

# A racetrack accreditation program in the US

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## **INTRODUCTION**

An accreditation program for Thoroughbred racetracks in the United States has been developed and implemented. The program was developed and is administered by the National Thoroughbred Racing Association Safety and Integrity Alliance. The Alliance is an industry supported self-regulation organization whose membership includes over 50 US Thoroughbred racetracks, every national horsemen's association, owners, trainers, veterinarians, breeders, jockeys and fans.

## **HISTORY**

The National Thoroughbred Racing Association (NTRA) conducted a consumer research survey directed to racing participants and racing fans in 2007. The results of the survey indicated that racing was near a tipping point on integrity matters with its core fans. Thoroughbred racing was facing serious challenges on two key fronts: performance-enhancing drugs and the safety of our human and equine athletes. Leading trainers were under suspension for medication violations and a trainer in Kentucky was found to have cobra venom in his stables. Fans began to think of racing in the same manner as scandals of the Tour de France and steroids in American baseball.

Then, in 2008, the good-filly Eight Belles sustained catastrophic fractures of both front legs just after finishing a very game second in the Kentucky Derby and had to be euthanized in front of 140,000 fans on the track and millions of television viewers. Shortly thereafter, the trainer of the winner of that Kentucky Derby announced that he routinely had anabolic steroids administered to all of the horses in his stable on a monthly basis. The Congress of the United States conducted hearings concerning the safety and integrity of racing, where members of the racing industry, including veterinarians, were called to answer questions on these matters. Although the passage of Congressional legislation was a bit of a long shot, the threat was real and the hearings themselves served to damage the sport. It also hastened action by the industry, which was faced with enacting reforms or face the prospect of more hearings and more threats to have others act on racing's behalf. The

situation was further exacerbated by special interest groups of animal rights activists. It became readily apparent that the racing industry had to act, and act quickly.

## **FORMATION OF THE ALLIANCE**

Racing organizations and members of the industry came together under the umbrella of the NTRA to address this matter in the summer of 2008. The issues were substantive and time was important. The industry had to address difficult issues of steroids, uniform drug and medication rules, penalties and testing procedures, equine injury reporting and aftercare of retired horses. All of this had to be accomplished on a national basis even though racing in the United States is state regulated.

After several meetings, it was determined and agreed that, like other highly regulated industries such as healthcare and higher education, the best chance for reform was in the formation of a self-regulatory organization. Many industries like racing rely heavily on a program of accreditation to set standards, enforce compliance and punish outliers with the loss of accreditation. Thus, the NTRA Safety and Integrity Alliance was established.

The Alliance then retained a major Washington DC law firm with expertise in the formation and structuring of self-regulatory organizations to assist in the development of the Alliance. In addition, Governor Tommy Thompson, who is a partner in this law firm, was chosen to act as an independent monitor to evaluate the work of the Alliance. Tommy Thompson was a four-term governor of the state of Wisconsin and was a member of President George W Bush's cabinet, as Secretary of Health and Human Services. The role of the independent monitor is to monitor the activities of the Alliance and to assess progress against the benchmarks the industry sets for itself. He will help maximize transparency of the Alliance's work and assist in communication to a variety of constituents, including racing fans.

Fifty-five racetracks and every major horseman's organization pledged their support for the Alliance and the formation of the NTRA Safety and Integrity Alliance was publicly announced in October of 2008.

The Alliance membership includes racetracks, owners, breeders, horsemen, jockeys, sales companies, veterinarians, racing fans, breed registries and the associations that represent them.

## MISSION

The mission of the Alliance is to promote the health and safety of racing's human and equine athletes through implementation of a Code of Standards required for accreditation. The Code of Standards is the result of work compiled by a number of industry organizations and scientific experts. They include five areas: medication and testing, safety research, a safer racing environment, injury prevention and reporting, and aftercare and transition of retired racehorses.

It is the goal of the Alliance to accredit racetrack members that are in compliance with the Code of Standards. Members are encouraged to not only meet but exceed the standards of the Code.

## IMPLEMENTATION

Accreditation is voluntary and the first step for racetracks seeking Alliance accreditation is to complete a 54-page application form. The form asks applying racetracks to document their compliance with the various aspects of the Code of Standards. Completion of the application form not only requires an extensive effort by the applying track, but also a good deal of cooperation from the track's regulatory authority. In fact, accreditation cannot be completed in any jurisdiction without the cooperation and involvement of the state regulatory body. The Alliance recognizes that compliance with some aspects of the Code may require rule changes or legislation by the regulatory body of their state and that the track cannot usurp the authority of the state regulatory body. However, in these instances, a track may be considered in compliance if the track has addressed this requirement of the Code by implementing a house rule to deal with this requirement or has actively advocated the necessary rule change to the state regulatory authority.

Following a review of the submitted application by an inspection team, that team travels to the applying racetracks to visually observe the policies and procedures relative to the Code. The inspection team consists of a regulatory veterinarian with considerable racetrack experience and an individual with racetrack management and operations experience. Also included on the inspection team is the executive director of the Alliance who coordinates the team's efforts and provides continuity from track to track and from state to state. The inspection is conducted over a two- or three-day period.

The responsibilities of the Regulatory Veterinarian Member include observation, questioning and inspection of facilities and protocols in accordance

with the following specific standards, from the Veterinarian standpoint, in the Code:

- Reporting of Injuries and Fatalities
- Pre-Race Veterinary Examinations
- Post-Race Veterinary Examinations
- Post-Mortem Veterinary Examinations
- Veterinarians' List
- Shoes and Hoof Care
- Equine Ambulance
- Catastrophic Injury Planning and Procedures
- Uniform Medication Rules and Penalties
- Alkalinizing Substances
- Exogenous Steroids
- Shock-wave Therapy
- Out-of-Competition Testing
- Frozen Sample Testing

The standards for the above-mentioned areas are based on model rules produced and recommended by the Association of Racing Commissioners International (ARCI) and the Racing Medication and Testing Consortium (RMTC). The ARCI is a national organization of state racing commissions and the RMTC is a racing industry organization that produces and recommends model medication rules and model penalties for medication violations.

It is the responsibility of the Veterinary Member to confirm, to the best of their ability, based on answers provided in the application and information gathered through the on-site inspection, that the applicant meets the minimum standards of the Code. Applicants should be measured, in the opinion of the Veterinarian Member, on the following scale:

- Best Practice (BP): Applicant exceeds minimum standards
- More than Satisfactory (MS): Applicant demonstrates full (or nearly so) adherence to substantially all the minimum standards and partially exceeds minimum standards.
- Satisfactory (S): Applicant demonstrates partial to full adherence to substantially all minimum standards.
- Less than Satisfactory (LS): Applicant demonstrates partial to full adherence to a minority of minimum standards
- Deficient (D): Organization fails to demonstrate adherence to most minimum standards and/or to extent there is any adherence it is partial and/or few standards are met.

To date, I have been involved in the inspection process of nine race tracks and it has been my observation that the regulatory veterinarians at these tracks have been hard working and conscientious in the performance of the required duties. I have also observed that the important role of regulatory veterinarians in racing has been more appreciated and recognized through

this accreditation process. A sizeable amount of the accreditation application deals with regulatory veterinary policies and procedures and, as such, the input of the regulatory veterinarian is an important contribution to the completion of the application.

During one of our inspections a reporter from *The Blood-Horse*, a widely read racing publication in the US accompanied the team during the inspection process. At the end of the inspection he commented that he had no idea that the role of the regulatory veterinarian was so extensive and was amazed at the amount of work involved in that responsibility.

Other non-veterinary related areas of the Code include:

- Riding Crops
- Safety Helmet and Safety Vest
- Properly Padded Starting Gate
- Safety Research
- Safety Training and Continuing Education
- Security Assessment Training
- Aftercare and Transition of Retired Racehorses
- Compliance Program

## PROGRESS

The first racetrack applied for accreditation, was inspected, and accredited in April 2009. A total of 14 tracks received full accreditation and one partial accreditation during 2009. All of these tracks are considered major racetracks in the United States, so it is not surprising that all except one were fully accredited. However, several of these tracks commented that in completing the accreditation application they became aware of some areas they may have been deficient in compliance with the Code of Standards and corrected those deficiencies before submitting their application. As examples, one track became affiliated with an aftercare facility for the first time and another has implemented a pre-race TCO<sub>2</sub> testing program.

## REPORT OF THE INDEPENDENT MONITOR

The independent monitor prepared his report covering the first year of the operation of the Alliance, made recommendations, and presented it to the racing industry on December 7, 2009. The monitor and his staff made the bulk of the findings and recommendations from their personal observations of the accreditation process and inspections and by conducting stakeholder group representative interviews regarding the Alliance's activities during 2009. They interviewed approximately 35 stakeholder group representatives who represented all segments of the industry, including individual veterinarians and representatives of the American Association of Equine Veterinarians.

He found the accreditation process to be sound. He also determined that the inspection teams consists

of well qualified and credentialed personnel and that they were given complete access to racetrack grounds, personnel, equipment and documents in order to effectively carry out the inspection. Accredited racetracks he surveyed agreed that the inspection teams were well qualified.

The monitor found that there is a difference of opinion concerning accreditation results. The racetracks that were accredited uniformly believe that the process led to improved safety and integrity at their facilities. Each reported three to five tangible changes that occurred at their track as a result of the accreditation process. However, some of the interviewed stakeholders and fans said they did not see significant changes in the accredited tracks. The monitor concluded, however, that significant change did occur in that the process caused the leading tracks to focus on their safety and integrity efforts with renewed vigor and in many instances formalize protocols that were previously ad hoc and unwritten. The monitor does recommend that the Alliance do a better job of communicating tangible changes to its stakeholders, the racing public and the media.

He also found that the number of tracks that have been inspected and accredited during the first year of existence of the Alliance is a good start. There is concern that many racetracks have yet to seek accreditation and that many of these tracks may not be doing so because they are concerned that they may not pass. Part of the fear that they may not pass may be related by cost factors involved rather than a lack of commitment or support for the Alliance goals. Tracks are required to pay an accreditation fee of US\$ 15,000 and the cost of complying with certain requirements of the Code may require significant expense to the track.

As previously mentioned, participation in the accreditation process is voluntary on the part of racetracks. The monitor found various suggestions as to how to persuade a greater number of tracks to seek accreditation. Suggestions included industry peer pressure and limiting graded stakes to only accredited tracks. It was also suggested that because some racetracks rely heavily of simulcasting, limiting simulcast rights to only those tracks with Alliance accreditation might increase participation.

## THE FUTURE

The Alliance is designed not as a temporary fix, but rather a mechanism for self-regulating the industry over a sustained period of time. In 2010 the accreditation process will continue. There will be additional emphasis on the aftercare and transition of retired racehorses. There are plans to add wagering integrity to the Code of Standards and to the accreditation requirements. Communication of the Alliance activities to the racing industry and to racing fans will be enhanced,

and if funding permits, post-accreditation visits will be added.

The NTRA Safety and Integrity Alliance has made a good start. The independent monitor concluded that the fact the Alliance was able to organize itself, develop a Code and Standards, and implement an accreditation process was significant progress in itself given the earlier poor track record with industry initiatives. A primary achievement thus far, has been its ability to raise awareness within the industry that it needed to address its safety and integrity issues head-on in a meaningful and significant manner.

It is obvious that more work needs to be done, but surely the safety of our horses and racing participants and the integrity of our sport is worth the effort.

## **ACKNOWLEDGEMENTS**

The assistance of Mike Ziegler, Executive Director of the NTRA Safety and Integrity Alliance and Keith Chamblin, NTRA Vice President in the preparation of this paper is gratefully acknowledged. I also utilized the December 7, 2009 report of independent monitor Governor Tommy G. Thompson when preparing the paper.