

Q&A

WITH WAYNE PACELLE AND JOE DE FRANCIS

Editor's Note: On June 22, 2016, the Humane Society of the United States (HSUS) chief executive officer Wayne Pacelle announced the formation of its HSUS National Horse Racing Advisory Council. The chairman of the council is Joe De Francis, the former CEO and controlling shareholder of the Maryland Jockey Club.

Pacelle and De Francis recently answered some questions from Blood-Horse about HSUS and the new council.

BH: By joining the Coalition for Horse Racing Integrity in 2015 and by forming the National Horse Racing Advisory Council last month, the HSUS seems to have developed an increased interest in horse racing. Why is that?

Wayne Pacelle: I wrote about a wide range of broader societal concerns about horse racing in 1989, so I've had a long touch with the subject. Yet, during my 22 years at HSUS, including 12 as CEO, we haven't made horse racing reform a priority, principally because we saw other issues as more urgent and affecting the lives of more animals. It's now moving onto our docket because the industry has failed to act to set up meaningful national rules to protect the equine athletes and the jockeys over these last few decades. Our goal is simple: push for broadly supported, common sense racing rules that stop doping of horses to reduce risks to horses and jockeys and that restore more honesty, integrity, and fairness into the sport. If it weren't for the infusion of an enormous sum of money into horse racing from the expansion of casino-style gambling, horse racing would be in far greater peril. There has been an unmistakable decline in attendance and wagering. Polling by the racing industry itself has proved there is a lack of interest in the sport from young people, many of whom now place a high priority on animal welfare. That should strike fear into the heart of every person involved in the industry.

Joe De Francis: I can't speak directly to this question, but I would like to correct a factual inaccuracy from another Thoroughbred industry publication recently. I am not now and never have been, a "paid consultant" to HSUS. I have never been paid nor received a penny from HSUS. Quite to the contrary, I am a proud financial contributor to HSUS, and thus I am a donor, not a recipient.

BH: Can you talk a little bit about HSUS' work with other industries and the lessons you've learned from those experiences?

WP: We take a mainstream approach to animal welfare, and while we have conducted some hard-hitting campaigns, we always prefer to partner with an industry to find a common way forward. We've collaborated with food retail corporations including Walmart, McDonalds, Sodexo, and dozens of others to phase out the extreme confinement of animals on industrialized farms; partnered with SeaWorld to eliminate very unpopular practices and position the company as an advocate for oceans and marine creatures; and collaborated with cosmetics companies and the chemical industry to set new legal standards to reduce animal testing in favor of cheaper, more reliable methods. Most recently, we worked with Perdue on reforms that will improve the lives of chickens in meat production.



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These examples all validate the thesis in my new book, *The Humane Economy*, that it's in the interest of every business or trade group that has relied on animals to embrace animal welfare and to make

humane treatment a feature of its work.

JDF: When HSUS is evaluating whether or not to become involved with a particular industry that involves animals, the standard operating procedure is: (a) to solicit advice from industry participants and industry experts who have experience and knowledge regarding the particular characteristics of and unique challenges facing that specific industry. (Sometimes this is done informally, and sometimes through a more formal process involving the creation of a standing “Advisory Council” of industry participants who can provide guidance and advice to HSUS on an ongoing basis.); and (b) to work in a collegial and cooperative—as opposed to confrontational and hostile—manner with business and industry in order to effectuate meaningful changes and reforms that improve the welfare of animals while preserving and enhancing the relevant industry or business.

Let me also set the record straight regarding HSUS and other animal welfare groups that have the word “humane” in their names. HSUS does not own any trademark on the word “humane” and does not have formal affiliations with the myriad of “humane societies” of virtually every state, city, or county across America that operate shelters for companion animals like dogs and cats, and/or do animal rescue. While HSUS does its own vast amount of hands-on work for animals, its most import purpose is to tackle the really big and difficult issues—e.g., dogfighting, cockfighting, horse slaughter, horse soring, factory farming, animal testing, commercial killing of whales and seals, and a wide range of other issues.

BH: We’ve read about changes involving killer whales and elephants being used for entertainment purposes. How have attitudes about humane treatment of animals changed in recent years?

WP: Our ethical concerns toward animals are growing, and every industry must adapt to this changing cultural

climate. Both SeaWorld and Ringling Brothers realized that they would court continuing controversy, government regulations, and shrinking crowds if they did not align their business operations with the values of its customers and the rest of the American public. Both companies made adjustments that position them for the future.

JDF: Everyone who loves or makes a living from the sport of horse racing should recognize that the landscape has changed and continues to change every day with respect to the general attitudes of society—especially among the younger generations—regarding animal welfare and the humane treatment of animals. I began to understand the full import of this when, as CEO of the Maryland Jockey Club, I had a ringside seat to the reaction of the media and the general public to all of the events surrounding the tragic injury to Barbaro in the 2006 Preakness Stakes (gr. I). Had there been even the slightest credible innuendo or smallest scintilla of evidence that might have linked Barbaro’s injury to some type of medication abuse, then I am firmly convinced the impact on the sport and business of horse racing would have been devastating, and entire generations of people would have turned their backs on horse racing for decades, if not forever. Thankfully, the owners and trainer of Barbaro were people of the highest integrity and whose conduct was completely beyond reproach. There was absolutely no evidence whatsoever linking Barbaro’s injury to a medication abuse. The opponents of medication reform legislation contend that this industry does not need medication reform and that medication problems are “non-existent.” By sticking their heads in the sand like the proverbial ostrich, they are doing the horse racing industry a great disservice. They are refusing to recognize the reality that the general public, and especially the younger generation, are becoming more and more hostile to any activity

that is perceived to mistreat or be inhumane to animals.

Perception is reality, and the simple fact that medication reform is being so openly and publicly debated compels the industry to take constructive and positive steps to effectuate meaningful reform.

BH: Groups such as PETA (People for the Ethical Treatment of Animals) have a poor reputation as far as the horse industry goes. What differentiates HSUS from other groups?

WP: Again, look at our reputation for working with hundreds of the biggest corporations in the United States, passing more than 1,000 state animal welfare statutes and 25 federal statutes in the last decade alone, and the millions of supporters who are dedicated to the mission of the organization. You don’t get those outcomes by having either a radical agenda or take-it-or-leave-it approach. We have many equestrians in the ranks of our membership, and now we have the most significant equine welfare program among all of the nation’s animal welfare groups. The animal welfare movement has always been heterodox in its thinking, and the varying positions on horse racing are an excellent example of those diverse views.

JDF: There are three critical elements that differentiate HSUS from other so-called “animal welfare groups,” especially PETA. The first is people. Everyone I’ve met at HSUS—the chairman, the CEO, the senior executives, the staff, and so many donors I’ve met—have all impressed me as smart, dedicated, hard-working, and most important, reasonable people. The second is the process the organization utilizes to work cooperatively with industry/business in order to effectuate positive improvements for the betterment of animal welfare and the relevant business/industry. The third is the mission. I can state that the objectives of HSUS are to improve horse racing and to enhance the safety and welfare of the equine athletes and the human athletes who ride them. In

my judgment, these improvements would make horse racing a more popular sport and a more successful business in the years to come. By contrast, PETA and other groups want to abolish horse racing—an outcome that I would personally fight against to my last breath.

BH: You've talked about stopping the "exploitation" of animals, which has made some in horse racing uncomfortable. Do you consider racing horses exploitation? Should horsemen feel threatened by your involvement in the sport?

WP: Horses are built to run, but the absence of sound, consistent rules in the industry, along with unscrupulous people who discard poor-performing horses, pose an unnecessary threat to the animals. It's no exaggeration to say that America was built on the backs of horses, and the least we can do for them now is to ensure their humane treatment and do our best to ensure that every one of them has a secure, full life. We at the HSUS do not oppose horse racing, but we believe horses should be raced only when the highest standards of welfare and most humane conditions are adhered to. The HSUS opposes a variety of practices that cause unnecessary suffering and risk to horses in equine competition, including use of drugs on or close to race day. We are also concerned about the funneling of healthy horses into the slaughter pipeline. The only horsemen that should feel threatened are the ones doping horses, putting them at risk, or treating them like a disposable commodity.

JDF: Instead of feeling threatened, horsemen should be cheering the involvement of HSUS in horse racing. As explained above, HSUS—unlike those in the "animal welfare community" who want to abolish horse racing—wants to make it better, and see both the sport and the industry not just survive but thrive. HSUS recognizes that horse racing is a multi-billion-dollar industry, and it is here to stay. The organization believes it must engage with the indus-

try in order to minimize risks to the horses. Just as it works to make agriculture more humane to pigs and chickens, it wants more humane standards in racing. The equine athletes are the heart and soul of racing, and their welfare should be of paramount concern of everybody involved in the industry. When the public thinks otherwise, we'll see our fan base erode. I truly believe that HSUS is and will be an invaluable ally for the horse racing industry.



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BH: What do you hope to accomplish with the Advisory Council?

WP: The council will improve communication and foster cooperation between the animal welfare community and the horse racing industry; will work to address medication abuse by creat-

ing anti-doping policies; will improve the welfare of horses after their racing and/or breeding careers have ended; will address other issues concerning equine welfare associated with horse racing and improve the treatment of racehorses; and will engage with any and all stakeholders, including government, racing industry and animal welfare groups, racing fans, and the general public to achieve the above goals and to enhance equine welfare.

JDF: While HSUS as an organization consists of hundreds of full-time professionals, it does not currently have the kind of depth and expertise it should have in horse racing. The National Horse Racing Advisory Council will provide that expertise and will serve as a link or bridge between HSUS and the industry, and to facilitate the flow of information and knowledge from people who have spent a lifetime in the industry. This will facilitate HSUS adopting the most informed and knowledgeable opinions and positions regarding any specific issue regarding animal welfare and horse racing.

BH: Would HSUS consider expanding the Advisory Council in the future to include additional industry participants, such as veterinarians?

WP: We rely on veterinarians to help drive better outcomes in every animal welfare domain. Our chief veterinary officer was the former dean of the University of Tennessee Veterinary Medical School and director of the FDA's Center for Veterinary Medicine, and our veterinary arm has 9,000 veterinarians within its ranks. We are anxious to work with more equine veterinarians on the wide range of horse welfare issues.

JDF: The short answer is "yes." It has always been our intention to expand this council. We would especially like to add a veterinarian and an active trainer. The goal is to have as broad a cross-section of participants from both a geographic perspective as well as an interdisciplinary perspective so that all segments of the horse

racing industry can be represented on the Advisory Council. Again, the main goal of the Advisory Council is to provide the best possible advice to HSUS concerning any and all issues involving animal welfare in horse racing. The council can best accomplish its primary objective when it has the broadest base possible.

BH: In the past, HSUS has been critical of 2-year-old racing. Does the organization still maintain that stance considering leading equine surgeons believe 2-year-old racing is beneficial to bone growth?

WP: Yes, we have long been critical of racing 2-year olds. Some members of our new council have shared information with me to challenge that stance. That's a perfect example of how the council can bring valuable information to the table and put an issue up for examination. We are always going to be open to facts and to science.

JDF: This is exactly the type of issue where the Advisory Council can play a meaningful role in helping to guide HSUS. The fact that HSUS not only is receptive to this input but is actively seeking it out in my mind speaks volumes about both the professionalism and intentions of HSUS to work constructively with the horse racing industry for the betterment of the sport and the industry.

BH: Considering that equine fatality rates have decreased over the last few years, what specifically do you believe can be done to continue that trend?

WP: We are reminding everyone that horse welfare must be the central concern of the industry, and collaborating with industry leaders is a key to driving the best decision-making. We are also committed to pushing for reasonable, common sense federal standards for racing. If the commerce in horse racing is national, so, too, should be the regulatory framework.

JDF: I think the most important single step that can be taken is the passage

of Federal legislation that effectuates meaningful medication reform on a national basis.

BH: What kind of reaction has the formation of the National Horse Racing Advisory Council elicited?

WP: So far so good, but so much of our work is ahead of us. We must win the support of the reasonable minds within the industry and convince them that putting the horses' welfare at the center of the industry is the key to its future.

JDF: I think the overwhelming reaction has been tremendously positive. There may be some naysayers but I attribute that to their unfamiliarity with the good work of HSUS.

BH: Do you believe in the administration of therapeutic medications to horses in or out of competition? Do you advocate a "hay, oats, and water" approach?

WP: We believe in administering therapeutic medications when it's in the best interest of the horse. Trainers and veterinarians should not medicate horses for the purpose of putting injured or physically compromised horses into competition, and most certainly not to get an advantage by trying to "juice" the horse to get a leg up on the competition. The American people don't want doping in human athletics, whether cycling or football or baseball, and there are rules to forbid performance-enhancing drugs in competition. The same should hold true for horse racing, which has been weakened because of a widely held perception that people are cheating. I am a supporter of the Water Hay Oats Alliance (WHOA).

JDF: The issue of medication in horse racing is a highly complex and intensely scientific one and unfortunately it is always difficult and often impossible to address adequately issues of this nature in the fast-paced, sound-bite media world in which we live. The word "doping" gets tossed around frequently and is used by the media—incorrectly—as shorthand for anything and everything

to do with the complex question of medication.

A big part of the difficulty lies in the reality that—by definition—every medication that is "therapeutic" is also performance enhancing. If I have a splitting headache, and I'm going out to play a game of golf, I will play a much better round if I take a couple of aspirin before I tee off than if I don't. In my simple example, aspirin are both "therapeutic" and simultaneously "performance enhancing." In my view, the best interests of both the equine athlete and the business/interest of horse racing are served if we allow a fairly expansive definition of "therapeutic" medications to be administered to horses OUT of competition. It is a very different matter, however, with respect to IN competition medications, i.e., medications that might be administered on race day or medications that are still having an effect on race day. Here, the lines are much tougher to draw, and the potential adverse consequences from an overly permissive policy are much more severe both for the equine athletes and the human athletes who ride them. This is why I favor the approach of H.R. 3084, which places the responsibility for drawing these difficult lines in the hands of the United States Anti-Doping Agency (USADA), with input from horse racing industry representatives. USADA is world-renowned for having the greatest repository of scientific expertise in one place regarding drugs and medications in sports. Most importantly, USADA is totally independent and has no conflict of interest whatsoever that might prevent it from acting and making decisions that are truly in the best interests of the sport/business of horse racing and the equine athletes that form the foundation of the enterprise. I'm firmly convinced that with the benefit of the industry-specific expertise that will be available USADA is by far the best qualified entity to draw these tough lines and make these difficult decisions. **BH**