

cancellation at the direction of the Executive Director would be considered as a day raced in order [to] meet statutory minimums on required number of race days." Mr. Bruno adds that such "language would be consistent with the current practice regarding weather-related cancellations."

RESPONSE: The Commission thanks Mr. Bruno and Freehold Raceway for their support. Any decision by the Executive Director to cancel racing will be presented to the Commissioners for ratification in accordance with the current practice regarding weather-related cancellations.

COMMENT: Ms. De Russo states that she is in support of the rulemaking and applauds the rule changes and believes such changes are overdue. Ms. De Russo states that "if NJ is to grow its racing industry it must appeal to the general public. Most people do not want to watch these beautiful creatures treated inhumanely." She also states that the next rule change "is to ensure the owners have a responsibility to the horses that are no longer racing."

RESPONSE: The Commission thanks the commenter for her support and agrees the new rule promotes equine health and welfare. The Commission notes that the commenter's statement regarding retired racehorses is outside the scope of the rule proposal.

Federal Standards Statement

A Federal standards analysis is not required as there are no Federal standards or requirements applicable to the adopted new rule.

Full text of the adopted new rule follows:

SUBCHAPTER 1. GENERAL RULES

13:71-1.38 Cancellation of racing to protect the health, safety, and welfare of racing participants

In the event a permit holder decides to conduct races, the Executive Director shall have the authority to order the postponement or cancellation of racing for any reason determined to pose a serious risk to the health, safety, and welfare of the equine and human race participants, including, but not limited to, extreme weather conditions, such as high heat and humidity.

(a)

NEW JERSEY RACING COMMISSION

Harness Racing

Cancellation of Racing to Protect the Health, Safety, and Welfare of Racing Participants

Adopted New Rule: N.J.A.C. 13:71-1.38

Proposed: December 2, 2019, at 51 N.J.R. 1750(a).

Adopted: September 16, 2020, by the New Jersey Racing Commission, Judith A. Nason, Executive Director.

Filed: September 28, 2020, as R.2020 d.113, without change.

Authority: N.J.S.A. 5:5-30.

Effective Date: October 19, 2020.

Expiration Date: August 28, 2024.

Summary of Public Comment and Agency Response:

The official comment period ended on January 31, 2020. The following is a summary of the comments received and the response of the New Jersey Racing Commission (Commission). The Commission received comments from two persons in response to the notice of proposal:

Howard Bruno, General Manager of Freehold Raceway; and
Karen De Russo, a member of the public.

COMMENT: Mr. Bruno states that Freehold Raceway "is in support of the ... rule," but requested that "language be added indicating that any