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As most of you know, in the last six months we have seen an abnormal number of positives called, many for therapeutic substances which have long been used by horsemen. This situation has not been unique to Penn National; a similar wave of positives has been reported at Philadelphia Park and Presque Isle.

As in the past -- the Aminorex and Lobeline situations being two prime examples -- we have aggressively lobbied the Racing Commission in an effort to protect the rights of the horsemen implicated in these positives and, just as important, ensure that Pennsylvania horsemen are able to avoid unanticipated positives in the future. In cooperation with the PTHA, and with the assistance of our legal counsel, we have met on multiple occasions with representatives of the Commission over the course of the last month. We are now pleased to report that our efforts have produced substantial results.

It is our understanding that the pending positives for TCO2 will be dismissed, and that the pending positives for Carisoprodol will be documented as warnings to the horsemen involved and will not result in the imposition of purse forfeitures, fines, license suspensions or other penalties. It is also our understanding that the pending positives for DMSO are being held in abeyance pending the completion of additional testing by the Commission's scientists which is designed to help determine if these positives may be consistent with the accepted use of painting horses on race days. (We will report any further developments with DMSO as available.)

It is important that we all understand that this does not mean that the Commission will not call additional positives for these or other therapeutic substances in the future. To the contrary, the Commission made clear to us that it is utilizing more sophisticated testing techniques which effectively allow tests to be run for more substances on the same sample. This may result in more positives being called for all substances, not just those involved in the recent discussions.

This makes it even more critical for horsemen to fully understand the risks associated with the use of therapeutic substances and other products which contain prohibited substances. For example, we are confident that the recent TCO₂ positives were not caused by “milk shakes,” but rather related to the use of certain supplements which include bicarbonates. Our efforts to reduce the use of those supplements, particularly in the colder months, and to educate horsemen regarding the use of these products, should help avoid any future TCO₂ positives unrelated to milk shaking.

With respect to Carisoprodol, it is important for all horsemen to understand that this is a Class II substance which, while being an accepted therapeutic drug, is not permitted in racing horses. The Commission will continue to call positives for Carisoprodol in the future, and it is our understanding that increasingly sophisticated testing procedures make it easier for the Commission to detect even small concentrations of this substance. Accordingly, we are advising all horsemen to consult their veterinarians and find suitable alternatives to avoid any issue.

The Commission has indicated that it will continue to prosecute the remaining pending positives, including the significant number of Methocarbamol and Methylprednisolone positives. We urge the horsemen involved in those positives to consult with Todd Mostoller as soon as possible. Todd will help make sure that those horsemen take all action necessary to preserve

their rights, including obtaining split samples, and will provide representation at the Stewards' hearings. To the extent that a positive resulted from the administration of a medication by a veterinarian consistent with accepted practices, this should be brought to Todd's attention. To the extent appeals to the Commission are appropriate and necessary for these pending "therapeutic" positives, the PA HBPA & the PTHA will partner to provide legal representation through our outside counsel, Archer & Greiner, P.C., either individually or collectively, if desired by those horsemen. Again, the horsemen involved with these positives should discuss this with Todd at their earliest opportunity.

Otherwise, please do not hesitate to contact Todd if you have any questions on these matters. Rest assured that we will continue to lobby the Commission whenever we feel that testing and enforcement policies are implicating horsemen abiding by Commission policies.

The PA HBPA Board of Directors