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CHRB NEWS RELEASE

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**BOARD DENIES WAIVER TO BAY MEADOWS**

SAN MATEO, CA – Convinced that engineered surfaces are much safer for horses and riders than traditional dirt tracks, California racing commissioners voted 4-2 Thursday to deny a request by Bay Meadows for a waiver from the requirement for the installation of synthetic surfaces at the major Thoroughbred racetracks in California by the end of this year.

The California Horse Racing Board adopted a regulation last May stating that effective January 1, 2008, “No racing association that operates four weeks of continuous Thoroughbred racing in a calendar year shall be licensed to conduct a horse racing meeting at a facility that has not installed a polymer synthetic type racing surface.”

Hollywood Park installed a synthetic surface over the summer. There were no fatalities on the Cushion Track during the Hollywood Park fall meet. And there have been no fatalities relating to the surface among the horses training in Inglewood so far this year. Del Mar is in the process of installing Polytrack right now, and Golden Gate Fields and Santa Anita have plans to install synthetic surfaces this summer.

The Bay Meadows Land Company, which owns the racetrack, is in the process of obtaining building permits for the commercial and residential development of the valuable San Mateo property. Indications are the entitlement process could take three more years.

“There is no way it makes economic sense at this point in time for Bay Meadows to put in a synthetic track,” said Jack Liebau, president of Bay Meadows, citing the estimated \$8 million cost. “Really, the choice comes down to whether we close on December 31, 2007, or we don’t.”

Several labor representatives and trainers who do not want Bay Meadow to close voiced their support for the waiver request. But the organization that represents all trainers in the state asked the Board to stand firm and deny the waiver. “Our Board of Directors believes that Bay Meadows should be forced to put in a synthetic surface,” said Ed Halpern, executive director of the California Thoroughbred Trainers (CTT).

Tom Bachman, representing the Thoroughbred Owners of California (TOC), said his Board of Directors also opposed the waiver request. He encouraged the Bay Meadows Land Company to “step forward” and demonstrate its support for horse racing by installing the required surface.

After listening to the lengthy and often emotional testimony, faced with a difficult decision,

each racing commissioner explained his or her reasoning for the impending vote.

“We already compromised by exempting tracks that run less than four weeks of Thoroughbred racing, and that’s as far as I am prepared to go,” said Commissioner Marie Moretti. She said she could not in good conscience trade off the legitimate economic needs of people at the expense of putting the lives of jockeys and horses at risk, when we know such risks are real.

Commissioner Jerry Moss said, “Prioritizing the safety of horses is the Board’s goal, and granting this exemption would fly in the face of that goal. We have to move on. I have nothing but optimism for the future of racing in Northern California. For these reasons, I vote not to grant a waiver.”

Vice Chairman John Harris said the decision was relatively easy for him: “I feel California racing is better off with Bay Meadows operating than without Bay Meadows operating. I think it’s a tragedy if we don’t give them the waiver.”

Commissioner John Andreini agreed with Harris, indicating his concern for the owners, trainers, and workers at Bay Meadows. “To shut them down would be a tragedy. The waiver should be granted in the interests of horse racing.”

Commissioner John Amerman said denying the waiver would be in the best interests of horse racing. He explained, “The issue is whether Bay Meadows will put up the money to invest in a synthetic surface that we know is in the best interest of horses. We are being told they won’t do it. I am against granting the waiver.”

Chairman Richard B. Shapiro tried to convince Bay Meadows to install the engineered surface. He suggested to Liebau that if and when Bay Meadows eventually closes, the surface materials of the synthetic surface could be resold to another racetrack, allowing the owners of Bay Meadows to recoup up to 50 percent of the cost of installation. Furthermore, he pointed out that additional funds are available through a new state law (SB 1805-Senator Dean Florez) authorizing reimbursement for a portion of the cost of the new surfaces. However, Liebau said this was not an option he could accept.

“We are not the ones deciding to end racing at Bay Meadows,” said Chairman Shapiro. “We have an industry that needs to move forward. Our Strategic Planning Committee has been addressing the issue of alternatives for racing and training should Bay Meadows ever close. There are solutions. It’s not going to be easy. We all have to work hard to figure it out. I’m in favor of denying the waiver.”

Chairman Shapiro and Commissioners Moretti, Moss, and Amerman voted against the waiver, while Vice Chairman Harris and Commissioner Andreini voted in support of the waiver.

In other business, the Board heard a presentation from representatives of the Solano and Sonoma fairs indicating the license applications they will be submitting to the CHRB next month will include requests for date changes allowing them to conduct a joint fair meet that will be called "Sonoma Solano Wine Country Racing." The arrangement calls for the joint meet to open July 11 in Vallejo for five days, and then move to Santa Rosa for 18 days of racing through August 6, including racing on July 23 to coincide with racing at Del Mar for simulcasting purposes.

"This experiment has the full support of the Northern California fairs and we hope the entire racing industry as well," said Joe Barkett, manager of the Solano County Fair.

Corey Oakley, manager of the Sonoma County Fair, said the longer race meet in Santa Rosa would continue for one week after the fair itself closes, so he would heavily promote the extra week of racing in order to boost interest and attendance.

Chairman Shapiro and Commissioner Moretti, who have been encouraging the racing industry in general and the fairs in particular to be more innovative, both praised the experiment. "I congratulate you for doing something different that will benefit all of Northern California racing," said the chairman.

The Board adopted a rule requiring jockeys and drivers to submit to mandatory breath alcohol testing prior to each racing program. If the test shows a concentration of 0.05 percent or more, the jockey or driver will not be allowed to ride/drive and will be referred to the stewards. The harness industry has been administering breath alcohol testing to drivers in California all along. This rule places the testing under the Board's purview and extends the testing to jockeys. Working with the Jockeys' Guild, the CHRB staff identified a portable testing unit that satisfied the concerns of jockeys regarding the quality and reliability of the testing equipment.

The Board approved a regulatory amendment increasing the permitted level of flunixin (Banamene) in an official urine test from 20 nanograms to 50 nanograms, and to allow 25 picograms of clenbuterol in the official blood test sample.

Dr. Rick Arthur, the Board's equine medical director, explained that state-of-the-art technology at the Kenneth Maddy Laboratory at UC Davis, which is the laboratory that performs all primary equine testing for the CHRB, now allows for the accurate analysis of blood samples in addition to urine samples, and testing blood samples is more precise.

"We have conducted administrative trials and we can say with 99.999 percent certainty that any horse receiving the authorized dose of clenbuterol in the prescribed manner 72 hours before a race will not exceed 25 picograms in the post-race blood test," said Dr. Arthur. He went on to explain that clenbuterol administered 72 hours or more before a race would not give any horse an unfair advantage in the race.

When the TOC asked why other states cite longer withdrawal times for clenbuterol in their

testing programs, Dr. Scott Stanley, manager of the Maddy Laboratory, said those other states are still testing urine samples, not blood. “The technology we have puts us a little ahead of the curve,” said Dr. Stanley.

The Board approved the license application for a Thoroughbred meet at Golden Gate Fields from April 25 through June 10, including an extra day, May 30, that was not part of the original date allocation. Vice Chairman Harris cast the lone vote against granting the extra day because it would result in a six-day race week.

The Board approved the license application for a Thoroughbred meet at Hollywood Park from April 25 through July 15. In a separate matter, Eual Wyatt, general manager of Hollywood Park, advised the Board that the license application for the fall meet will include a request to run on December 21 (Friday) and December 22 (Saturday) in order to stage a special weekend of racing that will be sponsored by prominent horse owner Paul Reddam, the founder of Cash Call. The special program will be promoted as “Cash Call Weekend.”

The Board approved for public notice a rule to extend to Quarter Horses the prohibition already approved for Thoroughbreds against toe grabs greater than four millimeters on front shoes. Several studies have shown that longer toe grabs contribute to serious injuries in horses.

Chairman Shapiro presented the report of the Medication Committee, which met Thursday morning before the regular Board meeting. He said the Committee recommends rule changes that would prohibit posterior digital neurectomy (heel nerving) in horses racing in California. He said the Committee also wants to move forward with efforts to have all equine medical records placed in a database, so that the medical records can follow each horse from birth and be available to successive owners. He said he would be raising this issue at the upcoming meeting of the Association of Racing Commissioners International.

The Board approved a regulatory amendment adding an occupational license classification for “backstretch event personnel” to cover security personnel who provide individual surveillance for horses entered in major races.

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