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## CALIFORNIA HORSE RACING BOARD



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CHRB NEWS RELEASE

AUGUST 29, 2009

# REVIEW OF CHRB ACTIONS AND DISCUSSIONS 8-27-09

DEL MAR, CA – The California Horse Racing Board conducted its regular meeting Thursday, August 27, at the Del Mar simulcast facility. Chairman John Harris presided. Vice Chairman David Israel and Commissioners John Andreini, Jesse Choper, and Bo Derek were in attendance. During the meeting:

- CHRB staff updated the racing commissioners on efforts to develop a track performance/safety monitoring program designed to better understand and regulate racetrack surfaces, particularly synthetics, with the principal goal of protecting racing participants, while also providing real-time information to the public about track maintenance work that could affect performance and enabling horsemen to understand racing surface conditions on any given day.

Dr. Rick Arthur, the CHRB equine medical director, reported that Executive Director Kirk Breed asked him and other experts at the University of California at Davis to help establish track safety standards based on good science. Utilizing the interdisciplinary resources at UC Davis, this project involves soil and agricultural engineers, equine surgeons, anatomists, and others who will help develop methods and protocols for collecting meteorological data, materials testing, performance testing, and maintenance procedures, all of which can be correlated to equine injury reports. “Hopefully we will be able to provide a plan to identify what we think needs to be done to evaluate racetracks and horse health with the goal of reducing catastrophic injuries,” said Dr. Arthur. “We have the talent and the personnel we need to address this problem.”

Racing executives from Del Mar, Hollywood Park, and Santa Anita spoke briefly on their efforts to document track maintenance procedures on a daily basis – data that will be included in the project. Efforts also are underway to have this information posted on Websites. And it was noted that other research projects, such as biomechanical testing of racing surfaces by Dr. Mick Peterson (University of Maine) and Dr. Susan Stover (UC Davis), can be added to the database.

Chairman Harris welcomed these developments, concurring with Dr. Arthur that “we’re opinion rich and facts poor” when evaluating injuries and racing surfaces. Vice Chairman Israel stressed that the principal purpose of this effort must be to reduce injuries and protect racing participants.

- Dr. Hailu Kinde, interim executive director for the California Animal Health and Food Safety Laboratory, reported on the Post-Mortem Program at UC Davis for calendar year 2008. The report showed more hind-end catastrophic injuries among thoroughbreds racing on synthetic surfaces when compared to thoroughbreds racing on dirt. Dr Arthur said this was the “most significant information” to come out of the 2008 Post-Mortem Program report. “The data indicates a higher incidence of hind-limb injuries on synthetic surfaces than on dirt surfaces and confirms what trainers have been telling us about an increase in hind-end injuries,” he said, adding that the injury data collection and reporting process continues to evolve and improve, including a more precise identification of the racing surfaces on which injuries occur (i.e. dirt, synthetic, or turf). “As we improve quality control

the data is becoming more comprehensive and better formatted to be accessible,” said Dr. Arthur.

- The Board conditionally approved the license application for the Golden Gate race meet from October 21 through December 20, subject to the fulfillment of financial obligations being imposed by the CHRB that would insure payment of any funds generated via wagering as they are operating as a debtor in possession. This action followed a lengthy discussion of the bankruptcy proceedings for Golden Gate’s owner, Magna Entertainment Corp. (MEC). Part of the discussion focused on the status of moneys still owed to various racing interests and to the State of California from obligations incurred prior to MEC’s bankruptcy filing in March. Commissioner Jesse Choper encouraged MEC to support motions being filed by racing interests to the bankruptcy court for payment of these obligations. More pertinent to the Golden Gate licensing discussion, the commissioners said they should require some guarantees that bettors and other racing interests would be fully protected in the future if the racing association is unable to meet all of its financial obligations. CHRB staff will be meeting with MEC representatives to work out the details of these financial conditions.
- Golden Gate withdrew two license applications for new mini-satellite wagering facilities that would have been located in San Francisco following objections that were voiced at the July 23 CHRB meeting by the San Mateo County Fair indicating the proposed mini-satellites were located too close to their own wagering facility at the San Mateo Event Center. Vice Chairman Israel noted that Portor Goltz, a deputy county counsel representing the Events Center, had testified July 23 that the San Mateo Events Center borrowed all of the money – or “funded itself” – to finance the \$5.3 million renovation of existing buildings at the Event Center to provide simulcast wagering following the closure of nearby Bay Meadows Race Track. Vice Chairman Israel said a detailed financing report provided by the California Authority of Racing Fairs (CARF) showed that San Mateo received more than \$1 million in grants that do not have to be paid back to CARF and the California Department of Food and Agriculture, which also provided San Mateo with another \$1,750,000 in interest-free loans. Vice Chairman Israel also objected to a mischaracterization of the CHRB’s consideration of the two mini-satellite applications in media reports as some sort of “sneak attack,” when in fact the matter was properly noticed and discussed at a public Board meeting.
- The Board approved the license application for the Oak Tree Racing Association to conduct a horse racing meet at Santa Anita Park from September 30 through November 8. The meet will culminate with the Breeders’ Cup races on Friday, November 6, and Saturday, November 7. Sherwood Chillingworth, executive vice president of Oak Tree, and Director of Racing Michael Harlow said owners and trainers throughout the United States and Europe are indicating they will be sending horses to the Breeders’ Cup, perhaps as many as 40 from Europe compared with 25 last year, and some of those trainers will bring along other horses in their stables that will compete in other, non-Breeders’ Cup races during the 31-day Oak Tree meet. Responding to questions from the commissioners about the economic benefits the Breeders’ Cup brings to California, particularly local hotels and restaurants, Chillingworth indicated that an independent report on the single-day, 2003 Breeders’ Cup estimated a \$35 million impact on the greater Los Angeles area, and organizers of this year’s two-day Breeders’ Cup estimate the impact could reach \$65 million.
- The Board approved the license application for the Big Fresno Fair race meet from October 7 through October 18, running concurrently with the Oak Tree meet. This will be the first time in several decades that the Big Fresno Fair has run without overlapping another Northern California race meet. A Fresno County native, Chairman Harris applauded the new format and the fair’s major efforts to continually improve racing.

- The Board approved an agreement whereby the California racing associations and fairs provide funding to the CHRB for its regular operations along with a one-time allotment for the establishment of an emergency reserve fund. Executive Director Kirk Breed thanked the racing industry for being “unselfish and willing” in this matter. Chairman Harris said it is important for the public to understand that the CHRB budget comes from the industry and not the State of California General Fund.
- The Board approved a regulatory amendment to allow horses with overlapping but not identical ownership to race uncoupled even if they have the same trainer. This amendment must go to the Office of Administrative Law for review.
- Following a lengthy discussion of whether stewards should consider the option of levying fines instead of suspending jockeys for some riding infractions that are minor in nature, the matter was referred to those parties with an interest for further discussion.
- 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. These whips are currently mandated for use in races by the Del Mar Thoroughbred Club, and the Jockeys’ Guild is working with other California racing associations and fairs to institute similar house rules requiring their use in races. Jockeys and exercise riders remain free to use other whips when exercising horses in the mornings. Meanwhile, a proposal to officially amend Rule 1685 for a CHRB mandate to use these kinder whips in races was referred to the CHRB Safety Committee, which will address matter during a meeting September 4 at Del Mar.
- The Board approved for public notice five proposed regulatory amendments pertaining to the veterinarian’s list, possession of contraband, prohibited veterinary practices, total carbon dioxide (TCO2) testing, and the taking, testing, and reporting of samples. These proposals can be viewed in detail through the link ([http://www.chrb.ca.gov/board\\_packages/Aug-2009.pdf](http://www.chrb.ca.gov/board_packages/Aug-2009.pdf)) to the CHRB Website – agenda item #11.

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