

PRESENTATION

JUDICIARY COMMITTEE - HOUSE BILL 1277

EQUINE LIABILITY BILL

JULY 20, 1993

My name is Bruce Rappoport. I am the Associate Dean for Administration at the University of Pennsylvania's New Bolton Center campus and the Director of the Widener Hospital for Large Animals at the University of Pennsylvania Veterinary School.

In addition, I am here today as the Treasurer for the Pennsylvania Equine Council and as a member of the Brandywine Valley Driving Club and the Pennsylvania Draft Horse and Mule Association.

I appreciate the opportunity to provide testimony on behalf of House Bill 1277 and in the interest of time, will attempt to keep my remarks brief. I would like to also call your attention to The Pennsylvania Equine Industry Profile which was recently published by the Pennsylvania Department of Agriculture in May, 1993. I believe if you have not been provided a copy of this report, one will be forthcoming to you.

My support for House Bill 1277 is based upon the plight of the small business owner in the equine industry and the realization that the decline of this industry has a rippling effect through many segments of the agricultural economy in Pennsylvania. House Bill 1277 was not designed to provide relief to the racing industry, but was really geared toward the small business owner such

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as boarding stables, riding instructors, driving enthusiasts, and civic organizations such as 4-H clubs that generate operating funds through small local activities.

In the Pennsylvania Equine Industry Profile, Table 14, Page 8, the equine industry in 1990 generated over \$427,000,000 in other economic benefits to the State of Pennsylvania. Obviously if there are fewer horses, there will be less feed sold, less equipment sold, less veterinary fees, less capital improvements, etc. Those are economic impacts which stretch far beyond the horse owner. They relate to the farmer growing the feed, the equipment sales person in the local community, the training and ability of veterinarians to earn an income, and the opportunity for the banking industry to generate funds by loaning money for capital improvements.

Those of us in the equine industry are saddened and concerned over the increasing urbanization and suburbanization of Pennsylvania and the effect that growth has on opportunities for many of the residents of Pennsylvania to become familiar with and have contact with equine activities. Many people who have grown up to develop a love and understanding of horses started out by having their first contact being at local 4-H demonstrations, pony rides and riding stables in their area. Through this contact they developed an interest in horse ownership, and grew up to become a contributing member to the equine economy. Unfortunately, the opportunities for new people to become acquainted in a hands on fashion with horses are continuing to decline, and while there are many reasons for this decline, when I discuss this with the people in the

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equine business, one of the common threads is the cost of liability insurance and the fear of "losing the farm". In many cases, the small boarding stable that may also provide riding instruction is breaking even rather than getting ahead, and in some instances falling behind because of the increasing costs of protecting their assets. The small operator can control his costs, but he does not control his insurance expenses, even though the small operation can sometimes be in a better position to monitor its activities and liability exposure.

My reading of House Bill 1277 does not indicate that people in the equine marketplace are relieved of their obligations towards being responsible individuals. They are still responsible for the liability associated with negligent conduct. More importantly, House Bill 1277 recognizes that horses and activities associated with horses contain certain risks as a result of the unpredictable nature of these large animals. I would suggest to you that very similar situations exist in other youth oriented sports activities such as peewee baseball, midget football, ice hockey, and basketball. However, because the people involved in these sports are familiar with the potential for injury, the inherent risks for these more common sports are generally also accepted. On the other hand, because they do not have, and in many cases will never have any level of familiarity with horses, they conclude that there is no risk to any activities involving horses, and that these large, lovable animals are absolutely predictable and controllable, much like the horses on a carousel. In reality, those of us that make our living working with these animals, fully recognize that they are the most ingenious and in many instances devious

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animals with which we will ever deal, and that you must accept the responsibility of paying attention when you are working them. I would suggest to you that it is a level of familiarization that causes people to react much more negatively when their child falls off a horse at a pony ride, than if they break their leg playing peewee baseball. Much of the early education of veterinary students at the University of Pennsylvania is geared toward teaching students how to handle horses. For the most part these students are familiar with dogs and cats and know the risks of handling them. Unfortunately, they do not bring the same level of knowledge when it comes to horses.

As I mentioned in the beginning of my remarks, I am also very concerned about the declining core market in the equine industry. If we cannot continue to introduce and educate people in horses, the demand for horses will decline. The effects of this can have a very troubling economic impact for many of the citizens of Pennsylvania.

As I made clear, I do not believe that this act alone will save the equine industry, but I do feel that the costs and difficulties in obtaining liability coverage for many small owners is a barrier to either their growth or their continuance.

In the general economic climate with which we are all familiar, I think that there is every responsibility to assist in creating an environment that allows for economic stability and growth. Passage of House Bill 1277 will assist in

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creating that positive climate for the equine industry and help in keeping jobs for those that support the equine industry.

I appreciate the opportunity to speak on behalf of House Bill 1277 and invite any questions you may have.

Thank you.