

## AERC BOD Conference Call 10/14/19

AERC President Monica Chapman called the meeting order at 9:05 pm EST

Board members present were Monica Chapman, Michael Campbell, Connie Caudill, Angie Mikkelson, Jan Stevens, Tonya Stroud-Oaks, Dawn Hillard, Nick Kohut DVM, Jessica Cobbley, Naomi Preston, Susan Kasemeyer, Troy Eckard, Marcia Hefker-Miles, Olin Balch DVM, Gordie Cowan, Mollie Krumlaw-Smith, Robert Marshall DVM, Michael Maul, John Parke, Christoph Schork and Tim Worden. Also present -Kyra DeMartini, Jay Mero DVM and Executive Director Kathleen Henkel.

Absent were Vance Stine, Lisa Schneider, Andrew Gerhard, Shawn Bowling and Heather Reynolds.

Troy Eckard made a motion to accept the agenda, Gordie Cowen seconded. Motion passed

Nick Kohut DVM made a motion to approve the September 10, 2019 meeting minutes, Bob Marshall DVM seconded. Motion passed

Jan Steven made a motion which was seconded by Mollie Krumlaw-Smith to excuse Lisa Schneider and Vance Stine. Motion passed

Kathleen Henkel reviewed the Statistical report

Membership as of 10/12/18	4873
Membership as of 10/10/19	4689
Sanction fees as of 10/10/18	\$14,925
Sanction fees as of 10/10/19	\$14,770
Rider fees as of 10/10/18	\$59,415
Rider fees as of 10/10/19	\$57,917
New members as of 10/12/18	586
New members as of 10/10/19	561

Kathleen Henkel gave an update on the new AERC website and computer program. The data base is populated with actual users. In house testing will continue for about three weeks before having others participate in the testing. December is the projected date of launching the new website and program. Monica Chapman thanked Kathleen Henkel for her work on this project.

Christoph Schork made a motion to approve Tim Worden as Co-Chair of the Membership Committee, Troy Eckard seconded. Motion passed

Michael Campbell presented from the Rules Committee - Motion for career mileage credit for international rides.

Rule 8.4 shall read: "Career mileage credit only for AERC members and equines who participate in endurance rides in a foreign country at least 50 miles long and sanctioned by an AERC recognized organization to be confirmed, in advance of the rider's participation, through the AERC office."

The purpose of this motion is to clarify the circumstances under which an AERC rider may obtain credit for endurance riding in a foreign country. AERC riders may participate in endurance rides in other

countries and receive credit for their mileage. The AERC office will confirm in advance that the endurance entity in the foreign country maintains distance rules and other pertinent regulations consistent with AERC rules and regulations. Michael Campbell stated this just clarifies the current rule. Effective immediately for future rides. Motion passed unanimously

Michael Campbell presented from the Rules Committee - Motion to eliminate variable hold times.

Rule 2.1.7.1 shall read: “The duration of the hold time will be uniform for all riders entering the hold.”

Some ride managers have offered riders the option of using variable hold times. This rule is in response to overwhelming opposition by AERC members and confirms that hold time shall be the same for all riders at any given hold. Motion Passed with one no vote.

Michael Campbell presented from the Rules Committee - Motion re protest procedures regarding prohibited substances.

Rule 13.5 shall read:

13.5.3 The AERC shall with the advice of the Veterinary Committee establish and publish procedures for the testing for Prohibited Substances. Upon receipt of a laboratory report from an approved laboratory showing the presence in a test sample from an equine competing in an endurance ride of a substance which may be a Prohibited Substance under this rule the following shall occur:

13.5.3.1 The Executive Director shall promptly forward, by electronic transmission, copies of the laboratory report to the Veterinary Committee and the Legal Committee (hereinafter the ‘Notification Documents’). The date of transmission of the Notification Documents is the ‘Notification Date’.

13.5.3.2 The Veterinary Committee and the Legal Committee shall, within 10 business days of the Notification Date, each notify in writing the Executive Director with the opinion to either proceed with the filing of a Protest for a violation of this Rule 13 or request additional time and resources to independently verify material concerns regarding the Notification Documents (hereinafter the ‘Independent Investigation Period’).

13.5.3.3 If both the Veterinary Committee and the Legal Committee affirm the Notification Documents meet the criteria of a Rule 13 violation then the Executive Director shall initiate a Protest on behalf of AERC.

13.5.3.4 If either the Veterinary Committee or the Legal Committee requests an Independent Investigation Period then a 30 business day period shall commence during which the respective committee may conduct a confidential investigation governed by the professional ethics and best practices guidelines of their licensing bodies. The Independent Investigation Period commences with notification to the Executive Director by the respective committee of the request for additional investigation into the possible violation of this Rule 13.

13.5.3.4.1 If either the Veterinary Committee or the Legal Committee seek additional information which can only be obtained by direct communication with the alleged violator then a letter of independent INVESTIGATION request shall be issued. (Hereinafter the ‘Notice of Independent INVESTIGATION’). A sample of the Notice of Independent INVESTIGATION is attached hereto as Exhibit A.

13.5.3.5 If after the Independent Investigation Period has ended both the Veterinary Committee and the Legal Committee confirm that the Notification Documents together with the findings of the Independent Investigation period conclude that a possible violation of Rule 13 occurred then the Executive Director shall initiate a Protest on behalf of AERC.

13.5.3.6 If after the Independent Investigation Period has ended the Veterinary Committee and the Legal Committee are not in agreement on whether a Protest should be filed, then the AERC Executive Committee shall be the final arbiter to either allow a Protest to be initiated or to disallow a Protest to be initiated. For the avoidance of doubt, if one committee says a protest should be filed and the other committee says a protest should not be filed, then the AERC Executive Committee shall, based on the Notification Documents together with the findings of the Independent Investigation period, cast the final vote as to whether a protest shall be filed.

13.5.4 The Executive Director shall at all times and with all communication maintain the confidentiality and anonymity of the individual named in the Notification Documents and all communications related to a possible Rule 13 violation. The Legal Committee and Veterinary Committee shall be bound by their respective codes of professional conduct and ensure all means necessary are taken to maintain the confidentiality of any proceedings related to this Rule 13.

Michael Campbell explained that the main differences from what we have had in the past will be making this a rule and not just a policy which makes it more transparent to members. Also, if the Vet Committee and the Legal Committee can't come to an agreement on sending it to the Protest Committee, then the Executive Committee would cast the deciding vote to send it to the committee or not. He emphasized that the Protest Committee would rule on the case after they have all the information. This rule will also give the Legal and Vet Committee investigative abilities but would not give them knowledge of who the offender is.

There was a long discussion. Jay Mero DVM assured the members that allowing an investigation was more humane, the process would be easier and is not designed to penalize but to be a positive. The Legal and Vet Committees worked with the Rules Committee on this motion. Some Board members felt that the Executive Committee should not be the deciding factor.

Olin Balch DVM made a motion to amend the motion that was seconded by Troy Eckard. The amendment- "Both the Vet and Legal Committees must agree before going forward with the protest". After further discussion. Troy Eckard made a motion to have a roll call vote on the amendment which was seconded by Gordie Cowan. Motion for the roll call vote passed unanimously.

Voting yes for the amendment to the motion - Olin Balch DVM, Jessica Cobbley, Gordie Cowen, Troy Eckard, Marcia Hefker-Miles, Dawn Hillard, John Parke, Naomi Preston, Christoph Schork, Tonya Stroud-Oaks. Voting no were Michael Campbell, Connie Caudill, Susan Kasemeyer, Nick Kohut DVM, Mollie Krumlaw-Smith, Bob Marshall DVM, Mike Maul, Angie Mikkelson, Jan Stevens, Tim Worden, Monica Chapman. Amendment to the motion failed 10 to 11.

Discussion on the original motion continued. Troy Eckard made a motion for a roll call vote on the original motion, seconded by Gordie Cowen. Passed unanimously.

Discussion continued on the original motion. Christoph Schork made a motion, Tonya Stroud-Oaks seconded. Motion- Table the motion and task the Rules Committee to discuss John Parke's comments and evaluate the tie breaking procedure. Discussion was held, Vote was taken, motion failed 10 to 11.

Roll call vote on the original motion from the Rules Committee was conducted. Voting yes were Michael Campbell, Connie Caudill, Susan Kasemeyer, Nick Kohut DVM, Mollie Krumlaw-Smith, Bob Marshall DVM, Mike Maul, Angie Mikkelson, Jan Stevens, Tim Worden, Monica Chapman. Voting no on the motion- Olin Balch DVM, Jessica Cobbley, Gordie Cowen, Troy Eckard, Marcia Hefker-Miles, Dawn Hillard, John Parke, Naomi Preston, Christoph Schork, Tonya Stroud-Oaks. Motion passed 11 to 10.

Jay Mero DVM presented from the Vet Committee- Motion re AERC Administered Drug Testing Program

Motion -Institute a new drug testing program with AERC self-administering its own drug testing program, using the UC Davis Maddy Laboratory for sample analysis.

The AERC drug testing program serves several functions:

(1) to protect the safety and welfare of our horses, (2) to provide a level field of competition and (3) to demonstrate that we are an organization that monitors the use of prohibited substances.

The previous drug testing program was administered by USEF (United States Equestrian Federation) both for sample collection and sample analysis. USEF administered the AERC drug testing program from 2009-2019. Prior to 2009, AERC administered its own drug testing program using a combination of volunteer veterinarians, AERC office staff and a private laboratory for sample analysis. Due to the split between AERC and USEF back in the spring of 2019, USEF discontinued testing for AERC on August 31, 2019. The loss of USEF involvement with the AERC drug testing program presents a host of issues that must be overcome in order for AERC to have a viable drug testing program. A USEF administered drug testing program was a significant benefit to AERC as the USEF program provided a quality testing program that did not rely on volunteers, ensured a consistent testing presence at rides with qualified and insured testers, used testers that had no conflict of interest as they were not AERC members, and delivered reliable laboratory analysis, from a certified laboratory - all within an affordable budget. An additional benefit from using USEF was the reduction in AERC legal exposure, as USEF would provide some level of protection in the event of a litigated positive drug test. Without USEF, AERC must now develop its own drug testing program within a budget of \$75,000 to \$81,000 (the funds derived annually from approximately 13,500 rider starts outside of CA at \$6 per rider drug testing fee).

The BOD was presented a plan utilizing a similar system as used by AERC prior to USEF involvement. This plan would have largely consisted of using AERC ride vets to voluntarily, or for minimal fees, perform drug collection duties at rides where they were already present and working, either as treatment vets, or line vets. The UC Davis Maddy Laboratory has already agreed to perform our sample analysis, as long as at least 10-12 samples are collected per ride day. This plan would have enlisted the help of the AERC Office, in partnership with the Drug Testing Subcommittee, in managing all logistical issues needed to ensure drug testing would occur at AERC Endurance rides - such as selection of rides to be tested, ensuring sampling kits are forwarded to the collecting veterinarian, training of our testing veterinarians and ensuring all paperwork is maintained and samples are shipped timely to the laboratory for analysis. Further, it was the current Chair of the Veterinary Committee's intention to select and train one to two AERC Veterinarians per region to perform the testing duties in each region, to ensure consistency, proficiency and integrity of the sampling process.

The BOD declined to allow AERC member veterinarians working AERC rides in any capacity to perform drug testing collection duties. The BOD asked for a more robust program similar to the one run by USEF. While this stance is to be commended, the main concern is how we design and implement a cost-effective drug testing program similar to the one run by USEF. Keep in mind that, other than USEF, no other agency or organization provides for the collection of drug testing samples in the United States.

Given the unique demands of endurance rides, both in the scope of competition and the timing of the events, it took concerted efforts on the part of AERC and USEF to train and prepare the USEF testers (already familiar with the process of drug sampling collections) to ensure sample consistency and quality. USEF had a vested interest in ensuring their testers performed to a certain level of professionalism and integrity. Hiring outside private practice veterinarians to perform our drug testing collection duties will be expensive (minimum of \$1000-\$2000 per day, plus travel fees). The contracted veterinarians will likely not provide uniformity as the selected vets may have varying levels of drug testing experience. Finally, this type of program might not provide us with people that have a vested interest in our sport and who may only be interested in a paycheck.

In addition, the time needed to select rides and then find, hire and train outside veterinarians is beyond the scope of what any AERC volunteer can provide. The person within USEF that performed these duties was a paid USEF employee. If the BOD prefers this type of sampling program, then additional funds may be needed to hire an individual who can perform these duties and be appropriately compensated.

It is likely the reality of the situation will require compromise in how AERC moves forward in implementing a new drug testing program.

The current targeted testing rate of 2 rides per region (excluding California rides in the West region and the entire PS region) along with one other ride in a random region, and both days of the national championship equates to 17- 19 testing days of 12 samples per ride day for a total of 204 to 228 samples per ride year, given perfect staffing, weather and other logistical ride concerns. Even with USEF we have not been able to get to this level of testing given weather and staffing issues. Collecting 180- 200 samples a year is a more likely scenario. The Maddy Laboratory will charge \$200 per sample, including shipping, to analyze our samples for a total sample analysis yearly budget of \$36,000 \$45,600. That allows us to spend approximately \$40,000 on the collection of those samples - which allows for approximately \$2000 per ride day to compensate a testing veterinarian at a minimum of \$1000 per testing day, plus travel fees, with additional veterinary technician fees as needed. In summary, half the drug testing yearly budget will be spent on sample analysis and the other half on collection of those samples - which is consistent with how USEF operated and was compensated. Note there are no extra monies available for the compensation of a paid administrator to run the AERC Drug Testing Program, in the yearly drug testing budget.

A quality drug testing program using trained testers and a quality laboratory protects the integrity and credibility of AERC. It also provides for a level playing field for our members and protects the welfare of the horses.

The workload on the AERC office would be significantly increased as drug testing program responsibilities such as scheduling rides, ordering test kits, arranging testing veterinarians and billing/invoicing from the laboratory would need to be shared with the Drug Testing Subcommittee.

The Drug Testing Subcommittee will attempt to recruit and train one to two testers per region (one tester may work in different regions) to provide for consistency, proficiency and integrity in our sampling process. The Drug Testing Subcommittee, with the AERC Executive Director when necessary, will select the rides to be tested in the ride year, which will be kept confidential. Selection of rides to be tested could and likely will reflect the availability of obtaining testing veterinarians. In the 2020 ride year, AERC veterinarians not currently working an endurance ride as a control judge or treatment vet will be selected. If this proves to be too problematic and the pool of vets willing to perform blood sample collection is insufficient then this preference might need to be reconsidered.

As in past years, ride selection will be broad and representative of AERC. Both large and small as well as remote and easily accessible rides will be selected. Longer distance rides such as 75 and 100 milers will also be selected when staffing arrangements can be made. The drug testing sampling process itself will continue as before when our drug program was under USEF jurisdiction. All distances will be tested from the first-place finisher to the last-place finisher, when possible, allowing for broad and deep sampling of the distances tested. At most rides, drug testers will divide the number of starters by the number of samples per distance they are to collect and then sample those horses after they finish their completion examination and before they have left the vet check area. Drug testers are instructed to test the top ten before their best condition presentation if they have already passed their completion exam. Drug testers may select a horse that has been eliminated from the competition.

Jay Mero, DVM clarified that the 2019 AERC National Championship ride would be tested by the state of California. AERC is looking into insurance coverage for the program.

Monica Chapman and all the Board members thanked Jay Mero DVM and all the Vet Committee for their work on this motion and program.

Motion passed unanimously.

Jay Mero DVM presented from the Vet Committee - Motion re Revision of the AERC Prohibited Substance Testing Policy.

Rewrite of Policy as follows: AERC Prohibited Substance Testing Policy

The purpose of this policy is to provide procedures for the implementation of the AERC Rule 13 on Prohibited Substances. It is not intended to alter or supersede Rule 13. It is intended to clarify how testing for Prohibited Substances will be accomplished in an effective and defensible manner.

Administration- The testing for Prohibited Substances shall be supervised by a Drug Testing Subcommittee of the Veterinary Committee with consultation as necessary from the Legal Committee. The Drug Testing Subcommittee shall be composed of the Chair of the Drug Testing Subcommittee, along with two to three other members of the Veterinary Committee and the Chair of the Veterinary Committee. Testing services will be supervised by the AERC Drug Testing Subcommittee, and testers will be selected from the AERC pool of veterinarians, with outside, private veterinarians hired as needed. The sample analysis of the collected samples will be performed by the Maddy Laboratory of the University of California at Davis. The state of California and Canada are exempted from this testing, as the CA Equine Medications and Monitoring Program is responsible for all drug testing of equestrian events in the state of CA and Equine Canada is responsible for drug testing in Canada. The AERC Drug Testing Program will be funded by a rider drug testing fee of \$6 for each starting rider.

The Drug Testing Subcommittee, with consultation with the AERC Executive Director when needed, shall select for each ride season two rides per region, except for the Pacific South Region, which is largely composed of CA. At least one additional ride from any region will be tested, and both days of the National Championships for Prohibited Substances. The selection of rides to be tested will be kept confidential.

In each ride tested by AERC Drug Testers, the testers and technicians shall collect blood samples from twelve equines. Depending on the ride selected, testers may be directed to collect samples from multiple



distances, with a minimum of twelve total samples collected for the ride day. Testing is to be performed in a non-directed manner representative of all equines competing. Testers ideally are to test from first place to last place, and in general will be directed to select equines for testing based on the number of ride entries, versus how many samples are to be collected per distance. Testers may select an equine that has not completed the ride and was eliminated from competition. Testers will be directed to collect their samples as soon as an equine has received its completion exam and before it leaves the veterinary area. Equines standing for Best Condition will be tested at the conclusion of their completion exam, even if it is before their Best Condition presentation.

The rest of the Policy from the 2013 version can remain as written – including – Testing in California and Canada, the Protest Procedure and the Publication of Test Results

This will give continuity and consistency between the Drug Testing Program Procedures and the Drug Testing Policy

Motion passed with one abstention.

Jay Mero DVM presented a motion from the Vet Committee- Add cannabidiol (CBD) and tetrahydrocannabinol (THC) to Rule 13, appendix A (prohibited substances) and all derivatives of the Cannabis Sativa plant family to appendix B (categories of prohibited substances). Implementation will be immediately.

The AERC Veterinary Committee is tasked with updating AERC Rule 13 appendices as needed. As newer medications, substances and treatments are developed and become available, they are to be assessed by the Veterinary Committee and added to the prohibited substance appendix A and B as necessary.

Cannabidiol (CBD) is derived from hemp which, like cannabis, is derived from the cannabis sativa plant. The active ingredient is THC (tetrahydrocannabinol) which is a psychoactive compound. CBD is purported to alleviate pain and inflammation.

The purpose of AERC Drug Rule 13 is in part to ensure fair competition by allowing horses to compete only under their natural ability and without the influence of drugs or medications. Adding CBD to the prohibited substance appendix and all derivatives of the Cannabis plant family is consistent with that purpose and will promote fair and safe competition.

A lengthy discussion was held. There was concern that there are and will be more items that have CBD in them and horses could cross contamination violations. Some also had concerns that this was not a performance enhancing drug but Jay Mero DVM stated that there are studies being conducted at the Maddy Lab and preliminary results are showing that in high doses there are some affects as an anti-inflammatory. Jay Mero DVM stated if research proved differently that it may be reevaluated.

Jay Mero DVM agreed to have an article written in the Endurance News by the vet committee explaining this drug and how to avoid cross contamination, etc.

Motion passes with 2 abstentions.

John Parke made a motion to adjourn at 11:05 pm EST. Tonya Stroud-Oaks seconded. Motion passed