



CHARLES E. HAYWARD
PRESIDENT
CHIEF EXECUTIVE OFFICER

June 2, 2008

Mr. Bobby L. Rush
Chairman
Subcommittee on Commerce, Trade and Consumer Protection
U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

Mr. Ed Whitfield
Ranking Member
Subcommittee on Commerce, Trade and Consumer Protection
U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

Dear Gentlemen:

Following please find the response of the New York Racing Association, Inc. to the questions on page two of the May 22nd letter from the Subcommittee on Commerce, Trade, and Consumer Protection of the Committee on Energy and Commerce, House of Representatives.

1. The following chart catalogues catastrophic injuries on all seven racing surfaces and all nine training surfaces at all three NYRA-operated tracks for a six-year period from 2002 through 2007. The nature and severity of the injuries listed below may range from a catastrophic injury to a heart attack but the list includes all horses that died or were euthanized as a result of their injury or condition.

Catastrophic Injuries						
Racing	2002	2003	2004	2005	2006	2007
Aqueduct (Inner)	8	8	3	9	8	11
Aqueduct (Main)	16	8	4	4	10	3
Aqueduct (Turf)	2	1	1	0	0	1
Belmont (Main)	6	10	11	3	7	11
Belmont (Turf)	2	2	1	7	4	4
Saratoga (Main)	0	2	1	0	3	1
Saratoga (Turf)	1	1	0	2	3	2
	35	32	21	25	35	33
Training						
Aqueduct (Inner)	3	1	0	0	4	3
Aqueduct (Main)	5	1	3	4	3	3
Aqueduct (Turf)	0	0	0	0	0	1
Belmont (Main)	6	7	12	5	11	1
Belmont (Training)	11	11	18	15	13	15
Belmont (Turf)	0	0	0	0	0	1
Saratoga (Main)	2	4	2	1	0	0
Saratoga (Training)	1	4	9	5	5	0
Saratoga (Turf)	0	0	2	0	2	2
	28	28	46	30	38	26

2. NYRA has participated in a uniform, industry-wide equine injury reporting system developed by Florida racetrack veterinarian Dr. Mary Scollay since its inception on June 1, 2007. The goals of the project include identification of the frequency, type and outcome of racing injuries, and the development of databases and sources in order to create benchmarks to identify horses with a potential high risk of injury and to support research designed to improve equine safety and prevent injuries.

NYRA supports efforts to create a comprehensive tracking system for all track-related equine injuries, including the Jockey Club's voluntary, internet-based reporting system which is expected to commence this summer. NYRA recognizes that reliably tracking equine injuries which occur during the course of a race is problematic since injuries may not become apparent until several days thereafter. Tracking is further complicated by the difficulty of obtaining information about horses which ship into NYRA tracks from other jurisdictions and return to their home base immediately after the race. While recognizing the logistical and compliance difficulties inherent in developing such a system and rendering it effective and reliable, NYRA intends to strongly urge the participation of all horsemen racing on all three NYRA-operated tracks to ensure accurate and reliable benchmarks aimed at reducing on-track injuries.

The NYRA Veterinary department consists of three full-time examining veterinarians (one chief and two associates), two per diem veterinarians and two full-time technicians. All of the veterinarians working at NYRA are strictly prohibited from working as private veterinarians for thoroughbred racehorse trainers or owners.

NYRA's Veterinary department provides a high level of integrity and ensures, to the best of its ability, that all horses competing at NYRA racetracks are fit, sound, and racing only under veterinarian-prescribed and administered medication authorized by our industry's regulatory authorities. In May 2005, NYRA took an additional step to ensure the integrity and evaluation of equine fitness by instituting its race-day security barn program. It is still the only program of its kind at any thoroughbred race track in the United States. All horses racing each day are required to arrive at the security barn at least six hours prior to the post time of their scheduled race. Private veterinarians are not allowed admission to the security barn unless summoned there by a NYRA veterinarian. In the security barn, each horse is administered a pre-race physical examination by a NYRA veterinarian which includes, but is not limited to, palpation and watching every horse jog in hand.

NYRA maintains a Veterinarian's List (Vet's List) which is administered as follows:

- Any horse considered not sound to race as the result of an examination in the security barn on race day is placed on either a 10-day or 14-day Vet's List depending on the exam findings, and that horse is ineligible to enter to race for either 10 or 14 days.
- Any horse that is scratched at the gate for unsoundness is placed on the Vet's List for a minimum of two weeks. This rule applies to all horses identified by the NYRA veterinarian at the gate as being sore, or declared unsound by the jockey, even if the problem is not obvious to the NYRA veterinarian.

- Once so identified, in order to be removed from the Vet's List a horse is required to work out in the presence of a NYRA veterinarian with the rider who will be named to ride when the horse is next entered in a race. Such a workout must be at least seven days after the horse is placed on the Vet's List and at a distance of no less than one-half mile.

Prior to each race, at least one NYRA veterinarian is present in the paddock area as the horses are being saddled in case any horses are injured. During the races there are at least two NYRA veterinarians on the racetrack during the course of a race, one at the start and one at the finish line. The Vet at the start gets into a chase vehicle once the race starts and follows the field with equipment necessary to stabilize an injured horse on the track, such as splints, air casts and other emergency care devices recommended by the American Veterinary Medical Association and/or the American Association of Equine Practitioners. The Vet at the finish line watches the horses complete the race, pull up, and return, checking for any horses returning sore, lame, or bleeding from the nostrils. The finish line vet also has equipment to stabilize an injured horse.

All injured horses receive a follow-up visit by a NYRA vet and contact is usually made with the private veterinarian working for the trainer to see if X-rays, ultrasound or other diagnostics have been performed. All information goes into the horse's record. All pre-race examinations are kept in a secure computerized database (Incompass - an industry-developed and owned proprietary database) and NYRA vets have at their disposal a secure horse injury database. All catastrophic (racing and training) and non-catastrophic race injuries are entered into this secure system. NYRA has maintained a computerized injury database since 1984 and has continually improved the system with advances in computer technology. The chief examining veterinarian maintains and collates horse injury data into a report at the end of every race meet and generates a yearly report from the cumulative data.

3. NYRA supports numerous trade associations and organizations and endorses their mandates to provide structures and mechanisms to share information and cooperatively and effectively address matters of common concern throughout the thoroughbred racing industry. Among the organizations that NYRA supports as board members, dues-paying members, or as active participants in industry initiatives are the National Thoroughbred Racing Association (NTRA), the Thoroughbred Racing Associations of North America (TRA), the Jockey Club, the Racing Medication and Testing Consortium (RMTC), the Breeders' Cup, the Thoroughbred Owners and Breeders' Association (TOBA), and the Association of Racing Commissioners International (RCI). Chief among these industry concerns are equine drug testing and racehorse safety, with a goal of developing uniform standards and practices across the 38 racing jurisdictions in the U.S.

These multiple jurisdictions are mandated by federal law which grants to each state the power to regulate and govern horseracing in conjunction with that state's tracks and local horsemen's groups. The decentralized structure by which each state maintains its own set of rules, regulations, and statutes which determine the forms of gambling which may legally take place within its borders clearly differentiates racing regulations in the United States from those in many other countries. This state-based regulatory structure occasionally results in a lack of uniformity with regard to medication and other racing statutes.

In the state of New York, statutory authority and oversight of NYRA's racing and business activities rests with the New York State Racing and Wagering Board (SRWB). The SRWB's authority includes the aforementioned race-day security barns and equine drug testing at all three NYRA-operated tracks which is performed by NYRA and the SRWB, and assisted by the New York State College of Veterinary Medicine at Cornell University. Tests are conducted to determine the use of unauthorized medications or authorized medications administered in an unauthorized amount or manner.

NYRA worked closely with the SRWB in 2005 to create pre-race tests designed to combat "milkshaking," the illegal practice of administering alkalizing agents to a horse for the purpose of neutralizing lactic acid build-up, slowing the onset of fatigue and ultimately improving a horse's performance. In the security barn, NYRA vets draw blood from randomly selected horses for blood gas analysis. Samples are sent to the racing chemist at Cornell University. The horses are randomly selected by the SRWB.

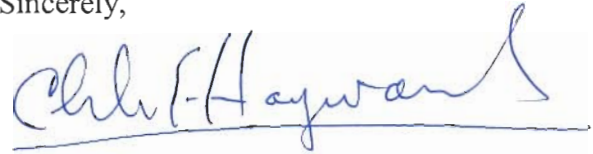
Just last week, on May 29, the SRWB voted to adopt strict prohibitions on steroids for both thoroughbreds and standardbreds in New York, based largely on models backed by the RMTTC and passed by the RCI. The rules provide threshold levels for the four allowable steroids, limit use of steroids to only those four types, and establish concentration levels that essentially will prohibit steroids for horses in training. NYRA supports these strict prohibitions.

In conclusion, given the multi-jurisdictional governance of thoroughbred horse racing in the United States, NYRA is of the opinion that a centralized, industry-led organization with strong support from all stakeholders constitutes the most beneficial and effective method of implementing industry changes and ensuring compliance, particularly with respect to the use of performance-enhancing drugs and the welfare of the thoroughbred racehorse. To this end, NYRA supports the recommendations from the 2008 Welfare and Safety of the Racehorse Summit to establish uniform regulations through an industry-led national structure, and specifically supports the expansion of the "National Racing Compact." NYRA believes that expansion of the Compact, originally created to assist and expedite the licensing of owners and trainers in multiple jurisdictions, can be used to achieve uniformity in regulatory policy on other matters including performance-enhancing medications. NYRA strongly supports the Jockey Club, RCI, and other industry stakeholders in this initiative.

4. NYRA is of the opinion that the most urgent problem with regard to performance-enhancing drugs in thoroughbred horse racing is the misuse and overuse of steroids, and in particular, the practice of "stacking" – administering multiple steroids to a horse at a given time. NYRA strongly endorses and applauds the New York State Racing and Wagering Board's recent vote on steroid restrictions in New York State which, when adopted, will prohibit horses treated with steroids from racing. As referenced above, NYRA intends to work with its partner industry stakeholders to expand these restrictions resulting in uniform steroid prohibition to the furthest extent possible across all racing jurisdictions.

NYRA would like to thank the Subcommittee on Commerce, Trade and Consumer Protection for raising its concerns on this important issue.

Sincerely,

A handwritten signature in blue ink that reads "Charles E. Hayward". The signature is written in a cursive style and is positioned above a horizontal line.

Charles E. Hayward