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GREGG A. ROTHSCHILD, CHIEF COUNSEL

ONE HUNDRED TENTH CONGRESS

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

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MARSHA BLACKBURN, TENNESSEE

May 22, 2008

Mr. Ogden Mills Phipps  
Chairman  
The Jockey Club  
40 East 52<sup>nd</sup> Street  
New York, NY 10022

Dear Mr. Phipps:

On May 3, 2008, at the conclusion of the 134<sup>th</sup> 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.

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 over 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 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.

According to its Web site, the Jockey Club "is dedicated to the improvement of Thoroughbred breeding and racing and it maintains a leadership role in numerous industry initiatives..." In this capacity, the organization registers all Thoroughbred horses bred in North America and promulgates rules and regulations outlining the standards for registration. As detailed in "The American Stud Book, Principle Rules and Requirements," if a horse does not meet certain requirements, then the horse is not registered. Moreover, the Jockey Club has recently announced the formation of a Thoroughbred Safety Committee, which will review the state of equine health and make appropriate recommendations. This Committee will apparently build off previous work that was conducted during two Welfare and Safety of the Racehorse Summits that were organized by the Jockey Club in October 2006 and March 2008.

In that regard, we request your response to the following questions:

- (1) What specific registration requirements, if any, does the Jockey Club impose on a horse to promote durability and soundness in the Thoroughbred breed?
- (2) Aside from promulgating rules for registration, how does the Jockey Club influence breeding practices with regard to the traits and characteristics of Thoroughbred racehorses? Does the Jockey Club encourage breeders to produce horses that are sound and durable, as well as fast and precocious? If so, how?
- (3) What are the Jockey Club's rules and regulations with regard to inbreeding? Does the organization promote standards minimizing the genetic dangers of inbreeding? Does it promote outcrossing and diversification of the gene-pool?
- (4) What regulations, if any, does the Jockey Club employ to ensure that a registered Thoroughbred's sire or broodmare were not compromised by performance-enhancing drugs or race-day medications that would otherwise mask the infirmities of an unsound horse?
- (5) Has the Jockey Club studied the differences between the rules governing medications and performance enhancing drugs in the United States and in racing jurisdictions around the world? If so, what are its findings and conclusions?

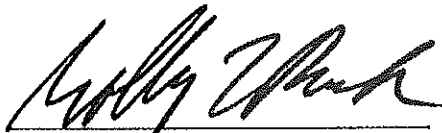
Mr. Ogden Mills Phipps  
Page 3

- (6) Does the Jockey Club 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?
- (7) Does the Jockey Club 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?
- (8) In general, what are the most pressing problems facing the Thoroughbred industry, and what reforms can be initiated to address them?

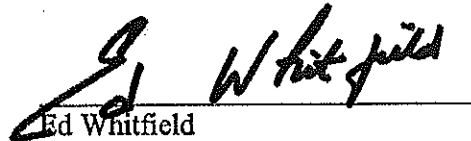
Please provide your written response by no later than Monday, June 2, 2008, to room 2125 Rayburn House Office Building, Washington, D.C. 20515. Please fax your response to (202) 226-5577, to the attention of Ms. Valerie Baron. Please send an electronic version of your entire response by e-mail to Ms.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

cc: The Honorable John D. Dingell, Chairman  
Committee on Energy and Commerce

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

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DENNIS B. FITZGIBBONS, CHIEF OF STAFF  
GREGG A. ROTHSCHILD, CHIEF COUNSEL

Mr. Frank Stronach  
Chairman  
Magna Entertainment Corp.  
337 Magna Drive  
Aurora, Ontario, L4G 7K1

Dear Mr. Stronach:

On May 3, 2008 at the conclusion of the 134<sup>th</sup> 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 horse race. 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. Frank Stronach  
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The Subcommittee on Commerce, Trade, and Consumer Protection of the Committee on Energy, 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 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.

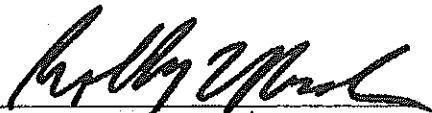
Magna Entertainment Corporation (MEC) is one of the leading racetrack operators in North America. As such, we request your response to the following questions:

- (1) In the past five years, how many horses have suffered injuries on MEC-owned tracks? Please list the nature and severity of these injuries.
- (2) Does MEC 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 MEC 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](mailto: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. Frank Stronach

Page 3

cc: The Honorable John D. Dingell, Chairman  
Committee on Energy and Commerce

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

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MICHAEL C. BURGESS, TEXAS  
MARSHA BLACKBURN, TENNESSEE

May 22, 2008

Mr. Charles Hayward  
President and CEO  
New York Racing Association  
P.O. Box 90  
Jamaica, NY 11417

Dear Mr. Hayward:

On May 3, 2008, at the conclusion of the 134<sup>th</sup> 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 considered 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.

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The New York Racing Association (NYRA) is one of the leading racetrack operators in North America. In that regard, we request your responses to the following questions:


- (1) In the past five years, how many horses have suffered injuries on NYRA-operated tracks? Please list the nature and severity of these injuries.
- (2) Does NYRA 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 NYRA 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?

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Ed Whitfield  
Ranking Member  
Subcommittee on Commerce,  
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Mr. Charles Hayward  
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The Honorable Joe Barton, Ranking Member  
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MARSHA BLACKBURN, TENNESSEE

Mr. Ed Martin  
President and CEO  
Racing Commissioners International  
2343 Alexandria Drive, Suite 200  
Lexington, KY 40504

Dear Mr. Martin:

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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 over 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 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.

The Racing Commissioners International (RCI) is the association that represents State racing commissions, which play the key role as primary regulators of Thoroughbred horseracing in the United States. Unlike most other professional and amateur sports, Thoroughbred horseracing lacks a central regulatory body or "league" that governs the rules of the game. That task is left to the multitude of various racing commissions. As such, we request your response to the following questions:

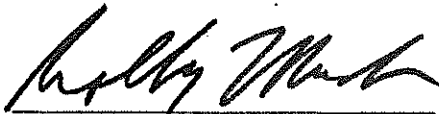
- (1) How many trainers have been penalized for medication or performance-enhancing drug infractions during the last five years? Please list their names, the nature of their infractions, and the terms of the penalties.
- (2) In the past five years, how many horses have suffered injuries on racetracks around the country? Please list the nature and severity of these injuries.
- (3) Does RCI and/or its members 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?
- (4) In states where a portion of slot revenues are required to fund breeding initiatives, what are the regulations, if any, that state authorities impose on breeding operations that receive this subsidy to ensure that Thoroughbreds are biologically engineered to be durable and sound?
- (5) Does RCI and/or its members 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?
- (6) In general, what are the most pressing problems facing the Thoroughbred industry, and what reforms can be initiated to address them?

Mr. Ed Martin  
Page 3

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 email to Ms. Baron at [valerie.baron@mail.house.gov](mailto: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

cc: The Honorable John D. Dingell, Chairman  
Committee on Energy and Commerce

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

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**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

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May 22, 2008

DENNIS B. FITZGIBBONS, CHIEF OF STAFF  
GREGG A. ROTHSCCHILD, CHIEF COUNSEL

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 134<sup>th</sup> 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  
Page 2

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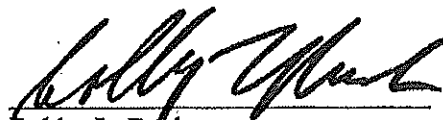
Churchill Downs Incorporated (CDI) is one of the leading racetrack operators in North America. As such, we request your response to the following questions:

- (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](mailto: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  
Page 3

cc: The Honorable John D. Dingell, Chairman  
Committee on Energy and Commerce

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