

## BHA Statement on Keeneland announcement of a post-sale test for substances prohibited at all times

Keeneland sales in the US recently announced a new Condition of Sale which will allow buyers of yearlings and horses in training that are being exported to Great Britain, or via other countries the British Horseracing Authority (BHA) considers to have similar policies, within 60 days of purchase to be tested for anabolic steroids and other substances prohibited at all times by the BHA.

If the Condition of Sale is taken up, which must be done at hammer fall, Keeneland will arrange for a blood sample to be taken by a veterinarian immediately after purchase and prior to the horse leaving the sales grounds. The sample will be sent to the LGC laboratory in Newmarket, which conducts all of the BHA's sample analysis. If the BHA post-sale test is positive for anabolic steroids or another substance prohibited at all times, the buyer has the right, within 24 hours of notification, to rescind the sale and return the horse to the consignor.

The BHA are aware that this announcement has raised some questions from the training community about what the benefits are of taking up this Condition of Sale, and why blood sampling is being used rather than hair sampling. We would like to take this opportunity to clarify these points.

The steps taken by Keeneland represent a positive step. This sales testing does give confidence to purchasers that the horse can be imported to be trained and raced here. Other benefits are the returnability of the horse should it test positive, and the avoidance of costs transporting the horse to Britain to have it tested on arrival only to find out it has tested positive and is unable to race here.

While it does not give a cast-iron guarantee that anabolic steroids have never been administered to that horse, such a guarantee is simply not available for horses going through a public sale, whether in the US, UK or anywhere else, or any other domestic horse. However, it should be noted that domestic British-bred horses will have been subject to the Equine Anti-Doping Rules from the point of registration, and assuming those rules are complied with, anabolic steroids will have never been administered.

Hair samples have been taken by the BHA for a period of time, and continue to be taken. It is an important part of the BHA's anti-doping armoury. However, the regulatory framework has not yet been developed to an extent whereby the returnability of the horse through the

sales would be enforceable. Whilst the science is reliable and accredited, the regulatory framework around it is still being developed, and this includes the many complex elements right the way through the process from sample collection through to laboratory reporting, and beyond.

The same restrictions in the hair sampling apply in Britain - a finding in hair is not yet, on its own, sufficient evidence to establish an Equine Anti-Doping Rule Violation. For the purpose of enforcing the BHA's Equine Anti-Doping Rules, further evidence will be required to establish the fact and timing of administration in order to establish an Equine Anti-Doping Rule Violation. However, hair sample analysis is able to identify administration and provide an informed basis for further investigation on the timing of such administration. There will be extensive communication well in advance of moving towards a position where hair samples can be used on their own as reliable regulatory evidence.

Trainers and owners are reminded that a subsequent finding of historic administration in a horse purchased from Keeneland would not enable the BHA to take action against any person who was not responsible at the time, although a horse may be stood down from training for a period of 12 months from administration (not from the time it is discovered). Therefore, in the event that happens, that period may be significantly shorter than 12 months from the time it is discovered.

Upon the launch of the Policy we were very clear that elements of it would evolve over time as we continue consultation with those whom it affects, while not breaking from the guiding principles. This process has included speaking to US participants. The developments we have seen at Keeneland are one result of this, and it is likely that there will be further enhancements in the coming years as the Policy beds in.

We envisage the market eventually moving to a position where the onus is on vendors to provide adequate assurances to purchasers regarding anabolic steroid non-administration. However, it would not have been possible to get to that position this year. The steps taken are positive ones on the road towards that goal.

6<sup>th</sup> August 2015