

GOVERNMENT OF PUERTO RICO
PUERTO RICO GAMING COMMISSION
BOARD OF COMMISSIONERS

ADMINISTRATIVE ORDER CJ-21-16

RE: To regulate the maritime importation and transportation of horses taking part in events at racetracks in Puerto Rico.

ORDER

Section 2.2 of Act No. 81-2019, known as the Gaming Commission Act of the Government of Puerto Rico, establishes that the Puerto Rico Gaming Commission, hereinafter referred to as the "Commission," shall have jurisdiction over the matters established in Act No. 83 of July 2, 1987, as amended, known as the Puerto Rico Horse Racing Industry and Sports Act, hereinafter referred to as the "Horse Racing Act."

Likewise, according to the provisions of Act No. 81 and the Horse Racing Act, all matters related to the Administration of the Horse Racing Industry and Sports in Puerto Rico are under the jurisdiction of the Commission. As such, according to the statute, the Commission is empowered to issue orders, rules, and resolutions aimed to preserve the physical, economic and social security of the natural or juridical persons related to the horse racing industry and sport, as may be necessary. Section 5 (a) (18) of Act No. 83-1987, *supra*.

Following what was established before, exercising its functions to preserve and watch over the welfare of all the components of the horse racing industry, the Commission must ensure the health, welfare, and safety of all horses training and competing in Puerto Rico. In addition, we must ensure the safety of all racehorses that are transported to our jurisdiction from other racetracks in the United States or those that are removed or transferred outside of Camarero Racetrack for training, competition, rest, and medical attention.

Recently, several magazines specialized in the horse racing industry and sport, such as *Thoroughbred Daily News*, *Blood-Horse*, and *Paulick Report*, have published different articles pointing out the poor conditions faced by racehorses when they are shipped from the United States to Puerto Rico. In summary, they have pointed out that the horses are transported under cruel and inhumane conditions, putting at risk their health and safety during the sea voyage. An article by Eric Mitchell for *Blood-Horse* magazine stands out. This article says that the equines are transported in metal containers, adapted with windows, racks with hay, and wooden dividers. This reduces the space for the horses, which makes it impossible for them to turn around or at least lie down during the trip. In addition, these articles mention that, sometimes, horses arrive in Puerto Rico severely dehydrated, underweight (losing between 50 to 70 pounds during the trip), injured, or sick.¹

The issue of maritime transportation, which is not new given our geographic location, is having again a prominent media exposure due to the accident that occurred in April 2019, when nine (9)

¹ Dark Voyage: Dangers of Cargo Shipping to Puerto Rico; Lawsuit exposes dangers of shipping horses to Puerto Rico on cargo ships. Eric Mitchell, June 1, 2020.

racehorses died due to severe damage while being transported to Puerto Rico in a merchant ship. Notwithstanding this fateful event, the practice of importing or transporting racehorses by maritime transportation continues under the same conditions that resulted in the aforementioned unfortunate incident. It is a fact that, due to our geographical location, maritime transportation is one of the alternatives available for all types of services, including the horse racing industry. In the case of this industry, this means of transportation costs less compared to air transportation, which represents a substantial economy for the owners. However, we cannot overlook the situations and conditions related to the maritime transportation of horses.

In an attempt to address the situation faced by horses during maritime transportation and provide a safe and cost-effective transportation alternative for the parties involved, Mr. Richard L. Simmons Rivera, Director of the Horse Racing Bureau, was ordered to investigate this issue. On June 20, 2021, we received a *Preliminary Report on Maritime Transportation of Horses to Puerto Rico* ("Preliminary Report") issued by Mr. Gilbert L. Ferrer Nieves. From this Report, it is initially evident that the Commission's staff found no illegality in the maritime transportation of specimens, both at the state and federal levels. In simple terms, federal and state legal provisions allow the transportation of racehorses. In addition, as part of the investigation, the wagon in which the specimens are transported during their maritime crossing was physically inspected, and no illegal conditions or conditions contrary to current federal legislation were found.

However, we must emphasize that maritime transportation of racehorses lacks state legislation or regulations. In addition, all the involved parties should consider another very important detail, related to equine transportation. The majority of the administrative dispositions or laws in force are stated taking into account terrestrial and air transportation, but not maritime transportation. As for the size requirements for the wagons, we will find, among others, the provisions of the *Program Handbook: Exportation of Live Animals, Hatching Eggs, and Animal Germplasm from the United States*, 7.1.8.2 *Horses*. Regarding horses, it says that individual stalls within the wagon for these animals must be at least eight (8) feet long and two and a half (2 1/2) feet wide. These may be reasonable measures for terrestrial or air transportation, but not so for maritime transportation. Therefore, the intervention of this Board is necessary to watch over the welfare and health of the equines through a transportation mechanism adjusted to the reality of today's world.

As part of the investigation carried out, Dr. José M. García Blanco was interviewed. He said that, in his opinion, the current practice of maritime transportation should be cataloged as animal mistreatment. He added that the space of separation between each specimen is very small, forcing specimens to travel standing up for periods of up to seventy-two (72) hours. We contacted other veterinarians and experts of jurisdictions in the United States to ascertain their position regarding maritime transportation, if any physical damage can be caused to the equines, and/or if it can be considered as cruel treatment and detrimental to the health and welfare of the equine. To such effects, from the conversations held, it is clear that the majority considers that the trips in maritime vessels are cruel and harm the equines.

To this end, it should be noted that the Stronach Group, owners of several racetracks in the United States, prohibited the maritime transportation of their horses to and from Puerto Rico, under penalty of prohibition to compete in their racetracks. The main motive, among other things, is that there is no reason to keep a specimen standing for a period of three (3) or more days in maritime vessels when they can be transported in three (3) hours by air. We want to point out that several groups and

racetracks in the United States are joining this initiative to prohibit the maritime transportation of horses to safeguard their health, which could be counterproductive for our horse racing industry.

However, as we have previously stated, Puerto Rico has a geographic situation that other racetracks in the United States do not have. Unfortunately, this only provides two transportation alternatives for everything that enters and leaves our jurisdiction, namely, air and maritime transportation. Therefore, it is our responsibility to ensure the health, welfare, and safety of all components of the horse racing industry, in particular that of the racehorses. According to the foregoing, in the discharge of our duties and in compliance with the public policy of the Government of Puerto Rico to ensure the welfare and safety of racehorses entering or leaving Puerto Rico, we consider it is necessary to establish some basic rules that will benefit these animals and will help us avoid events such as those that have occurred in the past.

Accordingly, the Commission hereby issues the following Order:

ORDER

1. It is hereby ORDERED that any natural or juridical person who carries out, manages, agrees with third parties, solicits and, in any way, transports racehorses by sea from the United States to Puerto Rico, or from any other jurisdiction and vice versa, must do so, without exception, under the following rules and guidelines:

a. Every specimen must be placed in a cubicle or space no smaller than 40 square feet in area (8 feet long by 5 feet wide). This cubicle must have a minimum height of 8 feet so that every specimen can stand with its head high, with enough space and height to allow full range of head movement, so that no part of the equine has contact with the roof or top of the carriage.

b. The space used for the maritime transport of equines must provide protection from inclement weather, such as the sun, and proper ventilation to maintain a temperature between 70 and 85 °F in the area where the equine is kept. Furthermore, it must be equipped with drainage outlets and absorbing matting, to prevent the accumulation of water, urine or excrement.

c. Each receptacle or space where any equine is kept must have enough room to allow the equine to lay down or rest its legs, while also enabling a limited degree of mobility.

d. No more than one equine may be kept in one receptacle or space.

e. Each receptacle or space must include a minimum of two (2) doorways; one in the area where the equine rests its head and another behind it, which allows the transportation attendant to have access to the equines at all times.

f. All voyages transporting at least one equine must have the presence of a transportation attendant for the entirety of the journey. The transportation attendant shall draft a report for each journey regarding the transport conditions, the condition of each equine at the start of the voyage, the signs exhibited by each equine, any difficulties occurred during transport, any injuries the equines have sustained and their cause, as well as the condition of each equine upon arriving to port.

g. The transportation attendant shall feed the equines during the voyage and clean the areas where they are kept every day, in order to remove fecal matter and other waste.

h. Boxes shall be so constructed as to enable the equines to have constant access to water and food. The receptacle or spaces where the equines are kept shall contain no sharp, abrasive or hollowed surfaces that may wound or harm them. For the purposes of this, the walls of the receptacle or

spaces where any equine is kept must be padded with impact-absorbing materials, such as plastic or foam, as a necessary means of protection against kicking or collisions.

i. The shipment method shall be so constructed as to provide a solid, non-slip ramp of sufficient length and width, that does not exceed 30 degrees of inclination, for a safe and efficient loading and unloading of equines.

j. All voyages must have first aid kits containing veterinary supplies, in order to enable the transportation attendant to treat wounds or care for the basic needs of the equines.

k. The transportation company is responsible for ensuring that the shipment method used for the transportation of racehorses is not placed in unventilated areas, once inside the vessel. It is hereby forbidden to place the shipment method in an area where all its four sides are covered or where the roof is covered by other containers or cargo that impede ventilation in at least one of its longer sides.

2. Access to the horse stable areas of the Camarero Racetrack is DENIED to racehorses that were brought to Puerto Rico by sea without complying with the rules established herein, pursuant to Regulation #8761 of May 27, 2016, Horse Stable Area Regulations of the Horse Racing Industry and Sport Administration.

3. The Camarero Racetrack or the operating company and horse owners are NOT ALLOWED to register racehorses in Puerto Rico that were brought to our jurisdiction by sea without complying with the rules established herein.

4. Any natural person or legal entity that fails to comply with the provisions established in this Administrative Order, either on their own or through a third party, will be liable to a fine of two thousand five hundred dollars (\$2,500.00) for each horse that failed to fulfill the provisions established herein. In the event of repeated offenses or blatant violations of the rules established herein, the Executive Director of the Commission is hereby authorized to initiate an administrative procedure aimed at revoking any licenses or privileges of the person that infringed the rules established herein.

5. The Executive Director must ensure the disclosure of this Administrative Order immediately upon its approval, through all available means of communication. This order shall come into effect after a period of 90 days upon notification. Once this order has been duly notified to all parties, the Executive Director of the Commission will carry out a guidance process aimed at horse owners, veterinarians, coaches and transporters, for the purpose of coordinating the implementation of this order and verifying that the maritime transport of equines complies with all the provisions established herein.

6. The organizations that represent the different components of our horse racing industry, i.e., the Confederación Hípica de Puerto Rico, Inc., the Puerto Rico Horse Owners Association, Inc., the Federación de Entrenadores de Purasangres Puerto Rico, Inc., Thoroughbred Trainers Association of Puerto Rico, Inc., the Asociación de Jinetes, Inc. and the Confederación de Jinetes Puertorriqueños, Inc., must notify their WHOLE staff about this Administrative Order.

7. Any natural person or legal entity that transports a horse by sea, which will be used in activities performed in racecourses, within the territorial boundaries of Puerto Rico, must notify the Gaming Commission in writing with respect to the date in which the equine will arrive both to port and to the Camarero Racetrack, in order to allow the Official Veterinarians of the Commission to examine the physical condition of the equines.

8. The Executive Director may at any moment reserve the right to carry out, either on their own or through a designated party, an inspection of the vessel used for the transportation of horses, for the purpose of certifying that this was done in compliance with the provisions of this Administrative Order.

This inspection may be carried out at the premises of the maritime shipping company used for the transportation of equines.

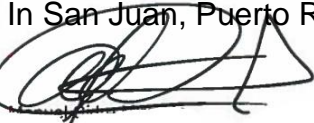
9. The Executive Director, either on their own or through a designated party, may carry out all necessary actions to protect the wellbeing and ensure the safety of the racehorses during their maritime transport, and enforce compliance with the provisions of this Administrative Order. This includes issuing orders that they deem pertinent for the purpose of establishing additional requirements to the ones indicated herein, or concerning the methods of maritime transport used, as well as enacting documents that they deem necessary to ensure full compliance with this order.

EFFECTIVE DATE

This order shall come into effect after 90 days from the date of notification.

LET IT BE RECORDED AND NOTIFIED.

In San Juan, Puerto Rico, on December 28, 2021.



Manuel Cidre Miranda

President



Enrique Volckers Nin
Commissioner



Ray J. Quiñones Vázquez

Commissioner



Carlos Mercado
Santiago

Carlos Rodríguez Mateo
Commissioner

José Balasquide Córdova
Commissioner

Cristóbal Méndez Bonilla
Commissioner

NOTICE

I HEREBY CERTIFY that I provided a true and exact copy of this Administrative Order by personal delivery, via regular mail and/or email to:

- **Puerto Rico Gaming Commission**, through their Executive Director, Mr. Orlando A. Rivera Carrión, via email to: orlando.rivera@comjuegos.pr.gov;
- **Camarero Racetrack, Corp.**, via email to: erod@camareroracepr.com, evelyn@camareroracepr.com, alexf@camareroracepr.com, mariacmari@camareroracepr.com, lhiraldo@camareroracepr.com, jahernandez@camareroracepr.com, and vazgra@vgrlaw.com;
- **Department of Internal Security of Camarero Racetrack**, via email to: e.esquilin@camareroracepr.com;
- **Confederación Hípica de Puerto Rico, Inc.**, via email to: luisorracachpr@gmail.com and edwinsconfederacion@gmail.com;

- **Puerto Rico Horse Owners Association, Inc.**, via email to: fernandobonnet13@gmail.com;
- **Mr. Marc Tacher Díaz** (Sonata Stable), via email to: marctacher@yahoo.com and mtacher@essentialinsurancepr.com;
- **Mr. Ángel Curet Ríos** (E.R.V. Enterprises, Inc.), via email to: evelyn@camaroracepr.com;
- **Mr. Luis Archilla Díaz** (L.A.R. Stable Corp.), via email to: archilladiazpsc@gmail.com and luis.archilla@yahoo.com;
- **Mr. Ángel L. Morales Santiago** (Anadelma Stable Corp.), via email to: angelcamarografo@hotmail.com;
- **Mr. José A. López Camacho** (JAL Racing), via email to: jlopez@jaltrading.com;
- **Mr. Rubén De Jesús Rolón** (ABAR Racing), via email to: redsunday@live.com;
- **Asociación de Jinetes, Inc.**, via email to: ascjinetes273@gmail.com and magaly.cintron@upr.edu;
- **Confederación de Jinetes Puertorriqueños, Inc.**, via email to: axelvizcarra@icloud.com;
- **Federación de Entrenadores de Purasangres de Puerto Rico, Inc.**, via email to: rubencolon@gmail.com and ramon1166@gmail.com;
- **Thoroughbred Trainers Association of Puerto Rico, Inc.**, via email to: ttaopr@gmail.com;
- **Equine Associates of PR**, via email to: equinepractioners@yahoo.com;
- **Vet Clinic of the Confederación Hípica de Puerto Rico**, via email to: ricardoloinaz@gmail.com;
- **AIDH Veterinary Clinic**, via email to: perezi@adh.pr.gov;
- **Investigations and Security Unit of AIDH**, via email to: betancourtj@adh.pr.gov.

In San Juan, Puerto Rico, January 10, 2022.

José Sánchez Acosta -Secretary

