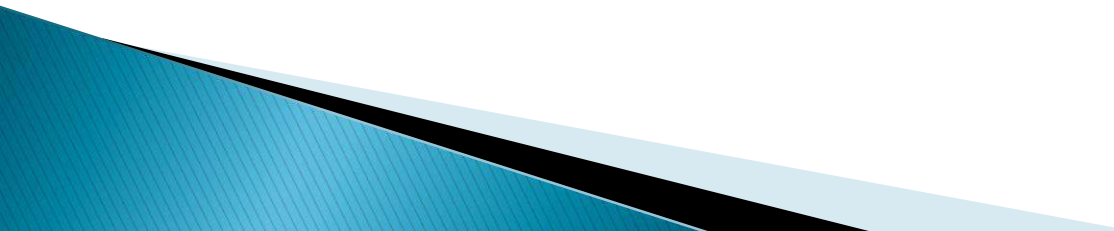


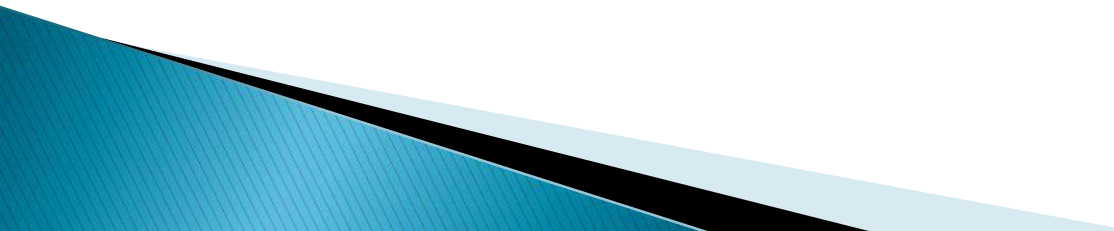
# Approaching Equine Medication Regulation from the Perspective of the Horseplayer

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# Topics

- ▶ Knowledge of and perspective on drug issues on the part of horseplayers
  - ▶ Setting standards to ban therapeutics
  - ▶ Absence of thorough investigations
  - ▶ Punishment out of proportion to violation
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# Some Background

- ▶ Doug O'Neill and oxazepam in NY
  - ▶ Ferris Allen and stanozolol in MD
  - ▶ Chris Grove and nikethamide in WV
  - ▶ Bill Brashears and Banamine in CO
  - ▶ Kellyn Gorder and methamphetamine in KY
  - ▶ Mike Norris and Solu-Cortef in IN
- 

# Horseplayer Perspective on Drugs and Medication

- ▶ Most horseplayers have no familiarity with the 26 allowable therapeutic medications, with the exception of Lasix and some NSAIDs
- ▶ General reaction to reading about a positive is, another cheater got caught
  - Most articles are generated from press releases from racing commissions
- ▶ Lack of understanding leads to apathy about the details
  - Who appreciates the picogram?
  - You knew the rules, you broke them, too bad

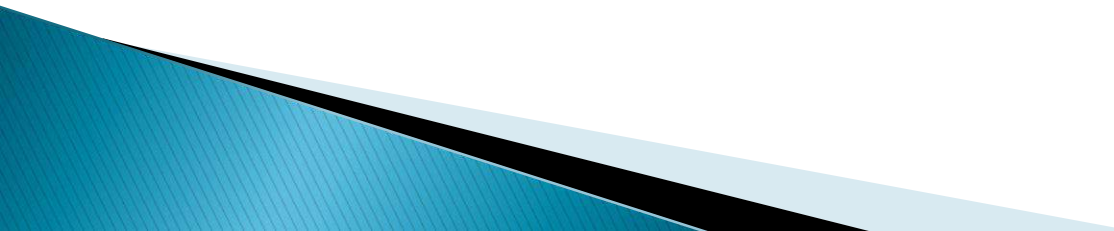
# Horseplayer Perspective on Drugs and Medication

- ▶ WHOA has made significant inroads and many players believe Lasix is performance enhancing beyond improvement of EIPH
- ▶ Most players do not appreciate the difference in skill between trainers and instead project more nefarious explanations
  - Horses that improve significantly after a claim are suspect
- ▶ Trainers have access to substances that are undetectable by current technology

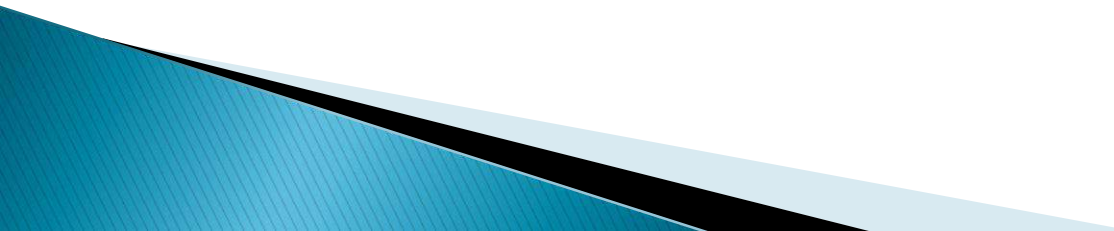
*“Faced with the choice between changing one’s mind and proving there is no need to do so, almost everyone gets busy on the proof.”*

John Kenneth Galbraith

(ARCI) is on the record as calling for “*the racing industry and member regulators to embrace a strategy to phase out drugs and medication in horse racing.*” (ARCI Press Release March 28, 2011, Chairman Dan Hartman)

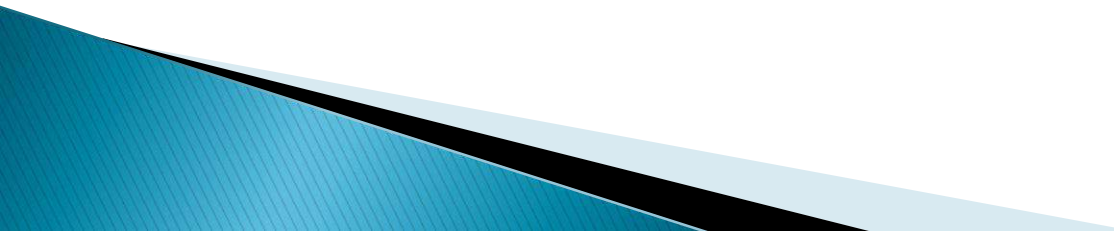


*“Today over 99% of Thoroughbred racehorses and 70% of Standardbred racehorses have a needle stuck in them four hours before a race. That just does not pass the smell test with the public or anyone else except horse trainers who think it necessary to win a race. I’m sure the decision makers at the time meant well when these drugs were permitted, however this decision has forced our jurisdictions to juggle threshold levels as horseman become more desperate to win races and has given horse racing a black eye.” (William Koester)*

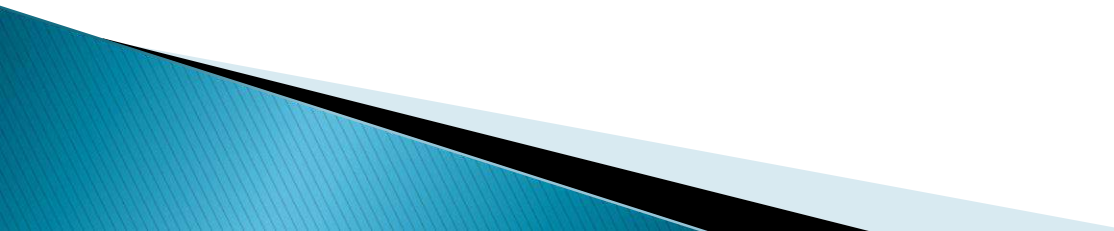




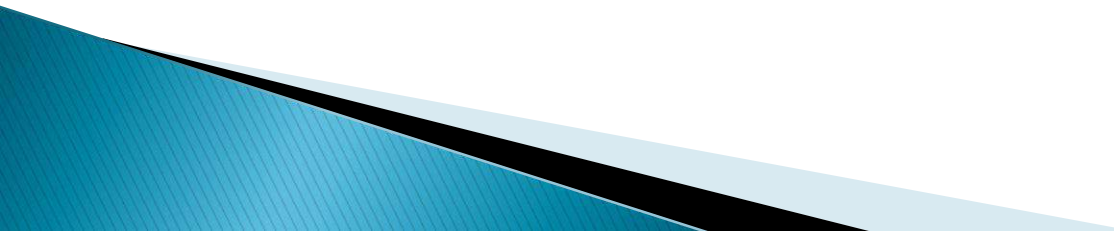
# Setting Standards to Ban Therapeutics

- ▶ Bill Brashears and Banamine
  - ▶ Instead of setting standards at a level to ensure 99%+ compliance, RCI adopted a 95/95 standard of 20 ng/mL
  - ▶ Withdrawal times are recommendations, not part of the standard
  - ▶ Upwards of 25% positives with the 20 ng/mL standard and a 24-hour withdrawal
- 

# Setting Standards to Ban Therapeutics

- ▶ Redid the testing and confirmed that for animals in training, the high level of positives would be expected.
  - ▶ Instead of changing the standard, RCI changed the withdrawal time recommendation to 32 hours
  - ▶ The analgesic effect is gone around 16 hours, and the anti-inflammatory effect in 36 hours
- 

# Absence of Thorough Investigations

- ▶ Kellyn Gorder and methamphetamine
  - ▶ McLean Robertson and methamphetamine
  - ▶ Chris Grove and Nikethamide
    - In those cases the racing commission made minimal efforts to actually determine the source of the drug
    - Presumptively guilty, or guilty until proven innocent
    - The absolute insurers rule in most states makes the trainer liable even if he or his workers had nothing to do with the administering a drug
- 

# Punishment Out of Proportion to Violations

## ▶ Mike Norris

- Horses developed hives due to a bad batch of hay
- Were treated with Solu-Cortef (hydrocortisone succinate, Class 4 allowed medication)
- Five positives, but Norris was never informed of any until after the fifth positive
- Accused of raceday administration
- Based on questionable study
- 3 years and \$15,000

# Recommendations

- ▶ Legislative guidance to racing commissions
  - Requirements for qualifications and training
  - Definition of due process
- ▶ Requirement to do thorough investigations
  - Mandatory video surveillance
- ▶ Requirement to combine all violations for the same drug that occur before notification of the first violation

# Recommendations

- ▶ *De minimis* levels for substances where environmental contamination may be responsible for a positive
  - Constantin Rieger memo to Scientific Advisory Committee
- ▶ Absolute right to be represented by counsel and the HBPA representative at all conferences and hearings
  - Get expert help as soon as you are notified
- ▶ Expunge the record every five years for minor and administrative violations
- ▶ Standards to include threshold levels and withdrawal times for certain Class 5, 4, 3 drugs

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