

42 N.J.R. 11(2)  
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**NEW JERSEY RACING COMMISSION**

**Horse Racing**

**Items Included in Jockey's Weight; Safety Vest Requirement and  
Safety Helmet**

**Proposed Amendments: N.J.A.C. 13:70-8.18 and 9.12**

Authorized By: New Jersey Racing Commission, Frank Zanzuccki, Executive Director.

Authority: N.J.S.A. 5:5-29, 5:5-66 and 5:5-30.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2010-277.

Submit written comments by January 14, 2011 to:

Frank Zanzuccki, Executive Director  
New Jersey Racing Commission  
PO Box 088,  
140 East Front Street  
Trenton, New Jersey 08625

The agency proposal follows:

**Summary**

The New Jersey Racing Commission is proposing amendments to N.J.A.C. 13:70-8.18, Items included in jockey's weight; safety vest requirement, and 9.12,

Safety helmet. These rule amendments are the result of a petition for rulemaking filed with the Racing Commission by the New Jersey Horse Racing Injury Compensation Board in a letter dated April 12, 2010. As a result of this petition the Racing Commission caused to be filed with the Office of Administrative Law (OAL) a notice of receipt of petition for rulemaking, which was published in the New Jersey Register on June 7, 2010 at 42 N.J.R. 1092(b). On May 21, 2010, the Racing Commission authorized the advertisement of the proposed amendments for public comment. The Racing Commission filed with the OAL a notice of final action, which was published in the New Jersey Register on July 19, 2010 at 42 N.J.R. 1634(b).

The proposed amendments update safety standards regarding jockey's helmets and safety vests. The existing standards are outdated and need to be changed to afford the better protection provided by newer safety equipment.

N.J.A.C. 13:70-8.18(b) and (c) currently require that a safety vest shall weigh no more than two pounds and shall be designed to provide shock absorbing protection to the upper body of at least a rating of British Equestrian Trade Association (BETA) 5. This rule was last amended in 1994 to include the above standard that offered the highest protection at that time. Since then major improvements have been made to these safety vests and the proposed amendment will require use of vests by jockeys, exercise riders, pony people and outriders that meet the newer standards that afford much better protection.

There are five recognized standards for the vest that will be allowed namely:

British Equestrian Trade Association (BETA):2000 Level 1. A copy of the standard may be obtained from [www.beta-uk.org](http://www.beta-uk.org);

Euro Norm (EN) 13158:2000 Level 1. A copy of the standard may be obtained from [www.cen.eu](http://www.cen.eu);

American Society for Testing and Materials (ASTM) F2681-08. A copy of the standard may be obtained from [www.astm.org](http://www.astm.org);

Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3. A copy of the standard may be obtained from [www.satra.co.uk](http://www.satra.co.uk); and

Australian Racing Board (ARB) Standard 1.1998. A copy of the standard may be obtained from [www.standards.org.au](http://www.standards.org.au).

N.J.A.C. 13:70-9.12 currently provides that the stewards shall approve, in writing, the type of safety helmets that are authorized. The proposed amendment sets forth specific safety helmet standards that must be met for use by racing industry participants namely:

American Society for Testing and Materials (ASTM F1163-04A). A copy of the standard may be obtained from [www.astm.org](http://www.astm.org);

UK Standards (EN-1384 and PAS-015). A copy of the standard may be obtained from [www.cen.eu](http://www.cen.eu); and

Australian/New Zealand Standards (AS/NZ 3838-2003). A copy of the standard may be obtained from [www.standards.org.au](http://www.standards.org.au)

By specifying these standards there will be no doubt about those helmets that are required that offer the most advanced protection against head injury.

The Racing Commission provides for a 60-day comment period on this notice of proposal. Therefore, this notice is excepted from the rulemaking calendar requirement in accordance with N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

A positive social impact is anticipated from the proposed amendments to N.J.A.C. 13:70-8.18 and 9.12. The proposed amendments will reduce injury as they provide greater protection to horse racing participants by requiring use of safety

equipment meeting higher safety and protection standards. No negative social impacts are anticipated.

### **Economic Impact**

It is expected that the amendments will have an economic impact on jockeys, exercise riders, pony people and outriders who will be required to wear and purchase the upgraded safety vests and helmets. Since the original rule was enacted in 1994, there have been major improvements to the safety products and it is important that racing participants are protected from severe injury by the requirement to wear the most effective safety products available. However, the overriding safety enhancements justify this expense. The amendments would also in all likelihood, result in fewer serious injuries and thus reduce overall medical costs and workers compensation insurance premiums. It will have a positive economic impact on manufacturers of this equipment and their retailers because the participants periodically purchase new vests and helmets and this rule will give them guidance as to the best products available to ensure their safety.

### **Federal Standards Statement**

A Federal standards analysis is not required because the rules of racing are authorized by State statute, N.J.S.A. 5:5-22 et seq., and the proposed amendments are not subject to any Federal standards or requirements.

### **Jobs Impact**

The proposed amendments will not directly affect the number of New Jersey jobs of racing participants. However, some vendors of equine industry safety vests and helmets may need to hire additional personnel to work in New Jersey as a result of increase demand for the improved safety equipment.

### **Agriculture Industry Statement**

The proposed amendments will have no impact on the agriculture industry in the State. Racehorses are not considered livestock for the purpose of determining any impact on the agriculture industry.

### **Regulatory Flexibility Analysis**

The proposed amendments affect jockeys, exercise riders, pony people and outriders, who do qualify as small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The compliance requirements imposed by the proposed amendments are described in the Summary above and the costs of compliance are discussed in the Economic Impact above. The racing participants should not need to employ professional services in order to comply with the amendments. The Commission considers the compliance requirements proposed to be the minimum necessary to ensure the participants' purchase the products to ensure their safety.

### **Smart Growth Statement**

The proposed amendments will have no affect on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

### **Housing Affordability Impact**

The proposed amendments will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the proposed amendments concern safety equipment required for jockeys and others involved in horse racing.

### **Smart Growth Development Impact**

The proposed amendments will not have an impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production

in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey because the proposed amendments concern safety equipment required for jockeys and others involved in horse racing.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### SUBCHAPTER 8. WEIGHTS

13:70-8.18 Items included in jockey's weight; safety vest requirement

(a) (No change.)

(b) A safety vest shall be worn by all jockeys competing in race events. The safety vest shall weigh no more than two pounds and shall [be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association (BETA).] **comply with one of the following minimum standards, incorporated by reference, as may be amended and supplemented:**

1. **British Equestrian Trade Association (BETA):2000 Level 1, available from [www.beta-uk.org](http://www.beta-uk.org);**

2. **Euro Norm (EN) 13158:2000 Level 1, available from [www.cen.eu](http://www.cen.eu);**

3. **American Society for Testing and Materials (ASTM) F2681-08; available from [www.astm.org](http://www.astm.org);**

4. **Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3, available from [www.satrap.co.uk](http://www.satrap.co.uk); or**

5. **Australian Racing Board (ARB) Standard 1.1998, available from [www.standards.org.au](http://www.standards.org.au).**

(c) A safety vest shall be worn by all exercise riders, pony people[,] and outriders during the performance of their duties of working out or otherwise training a horse while on the racetrack, training track or general stable area. The vest shall [be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association (BETA).] **comply with one of the following minimum standards, incorporated by reference, as may be amended and supplemented:**

1. **British Equestrian Trade Association (BETA):2000 Level 1; available from [www.beta-uk.org](http://www.beta-uk.org);**

2. **Euro Norm (EN) 13158:2000 Level 1; available from [www.cen.eu](http://www.cen.eu);**

3. **American Society for Testing and Materials (ASTM) F2681-08; available from [www.astm.org](http://www.astm.org);**

4. **Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3 or available from [www.satrap.co.uk](http://www.satrap.co.uk); or**

5. **Australian Racing Board (ARB) Standard 1.1998 available from [www.standards.org.au](http://www.standards.org.au).**

#### SUBCHAPTER 9. JOCKEYS, JOCKEY APPRENTICES AND JOCKEY AGENTS

##### 13:70-9.12 Safety helmet

(a) All jockeys, whether riding in a race or exercising horses, or any person exercising horses, shall wear a safety helmet [of a type approved, in writing, by the stewards; and no change shall be made in any such helmet without the written approval of the stewards.] **that meets one of the following safety standards:**

1. **American Society for Testing and Materials (ASTM) 1163-04A; available from [www.astm.org](http://www.astm.org);**

2. **UK Standards (EN) 1384 and PAS-015; available from [www.cen.eu](http://www.cen.eu); or**

**3. Australian/New Zealand Standard (AS/NZ) 3838-2003 available from [www.standards.org.au](http://www.standards.org.au).**

(b) (No change.)