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ONE HUNDRED NINTH CONGRESS

**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

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November 3, 2005

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BUD ALBRIGHT, STAFF DIRECTOR

The Honorable Michael Leavitt  
Secretary  
U.S. Department of Health and Human Services  
330 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Mr. Secretary:

The Subcommittee on Oversight and Investigations has been conducting an investigation into the health and welfare of individuals in thoroughbred and quarter horse racing – in particular, the need for adequate on-track injury insurance for jockeys and other workers. The Subcommittee's work has made us aware of the grave dangers that jockeys, exercise riders, and related occupations face each racing day. Some of these hazards appear to be avoidable even where the danger of injury is inherent.

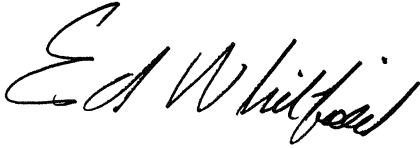
We are aware that the Occupational Safety and Health Administration (OSHA) has never established safety standards for this industry. A comprehensive inventory of safety hazards in the industry is needed. Aside from the need for the National Institute for Occupational Safety and Health (NIOSH) to provide a set of recommended standards for racetracks to operate under, the Committee on Energy and Commerce needs a comprehensive evaluation of the safety concerns faced by the industry as we contemplate possible legislative solutions.

Attached is a list of concerns where changes in equipment, the work environment, and industry work practices might mitigate the danger to individuals. It is certainly not a comprehensive list.

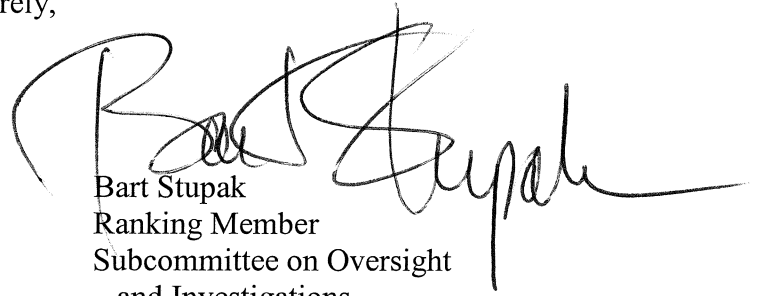
We request that you direct NIOSH, under its industry-wide studies authority (42 CFR 85a), to undertake as soon as possible such a study regarding these and other issues that may arise in the course of its examination. We further request that you instruct NIOSH to provide periodic briefings to the Committee staff as the work progresses on the issues that are pervasive in the thoroughbred and quarter horse racing industry.

Should you have any questions regarding this request, please contact please contact Tom Feddo, majority counsel at (202) 226-2424 or David Nelson of the minority professional staff at (202) 226-3400.

Sincerely,



Ed Whitfield  
Chairman  
Subcommittee on Oversight  
and Investigations



Bart Stupak  
Ranking Member  
Subcommittee on Oversight  
and Investigations

Attachment

cc: The Honorable Joe Barton, Chairman  
Committee on Energy and Commerce

The Honorable John D. Dingell, Ranking Member  
Committee on Energy and Commerce

Dr. Julie L. Gerberding, Director  
Centers for Disease Control and Prevention

Dr. John Howard, Director  
National Institute for Occupational Safety and Health

## ATTACHMENT

The following is a non-exclusive list of safety concerns raised during the course of the referenced investigation by the Subcommittee on Oversight and Investigations:

Weights and Body Fat: The racing industry establishes handicaps assigning differential weight that horses must carry in each given race. The weights selected come from an antiquated system established almost a century ago. We are informed that in order to meet these weights, jockeys must engage in very harmful practices, such as shedding their water weight and regurgitating meals, before racing. Inseparable from this jockey weight issue is the appropriate and healthy level of body fat for riders.

Track Conditions: The physical condition of racetracks can create perils for riders and horses. The most commonly expressed concern involves the deterioration of the track during inclement weather. Some U.S. tracks race year-round, at night, and in northern climates.

Additionally, the surface and subsurface of racetracks vary widely. Recent technological developments in racetrack surfaces may provide a more consistent, well-drained surface that would help minimize spills. Jockeys and trainers believe that among conventional tracks there are great differences in relative danger. Temperature, precipitation, and other weather conditions may exacerbate the dangers of racing.

Track rails present another safety issue. There are a number of designs of safety rails installed at racetracks around the country. They are principally designed to allow a rider who falls to avoid injury from hitting the rail itself.

Safety Equipment: It is only in recent years that jockeys have been required to wear flak jackets and protective helmets. There may be ways to improve protective equipment worn by riders. Further, we are told that a safety wire inside the leather reins could prevent loss of control, should the reins break during a race. There may also be other racing equipment that could improve safety.

Condition of the Horses: Many states permit the medication of horses with pain relievers as well as other drugs that can mask the administration of more potent numbing agents. The use of some of these medications may account for a significant portion of the "breakdowns" of horses during races, with resulting human injury.

Track Work Rules: A number of work rules may pose dangers to jockeys and exercise riders. Some tracks may permit too many horses to compete in races, given the size of the particular track. Others may have inadequate camera operations, so that certain dangerous riding practices are hidden from the view of stewards and hence permit reckless riders to avoid discipline. Many tracks have no alcohol or drug testing for jockeys, exercise riders, or other backside workers that handle racehorses.

Other track issues likely include inadequate traffic control for morning exercising, under-qualified jockeys and exercise riders, and dangerous starting gate conditions or operations.