

Testimony of Marc S. Paulhus

Senate Committee on Commerce, Science and Transportation
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S. 886 - The Interstate Horseracing Improvement Act Medication and Performance-Enhancing Drugs in Horse Racing

My name is Marc Paulhus. I'm semi-retired and living on a small horse farm in North Carolina. During my professional career I served as Director of Horse Protection and Vice President for the Humane Society of the United States (HSUS). I also served on the governing board of the American Horse Protection Association. My degree is in Animal Science. The care and management of horses is my lifelong passion. I genuinely love the sport of horseracing.

Déjà vu all over again! I am here today as if delivered out of a deep freeze to continue a mission that commenced more than thirty years ago when I appeared before the Senate Judiciary Committee and first implored Congress to protect horses, jockeys and the wagering public. The vehicle then was the Corrupt Horse Racing Practices Act, a comprehensive racing reform bill sponsored by Senator David Pryor. It came about after years of failed efforts to persuade state racing commissions to end their dangerous experiment with permissive pre-race medications and restore some semblance of sanity, integrity and safety to the sport.

So in 1982, I appeared along with colleagues from the American Horse Protection Association and reformists from within the racing industry urging the federal government to step forward and do what the individual racing states had proven to be incapable of doing. The legislation proposed that the federal government adopt and enforce uniform rules and uniform

penalties, enhanced drug testing methodologies, pre-race soundness examinations and measures to better deter the use of illegal race-fixing drugs.

We asked that Congress intervene because the widespread legalization of pre-race medications allowed sore and injured horses to return prematurely to rigorous training and racing, compounding their injuries before they had healed, and more than doubling the rate of catastrophic breakdowns. Action was desperately needed because horseracing had become the single, most dangerous sport in America with horses snapping legs and dying nearly every day before horrified fans on racetracks across America. Hundreds died annually right on the track but many more horses hobbled back to the barn after workouts or races with crippling injuries and debilitating arthritis that ended their brief racing careers and sent them to slaughter.

We begged Congress to act because jockeys were being seriously hurt and sometimes killed in single accidents or multiple horse pile-ups when a leading horse shattered a foreleg and caused those behind it to crash in a jumble of human and animal flesh.

The Corrupt Horse Racing Practices Act was an appropriate response to a crisis that had already claimed too many lives and threatened to escalate even further out of control as horse trainers and track veterinarians demanded ever more powerful pain-killing drugs, corticosteroids, anabolic steroids, diuretics and more. New terminology emerged on the backstretch. A horse limping from injuries a day or two earlier could be deemed “racing sound” after a potent dose of bute or a steroid injection directly into a knee joint. Illegal substances, always a temptation for the unscrupulous trainer looking for an edge, had become ever more

sophisticated and difficult to detect. State testing laboratories were and are underfunded and ill-equipped to find the newest designer drugs or enforce quantitative limits on permissive medication. Penalties imposed for the few drug positives actually discovered were insignificant to deter future violations.

The Corrupt Horse Racing Practices Act galvanized the racing industry and created a commonality of purpose where none had previously existed. All of a sudden, there was recognition of the threat of federal legislation if the industry failed to adequately self-regulate. Mind you there was not an industry-wide commitment to solve the drug problem. Instead there was a realization that racing had a bad image that begged a coordinated lobbying and PR campaign to improve its appearance. And those in power in state regulatory bodies and industry associations were absolutely determined not to cede any measure of control to a new oversight entity.

Industry alliances were formed, promises were made, a strategy to forestall federal intervention was developed. In the end, Senator Charles Mathias, Chair of the Senate Judiciary Committee, brokered a deal between all major stakeholders including the Jockey Club, the National Association of State Racing Commissioners, the American Horse Council, the American Association of Equine Practitioners and The Humane Society of the United States, et al. The deal was simple. The state regulators and the scions of racing would be given a final chance to prevent federal intervention. But they had to act quickly, they had to demonstrate a resolve to work together and better protect the horses, jockeys and the wagering public. Senator Mathias

warned that failure would leave no reasonable option but to place horse racing under the direct oversight of the federal government. That was thirty years ago.

The issues then were quite the same as the issues are now - only today things have gotten so much worse because, despite many years of empty promises and seemingly endless analyses, state racing jurisdictions have failed to put the safety of the horse and rider above petty intramural squabbling and self-interest. They can't agree on an industry solution to the medication and drug abuse problem. The protective elements of the federal bill were never adopted by the states. Efforts to enact and enforce a strict uniform medication policy prohibiting race-day painkillers were short lived and fell apart as one racing jurisdiction after another strayed from the uniform policy soon after federal pressure subsided.

What you will hear from the various leaders in the racing industry is that they absolutely agree that there is a "perception of drug abuse" but that the issue is blown out of proportion. They will tell you that their state regulatory mechanisms are working, but they need more time and money and perhaps some federal stimulus dollars. They'll tell you they have a plan to phase in reforms over several years so that trainers can adjust to the new and stricter rules. They'll say that the racing labs will be better funded, ISO accredited, and have to meet higher standards of competency with a quality assurance program. Some might even believe what they hear and what they say at industry conferences and roundtable panels. But for those of us who have been around a few years, and heard all this stuff again and again without any substantial action over time, it all sounds like a bunch of horse manure.

The truth is that over decades of declining regard for the health and safety of racehorses, the industry had come to accept what to outsiders remains an unconscionable outrage. The fact that horses are dying on American racetracks in record numbers is common knowledge. The New York Times reports that an average 24 horses per week die on racetracks as a direct result of racing injuries. In any human sport, if even *one* athlete died at predictable intervals, there would be an enormous demand that the sport be made safer or the activity ended. Why does the racing industry have such callous disregard for the lives of these magnificent equine athletes?

What the racing industry will never admit is that the weekly death rate of horses is at least triple the number acknowledged. The vast majority of horses injured in training workouts, or horses that are pulled up lame before the end of the race, or horses condemned when another joint injection simply won't render them "racing sound" any longer are also horses that are slated to die. They may leave the racetrack in a fancy horse van, but you will never hear of them again.

We can do better. We can save the horses and we can save the racing industry, but only if we quit pandering to those who make hollow promises of reforms to come. They lack the will and the authority to pull it off, and they most certainly lack the determination to persevere beyond this immediate threat of federal intervention.

Mr. Chairman, let me say that I support all provisions of the proposed legislation and I'd be happy to answer any questions you or members of the committee might have to the best of my ability. I would definitely recommend requiring the retention of frozen test samples that

are deemed suspicious by the testing laboratories to enable samples to be retested as chemists develop new testing methodologies.

The solution to racing's image problem is genuine action. The solution is federal intervention. The solution is the Interstate Horse Racing Improvement Act.