Opening Remarks

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THANK YOU. MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE.

I WELCOME THIS OPPORTUNITY TO APPEAR AGAIN BEFORE THIS COMMITTEE AS YOU FURTHER EXPLORE THE ISSUE OF PERFORMANCE ENHANCING DRUGS IN PROFESSIONAL SPORTS AND ITS IMPACT ON THE YOUTH OF AMERICA.

I AM ESPECIALLY PRIVILEGED TO APPEAR ON THIS PANEL WITH TWO OTHER PHYSICIANS WITH WHOM I HAVE COLLABORATED IN THE PAST AND FOR WHOM I HAVE THE HIGHEST REGARD, DOCTORS JOHN LOMBARDO AND LINN GOLDBERG.

AS YOU MAY RECALL, AMONG MY CREDENTIALS IN ANTI-DOPING, I REPRESENT THE UNITED STATES AS AN UNPAID MEMBER OF THE WORLD ANTI-DOPING AGENCY'S PROHIBITED LIST AND METHODS COMMITTEE.

LAST MONTH, BOTH IN MY PREPARED STATEMENTS, AND IN RESPONSE TO QUESTIONS BY THIS COMMITTEE, I ADDRESSED A NUMBER OF DEFICIENCIES THAT EXIST IN MAJOR LEAGUE BASEBALL'S DRUG POLICY.

TODAY, I WOULD LIKE TO EXPLORE WITH YOU SOME OBSERVATIONS CONCERNING THE POLICY OF THE NATIONAL FOOTBALL LEAGUE.

BUT BEFORE I DO SO, I WOULD LIKE TO STATE THAT IN MY VIEW, THE NFL'S DRUG POLICY IS THE MOST COMPREHENSIVE OF THE FOUR MAJOR PROFESSIONAL SPORTS LEAGUES IN THE UNITED STATES.

BUT THAT DOES NOT MEAN THERE IS NO ROOM FOR IMPROVEMENT.

I AM CONFIDENT THE NATIONAL FOOTBALL LEAGUE AND THE NFL PLAYERS' ASSOCIATION AGREE WITH ME.

FOR YEARS, THE NFL'S PROGRAM HAS CLOSELY PARALLELED THAT OF THE OLYMPICS, AND FOR THAT I COMMEND THEM.

HOWEVER, SINCE 1999, THE ANTI-DOPING LANDSCAPE HAS UNDERGONE A SEA CHANGE ESPECIALLY WITH THE ESTABLISHMENT OF THE WORLD ANTI-DOPING AGENCY, BETTER KNOWN AS WADA, AND WITH THE ADOPTION OF THE WORLD ANTI-DOPING CODE.

IN THE PAST SIX YEARS, WE HAVE WITNESSED UNPRECEDENTED CHANGES IN ANTI-DOPING INITIATIVES AROUND THE WORLD.

NOW, AS EVIDENCED BY THESE HEARINGS, IT IS TIME FOR THE MAJOR PROFESSIONAL SPORTS LEAGUES IN THE UNITED STATES TO FOLLOW SUIT.

MANY OF THE BEST ELEMENTS OF THE HISTORIC OLYMPIC ANTI-DOPING PROGRAM HAVE BEEN INCORPORATED INTO THE WORLD ANTI-DOPING CODE.

SIMILARLY, MANY OF THE SUCCESSFUL AND INNOVATIVE ELEMENTS AT THE CORE OF THE CURRENT NATIONAL FOOTBALL LEAGUE PROGRAM SHOULD BE PRESERVED AND INTEGRATED INTO A MORE CONTEMPORARY POLICY.

AS I ARTICULATED DURING THE MAJOR LEAGUE BASEBALL HEARINGS, IT IS MY BELIEF THAT THE WORLD CODE AND ITS INTERNATIONAL STANDARDS SHOULD SERVE AS THE BACKBONE OF ENHANCED POLICIES AND PROGRAMS IN PROFESSIONAL SPORTS.

THE WORLD CODE IS THE GOLD STANDARD.

I FULLY RECOGNIZE THAT THE NFL'S CURRENT POLICY IS NOT ONLY A PRODUCT OF THE LEAGUE'S UNIQUE HISTORY IN ANTI-DOPING, BUT ALSO A RESULT OF THE COLLECTIVE BARGAINING PROCESS.

THAT BEING SAID, HAVING THE WORLD ANTI-DOPING CODE AS THE BACKBONE OF AN ENHANCED NFL POLICY WOULD ONLY SERVE TO FURTHER THE NFL'S COMMITMENT TO ANTI-DOPING.

HAVING PARTICIPATED IN THE DRAFTING OF THE WORLD CODE AND ITS LIST OF PROHIBITED SUBSTANCES, BOTH OF WHICH I DISTRIBUTED TO THE COMMITTEE WHEN I LAST APPEARED, I WOULD LIKE TO EMPHASIZE THAT THERE CAN BE NO SHORTCUTS IN DOCUMENTING THE LEAGUE'S ANTI-DOPING POLICY, TECHNICAL STANDARDS, OR LIST OF PROHIBITED SUBSTANCES AND METHODS.

SIMPLY STATED, A DETAILED WRITTEN POLICY, AS EXEMPLIFIED BY THE WORLD CODE, IS IN THE BEST INTEREST OF BOTH THE PLAYERS AND THE LEAGUE.

RECOGNIZING THE DELICATE BALANCE THAT EXISTS BETWEEN DRUG FREE SPORT AND THE PROTECTION OF ATHLETE'S RIGHTS, THERE CAN BE NO ROOM FOR AMBIGUITY OR MISINTERPRETATION AS DOPING CASES ARE ADJUDICATED.

TIME DOES NOT PERMIT ME TO DETAIL ALL THE SPECIFIC ISSUES I BELIEVE NEED TO BE ADDRESSED IN THE NFL'S CURRENT POLICY.

THEREFORE, I WILL HIGHLIGHT BUT A FEW AND I AM SURE OTHERS WILL SURFACE DURING THE Q&A THAT FOLLOWS THIS PANEL'S OPENING STATEMENTS.

WITH RESPECT TO THE PROHIBITED LIST, I BELIEVE THAT THE NFL, AND OUR OTHER MAJOR SPORTS LEAGUES, SHOULD ADOPT WADA'S LIST AS THEIR OWN.

REGARDING THE NFL'S CURRENT LIST, I WOULD LIKE TO DIRECT YOUR ATTENTION TO THE SECTION, "CERTAIN STIMULANTS," ON PAGE 12 OF THE "2004 NATIONAL FOOTBALL LEAGUE POLICY ON ANABOLIC STEROIDS AND RELATED SUBSTANCES," HEREINAFTER, "THE STEROID POLICY."

AS YOU MAY RECALL, I EXPRESSED SERIOUS CONCERN THAT MAJOR LEAGUE BASEBALL HAD OMITTED STIMULANTS SUCH AS AMPHETAMINE FROM ITS LIST OF PROHIBITED SUBSTANCES.

IN MY JUDGMENT, THE NFL 2004 STEROID POLICY AS IT RELATES TO STIMULANTS ALSO NEEDS TO BE REVISITED AND REVISED.

FOR EXAMPLE, THE POLICY TENDS TO OMIT THE STRONGER STIMULANTS, SUCH AS AMPHETAMINE.

YET, IT INCLUDES SUBSTANCES SUCH AS THE VERY MILD STIMULANT SYNEPHRINE, WHICH STILL REMAINS CATEGORIZED AS A DIETARY SUPPLEMENT IN THE UNITED STATES.

IN FACT, OF THE EIGHT STIMULANTS PROHIBITED BY THE NFL IN ITS 2004 STEROID POLICY, TWO ARE NOT BANNED BY WADA, WHILE TWO OTHERS ARE ONLY PROHIBITED WHEN CONSUMED IN LARGE QUANTITIES.

IT IS ODD THAT THE NFL POLICY GROUPS THESE WEAK STIMULANTS TOGETHER WITH ANABOLIC STEROIDS, POTENTIALLY SUBJECTING AN ATHLETE TO A FOUR GAME SUSPENSION FOR TAKING THEM.

BY CONTRAST, WADA PROHIBITS MORE THAN 40 STIMULANTS, MOST OF WHICH ARE MORE POTENT AS PERFORMANCE ENHANCING DRUGS THAN THE STIMULANTS BANNED BY THE NFL'S 2004 STEROID POLICY.

FURTHERMORE, UNLIKE THE NFL'S STEROID POLICY, WADA ONLY BANS STIMULANTS IN-COMPETITION BECAUSE OF THEIR SHORT DURATION OF ACTION.

HOWEVER, RECOGNIZING THAT CERTAIN STIMULANTS, SUCH AS METHAMPHETAMINE, COCAINE AND ECSTASY, ARE CLEARLY DRUGS OF ABUSE, AND ARE NOT USED TO ENHANCE PERFORMANCE, A COMPELLING ARGUMENT CAN BE MADE TO TREAT THOSE STIMULANTS AS "DRUGS OF ABUSE."

OFFENDERS WOULD FACE DIFFERENT CONSEQUENCES AS SET FORTH IN THE NFL'S OTHER DRUG POLICY ENTITLED "THE 2004 POLICY AND PROGRAM FOR SUBSTANCES OF ABUSE."

HOWEVER, THE CONVERSE IS ALSO TRUE, THAT IS, IF A PARTICULAR STIMULANT IS PRIMARILY USED AS A PERFORMANCE ENHANCING DRUG, IT SHOULD BE SO CATEGORIZED, AND ITS ABUSE SHOULD CARRY THE SAME SANCTIONS THAT ARE ASSOCIATED WITH THE USE OF OTHER PERFORMANCE ENHANCING DRUGS.

ANOTHER SUBJECT WORTHY OF CONSIDERATION BY THE NFL IS THE CONCEPT OF THERAPEUTIC USE EXEMPTIONS.

WADA HAS PUBLISHED AN INTERNATIONAL STANDARD THAT ESTABLISHED A PROCESS THAT ALLOWS FOR PRE-COMPETITION APPROVAL FOR THE USE OF A DRUG OTHERWISE DEEMED PERFORMANCE ENHANCING.

UNDER RIGOROUS MEDICAL SUPERVISION, THIS STANDARD ALLOWS ATHLETES WITH LEGITIMATE MEDICAL NEEDS TO RECEIVE PROPER TREATMENT WITHOUT FEAR OF A FAILED DRUG TEST.

CURRENTLY, THE NFL STEROID POICY GRANTS SUCH APPROVALS ONLY AFTER THE FACT.

IN MY JUDGMENT, THE NFL SHOULD ADOPT WADA'S THERAPEUTIC USE EXEMPTION STANDARD IN ITS ENTIRETY, THEREBY ACCORDING GREATER CLARITY, TRANSPARENCY AND ACCOUNTABILITY.

TWO ADDITIONAL SUBJECTS I WOULD LIKE TO BRIEFLY ADDRESS IN MY OPENING STATEMENT RELATE TO TWO ANABOLIC AGENTS – TESTOSTERONE AND GROWTH HORMONE.

THE RECENT REVELATIONS REGARDING THE USE OF TESTOSTERONE BY A NUMBER OF CAROLINA PANTHERS PROVIDES ME WITH THE OPPORTUNITY TO EMPHASIZE TO THIS COMMITTEE THAT OUR LIMITATIONS IN ANTI-DOPING, IN GREAT MEASURE, CAN BE ATTRIBUTED TO EITHER (1) LIMITATIONS OF POLICY AND/OR TO (2) LIMITATIONS OF SCIENCE.

CURRENTLY, TO TEST FOR DOPING WITH TESTOSTERONE, WE EMPLOY THE T/E RATIO METHOD, I.E., EXAMINING THE RATIO OF TESTOSTERONE TO EPITESTOSTERONE.

THE NFL HAS RECENTLY REVISITED ITS STANDARD AND ADOPTED THE ONE IMPLEMENTED THIS YEAR BY WADA, EFFECTIVELY LOWERING THE THRESHOLD FOR A POSITIVE TEST FROM 6:1 TO 4:1. THIS REPRESENTS A CHANGE IN POLICY.

THE SAME SUBJECT, DOPING WITH TESTOSTERONE, HAS ALSO BEEN ADDRESSED BY THE DEVELOPMENT OF AN ALTERNATIVE TECHNOLOGY THAT DOES NOT USE THE T/E RATIO.

THIS TECHNOLOGY IS CALLED ISOTOPE RATIO MASS SPECTROMETRY – IT REPRESENTS A CHANGE IN SCIENCE.

AS NEW DRUGS AND METHODS APPEAR THAT LEND THEMSELVES TO DOPING, THE CHALLENGES TO BOTH SCIENCE AND POLICY WILL BECOME ALL THE GREATER.

AS MY STATEMENT DRAWS TO A CLOSE, I WOULD LIKE TO STRONGLY ENCOURAGE THE NFL TO IMPLEMENT BLOOD TESTING, PARTICULARLY FOR THE DETECTION OF GROWTH HORMONE ABUSE.

SADLY, GROWTH HORMONE IS INCREASINGLY BEING MARKETED TO YOUNG PEOPLE ON THE INTERNET FROM SOURCES AROUND THE GLOBE.

THIS IS AN INCREASINGLY SERIOUS HEALTH CONCERN.

WHETHER THE ABUSE OF GROWTH HORMONE ACTUALLY INCREASES STRENGTH, IMPROVES RECOVERY TIMES, OR JUST INCREASES ONE'S SIZE, THERE IS A PREVAILING PERCEPTION BY USERS THAT IT IS PERFORMANCE ENHANCING.

BY IMPLEMENTING BLOOD TESTING, THE NFL CAN SEND A POWERFUL MESSAGE BOTH TO ITS PLAYERS AND TO ITS FANS THAT SUCH BEHAVIOR

IS CONTRARY TO THE SPIRIT OF SPORT AND REPRESENTS A DANGEROUS THREAT TO THE PUBLIC HEALTH.

AND FINALLY, I WOULD LIKE TO REITERATE THAT IN MY OPINION, THE COMPLEXITY OF ANTI-DOPING DOES AND WILL CONTINUE TO EXCEED THE CAPACITY OF PROFESSIONAL SPORTS LEAGUES TO DESIGN, IMPLEMENT AND MONITOR AN EFFECTIVE, TRANSPARENT AND ACCOUNTABLE PROGRAM.

PROFESSIONAL SPORTS LEAGUES SHOULD HEED THE EXPERIENCE OF THE OLYMPIC MOVEMENT, WHICH RECOGNIZED ITS CREDIBILITY WAS COMPROMISED BY DOPING.

BY PASSING THE ANTI-DOPING BATON TO WADA AND NATIONAL ANTI-DOPING AGENCIES LIKE USADA, OLYMPIC ORGANIZERS HAVE BEEN ABLE TO FOCUS THEIR ATTENTION ON FIELDING GREAT EVENTS, RATHER THAN ON DRUG SCIENCE AND POLICY.

WITH THE MULTIDIMENSIONAL PROBLEM OF DOPING BECOMING INCREASINGLY COMPLEX--WITH GENE DOPING AND SOPHISTICATED NEW DRUG DELIVERY SYSTEMS LURKING IN THE NOT TOO DISTANT FUTURE--SUCH A PROPOSITION SEEMS NOT ONLY PRACTICAL, BUT INEVITABLE.

I LOOK FORWARD TO YOUR QUESTIONS AND COMMENTS.

THANK YOU.