



June 2, 2008

The Honorable Bobby L. Rush  
Chairman, Subcommittee on Commerce, Trade and Consumer Protection  
The Honorable Ed Whitfield  
Ranking Member, Subcommittee on Commerce, Trade and Consumer Protection  
United States House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Rush and Congressman Whitfield:

Thank you for your letter of May 22, 2008 regarding the tragedy which resulted in the fatal injury of Eight Belles approximately one-quarter mile after the Kentucky Derby Finish Line as she was being eased. Churchill Downs Incorporated (CDI) has a long history of care and concern for our equine athletes. Providing a safe environment is something that we take seriously and we welcome efforts to improve our sport. In the 134 year history of the Kentucky Derby, we believe this year's tragedy was the first time a horse was fatally injured in the race.

Even before this tragedy, CDI and the industry have been working with experts in the field to determine what improvements can be made to further enhance racing safety. CDI is an active participant in the National Racing Medication and Testing Consortium, which is drafting model rules on medication usage for consideration by the state governing bodies. In 2007, we were instrumental in organizing the first ever National Starter Conference bringing together starters from around the country to share in experiences and techniques to load horses into the gate so that we continue to improve that aspect of the sport.

Industry efforts include the 2006 and 2008 Welfare and Safety of the Racehorse Summits coordinated through the efforts of the Grayson-Jockey Club Research Foundation which focused on issues in breeding and racing for the safety and soundness of the Thoroughbred racehorse.

Most recently, the inaugural Kentucky International Equine Summit was held the week before Kentucky Derby 134. The summit's agenda included discussions on a variety of issues, including:

- The functional requirements for competition,
- Biomechanics and equine locomotion,
- Surface technologies in equine sports, and
- The initial experience: artificial surfaces.

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A variety of other research projects are being conducted with regard to these important safety issues. We look forward to receiving the results of the research projects currently under way and implementing recommendations that improve safety as soon as possible.

CDI is continuously working to improve safety by implementing new initiatives which complement the safety programs already in place. Each of our facilities is equipped with padded starting gates, safety rails, and state-of-the-art Kimzey ambulances. In addition, in 2007 we installed an artificial surface (Polytrack) on our Arlington Park race course so that we could assess its effectiveness with regard to race horse safety and the maintenance needs to ensure its durability and long-term success. These are just a few examples of how we approach safety at our facilities.

Please find the following responses to questions contained in your May 22, 2008 letter:

1) In the past five years, how many horses have suffered injuries on CDI-owned tracks? Please list the nature and severity of these injuries.

**Please see "Attachment A" entitled "CDI Injury Report". In evaluating these numbers, it must be recognized that each track is open for training a different number of days each year, and also conducts a different number of races each year, which account for much of the variation in the number of injuries between tracks.**

2) Does CDI support a comprehensive tracking system for track related injuries in Thoroughbred racehorses? Would it support tracking such injuries (and deaths) according to type of injury, track, trainer, breeder, owner, and other germane categories?

**Yes. In 2007, a standardized on-track injury reporting system was launched. The program, coordinated by Dr. Mary Scollay, an employee of Calder Race Course (a CDI racetrack), under the auspices of The Jockey Club, currently has participation commitments from 60 racetracks in North America. CDI racetracks have been voluntarily reporting information since the inception of the program and will continue to support this initiative. CDI would note that any injury tracking system must also include clear guidelines identifying when an injury is to be reported and by whom.**

3) Does CDI support a central body or league to govern horseracing, similar to what is in place in Great Britain and other countries? Why or why not?

**CDI is supportive of and would welcome the timely national standardization of rules related to the safe conduct of racing including the efforts of the Association of Racing Commissioners International. Safety and fairness could be enhanced with national standards in areas such as:**

- Medication rules**
- Racetrack construction, maintenance, and testing (including dirt, turf and synthetic surfaces)**
- Whip Usage (including both the type and its usage)**
- Use of different types of horse shoes**
- Mandatory necropsy on fatalities that occur during racing or training**
- Acceptable racing distances and weights carried by age of horse**
- Pre-race inspections**
- Emergency equipment and procedures**

**This can be accomplished through the promulgation of model rules, strengthening and expanding the role of the National Racing Compact to include the development of racing condition rules, or other similar action. In addition, there must also be the fair assignment of costs for implementation, determination of appropriate penalties, and indemnification for the enforcing body (which may or may not include racetracks) from litigation resulting from enforcement of the rules. Multi-jurisdictional rules should be focused solely on the racing conditions as they affect safety, however. Currently, CDI is regulated by state racing authorities in the four jurisdictions in which it operates racetracks. Individual participants in the industry and individual jurisdictions must be allowed to innovate and improve the racing product from an entertainment and economic standpoint and compete fairly and on a level playing field for the consumer's business.**

4) In general, what are the most pressing problems facing the Thoroughbred industry, and what reforms can be initiated to address them?

**The safety and welfare of the athletes, equine and human, who participate in our sport must remain the core focus of the industry. Continued improvements in track surfaces (whether dirt, turf or synthetic), medication rules, riding standards, and breeding are just a few examples of opportunities to continually innovate and improve.**

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Again, thank you for your interest in improving the horse racing industry. With innovative ideas, advances in technology, and improved information gathering processes, we believe the entire industry will benefit.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Evans', with a long horizontal flourish extending to the right.

Robert L. Evans  
President and Chief Executive Officer

**Attachment A**  
**CDI Injury report**

CDI currently operates four racetracks: Arlington Park in Chicago, Illinois, Calder Race Course in Miami-Dade, Florida, Churchill Downs in Louisville, Kentucky, and Fair Grounds Racetrack in New Orleans, Louisiana. CDI has owned and operated other racetracks within the last five years; however those facilities have been sold to other persons or entities that now have custody of the information requested. The information below represents, to the best of our knowledge, injuries which occurred at the racetracks currently owned and operated by CDI.

**Arlington Park**

Arlington Park's race meet runs approximately 100 days per year from May to September. The track is available for training approximately 169 days per year.

In 2003, Arlington Park had a total of 124 equine related injuries recorded on the track. Of these injuries, 32 resulted in fatalities, 27 of which occurred during live racing and 5 of which occurred during training. The track had approximately 7,887 starters for all races this year. Causation for the fatalities is as follows:

Musculoskeletal injuries -27  
Pulmonary distress - 2  
Heart attack-1  
Other/unknown - 2

In 2004, Arlington Park had a total of 76 equine related injuries recorded on the track. Of these injuries, 15 resulted in fatalities, 11 of which occurred during live racing and 4 of which occurred during training. The track had approximately 7,418 starters for all races this year. Causation for the fatalities is as follows:

Musculoskeletal injuries -14  
Pulmonary distress-1

In 2005, Arlington Park had a total of 91 equine related injuries recorded on the track. Of these injuries, 17 resulted in fatalities, 12 of which occurred during live racing and 5 of which occurred during training. The track had approximately 7,016 starters for all races this year. Causation for the fatalities is as follows:

Musculoskeletal injuries -17

In 2006, Arlington Park had a total of 81 equine related injuries recorded on the track. Of these injuries, 29 resulted in fatalities, 22 of which occurred during live racing and 7 of which occurred during training. The track had approximately 6,422 starters for all races this year. Causation for the fatalities is as follows:

Musculoskeletal injuries-27  
Pulmonary distress-1  
Other/unknown - 1

In 2007, Arlington Park had a total of 51 equine related injuries recorded on the track. Of these injuries, 22 resulted in fatalities, 15 of which occurred during live racing and 7 of which occurred during training. The track had approximately 7,633 starters for all races this year. Causation for the fatalities is as follows:

Musculoskeletal injuries -17  
Pulmonary distress- 2  
Other/unknown - 3

### **Calder Race Course**

Calder Race Course's race meet runs approximately 175 days per year from late April to early January. The track is available for training approximately 363 days per year.

In 2003, Calder Race Course had a total of 114 equine related injuries recorded on the track. Of these injuries, 43 resulted in fatalities, 19 of which occurred during live racing and 24 of which occurred during training. The track had approximately 15,282 starters for all races this year. Causation for the fatalities is as follows:

Musculoskeletal injuries -36  
Heart attack-5  
Other/unknown – 2

In 2004, Calder Race Course had a total of 91 equine related injuries recorded on the track. Of these injuries, 37 resulted in fatalities, 17 of which occurred during live racing and 20 of which occurred during training. The track had approximately 14,671 starters for all races this year. Causation for the fatalities is as follows:

Musculoskeletal injuries -31  
Heart Attack-5  
Other/unknown - 1

In 2005, Calder Race Course had a total of 93 equine related injuries recorded on the track. Of these injuries, 38 resulted in fatalities, 26 of which occurred during live racing and 12 of which occurred during training. The track had approximately 14,173 starters for all races this year. Causation for the fatalities is as follows:

Musculoskeletal injuries -34  
Heart Attack – 3  
Other/unknown - 1

In 2006, Calder Race Course had a total of 93 equine related injuries recorded on the track. Of these injuries, 39 resulted in fatalities, 18 of which occurred during live racing and 21 of which occurred during training. The track had approximately 13,776 starters for all races this year. Causation for the fatalities is as follows:

Musculoskeletal injuries -30  
Heart Attack- 9

In 2007, Calder Race Course had a total of 87 equine related injuries recorded on the track. Of these injuries, 44 resulted in fatalities, 23 of which occurred during live racing and 21 of which occurred during training. The track had approximately 14,298 starters for all races this year.

Causation for the fatalities is as follows:

Musculoskeletal injuries -36

Heart attack- 8

### **Churchill Downs**

Churchill Downs' race meet runs approximately 78 days per year over two separate meets: late April to early June and late October to late November. The track is available for training approximately 295 days per year.

In 2003, Churchill Downs had a total of 32 equine related injuries recorded on the track. Of these injuries, 20 resulted in fatalities, 15 of which occurred during live racing and 5 of which occurred during training. The track had approximately 7,339 starters for all races this year.

Causation for the fatalities is as follows:

Musculoskeletal injuries -18

Heart attack-2

In 2004, Churchill Downs had a total of 27 equine related injuries recorded on the track. Of these injuries, 16 resulted in fatalities, 11 of which occurred during live racing and 5 of which occurred during training. The track had approximately 6,684 starters for all races this year.

Causation for the fatalities is as follows:

Musculoskeletal injuries -12

Heart attack -3

Other/unknown -1

In 2005, Churchill Downs had a total of 36 equine related injuries recorded on the track. Of these injuries, 17 resulted in fatalities, 14 of which occurred during live racing and 3 of which occurred during training. The track had approximately 6,461 starters for all races this year.

Causation for the fatalities is as follows:

Musculoskeletal injuries -15

Other/unknown- 2

In 2006, Churchill Downs had a total of 28 equine related injuries recorded on the track. Of these injuries, 18 resulted in fatalities, 14 of which occurred during live racing and 4 of which occurred during training. The track had approximately 6,702 starters for all races this year.

Causation for the fatalities is as follows:

Musculoskeletal injuries -14

Heart attack – 1

Other/unknown-3

In 2007, Churchill Downs had a total of 26 equine related injuries recorded on the track. Of these injuries, 17 resulted in fatalities, 14 of which occurred during live racing and 3 of which occurred during training. The track had approximately 6,400 starters for all races this year. Causation for the fatalities is as follows:

Musculoskeletal injuries - 16

Heart attack - 1

### **Fair Grounds**

Fair Grounds' race meet runs approximately 80 days per year from late November to late March. The track is available for training approximately 130 days per year.

In 2002-03, The Fair Grounds had a total of 31 equine related injuries recorded on the track. Of these injuries, 15 resulted in fatalities, 13 of which occurred during live racing and 2 of which occurred during training. Causation for the fatalities is as follows:

Musculoskeletal injuries-14

Heart attack-1

In 2003-04, The Fair Grounds had a total of 33 equine related injuries recorded on the track. Of these injuries, 26 resulted in fatalities, 20 of which occurred during live racing and 6 of which occurred during training. The track had approximately 6,578 starters for all races this year.

Causation for the fatalities is as follows:

Musculoskeletal injuries-24

Pulmonary distress-1

Heart attack – 1

In 2004-05, The Fair Grounds had a total of 26 equine related injuries recorded on the track. Of these injuries, 11 resulted in fatalities, 10 of which occurred during live racing and 1 of which occurred during training. The track had approximately 6,815 starters for all races this year.

Causation for the fatalities is as follows:

Musculoskeletal injuries -6

Heart attack - 5

In 2006-07, The Fair Grounds had a total of 31 equine related injuries recorded on the track. Of these injuries, 20 resulted in fatalities, 11 of which occurred during live racing and 9 of which occurred during training. The track had approximately 6,760 starters for all races this year.

Causation for the fatalities is as follows:

Musculoskeletal injuries -18

Heart attack - 2

The Fair Grounds did not conduct racing in 2005-06 due to damage from hurricane Katrina.

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