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September 7, 2006

Roger Goodell
Commissioner
National Football League
280 Park Avenue
New York, NY 10017

Dear Commissioner Goodell:

I am writing regarding new allegations about the widespread use of steroids and other performance-enhancing drugs by members of the Carolina Panthers in the weeks and months before their appearance in the 2004 Super Bowl.

The NFL made changes to its drug policy after the allegations of use by the Panthers players were first revealed in 2005, most notably reducing the amount of testosterone that triggered a positive test. And earlier this week, the NFL announced that the league would consider strengthening the NFL performance enhancing drug policy.[1] But I remain concerned about some recent comments by your league spokesman in response to new allegations in the Carolina Panthers case.

In March 2005, the television news show *60 Minutes* reported on the use of steroids and Human Growth Hormone by Carolina Panthers players in the weeks and months before their appearance in the 2004 Super Bowl. During the House Government Reform Committee's April 2005 hearing into steroid use in the NFL, then-Commissioner Tagliabue indicated that the league was investigating the case and would provide the Committee with a copy of the investigation when it was complete.

In October 2005, Commissioner Tagliabue provided us with a copy of the investigation, which found that a number of Carolina Panthers used Human Growth Hormone, testosterone

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[1] *Tougher Testing Program is Considered by NFL*, New York Times (Sept. 6, 2006).

cream, and stanozolol, all of which were banned under the NFL performance enhancing drug policy that was in place at the time.[2]

Last week, a Charlotte Observer investigation — based primarily upon court documents filed in the case against Dr. James Shortt, who prescribed the drugs for the Panther players — provided additional details about the use of steroids and other performance enhancing drugs by members of the team.[3] A spokesman for the NFL, Greg Aiello, stated that the Observer investigation did not contain "any new or pertinent information that was not already provided to Mr. Waxman and his committee."[4] But this is not the case. Indeed, a number of the findings contained in the Observer investigation were particularly surprising because they had not appeared in the investigation that was conducted by the NFL last year. These new assertions include:

- **New information about the banned substances involved.** In addition to testosterone cream, Human Growth Hormone, and stanozolol, the Observer reported that NFL players used at least five other banned substances: DHEA, androstenedione, Nolvadex, Clomid, and an injectable form of testosterone (testosterone cyprionate).

- **New information on the extent of testosterone abuse.** Although the NFL investigation revealed that six NFL players had obtained testosterone from Dr. Shortt, the Observer investigation revealed the extent of this use for the first time, finding that players made multiple visits to Dr. Shortt and that they received prescriptions for up to five refills with each visit, allowing them to fill their prescriptions up to 18 times.

- **New information on the time frame of steroid use.** The Observer investigation also revealed that players obtained prescriptions for testosterone and other drugs from Dr. Shortt just days before the 2004 Super Bowl.

- **New information on the teams involved in steroid use.** The NFL report indicated that the problem was restricted to players on the Carolina Panthers. But the Observer investigation reveals that players with two other teams — the Miami Dolphins and the Tampa Bay Buccaneers — received steroids from Dr. Shortt either before joining or after leaving the Panthers.

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[2] Covington and Burling, *Report on the Involvement of Current and Former NFL Players with Dr. James Shortt* (Sept. 2005).

[3] *On File: Steroids Risks, Ravages*, Charlotte Observer (Aug. 27, 2006).

[4] *Waxman Wants Case With Ex-Panthers Reopened*, Charlotte Observer (Aug. 20, 2006).

I am pleased that the NFL is considering reopening its performance enhancing drug policy. But I hope that as the league does so, you will reexamine performance enhancing drug use by the Carolina Panthers. The new report by the Observer, if true, shows a deeper penetration of steroids into the NFL than the NFL report acknowledged.

These concerns are reinforced by new reports that as many as 30% of NFL players may be using Human Growth Hormone, and that the use of performance enhancing drugs by NFL players is "on the rise."[5] As you know, I have long been concerned about the absence of any testing for Human Growth Hormone in the NFL performance enhancing drug policy.

The combination of these reports about the abuse of performance enhancing drugs in the NFL shows that there are still important lessons to be learned for the league, including how the NFL drug testing program could have failed to detect this use of banned substances. I hope that the NFL will make every effort to learn these lessons and apply them to a new and more effective policy to rid the league of performance-enhancing drugs.

Sincerely,

Henry A. Waxman
Ranking Minority Member

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[5] HBO, *Costas Now* (Sep. 6, 2007); *Redskins' Jansen Says Use of HGH Is Rising*, Washington Post (Sep.7, 2006).