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ONE HUNDRED TENTH CONGRESS

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

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May 22, 2008

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Mr. Robert L. Evans
President and CEO
Churchill Downs, Inc.
700 Central Avenue
Louisville, KY 40208

Dear Mr. Evans:

On May 3, 2008, at the conclusion of the 134th running of the Kentucky Derby, the 3-year-old filly, Eight Belles, broke down in the clubhouse turn after finishing second in the world's most famous horserace. With both of her front ankles shattered and no hope of recovery, she was euthanized on the track immediately afterwards.

The death of Eight Belles caused much public alarm and some consider it the biggest tragedy in the history of the Kentucky Derby. The filly's breakdown follows the fatal breakdown two years earlier of Kentucky Derby winner Barbaro at the 2006 Preakness Stakes. While catastrophic injuries of Thoroughbred racehorses on the track are not a new phenomenon in the sport, the public demise of Eight Belles and Barbaro may be symptomatic of a larger problem. Many, if not most, racing experts believe that the Thoroughbred breed has become increasingly fragile and incapable of withstanding the previously acceptable rigors of dirt racing on the track. Evidence of this is the fact that the average number of starts for a Thoroughbred racehorse has decreased for decades and is currently at an all-time low, 6.3 starts per year. Notwithstanding a lack of reliable track statistics, some estimate that there are 1.5 career-ending breakdowns per 1,000 races, which averages out to be two a day.

There are two key factors cited for this detrimental evolution in the Thoroughbred. First, critics charge that breeders are biologically engineering horses to run very fast at a very early stage in their lives at the expense of long-term durability, largely because commercial breeding operations are presented with financial incentives to promote speed and precocity over soundness. Second, the prevalence of performance-enhancing drugs and race-day medications are warping the breed and allowing otherwise unsound horses to successfully compete on the track and subsequently pass on their genetic infirmities to their offspring.

Mr. Robert L. Evans
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The Subcommittee on Commerce, Trade, and Consumer Protection of the Committee on energy and Commerce, House of Representatives, has primary jurisdiction over the commercial practices of sports and gambling, including the Interstate Horseracing Act (IHA). As Chairman and Ranking Member of that Subcommittee, we are concerned that leading officials in the sport of Thoroughbred horseracing have failed to address long-standing concerns with the welfare of the Thoroughbred racehorse. Given the benefits of IHA to the racing industry, we believe Congressional oversight should play a role in determining whether the special status of the sport under this Federal law is still warranted. Moreover, on February 27, 2008, the Subcommittee held a hearing on performance-enhancing drugs in all of sports, including horseracing, and we intend to introduce and consider bipartisan legislation to address the problem.

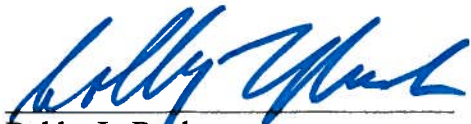
Churchill Downs Incorporated (CDI) is one of the leading racetrack operators in North America. As such, we request your response to the following questions:

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

Please provide your written response by no later than Monday, June 2, 2008, to room 2125 Rayburn House Office Building, Washington, D.C. 20515. Please fax your response to (202) 226-5577, to the attention of Ms. Valerie Baron. Please send an electronic version of your entire response by e-mail to Ms. Baron at valerie.baron@mail.house.gov.

Thank you for your prompt attention to this matter. If you have any questions regarding this request, please contact Christian Tamotsu Fjeld with the Committee staff at (202) 225-2927.

Sincerely,



Bobby L. Rush
Chairman
Subcommittee on Commerce,
Trade and Consumer Protection



Ed Whitfield
Ranking Member
Subcommittee on Commerce,
Trade and Consumer Protection

Mr. Robert L. Evans
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cc: The Honorable John D. Dingell, Chairman
Committee on Energy and Commerce

The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce