

**Harness Horse Association  
of Central New York**  
P.O. Box 586  
Vernon, New York 13476

**Monticello Harness  
Horsemen's Association**  
P.O. Box 1436  
Monticello, New York 12701

**Standardbred Owners  
Association, Inc.**  
733 Yonkers Avenue, Suite 102  
Yonkers, New York 10704



**Saratoga Harness  
Horsepersons Association**  
P.O. Box 171  
Saratoga Springs, New York 12866

**Western New York Harness  
Horsemen's Association**  
P.O. Box 730  
Batavia, New York 14021

Checked box indicates whom to reply to

October 3, 2013

Mr. John Googas  
New York State Gaming Commission  
Division of Racing and Pari-Mutuel Wagering  
1 Broadway Center, Suite 600  
Schenectady, NY 12305-2553  
Fax; 518-347-1250  
[John.googas@gaming.ny.gov](mailto:John.googas@gaming.ny.gov)

Dear Mr. Googas:

On behalf of the Empire State Harness Horsemen's Alliance ("ESHHA"), representing over 3,000 New York State licensed owners, trainers and harness drivers, and further our March 15, 2013 correspondence (attached), I submit the following matter.

As you were previously advised via that attached ESHHA correspondence, we object to the implementation of the proposed regulations discussed therein as amendments to the 4100 series of Commission's regulations (Harness).

Additionally, please be advised that the proposed implementation of the regulations are equally opposed by the United States Trotting Association ("USTA"), the breed registry and non-pari-mutuel regulator of the nationwide industry. We attach the September 27, 2013 of the USTA to the Association of Racing Commissioners International. The content of that correspondence is self-explanatory, and has been shared with the applicable administrative body of every state in the nation where harness racing is licensed and conducted.

Moreover, the new and equally ill-advised proposed limitation on the use of therapeutic medications, permitting no more than twenty-four (24) specified therapeutic drugs for administration to racehorses, sets up the distinct probability that trainers attempting to maintain proper husbandry, not performance enhancement, for those horses entrusted into their care, custody and control, will be ensnared by the highly restrictive (24 drug) treatment scheme. It is

indisputable that in order to meet their trainer responsibility obligations as to racehorse health and safety, all breeds of competitive horses are treated with more drugs than the 24 listed medications.

Since the overwhelming majority of harness horses race every 7 to 10 days, the per se thresholds and withdrawal times proposed in 9E NYCRR Section 4120.3 would not permit this race schedule without the inherent risk positive drug findings. Under the proposed rules, any concentration of drug would constitute a drug positive regardless of when it was administered, even if well beyond the present various withdrawal times of 96 hours, i.e. one week or two week periods. Making the finding of even minute trace levels of drugs, such that they would have no pharmacologic effect, would nonetheless constitute a positive. That scenario in and of itself is the subject for potential abuse and selective enforcement against innocent horsemen who should become targets of industry suspicion.

While in the past we have raised our concerns regarding the recommendations for clenbuterol and corticosteroid administrations, based upon the inherent conflict in the rules as drafted regarding corticosteroids, we are obligated to reiterate a point or two. Harness horses seldom suffer the catastrophic type of fractures that plague Thoroughbred racing. The Commission, as a record keeper regarding breakdowns, euthanizations, etc. is well aware of the dearth of serious, often life threatening incidents in the harness realm. In the limited instances where an unfortunate breakdown occurs, they are often associated with a bike wreck; driver error or equipment malfunction.

The unfortunate incidents involving catastrophic fractures occurring during racing and training at the recently completed Saratoga Thoroughbred meet, while admittedly providing limited empirical evidence, points to a conclusion that drugs were not the underlying cause of the breakdowns. At the meet, corticosteroids and clenbuterol were regulated using the same withdrawal and threshold concentrations that are proposed for harness racing. Assuming a cause and effect relationship with horses that raced the entire Saratoga Thoroughbred meet under those rules governing thereat, there would have been no breakdowns or only a few. In essence, in the breed of horse where the abuse of these substances has become the impetus for these rules, their implementation has not proved effective. Without any similar impetus for these rules in the harness breed, and because of the vast differences in our racing, gait, heat racing, frequency of competition (harness horses often have 100-200 starts in their careers, while Thoroughbreds have significantly less) there is no valid reason scientifically, or as a practical matter, to justify the imposition of such regulations upon the harness racing industry. Further we question therefore the validity of data which may exist purportedly showing that clenbuterol has an anabolic effect as it used in harness race horses under current guidelines.

New York, New Jersey and Pennsylvania harness racing depends upon the entries of horses frequently moving from jurisdiction to jurisdiction and from one race to the next. Presently, the drug rules are not consistent from state to state, yet trainers and veterinarians have

managed to abide by the rules of the respective states. Insofar as the new proposed regulations for New York State harness racing mirror the RMTC rules, they are ill advised and will not be adopted and should not be applied to the harness industry. While uniformity is a goal, there should be an effort to speak with, and more importantly listen to and heed the advice of industry leaders, and adopt rules that are breed specific. There is relative uniformity amongst the various jurisdictions now in the form of our present rules and we respectfully request that they remain in effect and not be replaced. The limitation of 24 therapeutic drugs does not serve the need of either Thoroughbred and or Harness racing and, while there is talk of already increasing that number, that only highlights the failing in the logic itself and points to the entrapment the rules necessarily possess.

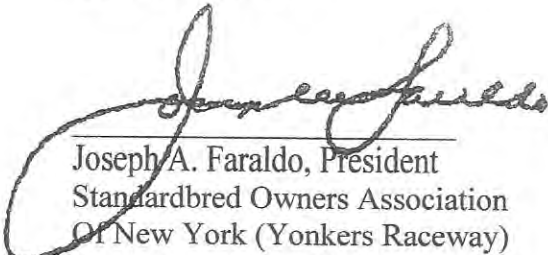
In sum, as alluded to in our writing of March 15, 2013, the clenbuterol and corticosteroids proposals are flawed. Nothing has been demonstrated to us that would change that opinion.

We also enclose a letter from Dr. Peter Kanter, DVM a respected veterinarian with thirty four years of "in the field" experience which specifically addresses the corticosteroid rule. We also join with harness racing's leadership at the USTA that has likewise voiced opposition to the implementation of these rules to the sport of harness racing.


We acknowledge the kind offer to discuss this matter further, face to face. An offer extended to us by Rick Goodell, Esq., and await notification of dates that are mutually convenient starting with the Commission to further these points the enclosed .

In any event, please be so kind as to respond to this correspondence and advise us as to the Division's actions, if any, regarding clenbuterol administration as it applies to harness racing. ESHHA STANDS READY TO ADDRESS WHATEVER INQUIRIES THE BOARD MAY HAVE AS TO THE IMPLEMENTATION OF THIS RULE CHANGE PRIOR TO ITS ATTEMPTED ADOPTION.


Very truly yours,



Joseph A. Faraldo, President  
Standardbred Owners Association  
Of New York (Yonkers Raceway)

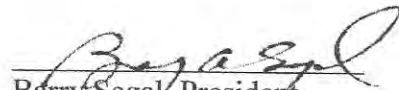


Bruce Tubin, President  
Western New York Harness  
Horsemen's Association  
(Buffalo Raceway/Batavia Raceway)



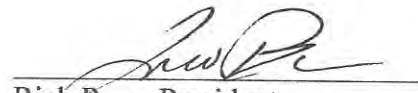
---

Alan Schwartz, President  
Monticello harness Horsemen's  
Association (Monticello Raceway)



---

Barry Segal, President  
Saratoga Harness Horseperson's  
Association (Saratoga Raceway)



---

Rick Papa, President  
Harness Horse Association of  
Central New York (Vernon Downs)