

## Are We Really Ready for Steroid Regulation?

The American Heritage Dictionary of the English Language defines anabolic steroid as “a group of synthetic hormones that promote the storage of protein and the growth of tissue, sometimes used by athletes to increase muscle size and strength.”

There is a general consensus that anabolic steroids are widely in use in horse racing in the United States. Even in 1990, Steven Crist, writing for the New York Times, quoted a breeder stating that 80% of fillies coming off the track to her farm were on steroids. It is also an article of faith that yearlings that are for sale are often given anabolic steroids. In fact, the thoroughbred industry’s Sales and Industry Task Force in its 2004 code of ethics stated that while use of anabolic steroids on sales horses “might have a negative impact on the reputation of the industry, . . . the medication does also have legitimate therapeutic uses. Horses presented at sales after abuse of anabolic steroids will revert to normal after steroid withdrawal and suffer no long-term effects.” In short, as far as sales horses were concerned, if there was no harm, there was no foul.

The issue now is that racing’s chemists and regulators are zooming in on real tests to detect anabolic steroids. In Hong Kong, Takeover Target, the world’s top turf sprinter, was found to have the anabolic steroid 17-alpha-hydroxyprogesterone hexanoate in its system and was scratched from the Hong Kong Sprint in December. The trainer of the horse was eventually fined approximately \$25,600 in United States dollars for this pre-race positive. Perhaps more significantly, it took two months after the Hong Kong Sprint before the steroids had cleared Takeover Target’s system and Takeover Target was able to race.

But if we can now detect steroids, what will racing do about it? Will we take aggressive steps to end the use of anabolic steroids in race and sales horses? Will we – much like major league baseball – wait until a public outcry forced the sport to take action against steroid abusers? Will we – like the National Hockey League – simply ignore the problem?

Will we hedge –outlawing many steroids while allowing some steroid use under the ever-inclusive rubric of “therapeutic medications”? Will we continue to allow anabolic steroid use on sales horses under the theory that it only affects the buyer of the horse and not the general public? Already, reform legislation to regulate horse sales in Kentucky seems to have been tabled into the netherworld of industry consensus. Expecting a ban on anabolic steroids for sales horses emerging from an industry consensus is expecting the impossible.

The point here should be what kind of sport should horse racing be? A good percentage of regular horseplayers believe that the major trainers in both harness and thoroughbred racing are regularly administering illegal drugs. But realistically, nobody knows what is happening. We have made transparency one of the principal buzzwords of our time in

dealing with both public and corporate governance. Yet, with drugs and racing, nothing is transparent. We are left to gripe and wonder.

There are two easy points that need to be made. One is that anabolic steroids don't belong in racing. Just as in all sports, they necessarily affect performance. Can you envision trying to explain to Congress why anabolic steroids use is ever acceptable except to save the life of a horse – and if that horse needs life preserving, why is anyone even thinking that the horse should be racing? How do you explain to Congress that some anabolic steroids are okay but others aren't? How do you explain away a policy that allows anabolic steroid use in sales horses?

Secondly, transparency in drug policy is also a necessity. If a horse has tested positive for steroids, the public should know about the positive. It should also continue to be informed about whether there are still steroids in a horse's system. Positive tests for steroids on a horse should trigger out-of-competition testing for steroids on other horses trained or owned by the individuals with the steroid drug positive. We might want to disclose the horse's weight on race day so that we have a basis for checking on changes in a horse's weight. There simply is little reason not to disclose vet records.

Too often in drug testing, we are like the military leaders who are always said to be fighting the battles of the last war. We may be fighting against milkshakes when the real battles are over EPO and steroids. One way to insure that we will continually fight the battles of the past is to work things out by consensus. Sure everybody in racing needs to be consulted on drug policy, but too often, a horse racing industry consensus is simply a recipe for preserving the status quo by rearranging the deck chairs on the Titanic. If we are serious about steroids, we have to do the right thing. Ban their use as much as possible, and disclose everything we know to the public. That, at least, should give us a policy that racing can explain rationally to Congress.