



# CHRB Decision Poses Danger to All Trainers

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The racing industry has been taking a long look at ways to improve safety for horses and riders. In an attempt to reduce injuries, racing associations have spent millions of dollars on synthetic surfaces. Additional millions have been spent at UC Davis reviewing and analyzing injuries. But the search for safety may now have gone too far and it may be turning into a witch hunt. During the past few months, the CHRB has accused three trainers of violating CHRB regulation 1902.5:

*No person under the jurisdiction of the Board shall alone, or in concert with another person, permit or cause an animal under his control or care to suffer any form of cruelty, mistreatment, neglect or abuse. Nor shall such person abandon; injure; maim; kill; administer a noxious or harmful substance to; or deprive an animal of necessary care, sustenance, shelter or veterinary care.*

Each case arose when a horse that had been on the "vet's list" suffered a catastrophic injury. In one case, the trainer worked a horse one day after it had been scratched from a race and placed on the vet's list. The horse broke down during the work. In another case, the horse died after injuring a rear sesamoid during a work that took place a couple of weeks after it had been placed on the vet's list.

The latter case is most troubling. A trainer had asked the State veterinarian to look at the horse just prior to its ill-fated work. Although the vet voiced doubts about the horse being sound, she did not indicate a concern about the horse's welfare nor did she instruct the trainer that it was unadvisable to work the horse. The horse was known to have shown the effects of a slight navicular problem. Navicular problems are not uncommon and do not necessarily render a horse unfit to race or work. Tragically, the horse broke down while pulling up after the workout. The CHRB has brought a charge of violating the above section against the trainer.

The cases are particularly troubling because they take what are judgment calls by each trainer and move them into the category of acts of intentional animal abuse. Everyday, trainers make decisions as to whether to walk, jog, gallop, or work horses. Part of the process is to determine whether a horse is sound enough to do the assigned task. Much of "training" remains an art and not a science. These are decisions that can go wrong even when dealing with the soundest of horses.

If the CHRB wishes to review all breakdowns, it should create an independent panel of veterinarians and trainers to review each breakdown. Only after a full review and recommendation by this panel should the CHRB consider filing any charges.

## ... Other CTT Membership News



### CTT BACKSTRETCH PENSION FUND

Established in the mid 70's, the pension fund now provides monthly retirement checks to almost 800 people. In addition thereto, hundreds of backstretch retirees have collected lump-sum payouts instead of monthly benefits. As of December 31, 2008, the Fund had approximately \$30 million in assets. Thereto, the industry contributes an additional amount of \$2 million to \$2.5 million each year. Although the current stock market plunge has reduced our over all asset balance by 23%, benefit payments, both now and in the future, are not threatened. Much is said

about long-term investing and a fund such as ours provides the perfect vehicle for those long-term principals. This pension fund is guided by a conservative investment policy and, currently, only 40% of our assets are invested in the stock market. The remainder is in high-grade bonds and cash. I welcome any questions about the Pension Fund and I can always be reached at the CTT's Santa Anita office at (626) 447-2145.

#### WORKERS' COMPENSATION UPDATE

The California thoroughbred industry sponsored workers' compensation program has been an unmitigated success. Rates have been reduced from astronomical highs of as much as \$35 per hundred of payroll just six years ago to the point where trainers who are now in the program are paying a subsidized rate of between \$5 and \$8 per hundred of payroll. The decrease is the product of accurate payroll and loss statistics, intensive loss control programs, individual case oversight, an emphasis on return-to-work programs, and legislation that helped to reduce the cost of medical treatment and disability payments.

Rates have reached a minimal level and, as we prepare for policy renewal in July, we expect to see an increase rates. During the last two policy periods, we have observed an increase in the number of claims and an increase in the cost of claims. These trends dictate that rates must go up, and the California Insurance Rating Bureau is recommending at least a 27% increase in rates.

No final decision has been made on that increase, but, even with a substantial raise, we expect rates will remain closer to their current lows than to their historical highs. The legislation that created the subsidy that helps to pay for our workers' compensation premiums was set to expire at the end of 2008, however, the Legislature has renewed it and it is now in place until at least 2014.

You may be assured that we are investigating every possible alternative and will continue to work diligently to keep rates as low as possible. We have every expectation that our rates will remain the lowest in the nation.

#### NEW RACING AND TRAINING VENUES

Representatives of all industry partners continue to meet and discuss alternative training and racing sites. In the North, Pleasanton officials hope to increase its role as a live racing venue. It is currently being used as the off-site training facility. We remain hopeful that deficiencies in the barn area and dangers created by the infield golf course will be addressed in the near future. In the South, we continue to work on alternatives to Hollywood Park when it ceases to exist as a racetrack. As of this date, it is hard to imagine that a company that doesn't have the wherewithal to complete its Bay Meadows redevelopment could come up with funds to start a project at Hollywood Park.

The more pressing issue at this time is how best to deal with the monetary shortfall that will cause the termination of training at Fairplex or San Luis Rey Downs or both. There are no longer funds available to support both of these training centers and one or both will have to close at least temporarily. As of this date, Hollywood Park could accommodate all the horses that are stabled at both of those facilities. In the long term, the Thoroughbred Owners of California (TOC) board of directors favor keeping San Luis Rey open. The CTT Board of Directors favor keeping Fairplex open. In the short term, we continue to work on keeping both facilities available. □