

REVISED AND UPDATED - DECEMBER 5, 2025

AFTER THREE YEARS

ASSESSING HISA.



ASSESSING THE EFFECTIVENESS OF HISA AFTER THREE YEARS IN OPERATION

Why the Revision:

This is an update of the original assessment which was issued on October, 3, 2025. Due to an ambiguity contained in the 2024 Annual Report of the Horseracing Integrity and Welfare Unit, drug testing numbers reported in the October 3, 2025 report are being revised.

The originally reported numbers were consistent with how horse racing drug testing numbers have been reported for the past twenty years by regulatory agencies in the United States and consistent with the ARCI Model Rule standard for making such reports.

Page 13 of the HIWU 2024 annual report indicates 26,585 unique horses were tested in 65,670 “sample collection sessions” (SCS) which *could* include blood, urine and/or hair. As urine is collected by a urine collector and blood drawn by a veterinarian or vet assistant, it was not unreasonable to interpret that each SCS reflected the collection of one biological sample from each of the 26,585 horses tested and the considerable gap between the two numbers pointed to the interpretation that was made.

When a question was raised about this interpretation we reached out to HIWU and requested data consistent with individual samples sent to the testing lab for 2024, which they have since provided and is now reflected in this revised report.

In conversation with HIWU we found another ambiguity pertaining to how they counted horses being tested. States would test multiple horses in each race and each horse tested was counted individually each time they raced during the reporting period. HIWU indicated that they count each individual horse once no matter how many times it races or is testing during the reporting period. There is no way to audit that and we have no reason to doubt the veracity of the explanation. That being said

statements contained in the October 3, 2025 version of this document have been adjusted to reflect this information.

The essential points of the assessment have not changed. There are significant new regulatory costs, the “ran safe rate” is essentially the same, no new doping agents have been detected, the testing clear rate has not changed. Common rules are good. It is unclear the extent to which some rules are enforced and how the new technology is working to keep "at-risk" horses from running. The level of drug testing has not dramatically declined, there has been a modest increase.

Background:

The Horseracing Integrity and Safety Authority (HISA), designated by the Horseracing Integrity and Safety Act (ACT), assumed authority over thoroughbred equine welfare on July 1, 2022. Responsibility for equine medication and anti-doping control was delayed until May 22, 2023.

Prior to those dates this regulatory responsibility rested with individual State Racing Commissions whose authority and resources were dictated by individual state budgetary and programmatic legislation.

State Racing Commissions historically have relied upon the Model Rules of Racing, promulgated by the Association of Racing Commissioners International (ARCI), to provide a degree of uniformity in the regulation of this multi-jurisdictional sport. Prior to enactment of the ACT there was substantial uniformity in a number of areas, including medication, although there were some differences in certain jurisdictions.

In the anti-doping program, the testing labs were subject to individual state procurement contracts and the limitations of available funding. Many of the individual state rules pertaining to equine welfare were also based on the ARCI Model Rules, although enforcement was not necessarily consistent.

Proponents of a centralized rule making authority, including the ARCI, were in agreement for national, common rules with consistent enforcement. Failure of the racing industry to actively support an ARCI proposal to create an interstate compact - the mechanism normally used by the states in other areas of governance where multi-

state uniformity was desired - was the reason some prominent organizations in the industry sought a federal solution.

A further impetus for a federal solution came from those advocating for the elimination of the legal, regulated, and disclosed use of furosemide on horses on the day of a race to prevent or mitigate instances of equine pulmonary hemorrhage. When the ARCI failed to modify its Model Rules on this matter those advocating a policy change focused their attention on Washington to outlaw this treatment and remove other policy decisions from the states.

It was not until almost a decade passed and a series of high profile equine fatalities in California brought national media attention to horses suffering catastrophic breakdowns that the political impetus was created that resulted in passage of the ACT.

The ACT was designed to:

- Achieve uniformity in equine welfare, medication and anti-doping rules;
- Utilize a central authority to enforce those rules consistently;
- Provide adequate funding to support those efforts;
- Reassess the raceday use of furosemide and settle the issue for good.¹

The purpose of this analysis is to provide an independent assessment, three years later, of how this all has played out.

The information contained in this report is not meant to be laudatory or critical. It is a sober presentation of how things have changed and how they may not have changed. The information is intended to be relied upon by those in the industry and public policy makers to improve upon the status quo.

How to build upon progress that has been made or address unforeseen problems is best determined by the professional horseracing interests most affected by HISA in that they are required to provide the bulk of the HISA budget and programmatic costs.

In the final analysis, only those involved in the thoroughbred industry alone can answer whether the 2024 cost - \$78,586,798 including new HISA assessments of 59,846,163 on top of \$18,740,635 State Racing Commission in-kind or financial support has been money well spent given the programmatic results.

¹ Proponents of federal legislation had advocated for a total ban on raceday furosemide and many were not satisfied with the final version of the Act which seemed to perpetuate the debate as to whether such treatments are in the health interest of the horse. The matter remains unsettled.

In 2025, the HISA program cost \$80,376,289 including industry assessments of \$58,783,414 and credits for state assistance of \$21,592,875.

In 2026, the HISA program is expected to cost \$77,054,217 including industry assessments of \$60,493,771 and expected state contributions reflected as credits of \$16,560,446.

There was much expectation that HISA would deliver not only uniformity but a better anti-doping program, detecting new drugs and catching more cheaters. There was also the expectation that common rules and equine welfare policies implemented consistently would result in a safer racing.

This report examines whether those expectations have been met.

For over eighty years the Association of Racing Commissioners International (ARCI) has developed and promulgated regulatory standards and best practices for the independent regulation of professional horse racing and associated wagering.

ARCI Model Rules of Racing are relied upon by government agencies throughout North America and beyond. Its independence is unquestioned and the association historically has been asked to independently assess the performance of a racing regulatory agency.

Executive Summary of Findings:

NOTE: This assessment is focused on the nineteen states where HISA is operative. The purpose is to assess how HISA has affected the regulation of the sport in those jurisdictions.

Cost:

- At the end of 2025, the thoroughbred racing industry will have been assessed over \$168 million in new regulatory costs to pay for HISA and its programs.

- States or racetracks have mitigated new regulatory costs on the industry by providing \$56,712,010 in direct or indirect assistance during that time period.
- Although HISA is attempting to control costs through a 2026 budget reduction the industry assessments will still increase due to reductions in overall state support.

Anti-Doping:

- Since 2022 in the jurisdictions assessed there has been a 7% decrease in thoroughbred races. There was a modest increase of 1,330 post race blood and urine tests in 2024 compared to 2022. Such testing has remained relatively constant.
- HIWU has placed a greater emphasis on TCO2 testing than the prior state programs. These tests made up 20.8% of all race related HISA/ HIWU testing in 2024.
- No new substances have been detected that had not previously been found by the state based programs.
- There are uniform rules in all HISA thoroughbred jurisdictions.

Racetrack Safety

- The overall equine fatality rate remains largely unchanged and the overwhelming majority of thoroughbred starters continue to run safe. In 2022, the “ran safe” rate was 99.87%. At the end of 2024, the rate was 99.90% representing a minor 0.03% improvement. For the first half of 2025 it slid backwards to 99.89%.
- There are uniform rules in all HISA thoroughbred jurisdictions although HISA has admitted to instances of non compliance in many states with regard to vet record submissions and location reporting.
- HISA has deployed an advanced AI system to identify “at risk” horses but no details are available as to how it is working or not.

Assessing the Anti-Doping Program:

The ACT envisioned that HISA would utilize the US Anti-Doping Agency (USADA) as its enforcement arm based upon its work with the Olympics and other human sport federations. USADA involvement in horseracing became a major selling point to some industry supporters as well as Members of Congress. After a year of planning including State specific meetings with HISA staff, state racing commission staff, and USADA staff coordinated by the ARCI, the Authority failed to finalize an agreement with its designated anti-doping enforcement agency. At the end of 2021, USADA decided that an agreement was not going to be possible and HISA was forced to explore alternatives.

Without a competitive or transparent procurement process, HISA soon selected Drug Free Sport, a respected anti-doping services company that had previously performed work for a HISA Board Member who had once been in charge of the NFL's anti-doping program. The Horseracing Integrity and Welfare Unit was subsequently created (HIWU) as a division of Drug Free Sport.

Despite having no direct experience with equine welfare or equine anti-doping regulation HIWU has for the most part done a credible job despite having employed many with little or no experience working with or caring for horses. They did augment those with a Director of Intelligence and Strategy, Shaun Richards, a former FBI agent who was raised in harness racing and had experience investigating a successful federal anti-doping horseracing case. Additionally, they did augment new hires with respected individuals with experience in horse racing anti-doping programs such as Dr. Mary Scollay (now retired). Others like Dr. Jennifer Durenberger were retained by HISA directly appear focused on racetrack and equine safety and it is unclear the degree to which they impact on the anti-doping enforcement effort. It is relevant to note that HISA and its programs are managed and overseen by a CEO with an equine and human sport anti-doping background.

With the implementation of the full HISA/HIWU program there was an expectation that variations in laboratory testing would end as a result of all the labs being retained by one central client. Previous state specific decision points for regulatory action for substances were expected to be replaced with a uniform policy that would address long standing complaints by horsemen operating in multiple states.

After initial complaints that the hoped for testing uniformity has not been achieved, such complaints appear to have subsided. It is beneficial to have all the testing laboratories working for one client who determines parameters for testing and point of regulatory action.

HISA/HIWU opted to balance their staff with individuals with prior human sport anti-doping experience with those who have worked in horseracing. There have been growing pains as some lacked the knowledge of what is considered normal for proper equine care and management. There are countless reports of suspicions being raised about legal and appropriate treatments that were initially looked at as an attempt to cheat.

Throughout this learning curve, HISA has shown a flexibility to modify initial policies. It is still a work in progress and some horsemen complain that progress is slow going. HISA's sensitivity to horsemen complaints has improved, although some say they pick and choose which organizations to interact with, rather than welcome all constituent organizations to the dialogue. Unlike the ARCI Model Rules process, where everyone is welcome to attend and participate at the meetings, HISA's policy development discussions are held behind closed doors and the public may comment in writing on proposals once they are submitted.

HISA's initial rule making process included many organizations, but the participation was limited to those organizations and individuals willing to sign a non-disclosure agreement as if there was some proprietary secret in the development of regulatory rules affecting multiple constituencies. This secretive policymaking process was a major departure for an industry accustomed to open meetings and transparency.

The results of the HISA/HIWU testing program are found on the HIWU website. HIWA has built a credible testing program although they have not detected any substances that had not been previously found by the prior state administered programs.

It should be noted that the new HISA/HIWU program is not detecting substance overages at a greater degree than the individual programs it replaced. The "clear" rate continues to conclude that no adverse findings have been found in the overwhelming majority of samples tested. Like the previous state programs it replaced, most of the overages found involved legal, therapeutic substances. Findings of drugs that would indicate "doping" were rare as they were in the state programs.

HISA/HIWU's results are not only consistent with the prior state racing commission results, but also what anti-doping agencies find in the Olympics and other WADA regulated sports. HIWU claims their testing is superior to the testing previously done

by the States and is deeper than what had been done in some jurisdictions, implying that the previous testing was, by comparison, inadequate. The only way to assess that claim is to consider the detection of previously undetected substances or whether there was a dramatic increase in violations. Neither has happened. Central management of the testing program ensures consistency and to the extent testing may be done to a deeper level than before in some jurisdictions it has not changed the bottom line results of the entire program.²

Prior to enactment of the ACT, proponents stressed the need to increase out-of-competition testing (OOC). This was consistent with calls for more OOC by the ARCI and other organizations. Prior to the ACT, the number of individual states deploying OOC testing was steadily increasing as was the percentage of all their tests. There was an expectation that such testing would increase dramatically once the HISA/ HIWU program commenced.

To compare the 2024 HISA/HIWU program, we referenced the drug testing report for 2022 submitted to the ARCI from the nineteen States contained in the HIWU 2024 Annual Report. States that did not simulcast or were excluded from HISA regulation by court order were excluded.

The following points can be made about raceday testing:

- The number of race related blood and urine samples that were tested for thoroughbred races in the nineteen HISA/HIWU states increased slightly by 1,330. The State programs performed analysis on 80,883 blood and urine samples in 2022 compared to HIWU's 82,213 blood and urine samples tested in 2024³. This occurred when the number of thoroughbred races decreased 7.2% from 26,244 in 2022 to 24,337 in 2024.
- As the States did not report hair testing numbers to the ARCI in 2022, a comparison could not be made. HIWU performed 222 hair tests in 2024.
- Because of the ability to screen and detect a vast number of doping agents and possible emerging threats, state commission drug testing programs for thoroughbred racing focused largely on post race blood, urine and OCT samples. TCO2 gas testing, while used sporadically based on intelligence or as a deterrent by thoroughbred regulators in 2022, was widely considered

Note: In response to a request for more granular information, HIWU did not provide state by state results of blood and urine testing during 2024 making it impossible to assess performance in individual States.

to be less effective in detecting violations. The ARCI did not track such testing by the States. HISA’s 2024 data indicates that TCO2 testing in 2024 accounted for 20.8% of race related testing. That fact alone is a significant expansion, the extent to which cannot be quantified.

- Despite the HIWU program’s increased emphasis on TCO2 testing, only 15 or 4.1% of the adverse analytical findings were for TCO2 overages. As state testing found TCO2 overages rare in thoroughbred contests, resources shifted elsewhere. HIWU, like the prior State programs, intends to regularly assess and evaluate their program in consideration of risk and effective testing strategies. Note: HIWU’s program included expanded TC02 testing in California that was requested and paid for by the California Horse Racing Board in response to horsemen requests.

The following assessment can be made about Out of Competition Testing (OCT):

- The number of out of competition tests increased across the HISA jurisdictions from 3,981 in 2022 to 5,673 in 2024.
- The percentage of out of competition tests performed in 2022 was 4.5% and 7.95% in 2024.
- Prior to passage of the ACT, some proponents advocated for a 20% OCT rate. In 2022 Kentucky and New York had the highest rate of OCT, 14.71% and 12.28% respectively. Several States did not do any OCT for thoroughbreds, these included Arkansas, Florida, Illinois, Ohio, and Washington. **In 2024, there were out of competition testing programs in all of the nineteen HISA states.** The percentage of OCT testing increased in all states, except Kentucky where it fell from 14.71% to 8.54% and New York where the percentage fell from 12.28 to 9.71%.

2024 HIWU Testing Data:

	Post Race (Blood and Urine)	TCO2	Hair	Out of Competition Tests	T-Bred Races	OCT %
	82,213	21,665	222	5,673	27932	7.95

(NOTE: In response to a request for more granular information, HIWU did not provide state by state results of blood and urine testing during 2024 making it impossible to compare programs in individual States.)

2022 State Racing Commission Testing Data:

	Post Race (Blood and Urine)	Out of Competition Tests	SCS (Sample Collection Sessions)	Thorough bred Races	Race Related Samples Per Race	Out of Competition Tests as a Percentage
Arkansas	2365	0	2365	609	3.88	0.00
Arizona	2739	159	2898	1030	2.66	5.49
California*	13881	940	14821	3011	4.61	6.34
Delaware	1975	114	2089	702	2.81	5.46
Florida	8904	0	8904	2812	3.17	0.00
Iowa	2260	92	2352	573	3.94	3.91
Illinois	2430	0	2430	1002	2.43	0.00
Indiana	2493	11	2504	965	2.58	0.44
Kentucky	3403	587	3990	1813	1.88	14.71
Maryland	5734	60	5794	1571	3.65	1.04
Minnesota	2288	3	2291	529	4.33	0.13
New Jersey	2595	27	2622	656	3.96	1.03
New Mexico*	1351	32	1383	896	1.51	2.32
New York	9686	1356	11042	2588	3.74	12.28
Ohio	4305	0	4305	2359	1.82	0.00
Oklahoma*	4156	5	4161	975	4.26	0.12
Pennsylvania	8371	539	8910	3427	2.44	6.05
Virginia	974	15	989	307	3.17	1.52
Washington	973	0	973	419	2.32	0.00
	80883	3940	84824	26244	3.08	4.65

(NOTE: Data from States marked with an asterisk indicate an estimate based on the percentage of “flat” races that were for thoroughbreds only. Tests for quarter horse contests have been excluded.

The “Post Race” column reflects the number of individual biological samples sent to the lab. For example, Minnesota collected both blood and urine samples from 1090 horses, or 2180 individual samples. As some horses did not urinate, there were 108 additional horses where only blood was tested. The addition of those numbers is noted in the chart.)

COMPARISON: OUT OF COMPETITION TESTING

	2022 SRC	2024 HIWU	Difference	2022 - % of all testing.	2024 - % of all testing.
Arkansas	0	130	130	0.00	6.60
Arizona	159	110	-49	5.49	8.20
California	940	839	-101	6.34	6.34
Delaware	114	121	7	5.46	9.04
Florida	0	675	675	0.00	7.74
Iowa	92	131	39	3.91	9.66
Illinois	0	214	214	0.00	10.22
Indiana	11	160	149	0.44	6.74
Kentucky	587	663	76	14.71	8.54
Maryland	60	266	206	1.04	6.81
Minnesota	3	123	120	0.13	9.72
New Jersey	27	145	118	1.03	8.97
New Mexico	73	176	103	5.28	11.52
New York	1356	770	-586	12.28	9.71
Ohio	0	298	298	0.00	5.37
Oklahoma	5	114	109	0.12	7.00
Pennsylvania	539	596	57	6.05	9.72
Virginia	15	40	25	1.52	6.37
Washington	0	102	102	0.00	10.44
	3981	5673	1692	4.49	7.95

Equine Safety Program.

Earlier this year broad claims were made in the media about the success of the HISA program in reducing the rate of catastrophic breakdowns (fatalities) by 35% in HISA regulated states when compared to non-HISA states.⁴ Upon examination of 2024 data, that statement was misleading and not accurate in assessing the performance results of the HISA program.

In HISA regulated states during 2024 there is a wide range of breakdown rates spanning a low of 0.026 per thousand to a high of 0.157 per thousand.⁵ Given this range and the fact that the policies and program were uniform in the HISA states, it is hard to make such a broad claim. Upon review of official state records from some non-HISA jurisdictions or tracks one finds that the breakdown rate is within the range reported from the HISA regulated states and tracks.

Given that HISA spends close to \$300,000 to retain an outside public relations firm in addition to funding a six person staff of Public Relations-Communication professionals, one can only question their collective wisdom of continually talking about a breakdown rate that has been so small and exposed to factors beyond the Authority's control.

To make claims that the fatality rate in HISA states dropped when compared to non-HISA states may have made sense in response to those in the industry who are increasingly questioning the cost and result of the HISA program. Such broad brush boastful claims of success have been recently undermined when HISA had to report that the breakdown rate for the 2024 and 2025 April thru June period had jumped from 0.76 to 1.24 per thousand starters.⁶ That's a 63% increase.

History has shown that any reduction in fatality rates can change on a dime regardless of which regulatory agency is ultimately responsible. When one considers that the catastrophic breakdown rate is already so low a 33% or 63% change in that rate sounds far more monumental than it truly is. Nonetheless, given the fact that there

⁴ The source of this claim affecting non-HISA States is the private Equine Injury Database maintained by the US Jockey Club. Most track data is not available to the public or subject to independent third party audit. Originally intended to identify injuries and focus equine welfare research this data may differ from official equine fatality data maintained by statutory regulators.

⁵ HISA 2024 Metrics Report.

⁶ HISA 2025 2Q Metrics Report.

are upwards of 175,000 thoroughbred starters the actual number of equine fatalities has declined.

In addition to HISA the official data of equine racing fatalities is maintained by each individual state and the fatality rate is traditionally determined by the number of starters in races in a particular state or at a particular track. Fatalities occurring during training or in freak accidents are also recorded. Unfortunately there has been no uniform reporting policy governing how this data is collected and maintained. It would serve the industry well if HISA, the State Commissions (individually or through ARCI) and the racetracks were to develop a uniform reporting format.

According to The Jockey Club's published rate from the non-public Equine Injury Database, the catastrophic breakdown rate has been trending downward for the thirteen years prior to HISA.⁷ This progress is a result of unified industry initiatives in partnership with its regulators.

It is important to note that caution is advised when relying upon HISA's data because of discrepancies that exist between the Official state data, HISA data, and the data from the Equine Injury database.

In 2024 HISA reported thirteen fewer equine deaths than those officially recorded by their State Racing Commission partners in the HISA regulated jurisdictions. Discrepancies also exist in the HISA numbers when compared to the official numbers maintained in California, Indiana, Iowa, Maryland, New Mexico and New York.

The fatality rate is determined as a percentage of the number of thoroughbred starters who actually ran. There are discrepancies in those numbers as well.

The number of starters being used by HISA to calculate the fatality rate is not consistent with some official state records and in other cases the unofficial records maintained by Equibase.

For instance, in 2024, the total number of thoroughbred starters officially recorded in the states regulated by HISA was 175,918. HISA claims 178,564. Equibase claims 180,761.

Undercounting fatalities and over counting the number of starters raise doubts about the accuracy of HISA's claims for 2024 as these factors combined can artificially lower the fatality rate. Such inconsistencies undermine HISA's credibility at a time when horseracing is literally struggling to survive in an environment of enhanced

⁷ See Footnote #8.

competition, motivated anti-racing activists and concerns about the possible erosion of public support.

It is important to note that changes in the fatality rate have been so small regardless of whose data one relies on or who the responsible regulator was. HISA, as well as the entire thoroughbred industry might be better served if they addressed this issue in terms of the percentage of horses that “ran safe”.

Using official state data for 2022 and 2023 and HISA data for 2024 and the first two quarters of 2025, the “Ran Safe” rate is as follows in the HISA regulated thoroughbred states:

2022 - 99.87 out of every 100 horses ran safe.

2023 - 99.87 out of every 100 horses ran safe.

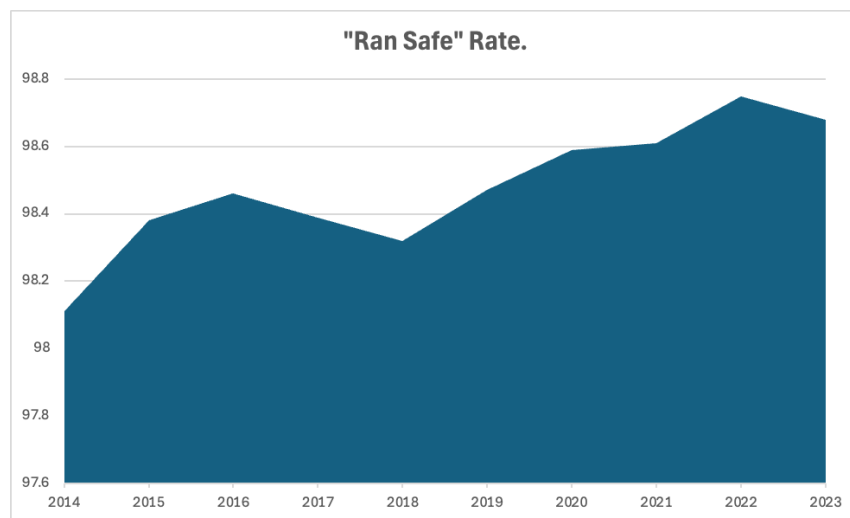
2024 - 99.90 out of every 100 horses ran safe.

2025 - 99.89 out of every 100 horses ran safe.

What these numbers show is that the “Ran Safe” rate has largely remained constant with extremely minor fluctuation. The improvement in the “Ran Safe” rate from 2022 thru 2024 was 0.03%.

If one were to rely upon the Jockey Club’s Equine Injury Database fatality numbers, the following chart demonstrates what has been a multi year improvement in the percentage of horses than “ran safe”.⁸ Note: these numbers include all jurisdictions with thoroughbred racing.

This is not to diminish the seriousness of any horse that dies, but in the totality of the sport, it is the exception as opposed to the rule. It is important for the sport, if not crucial, to put this issue in perspective.



This does not absolve HISA or State Racing Commissions in non-HISA States from thoroughly investigating and

⁸ HISA’s Equine Welfare Program took effect July 1, 2022.

understanding what happened and why any time a fatality occurs. Transparency is essential for public trust.

One of the benefits of the ACT is that it empowered an entity to bring a uniform approach to equine welfare policies in professional thoroughbred racing. The industry has worked collaboratively in this area and remains diligent although the brutal reality is that freak accidents happen and some horses, for whatever reason, don't survive.

This is not unlike other professional sports.

Basketball, football, soccer, hockey all struggle with preventing accidents and combatting sudden cardiac death. Like racing, when a death occurs in these sports it does not reflect the totality of the safety of their sport. In some instances the sudden death fatality rate is similar. In professional basketball (0.04⁹) and in bodybuilding where it is 0.13.¹⁰

Arguments can be made that horse racing poses greater risk in that certain injuries are deemed to warrant humane euthanasia which is certainly not done in human sport. This challenge has been clearly understood by all involved in thoroughbred racing and the continued focus on equine welfare has and continues to show progress.

HISA has put in place many positive reforms to identify "at risk" horses and conditions contributing that can elevate a risk of a breakdown. A massive data gathering system of veterinary records has been built and in December, 2023 HISA deployed a streamlined process for veterinarians to enter medical treatment records on each covered horse through their portal directly from mobile devices. This was designed to increase compliance with the pertinent rule.

That same month the Authority retained Palantir Technologies to develop an Artificial Intelligence system to analyze data. Two months prior to that announcement HISA announced collaboration with Amazon Web Services to apply data analytics, machine learning, and artificial intelligence to HISA's data with the goal of enhancing equine safety factors by analyzing the factors contributing to equine injuries.

The system was to be deployed in early 2024. According to HISA's December 5, 2023 press announcement:

⁹ British Journal of Sports Medicine: "A-etiology and incidence of sudden cardiac arrest and death in young competitive athletes in the USA: a 4-year prospective study."

¹⁰ National Library of Medicine: Mortality of Male Bodybuilding Athletes, May 20, 2025.

“The new tool HISA and Palantir have developed reviews health information and historical entry data to determine whether each horse entered in a race is at increased risk for injury based on various factors. The tool accounts for such risk factors as the length of a horse’s previous layoff (if any), term with current trainer, history on the vet’s list and other indicators of previous injury or poor performance. The process for evaluating these records for each horse entered in a race had previously taken veterinarians an average of five hours per race. This same review can now be accomplished in a matter of minutes.”

This is a major leap forward yet it is unclear as to the extent to which these systems which are designed to issue a risk ranking on each horse have been relied upon in those instances where a fatality occurred.

The system sends daily reports on each horse scheduled to run to each racetrack and regulatory veterinarian. The regulatory veterinarians, who work directly or indirectly for HISA consistent with various “Voluntary Agreements”, have regulatory authority to prevent a horse from running in a race if deemed unsafe. Due to lack of transparency there is no way to independently assess if the system is working as intended or the extent to which “at risk” horses are being permitted to run by HISA.

(NOTE: HISA has deployed a similar approach - the Head Check program - in assessing jockey medical records to ensure that a rider is cleared to ride following an accident and participation in a concussion protocol if necessary. This joint effort with The Jockeys Guild is a positive reform that is up and running and by all accounts is working as intended.)

As noted above It is extremely difficult to assess the effectiveness of any program without a uniform reporting mechanism for both State Racing Commissions and HISA as well as total transparency as to what ultimately happens to horses who may have been injured on the track and removed to a clinic, School of Veterinary Medicine, or farm.

Rather than humane euthanasia on the track following a serious injury/breakdown some racetracks have adopted a policy intended to try to save the horse in certain circumstances. This is a laudable goal. Skeptics claim, without evidence, that this is an attempt to cover up the true number of equine fatalities.

HISA is the only entity that can shed light on this matter as their rules require individual horse registration and location reporting commencing the moment a horse has its first timed workout. HISA fatality reporting requirement appears to terminate 72 hours

after the race so if a horse was removed to another location and did not survive it is unclear if the passing was counted.¹¹

HISA rules require that upon termination of a horse's racing career they are to be notified promptly. It is unclear the extent to which this requirement is enforced. State racing commissions do not license the actual horse so they receive no such notification.

As HISA consistently maintains they are not subject to open records requests it is impossible to assess the extent to which they actively monitor what happens to the horse after being removed from the racetrack. It might be helpful to the sport to be able to report how many horses were able to be saved following an accident. But that requires a degree of transparency that does not now exist.

An equine fatality, no matter where it occurs or for what reason, commands significant attention and is often used to portray the sport as inherently unsafe or cruel. This has not changed now that HISA is responsible for equine welfare and safety in thoroughbred racing despite the expectations and hopes of HISA advocates that it would minimize concerns from animal welfare activists and organizations. To date this has not happened. People for the Ethical Treatment of Animals (PETA), an early supporter of the HISA legislation, now openly questions if HISA is living up to its mandate.

After three years HISA appreciates the difficulty that comes with the responsibilities they have. Despite their best efforts some non-racing organizations and advocacy groups continue to promote a perception that is not accurate when one considers the "Ran Safe" statistics referenced above. Having said this, the industry, its participants, HISA, and the state racing commissions must remain vigilant and united in this area. Political divisions in the sport must be minimized going forward as the challenge transcends whether one is a fan or critic of HISA.

¹¹ HISA's policy is based on the International Federation of Horse Racing Authorities "Principles of Good Practice for Monitoring of Racing Injuries and Fatalities".

2022-2024 FATALITY CHART:¹²

	2022			2023			2024		
	FATALITIES	STARTERS		FATALITIES	STARTERS		FATALITIES	STARTERS	
Arizona	20	7499	0.267	12	4859	0.247	7	4445	0.157
Arkansas	2	5423	0.037	11	6238	0.176	7	6010	0.116
California	23	21101	0.109	15	20358	0.074	19	15291	0.124
Delaware	10	4776	0.209	7	4640	0.151	4	4232	0.095
Florida	10	15532	0.064	18	19882	0.091	16	21533	0.074
Illinois	3	4284	0.070	6	5726	0.105	7	6929	0.101
Indiana	3	7533	0.040	7	7837	0.089	3	7602	0.039
Iowa	8	3762	0.213	4	3519	0.114	6	3562	0.168
Kentucky	15	15913	0.094	25	16699	0.150	15	17918	0.084
Maryland	12	11182	0.107	7	10903	0.064	10	10805	0.093
Minnesota	4	3857	0.104	5	2577	0.194	2	2714	0.074
New Jersey	9	4780	0.188	5	3866	0.129	5	3669	0.136
New Mexico	11	18127	0.061	12	6855	0.175	6	5427	0.111
New York	29	18972	0.153	36	18719	0.192	15	18716	0.080
Ohio	33	16322	0.202	24	17771	0.135	20	15249	0.131
Oklahoma	12	8299	0.145	6	6811	0.088	6	6643	0.090
Pennsylvania	28	23291	0.120	26	22260	0.117	22	20418	0.108
Virginia	3	2055	0.146	1	2047	0.049	1	2012	0.050
Washington	5	2725	0.183	2	2852	0.070	3	2743	0.109

¹² The chart is reliant on State Racing Commission data.

The following chart demonstrates the discrepancies that exist in the various 2024 data kept by different entities:

State	FATALITIES	FATALITIES	FATALITIES	STARTS	STARTS	STARTS	STARTS
	State	HISA	EID	State	HISA	Equibase	EID
Arizona	7	7	n/a	4445	4445	4445	
Arkansas		7	n/a		6010	6010	
California	19	16	n/a	15291	18589	18589	
Delaware	4	4	4	4232	4232	4247	4230
Florida	16	16	n/a	21533	21533	21522	
Illinois	7	7	n/a	6929	6893	6887	
Indiana	3	2	2	7602	7601	7602	7602
Iowa	6	5	n/a	3562	3562	3562	
Kentucky	15	15	n/a	17918	17922	17921	
Maryland	10	9	10	10805	10805	10915	10085
Minnesota	2	2	n/a	2714	2966	2966	
New Jersey	5	5	5	3669	4161	4205	3669
New Mexico	6	3	n/a	5427	4764	5487	
New York	15	11	11	18716	18665	18716	18656
Ohio	20	20	n/a	15249	15255	15255	
Oklahoma	6	6	n/a	6643	5988	6645	
Pennsylvania	22	22	n/a	20418	20418	20535	
Virginia		1	n/a		2012	2509	
Washington	3	3	n/a	2743	2743	2743	

Cost:

The proposed 2026 HISA budget is \$78,422,485. This is \$3,155,069 less than the \$81,577,554 2025 budget.

Despite this reduction, the assessment on the industry will increase by \$1,710,357 to \$60,493,771 due to reductions in credits which are reflective of either State support or services provided by a State Racing Commission or racetrack.

Since the outset HISA costs reflect new mandatory assessments which must be paid.

These new assessments which fall on racetracks who determine how to share costs with covered entities and persons have totaled \$168,741,513 from 2023 thru 2025. Credits for State funding or in-kind services provided by a State Racing Commission or racetrack during those years have totaled \$56,712,010. Absent support from the State Racing Commissions and racetracks the HISA assessments for those years would have been \$225,453,523.

These new assessments come at a time of increasing competition for the racing industry in part due to the explosion of sports betting and new forms of gaming being authorized by States. The assessments are a contributing factor in decisions being made by track operators to abandon or limit race meets, transfer ownership of a facility, seek State intervention for capital improvement funding, or limit thoroughbred racing opportunities governed by HISA due to simulcasting. Although anecdotal, there are a growing number of mid and small sized breeders and horsemen who are reassessing whether to remain in the business at the levels they have historically participated.

Complicating matters is the fact that some States may not be able to indirectly support HISA as they have in the past. This is reflected in HISA's proposed 2026 budget which anticipates a \$5,032,429 reduction in credits for state direct or in-direct support.

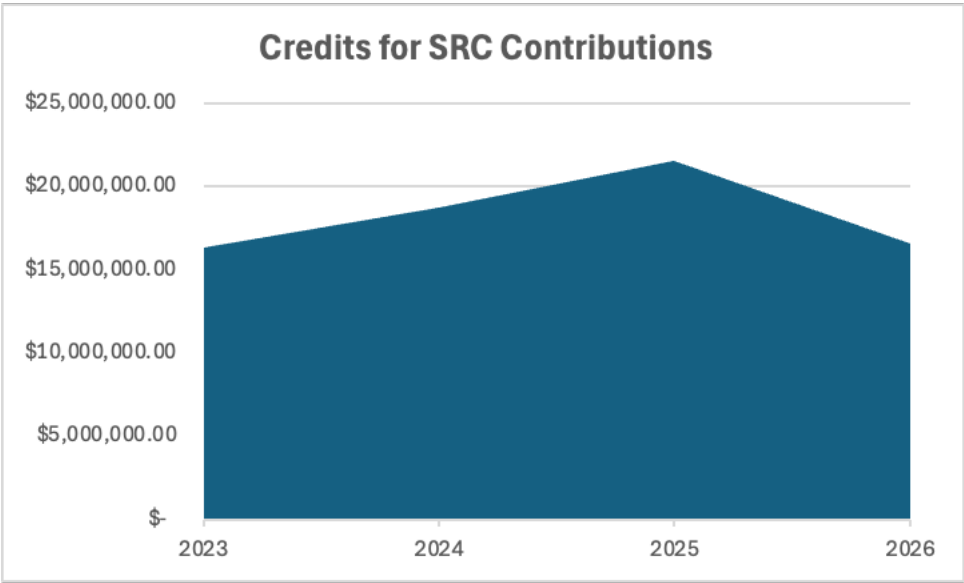
State budgets are already being challenged by changes in federal program reimbursements and questions are increasingly being asked as to why the state is still paying for things that are now the responsibility of HISA.

HISA Budget Trends:

Year	Overall Budget	Total Assessments	Credits fot SRC Contributions	Assessment on Industry
2023	\$66,490,436.00	\$66,490,436.00	\$16,378,500.00	\$50,111,936.00
2024	\$80,956,416.00	\$78,586,798.00	\$18,740,635.00	\$59,846,163.00
2025	\$81,577,554.00	\$80,376,289.00	\$21,592,875.00	\$58,783,414.00
2026	\$78,422,485.00	\$77,054,217.00	\$16,560,446.00	\$60,493,771.00

Credits and Industry Assessments:

Year	Credits for SRC or Track Contributions	Assessment on Industry
2023	\$16,378,500.00	\$50,111,936.00
2024	\$18,740,635.00	\$59,846,163.00
2025	\$21,592,875.00	\$58,783,414.00
2026	\$16,560,446.00	\$60,493,771.00



It is hard, if not impossible, to assess how costs could be reduced absent the ability to perform a programmatic audit. Certainly HISA is attempting to control costs as evidenced by the \$3.1 million reduction in their overall budget from 2025 to 2026. But since 2023, their overall budget increased by \$11.9 million and assessments on the industry will have grown by \$10.4 million.

HISA has maintained that they are not subject to the laws that normally provide the same level of transparency the racing industry constituencies have been accustomed to having from the State Racing Commissions. HISA claims to not be subject to public records requests, compensation disclosure, public meetings or any of the other safeguards contained in the Federal Advisory Committee Act governing advisory entities like HISA.¹³

This lack of transparency breeds distrust among those being regulated who must pay the assessments. Anecdotal reports of unnecessary travel, non-competitive or non-transparent procurements, and unusually generous compensation levels have raised operational doubts about the management of the Authority and its programs. There is no evidence that the Federal Trade Commission, the General Accounting Office, or the General Services Administration have performed an independent audit of HISA finances, operations, or performed a programmatic review. No Congressional panel has exercised any oversight of HISA and the prospects of that are limited when one considers the major issues Congress must address.

HISA was designed to ensure that the thoroughbred racing regulatory function had adequate resources. That is a noble goal but the ability to determine its own budget and impose mandatory assessments was a flawed design from the start especially considering the minimal operational oversight of the US Federal Trade Commission. The checks and balances and transparent operations that normally exist in public companies or government agencies are non-existent.

The potential costs associated with the creation of an additional regulatory layer in addition to the State Racing Commissions should have been more of a consideration when initial programmatic decisions were made by the HISA Board.

¹³ This matter is being litigated in one of the court challenges but there is nothing preventing HISA from voluntarily complying with the provisions of this statute.

While state racing commissions and HISA have largely worked cooperatively in partnership, HISA opted to not rely on an adjudication system and prosecutors who were already in place and paid for. They opted to minimize reliance on state investigative staff which could be augmented by HISA's multi-jurisdictional enforcement entity. In many cases their reliance was focused on regulatory veterinarians and test barn collection personnel.

Current HISA leadership inherited the program as it was initially designed by the Board and an interim CEO. Modest declines in overall HISA budgets since 2024 reflect an attempt by current leadership to manage costs, although efforts to mitigate the assessments on the racing industry are more difficult as credits for State direct and indirect support are being reduced.

Initial decisions to replicate rather than improve things that had been working and paid for at the State level have proven costly to the thoroughbred industry. The simple adage "if it's not broke, don't fix it" was ignored at what has become a costly endeavor that the thoroughbred industry has no choice but to pay for.

Relief from regulatory costs does not appear possible absent a complete overhaul of HISA and its programs.

Growing Pains:

Since its inception it is apparent that HISA is learning as it goes. There are many good people working for HISA/HIWU who are trying their best. Many had no prior racing regulatory experience and its Board was statutorily constructed to emphasize those with no racing experience at all.

Perhaps many of HISA's initial mistakes might have been avoided if they had been more transparent and inclusive in how they organized their programs and decided on their rules.

It serves no useful purpose to itemize and detail the missteps that have occurred. The HISA roll out was an enormous undertaking and as any seasoned racing regulator knows there are many moving pieces and factors that need to be considered. It's always an ongoing process.

But any assessment would be remiss if it did not acknowledge that HISA has had to roll back and modify initial policies on toe grabs, provisional suspensions, environmental contamination, treatment of medications like metformin, horses being

allowed to race or work after being suspended, and testing laboratories not deploying a uniform point of regulatory action.

The following examples reveal additional “growing pains”:

- With regard to the breakdowns in 2022 at Prairie Meadows, HISA never responded to their state partners as to the results of the necropsies that were sent by the State on the horses that died following implementation of the HISA toe grab rule (since modified).
- In March, 2023 concerns about the safety of the track surface were raised by horsemen at Laurel Racecourse/Maryland Jockey Club that caused various assessments of the track surface and voluntary cancellation of racing. HISA’s response over the ensuing weeks frustrated the track, owners, and horsemen so much so the Maryland Thoroughbred Horseman’s Association and the Maryland Horse Breeders Association petitioned the Maryland Racing Commission to intervene even though HISA, by statute, was the responsible regulatory entity. The MRC helped facilitate an independent assessment of the track which identified the problems which then were rectified and racing resumed with no further fatalities. In the report released six months later, HISA acknowledged that it did not conduct an independent review of the track surface.
- On September 12, 2023 HISA released its report on fatalities that occurred at Churchill Downs during the 2023 Spring Meet. The report found a number of procedural and reporting deficiencies raising questions about HISA enforcement of its own rules. Specifically, timely horse registration and location reporting; failure to conduct mortality reviews at training facilities; failure to make timely reports of injuries; and the failure to provide necropsy reports deemed thorough and sufficiently comprehensive. The report noted that non-compliance with these HISA requirements was not limited to Kentucky.

HISA has made important strides to be less insular with the formation of various advisory groups. Members of these groups are hand picked and it is unclear if HISA’s previous policies requiring informal advisors to sign non-disclosure agreements remain in effect. Advisory group meetings are not public and minutes of the discussions do not appear on the HISA website.

HISA has taken steps to be more transparent with the publication of Standard Committee minutes on their website. Minutes of HISA Board meetings do not appear to be made available. These steps, although positive, fall short of the requirements

contained in the Federal Advisory Committee Act (FACA). While there is litigation that addresses whether this law applies to HISA, there is nothing preventing HISA from voluntarily complying with the provisions of this statute.

There is no question that additional regulatory costs are having an impact on the financial stability of some entities and individuals involved in the racing industry. Racetrack operators, large and small, complain about the magnitude of the HISA assessments, which are partially mitigated by credits based on monetary or in-kind contributions of individual States.¹⁴

Final Thoughts:

This assessment represents an independent analysis of the HISA programs.

The Association of Racing Commissioners International has remained neutral in pending litigation challenging various aspects of the HISA Act. Most members are not involved in the legal challenges, but some member States are.

State Racing Commissions in states that permit thoroughbred racing have worked cooperatively with HISA in an attempt to avoid or solve problems in what is a bifurcated regulatory scheme.

ARCI member regulatory commissions have long supported the concept of a central rule making authority and, despite recent comments by the President of the National Thoroughbred Racing Association, nobody is seeking a return to the pre-HISA days. Even a pending Congressional proposal to replace HISA preserves the original concept of a central rule making authority to have uniform and effective regulation.

The question for the racing industry is whether the results justify the cost.

If the answer to that is “no”, then HISA will need to be fixed or even replaced. The impetus for that can only come from those who must pay the bills.

CONCLUSION:

¹⁴ In some instances the “in kind” service is provided by the racetrack and not the State.

After three years and over \$168 million in new regulatory fees there is a slight increase in anti-doping drug testing, a modest expansion in out of competition tests in HISA jurisdictions except Kentucky and New York, no new drugs being detected, and an overall fatality rate that remains essentially the same but so low that minor variations in the rate should not be interpreted as meaningful change.

The most meaningful result of the HISA program lies in uniform rules.

The HISA Authority is very much a work in progress.

Should the thoroughbred racing industry opt to reform, restructure, fix or replace HISA a federal legislative technical corrections bill would be necessary. The quickest way to achieve that would be to develop a consensus approach from a united industry. That is easier said than done and would require the commitment of all constituent organizations to work through the issues with a mindset that “politics is the art of compromise”. The alternative is that at some distant date in the future the US Supreme Court will issue a definitive ruling on the matter which could set the entire industry back to the starting gate. Why not do now, what may have to be done later.

NOTE:

On October 6, 2023 the ARCI issued the report “AFTER A YEAR IN THE SADDLE, ASSESSING HISA”. That report, like this one, was based on official data from HISA, HIWU and State Racing Commissions.

A HISA spokesperson reacted to the report in the press saying it was inaccurate even though it relied on information published on the HISA and HIWU websites.

The ARCI is proud of its long standing reputation for fairness and accuracy. As was previously indicated, If there were factual errors or omissions the assessment would be modified accordingly. We have done that with this revision. Our goal is to rely upon accurate information which is why we stand with confidence behind this document. Other than the information received on November 24, 2025 in response to the ARCI request for more granular data than what was contained in the 2024 HIWU Annual Report we have received no information that would warrant further revision.

In a media interview an unnamed HISA spokesperson questioned the whether there was more than \$160 million in new regulatory fees, implying that it was pulled from thin air. The statement came from using simple math to add up the 2023 thru 2025 assessment numbers contained in the documents posted on the HISA website.

In the interest of accuracy we reviewed this matter. The 2024 Audit document now posted on the HISA website reveals that the actual assessments collected that year totaled \$47,516,974 and \$40,285,399 the previous year.

The assessments noted in this report were based on HISA Summary Budget documents posted on their website: \$50,111,936.00 for 2023, \$59,846,163 for 2024 and \$58,783,414 for 2025. For 2026 the proposed assessment from the HISA document is \$60,493,771.

But upon further review there is an issue we did not raise but is apparent from looking at the Audit. In 2024, there was a \$12,329,189 gap between the budgeted assessments and those actually collected. The assessments apparently were levied as evidenced by the audit which noted \$13,884,148 in accounts receivables. There is also no information accounting for the almost \$10 million difference between 2023 assessment and the amount actually collected.

HISA needs to explain these uncollected assessments to all the tracks that have been paying and disclose who has not paid and why. While some receivables may be the result of pending litigation, it is impossible to assess the degree some tracks are not paying what they should. Due to the lack of transparency, we will not be able to dig into those details.

Association of Racing Commissioners International

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