



Racing's Social License to Operate

What You Need to Know
What You Can Do

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Goals

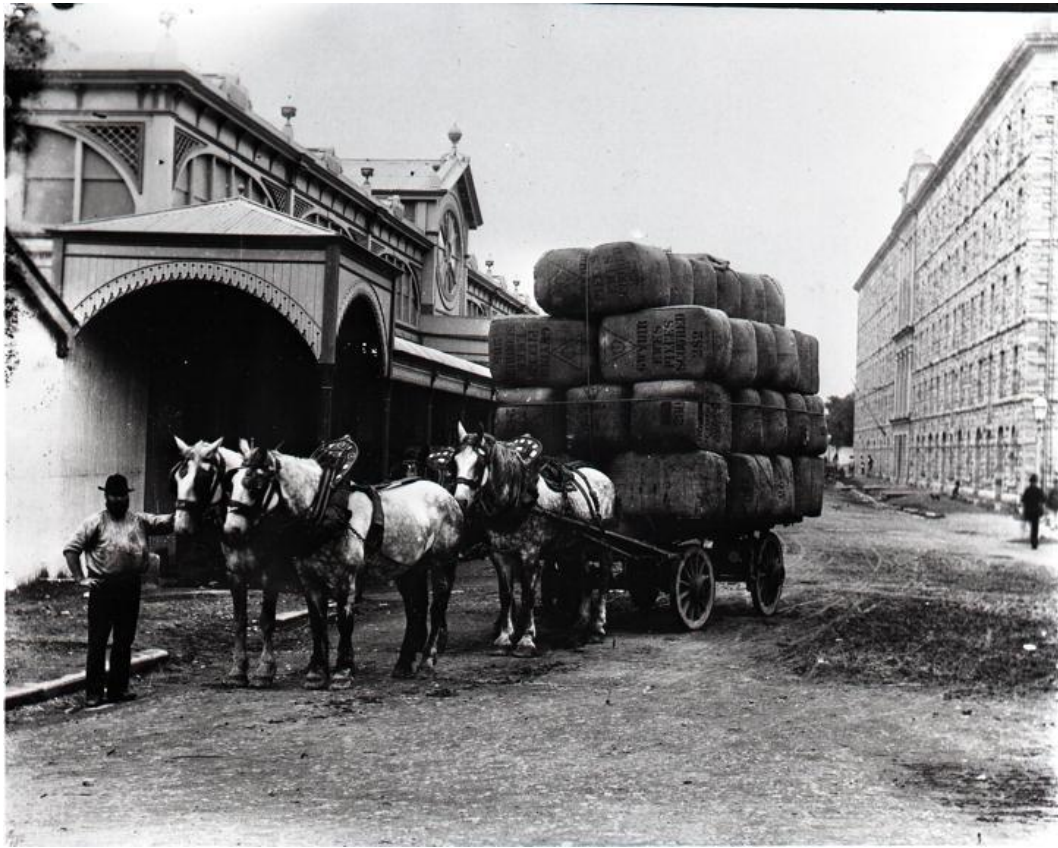
- Brief history of our legal relationship with animals
- Introduce you to the idea of social license to operate (“SLO”)
- Action plan for sustainability

Mutual Dependence (“The Ancient Contract”)

- When we were primarily an agricultural society, our relationship with animals was one of mutual dependence. As we domesticated animals, we provided food and shelter in exchange for either their labor (e.g. horses, dogs) or their production value as livestock. In other words, “You eat well if we eat well.”



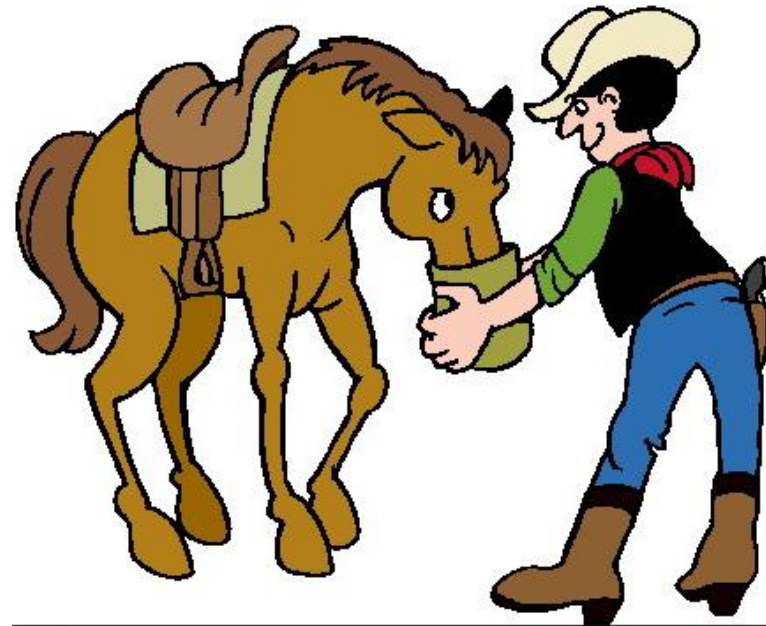
Animal Law (Cruelty)



- As we became an increasingly industrialized society, concern about the physical treatment of workers (especially children) became an issue. This spilled over into concern about the treatment of working horses in the cities.
- The first animal cruelty statutes were enacted in the in the early 1800s, which criminalized intentional **acts of commission** such as “overdriving, overloading, torturing, or unjustifiably injuring” an animal.

Animal Law (Neglect)

- By the middle of this century, many American families begin to keep animals as pets. These animals were recognized for certain intangible contributions to the family (guarding the house, teaching responsibility to children, etc), and people began to be concerned about the living conditions, not just physical treatment, of animals.
- This is reflected in laws prohibiting animal neglect, or **acts of omission**, such as “failure to provide adequate food, water, and shelter.”



Animal Law Today

- Today, the average American is 4 generations removed from an agricultural lifestyle and the majority have never made physical contact with a non-companion animal. Over 75% of American households have pets.



- Deeply personal connections with animals are recognized for their therapeutic value across our lifespan - from children with special needs to trauma victims to lonely seniors.
- The **emotional** importance of the “human-animal bond” is increasingly recognized.

Animal Law Today

- Our society's relationship to animals is primarily one of "emotional companionship." Animals are members of the family, and because of their perceived emotional or child-like purity, are often seen as deserving of special protection and nurturing.
- Increasing use of legal constructs that mirror those seen in human relationships – pet trusts, pet guardianships, pet protective orders, pet custody battles, etc.



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Animal Law Today

- This **emotional connection** drives the current state of animal law in the United States. How society thinks we should treat animals is reflected in our laws.
 - Engaging in animal cruelty (intentionally physically injuring animals) is made illegal -- 1800s
 - Engaging in animal neglect (failure to provide the basic necessities) is made illegal --1900s
 - **Failure to ensure animal welfare is the next legislative target**



What is “Animal Welfare”?

Notice that all three of those statements include a component of **emotional well-being**.

- Animal welfare means how an animal is **cop**ing with the conditions in which it lives.
- An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behavior, and if it is **not suffering from unpleasant states** such as pain, fear, and distress.
- Animal welfare refers to the state of the animal... Protecting an animal's welfare means providing for its physical and **mental** needs.

The Five Domains Model

Physical / Functional Domains

Survival-Related Factors (Nutrition, Environment & Health)

Situation-Related Factors

Nutrition		Environment		Health		Behaviour	
Restrictions:	Opportunities:	Unavoidable/Imposed conditions:	Available conditions:	Presence of:	Little or no:	Exercise of 'agency' impeded by:	'Agency' exercised via:
Water intake Food intake Food quality Food variety Voluntary over eating Force feeding	Drink enough water Eat enough food Eat a balanced diet Eat a variety of foods Eating correct quantities	Thermal extremes Unsuitable substrate Close confinement Atmospheric pollutants: CO2, ammonia, dust, smoke Unpleasant/strong odours Light: inappropriate intensity Loud/otherwise unpleasant noise Environmental monotony: ambient, physical, lighting Unpredictable events	Thermally tolerable Suitable substrate Space for freer movement Fresh air Pleasant/tolerable odours Light intensity tolerable Noise exposure acceptable Normal environmental variability Predictability	Disease: acute, chronic Injury: acute, chronic, husbandry mutilations Functional impairment: due to limb amputation, or lung, heart, vascular kidney, neural or other problems Poisons Obesity/leanness Poor physical fitness: muscle de-conditioning	Disease Injury Functional impairment Poisoning Body condition appropriate Good fitness level	Invariant, barren environment (ambient, physical biotic) Inescapable sensory impositions Choices markedly restricted Constraints on environment-focused activity Constraints on animal-to-animal interactive activity Limits on threat avoidance, escape or defensive activity Limitations on sleep/rest	Varied, novel engaging environmental challenges Congenial sensory inputs Available engaging choices Free movement Exploration Foraging/hunting Bonding/reaffirming bonds Rearing young Playing Sexual activity Using refuges, retreat or defensive attack Sufficient sleep/rest

Affective Experience Domain

Mental State

Negative		Positive		Negative		Positive	
Thirst	Wetting/quenching pleasure of drinking	Forms of discomfort: Thermal: chilling, overheating Physical: joint pain, skin irritation	Forms of comfort: Thermal Physical Respiratory Olfactory Auditory, Visual	Breathlessness Pain: many types Debility, weakness Sickness, malaise Nausea Dizziness	Comfort of good health and high functional capacity	Anger, frustration Boredom, helplessness Loneliness, isolation Depression Sexual frustration	Calmness Engaged, in control Affectionate sociability Maternally rewarded Excitation/playfulness Sexual gratification
Hunger (general)	Pleasure of different tastes/smells/textures	Physical: stiffness, muscle tension Respiratory: e.g. breathlessness Olfactory	Auditory: impairment, pain Visual: glare/darkness eye strain	Physical exhaustion	Vitality of fitness	Anxiety, fearfulness, panic, anger Neophobia Exhaustion	Secure/protected/confident Likes novelty Energised/refreshed
Hunger (salt)	Pleasure of salt taste Masticatory pleasures Post prandial satiety	Auditory: impairment, pain Visual: glare/darkness eye strain	Malaise from unnatural constancy				
Malnutrition malaise Bloating, over full Gastrointestinal pain	Gastrointestinal comfort		Variety related comfort				

Adapted from Mellor, D.J. (2017). Operational details of the Five Domains Model and its key applications to the assessment and management of animal welfare. *Animals* 7(8), 60; doi:10.3390/ani7080600.

2018



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Animal Welfare

- Animal welfare – the duty of care we owe to animals in terms of their physical *and* emotional needs – is a tremendously important issue to the **majority** of Americans.

Animal Welfare, Children's Education, Hunger Are Top Three Causes Americans Care About in 2018



- **Animal welfare** is the No. 1 cause Americans are interested in supporting, selected by 41 percent of respondents. Animal welfare has been a perennial favorite, always residing in the top three.
- **Children's education** is the second most important cause, with 38 percent of Americans interested in supporting it. Children's education is consistently important with Americans, hovering between 35 and 38 percent over the study's three years.
- **Hunger**, chosen by 33 percent in 2018, is the third post popular cause, dropping from No. 1 last year.

Animal Welfare and Ethical Consumerism

Consumers who actively consider company values when making a purchase:



- Animal welfare is also closely intertwined with the movement toward ethical consumerism – the conscious choosing (or avoiding) of consumer products and experiences based on the perceived ethics of the processes used to produce them.

Base: 5,005 to 5,396 US online adults (18+)

Source: Forrester Analytics Consumer Technographics® North American Omnibus Surveys, 2015 and 2017

The Business of Animal Welfare

- “Businesses and professions must stay in accord with social ethics or risk losing their autonomy”
-- Bernie Rollin
- Because of the intensely emotional component of the animal welfare paradigm, concerns about welfare are generally accompanied by a strongly-felt need to *do* something/take action.



“The Public Has a New Skill Set”

- That need to **do** something does not just manifest as a simple avoidance.
- The public has a new skill set (Julie Fiedler) - one characterized by **interaction** and **reciprocity**.
 - No longer does the public simply “consume” news; through social media anyone can become an active part of the news.
 - Good news: This works positively, too. Racing’s participants and fans have tremendous collective reach and influence.

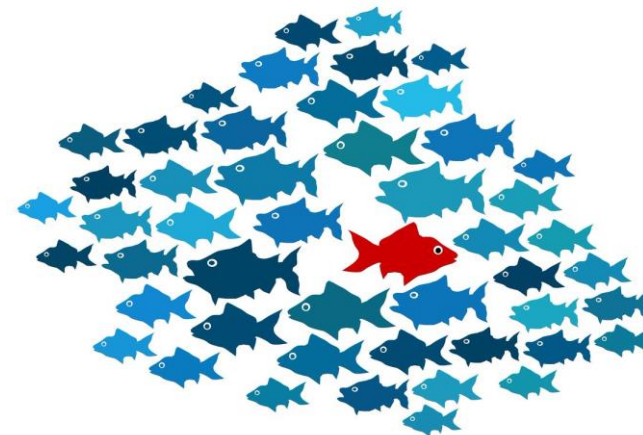


Why is this important for racing?


- Context is critical: To have meaningful public *and* internal debate, it's important to understand the basis for differing viewpoints and utilize a shared vocabulary.
- What happens to the industry going forward will very much be a function of how society at large views our relationship with animals. For the majority of Americans, that relationship is increasingly grounded in ensuring animals' welfare.
- **Racing must come to appreciate and zealously guard its social license to operate.**

Social License to Operate (“SLO”)

- *Societal acceptance/tolerance/consent to an activity that is generally considered to be outside the norm.*
 - ✓ Our industry derives income from animals – we are outside the norm.
 - ✓ The pari-mutuel industry is an industry built on legislative exception and regulatory licensing.
- “Social licence is about bringing trust and accountability for horse welfare to the public.”
– Dr. Roly Owers



Social License to Operate (“SLO”)

- Social license is built on three things: **legitimacy, credibility, and trust**. Because it is built on *perception*, it is especially difficult to maintain.
- Social license can be withdrawn (e.g. ballot initiative/referendum or legislative change) if these are lost. 
- Sustainability of an industry and its ability to maintain its social license are 100% intertwined.



This is a global conversation

Social Licence to Operate: The Life or Death of the Sport

**Researcher: Horse Sports Risk Losing
'Social License'**

Racing's 'social license' to operate: what
can we do to keep it sustainable?

**Why horse-racing in Australia
needs a social licence to operate**

Winx trainer says racing's social licence at risk

SLO Discourse – Research

- Julie Fiedler (Horses SA) –
 - Goal: To inform a communication framework designed to enhance sports horse organizations' engagement in SLO discourse.
 - Method: Survey attitudes towards welfare held by participants in organized equestrian sport.



SLO Research – Results (Fiedler):

- Equine sport participants and fans are the primary interface with the public on matters of equine welfare, yet sport authorities are the ones charged with making welfare decisions. Increasingly, these authorities will be making welfare policies “in the company of the public.”
- Equine sports participants and organizations alike have a “limited horse welfare vocabulary and universally explain welfare in non-specific terms.”



Guarding Social License

1. Focus on Legitimacy
2. Become “Fluent” in Welfare
3. Be an Ambassador
4. Mind the [Credibility] Gap

Step One: Focus On Legitimacy

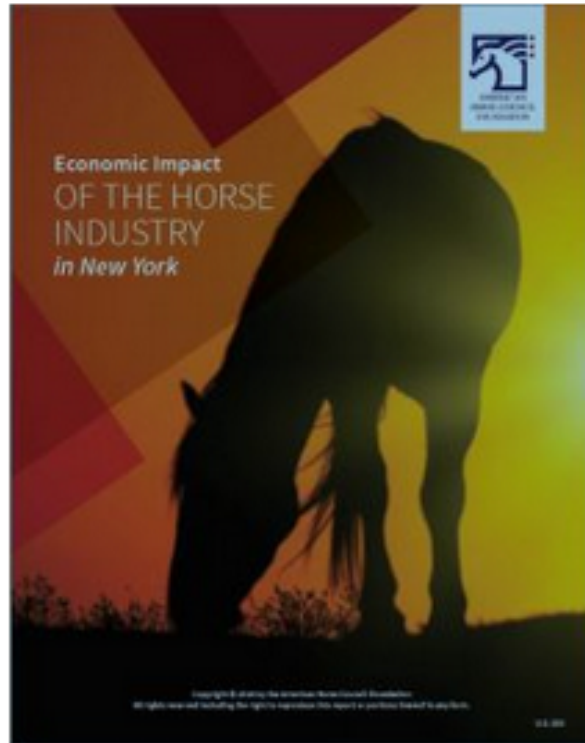
- Animal use industries such as livestock production and horse racing are tremendous engines of economic development, particularly for rural economies.
- This is why we are we are and Ringling Bros. and SeaWorld are where they are.

The impact racing has on an economy



Equine industry thriving in New York: grows by \$1.1 billion, adds 10,000 jobs

Wednesday, April 25th, 2018



(Joint press release from NYTHA, NYTB & NYS Thoroughbred Breeding and Development Fund)

Horses are big business in New York. The American Horse Council Economic Impact Study, published earlier this month, shows that the state's Equine Industry has grown by \$1.1 billion and added nearly 10,000 jobs since the New York Horse Racing and Agriculture Industry Alliance's New York State Equine Industry Economic Impact Study of 2012. There are more than 154,000 horses stabled in New York.

The Equine Industry is the second largest agribusiness in New York, providing the state with \$5.3 billion in economic impact, a 26% increase in the last five years and an eye-opening 121% growth rate since a study conducted in 2005. Employment opportunities in the industry have expanded by 28% since 2012, with horses generating 42,400 full-time jobs for New Yorkers. The horse industry also does its part for the preservation of green

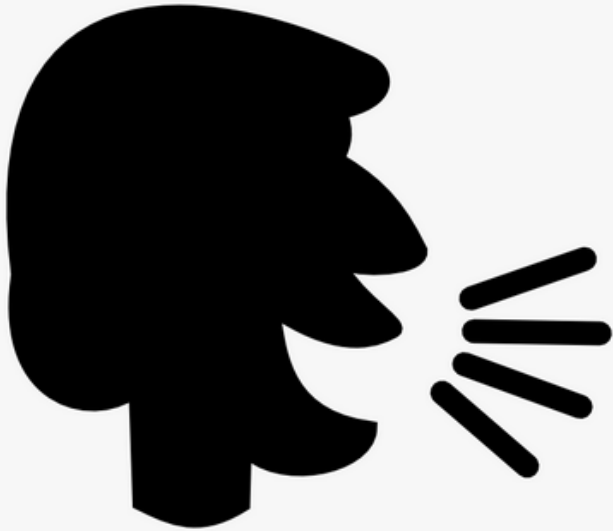
space. Approximately 1.3 million acres are currently used for horse-related purposes, and the equine industry is active in every one of New York's 62 counties.



Focus On Legitimacy

- Legitimacy comes from **economic impact** – so we need never forget to emphasize that around our legislators, regulators, and public forums.
 - *Excellent examples abound – many of them the work of THA and HBPA chapters*
- Legitimacy also comes from **listening** and responding to societal concerns about animal welfare – **re-examining** some of our existing husbandry and training methods in light of new information about animal behavior *and not being afraid to make change where needed.*
 - *Dismissing the majority view guarantees you will remain in the minority.*

Step Two: Become “Fluent” in Welfare



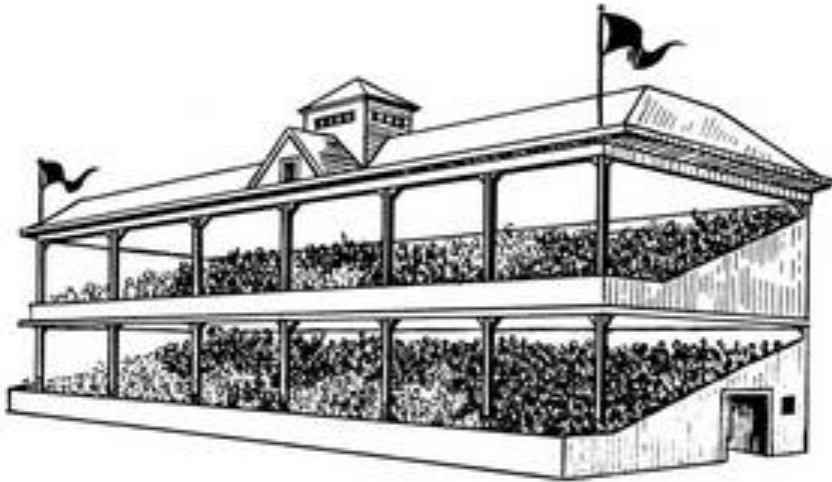
- Racing organizations and racing participants alike must learn to “speak welfare.”
- There IS a standard vocabulary and there ARE standard metrics (i.e. The Five Domains Model).
 - Whether you identify as a fan, participant, operator, or regulator, everybody can unite on this issue and commit to learning this language together – it will make us better as an industry.

Step Three: Be An Ambassador

- Have an elevator speech; know your numbers.
- There is no ZOPA with groups that want to eliminate horseracing. But the folks out there who don't know anything about our business should be hearing about it and its far-reaching impacts from YOU first, not from headlines when something bad happens.



Step Four: Mind the [Credibility] Gap



- We must understand that we have a credibility gap – we derive income from animals. *Most people do not derive income from animals.*
- Because we have “skin in the game,” what we have to say about welfare may be viewed with skepticism.
- Looking ahead, independent, third party assessment may be necessary.

Mind the [Credibility] Gap

- Because working in racing is an all-consuming, year-round, 24/7, permanent gig, it's really, really difficult to not take questions about how we care for our horses personally.
- We need to be mindful that we don't equate concerns about the welfare of our equine athletes with accusations that we don't care.



Are Welfare and Racing Compatible?

NZ Racing Welcomes Welfare Guidelines

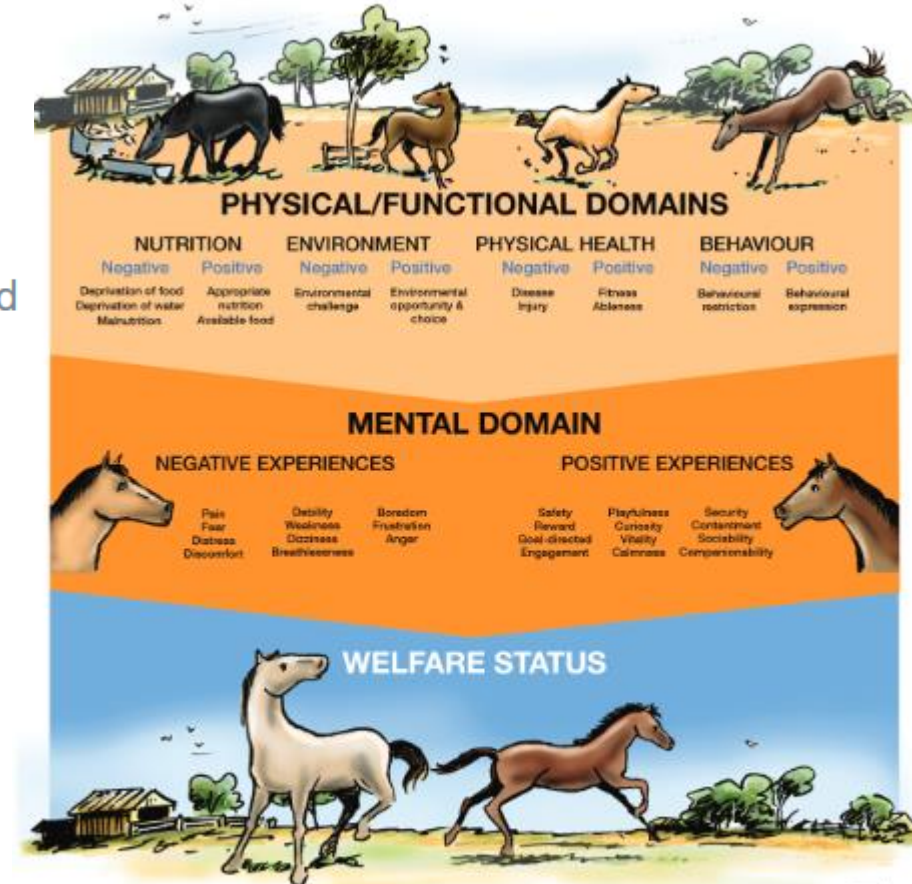
By: Racing & Sports Time published 2019-10-27 at 07:15 AM (GMT +11:00)



New Zealand racing has welcomed the publication of New Zealand Thoroughbred Racing's Thoroughbred Welfare Guidelines.

- Initiative based heavily on the excellent work of Dr. David Mellor.
- “Having a structured approach to address horse welfare provides organisations with a framework to build capacity among all participants when contributing to public conversation on sport horse welfare.” (Julie Fiedler)

The Five Domains Model



I just need
the main ideas



Summary
Time...

Racing must come to appreciate and zealously guard its social license to operate.

- This approach is meant to complement, not stand in for, sensible and progressive regulation.
- To do this, racing organizations and racing participants alike must learn to “speak welfare.” Remember - there IS a standard vocabulary and there ARE standard metrics (i.e. The Five Domains Model).
- All of us need to “up our welfare game,” and together, become more fluent in speaking welfare.

Racing must come to appreciate and zealously guard its social license to operate.

- Social license is built on trust, and that trust is *re-negotiated* between the industry, its stakeholders, and the general public day by day and in the aftermath of each new headline.
- Credibility and trust come from ensuring that what we say is being done is what is *actually* being done.

Racing must come to appreciate and zealously guard its social license to operate.

- Owners, trainers, jockeys, and stable employees are the primary interface with the public about the welfare of our equine athletes, but racing organizations are seen as being “in charge” of designing and messaging about welfare initiatives.
- Live racing is a fragile ecosystem, and equine safety and welfare is *everyone’s* responsibility.

Together, we must hold each other accountable for putting the horse first in everything we do.

Because when we do right by the horse,
all the rest follows.

