why clenbuterol is important in treating the common problem of small airway disease in racehorses.

Vice Chairman Harris said he was not convinced that clenbuterol is a drug of abuse, and he recommended doing more research before taking such a significant step. After the meeting, he elaborated: “It is essential that we use sound science in assessing how our medication restrictions impact the overall health of the horse rather than rushing into banning a medication that may very well have a very valid use. It may be that some trainers are overly aggressive in their administration of clenbuterol, but it may well be a good medication to have available. I am concerned that zero-tolerance, such as Richard suggests, would prevent good care of many horses in training that may benefit from its use. I need to see sound evidence that our current rules, which are similar to other states, are not adequate. Just to change the rule, absent good review, is not something the CHRB should rush to do.”

During the meeting, several horse owners and trainers in the audience voiced concern about clenbuterol. Trainer John Shirreffs said horses exercise faster when they are given clenbuterol, a drug he considers “a strong stimulant.” Trainer Jenine Sahadi said she believes that 95 percent of the horses are given clenbuterol during training.

When the discussion moved to anabolic steroids, Shapiro again took a hard line when he recommended that California “lead the way” in abolishing their use in racing horses and stated, “I just don’t see why racing should permit the use of anabolic steroids at all. What is the therapeutic purpose in racing?”

“I agree with you,” said Harris, “but still let’s make sure we have good science involved.”

Dr. Arthur noted that horse racing “is the only professional sport that allows anabolic steroids.” He said there is a national movement to regulate steroid use in racing horses, so “California could get ahead of the game.”

As a first step, and referring to the drug classifications and penalty guidelines under consideration by the committee and the Board, Dr. Arthur recommended eventually placing anabolic steroids into the Class 3 drug grouping that calls for the automatic forfeiture of the purse upon a positive finding. Because the rulemaking process for the penalty guidelines or any proposed regulatory change typically takes four months or longer to complete, trainers would have sufficient time to ensure the elimination of steroids from their horses, and Dr. Arthur would have time to work with the Maddy Laboratory at UC Davis to make sure the necessary procedures are in place to regulate anabolic steroids. If passed, the contemplated rule would provide ample time for horsemen to prepare before it became effective.

The penalty guidelines to be considered by the Board on January 23 would fundamentally change aspects of penalties for violations of CHRB medication rules, including stricter sanctions for some violations, extending accountability to horse owners, veterinarians, and other licensees, and allowing for the consideration of both aggravating and mitigating factors in each case.

The guidelines originally were developed by the national Racing Medication and Testing Consortium (RMTC) and submitted to each racing jurisdiction for consideration. The CHRB and its advisors have modified some of the RMTC recommendations.

The committee spent two hours discussing and hearing public comments on the proposed penalty guidelines, and the general thrust of the dialogue was to get tougher with violators, while protecting the rights of licensees and affording due process to all. Ed Halpern, representing the California Thoroughbred Trainers, expressed support for the guidelines as written.

Representatives of the Thoroughbred Owners of California (TOC) asked the commissioners to make the potential penalties even more severe in some cases. Marsha Naify, a TOC director and chairman of that organization's Medication Integrity Committee, recommended increasing the maximum penalties for some violations and lengthening suspensions for others. And she asked them to more clearly define and enforce suspensions, given suspicions that some trainers serving suspensions continue to oversee their operations by phone. "One of the big complaints is that our penalties (in California) are too weak," said Naify. "What we are saying at the TOC is put some teeth into it."

"That's what we are trying to do," said Shapiro in response to repeated suggestions to get tough with rule violators. "I think all of us in this room are dedicated to the betterment of horse racing and the health of the horse. The Board is working very hard to advance this cause, and everyone who has come to this meeting is playing an important role. We need to look at everything, turn over every rock, to determine what we can do to help horse racing."

He also suggested that a separate discussion take place in the near future to better define a suspension and all that a suspension entails. "We cannot simply allow a suspended trainer to train over the phone," Shapiro elaborated afterwards. "A suspension must have meat on the bone and be truly punitive and costly to anyone receiving one."

CHRB Executive Director Ingrid Fermin said she was pleased by the progress made at the Medication Committee meeting. "The changes in medication policy are important to the integrity of our industry, and I finally see us taking the steps required to reach our goal of leveling the playing field for all racing participants," said Fermin.

Harris said afterwards, "I want us to be as tough on the purposeful offender as anyone, but let's think about how this is all going to really work. Let's throw the book at anyone truly impacting the outcome of a race with Category A violations. But for Category B and C infractions, I feel that very high fines are more practical than suspensions. High fines should at least be in the toolbox as an option instead of overly relying on suspensions. While some of the 'get-tough' folks love suspensions, I just don't think they work. Plus they have many ripple effects on innocent people. Suspensions are easy to circumvent with the use of surrogate trainers, and often involve lengthy court-approved delays."

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