

## *The ZERO tolerance in equestrian sports is a joke!*

### **1. Introduction**

The equestrian sports news shocks us every time a sample taken turns out to be positive and this is especially true when it is the case in a big championship. Thus, the announcement of the disqualification of the young British rider Harry Charles at the last European Show Jumping Championships in Fontainebleau (2018) has led to the loss of his title and gold medal. At the same time, the British Young Riders team is also losing its medals and title. The world of equestrian sports is once again shaken to its core.

Through various press releases, we have learned that the offending substance is Lidocaine (an anaesthetic well known in veterinary medicine as well as in human medicine). We also learned that this was an accident and that it was in fact a Lidocaine-based cream, used by a human suffering from cancer, which was at the origin of this contamination.

Moreover, it was mentioned that the control was positive after the Nations Cup on Friday, but that following his victory in the individual competition on Sunday, a new control was taken and it was negative!

In such a scenario, everyone is free to offer an explanation based on these few elements and basic information.

**One thing is certain: everyone is a loser!**

The image of equestrian sports is tarnished. We talk about doping in the media, but what should a lay person think who is told that a sports horse is fed only with hay, some oats and water?

The FEI adopts a policy of "head in the sand" and practices a regulation where zero tolerance is absolutely outdated and completely absurd. Such behaviour leads us into the wall and will simply destroy equestrian sports.

**We say very clearly: enough is enough... It must change!**

We have also had the advantage and the privilege of being involved in several cases in recent years as independent experts and the purpose of this intervention is to clarify the situation so that we ask ourselves the real questions.

Then it is up to the policy boards of all the national equestrian federations and the FEI to finally adopt a regulation adapted to the reality of a competitive sport that we all want to be "clean" and which must be in keeping with the welfare of the sport horse.

### **2. A little bit of History**

The notion of doping dates from the end of the 17th century with the appearance in 1650 of a first anti-doping regulation. It is indeed in the racing world that we find the first descriptions of banned substances that could increase the performance of a horse. In 1752, doping was officially banned by the Jockey Club in England. We find the first traces of alkaloids in saliva around 1910 and the first tests are introduced.

These cheating increases also affect the human sports world with all the scandals that are known in many sports. In the world of horses, each association has its own rules, and today there is an anthology of regulations that do not apply the same doctrine at all times. The continental differences of these regulations are also very large and especially so dependent on the equestrian culture of each region.

For the FEI disciplines, the evolution of the regulations has undergone many changes and we have also experienced extreme cases!

It should be remembered that "Bute" (phenylbutazone) was tolerated in FEI disciplines at a rate of one gram per day, most often in the form of powder. It was prohibited in 1987. In 2009, there was an attempt to reintroduce this effective anti-inflammatory, specific to the horse's musculoskeletal system and finally, if correctly dosed, has little toxicity, even in the long term. Its reintroduction would have been a bad signal. This is no longer relevant today, but is still heavily used in equine practices.

Under equestrian disciplines, known as FEI, there were in the 1980s many positive cases in relation to aromas that were added to the diet. Caffeine, theophylline and theobromine contained in particular in cocoa waste have contributed to many scandals treated as doping. These substances were considered stimulating. The therapeutic effect of these food flavour's is virtually nil but the image damage was enormous.

The case of Éric Navet and the stallion Quito de Baussy, world champion in show jumping in 1990 in Stockholm at the World Equestrian Games is in everyone's memory. First disqualified after a positive control with cortisol and then rehabilitated ten years later with all our excuses ... and yes, we had not yet realized that the suprarenal glands of a stallion produced more cortisol than these same glands in a gelding or a mare! The disqualification had made a lot of noise in the sports media and the rehabilitation ten years later occupied a snippet in specialized periodicals ... a huge image damage for a great rider and for equestrian sports.

Some substances have also undergone great changes: theobromine, camphor, ginger, valerian, devil's claw (*Harpagophytum*) have gone through periods when their presence was positive, then negative and then positive again. These numerous hesitations show a lack of strategy and show that our governing bodies are only reacting. In short, it must be remembered that the list of banned substances should be consulted at the beginning of each year to know the latest changes. It's imperative! ([www.feicleansport.org](http://www.feicleansport.org))

### **3. *What is the ZERO tolerance?***

As early as 1993, the notion of ZERO tolerance appeared. For the FEI, it is, and remains, a concept that is easy to apply and above all legally easy to manage. It's black and white, guilty or not guilty. The laboratory detection methods were not very sensitive at the time. The detection times of a substance were not so different from their action times. In short, it was the doctrine and the ideal strategy.

Since then, times have changed, laboratories have become very precise and detect minute traces. On the other hand, regulations have changed little, especially in this area. Today, concentrations of the order of nanogram ( $10^{-9}$ ), picogram ( $10^{-12}$ ) and even femtogram ( $10^{-15}$ ) are detected.

To make these concentrations more comprehensible, we can consider a drop of water containing a substance poured in Villeneuve at the eastern end of Lake Geneva and find traces at the west end of the same Lake, in Geneva, under Mont Blanc bridge!

Equestrian sports are struggling today with a regulation of the FEI that can no longer answer the following question: a substance with a concentration of the order of nanogram or picogram and which especially has no effect pharmacologically but which remains present ... what to do, what is the interpretation?

The FEI persists and has ruled: the presence of a substance on the list of prohibited substances, wherever it comes from, leads in all cases to disqualification, and can generate a suspension and in any case heavy fines.

Worse than that, it is up to the person responsible to explain "how" this substance is found in the blood and / or urine of his horse ... we are in a ridiculous situation once again, and it is the whole of Equestrian sports that loses face and credibility!

Regulations can only be effective and credible if they correspond to reality. Currently it is far from the case and there is work to do....

#### **4. The WADA rules for humans and the FEI EADCMR rules for equestrian sports**

In its website [www.feicleansport.org](http://www.feicleansport.org) the FEI tells us that there are two regulatory systems in the world of doping. There is talk of a **World Anti-Doping Agency (WADA)** system for humans and an **Equine Anti-Doping and Controlled Medication Regulations (EADCMR)** system for horses. In this intervention, we will only mention the **EADCMR** system which concerns horses.

This **EADCMR** system provides a list of prohibited substances that has two sections.

A first section contains **Banned Substances** that do not indicate a legitimate use in equine medicine (eg Tramadol<sup>R</sup>).

A second section contains **Controlled Medication Substances**, which are regularly used in equine medicine (eg Bute<sup>R</sup>).

All substances in these two lists **should not be detected** in the blood or urine of a horse during a sporting event. In addition, the legal procedures are fundamentally different in their operations depending on whether one is in one or the other of these two lists.

#### **5. Differences between Doping, Medication and Contamination**

There are fundamental differences in equestrian sports between doping, medication and contamination.

In the notion of **Doping**, there are notions of malevolence, cheating and intentional desire to enhance sports performance. This category must be sanctioned severely, it is a social evil and has no place in any sports discipline whatsoever.

In the notion of **Medication**, we only find drugs that have a legitimate use in equine medicine. These positive cases are often the result of poor management of sports

withdrawal times. A sick horse is basically entitled to receive appropriate treatment in time, quality and quantity. We must accept that a sick horse cannot participate in a sporting event and that his training will be reduced until a complete recovery of his physical and mental capacities. The knowledge of these notorious times of sport withdrawal is still vague and leaves room for many interpretations that are fatal to the person responsible (riders, trainers and grooms). At this point, it is worth remembering that the exact and scrupulous maintenance of a journal of treatment must be carried out and this contributes greatly to the correct maintenance of sports withdrawal times, especially when there are several horses in a large stable.

In the concept of **Contamination**, we speak of minute detected concentrations whose effectiveness is non-existent. Unfortunately, their presence at sporting events are sanctioned (non permitted). Often the source of these contaminations remains unknown or not obvious and it becomes extremely difficult to trace their origin. This research is very expensive and basically does not bring anything into the current legislation practiced by the FEI, insofar as the mere presence of this contamination leads to disqualification.

The distinction between these three categories should be given more careful consideration, categorization, weighting and finally the dimension of the sanctions to be applied. In this case, especially for the contamination category, the FEI should weigh the interests and revise its regulations so as not to "dirty" the reputation of equestrian sports unnecessarily.

It is also useful to remember that the source of contamination often comes from feed supplements whose labels do not always reveal the completeness of the components. Manufacturing legislation in this area is less severe than the registration of a drug. Producers of serious feed supplements put a "free of doping substances" mark on their labels. This information is very useful and should be generalized.

An appeal should also be made to the global and specific sports media insofar as this distinction (doping, medication, contamination) is crucial and they also bear a responsibility in the weight of their communication to the general public.

## **6. *The particularities of the FEI rules***

The regulation of the FEI must therefore adapt. It must act and not react. It must acquire knowledge close to the practice in the sport and be aware of what is happening in the field. There are three examples that could be modified quickly.

1. Continue to advocate a theory where one must think that a sport horse can perform well without sports management and the believe that only water, oats and hay are enough, is hypocrisy. Sport horses are today real athletes and must be cared for and trained in a professional manner. This supervision must be done in the balance of what is tolerable at the therapeutic level and in respect of the horse welfare. A substantive revision based on this change of doctrine must be made as soon as possible.
2. The FEI still needs to intervene and have **detection thresholds** for more substances. These minimum levels (or RLODs: Recommended Level Of Detection) are required to accompany substances on the Prohibited Substances List. As such, the racing world has more details and experience in this area. Funding for these studies was provided by private funds and associations. The FEI must acquire, participate and collaborate in the funding of ongoing research in this area.

3. The rule required by the FEI in a legal procedure that the PR (person responsible) must provide explanations as to the origin of the presence of a prohibited substance in the body fluids of a horse is unusual. This PR (person responsible) has neither the necessary knowledge nor often the corresponding financial means to provide these elements. The FEI, on the other hand, could call on experts from the scientific world who would be able to provide these explanations. It should be noted that in all cases, the FEI appeals to these same experts to counter an argument provided by the defense. This is simply a constraint on the part of the FEI to deter the PR (person responsible) from continuing the proceedings and to accept a sanction more quickly without wanting to fight. The presence of the FEI headquarters on Swiss soil obliges it to respect Swiss law. As such, the presumption of innocence is, in our view and in this case barely respected.

Experience has shown us on several occasions that the FEI does not have enough qualified experts to counter the argument of defense often won at high prices. It is regrettable and absolutely contra productive.

## 7. *Conclusions*

It's a fact, lab technology will improve further in the future. Every laboratory will pride itself and will boast about the accuracy of the smallest detections it can make ... This policy and development will lead us into the wall! It is therefore up to the FEI and the world of equestrian sports to set these famous minimum detection thresholds. Our credibility depends on it.

A measure that would be as good to introduce, would be the implementation of an “**Out of Competition Testing**”. This measure, already widely practiced in the world of racing, would be educational and allow each PR (person responsible) to truly know the state of sports commitment of his horse (**fit to compete**). This argument would also be part of a strategy of responsible behavior in the context of the welfare of their sport horses.

The national equestrian federations must unite and fight with the FEI for the adoption of a regulation in this matter which is both realistic and especially adapted to the current conditions. Unfortunately, today's philosophy and strategy must be viewed as a rearguard action. The world of the sport horse is waiting for changes. Its future depends on it. The FEI must empower itself to change its strategy and its future depends on it as well.

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