

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

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July 2, 2021

Travis T. Tygart  
Chief Executive Officer  
United States Anti-Doping Agency  
555 Tech Center Drive, Suite 200  
Colorado Springs, CO 80919

Witold Banka  
President  
World Anti-Doping Agency  
800 Place Victoria, Suite 1700  
P.O. Box 120  
Montreal, Quebec, Canada H4Z 1 B7

Dear Mr. Tygart and Mr. Banka:

We write to express our dismay over the one-month suspension of Sha'Carri Richardson from the U.S. Olympic Track and Field Team for marijuana use, as well as the other suspensions the U.S. Anti-Doping Agency (USADA) has levied for marijuana use this year.<sup>1</sup> This punishment, which is not supported by any scientific evidence, may prevent Ms. Richardson from competing in the 2021 Tokyo Olympics just after she inspired the country with her performance in the Olympic Trials last month.<sup>2</sup> We urge you to reconsider the policies that led to this and other suspensions for recreational marijuana use, and to reconsider Ms. Richardson's suspension. Please strike a blow for civil liberties and civil rights by reversing this course you are on.

This suspension is the result of USADA's antiquated prohibition on the use of cannabis products by U.S. athletes, which is derived from the decision of the World Anti-Doping Agency (WADA) to place marijuana on its list of prohibited substances.<sup>3</sup> Both USADA and the U.S. Olympic and Paralympic Committee are signatories to the WADA code, meaning that they are bound to follow its classification decisions.<sup>4</sup>

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<sup>1</sup> *Sha'Carri Richardson, a Track Sensation, Tests Positive for Marijuana*, New York Times (July 1, 2021) (online at [www.nytimes.com/2021/07/01/sports/olympics/shacarri-richardson-suspended-marijuana.html](http://www.nytimes.com/2021/07/01/sports/olympics/shacarri-richardson-suspended-marijuana.html)); *Sha'Carri Richardson Suspended One Month After Marijuana Test, Putting Olympics in Doubt*, Washington Post (July 2, 2021) (online at [www.washingtonpost.com/sports/olympics/2021/07/02/shacarri-richardson-drug-test/](http://www.washingtonpost.com/sports/olympics/2021/07/02/shacarri-richardson-drug-test/)).

<sup>2</sup> *Sha'Carri Richardson Cruises to Tokyo Winning Women's 100m Olympic Trials Title*, Sports Illustrated (June 20, 2021) (online at [www.si.com/olympics/2021/06/20/sha-carri-richardson-punches-ticket-tokyo-olympics-trials-track](http://www.si.com/olympics/2021/06/20/sha-carri-richardson-punches-ticket-tokyo-olympics-trials-track)).

<sup>3</sup> United States Anti-Doping Agency, *Marijuana FAQ* (accessed July 2, 2021) (online at [www.usada.org/athletes/substances/marijuana-faq/](http://www.usada.org/athletes/substances/marijuana-faq/)).

<sup>4</sup> *Sha'Carri Richardson, a Track Sensation, Tests Positive for Marijuana*, New York Times (July 1, 2021) (online at [www.nytimes.com/2021/07/01/sports/olympics/shacarri-richardson-suspended-marijuana.html](http://www.nytimes.com/2021/07/01/sports/olympics/shacarri-richardson-suspended-marijuana.html)).

The ban on marijuana is a significant and unnecessary burden on athletes' civil liberties. WADA categorizes tetrahydrocannabinol (THC), the main active chemical in marijuana, as a prohibited competition substance.<sup>5</sup> However, according to WADA's own medical director, Alan Verne, "[t]here is no evidence for cannabis use as a performance-enhancing drug."<sup>6</sup> WADA appeared to acknowledge this scientific reality last year when it reduced the penalty for cannabis and categorized it not as a performance-enhancing drug, but as a drug that is banned solely because it is a substance that is "frequently abused in society outside the context of sport." Alcohol and cigarettes are also substances frequently abused in society outside the context of sport. Nonetheless, WADA classified cannabis, but not alcohol and cigarettes, alongside cocaine, heroin, and ecstasy.<sup>7</sup>

States across the country and governments around the world are increasingly legalizing marijuana, recognizing that it makes little sense to treat cannabis the same as other more destructive and addictive substances, such as opioids.<sup>8</sup> Marijuana is currently legal in 19 states; Washington, D.C.; and Guam.<sup>9</sup> Marijuana is legal in Oregon, where Ms. Richardson was when she used it to help her relax and cope with the death of her mother.<sup>10</sup> The drug is legal in some form in at least 35 countries around the world, with legalization campaigns ongoing in others.<sup>11</sup>

Sports leagues have also evolved in their regulation of marijuana use by athletes. In recent years, Major League Baseball, the National Hockey League, and the National Football League have all removed penalties for marijuana use. The Commissioner of the National Basketball Association has suspended random testing for marijuana to focus its testing efforts on the use of performance-enhancing drugs.<sup>12</sup> *As noted above, marijuana is not a performance-enhancing drug.*

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<sup>5</sup> United States Anti-Doping Agency, *U.S. Track & Field Athlete Sha'Carri Richardson Accepts Sanction for Anti-Doping Rule Violation* (July 2, 2021) (online at [www.usada.org/sanction/shacarri-richardson-accepts-doping-sanction/](http://www.usada.org/sanction/shacarri-richardson-accepts-doping-sanction/)).

<sup>6</sup> Mark A. Ware et al., *Cannabis and the Health and Performance of the Elite Athlete*, *Clinical Journal of Sport Medicine* (Sept. 2018) (online at [www.ncbi.nlm.nih.gov/pmc/articles/PMC6116792/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC6116792/)); see *Sha'Carri Richardson's Olympic Drug Ban: Why Is Marijuana a Prohibited Substance?*, Yahoo! Sports (July 2, 2021) (online at <https://sports.yahoo.com/sha-carri-richardsons-olympic-drug-ban-why-is-marijuana-a-banned-substance-141633284.html>).

<sup>7</sup> *Changes to the 2021 Prohibited List*, *Law in Sport* (accessed July 2, 2021) (online at [www.lawinsport.com/topics/news/item/changes-to-the-2021-prohibited-list](http://www.lawinsport.com/topics/news/item/changes-to-the-2021-prohibited-list)).

<sup>8</sup> *Marijuana Is Going Global at a Rapid Pace: Cannabis Weekly*, Bloomberg (Mar. 14, 2021) (online at [www.bloomberg.com/news/articles/2021-03-14/marijuana-is-going-global-at-a-rapid-pace-cannabis-weekly](http://www.bloomberg.com/news/articles/2021-03-14/marijuana-is-going-global-at-a-rapid-pace-cannabis-weekly)).

<sup>9</sup> *Where Is Marijuana Legal? A Guide to Marijuana Legalization*, U.S. News and World Report (June 30, 2021) (online at [www.usnews.com/news/best-states/articles/where-is-marijuana-legal-a-guide-to-marijuana-legalization](http://www.usnews.com/news/best-states/articles/where-is-marijuana-legal-a-guide-to-marijuana-legalization)).

<sup>10</sup> Oregon Health Authority, *Cannabis Laws in Oregon* (online at [www.oregon.gov/oha/ph/PreventionWellness/marijuana/Pages/laws.aspx](http://www.oregon.gov/oha/ph/PreventionWellness/marijuana/Pages/laws.aspx)) (accessed July 2, 2021).

<sup>11</sup> *Mexico Is on Track to Become the Latest Country to Legalize Cannabis*, *The Economist* (Mar. 6, 2021) (online at [www.economist.com/graphic-detail/2021/03/26/mexico-is-on-track-to-become-the-latest-country-to-legalize-cannabis](http://www.economist.com/graphic-detail/2021/03/26/mexico-is-on-track-to-become-the-latest-country-to-legalize-cannabis)).

<sup>12</sup> *Sha'Carri Richardson's Olympic Drug Ban: Why Is Marijuana a Prohibited Substance?*, Yahoo! Sports (July 2, 2021) (online at <https://sports.yahoo.com/sha-carri-richardsons-olympic-drug-ban-why-is-marijuana-a-banned-substance-141633284.html>).

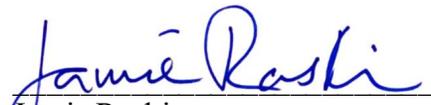
The increasingly widespread availability and permissibility of cannabis products makes it unsustainable for WADA and USADA to continue your policy of punishing athletes such as Ms. Richardson for the use of a substance that does not enhance their performance. USADA explains that non-performance-enhancing drugs can still be banned if they pose a health risk to athletes and violate the spirit of the sport. Under this logic, WADA should not have removed alcohol from its list of prohibited substances in 2018.<sup>13</sup> The divergent treatment of recreational alcohol and marijuana use reflects obsolete stereotypes about cannabis products and a profound misunderstanding of the relative risks of both substances.<sup>14</sup>

We are also concerned that the continued prohibition of marijuana while your organizations allow recreational use of alcohol and other drugs reflects anti-drug laws and policies that have historically targeted Black and Brown communities while largely condoning drug use in white communities. Anti-marijuana laws have a particularly ugly history of systemic racism.<sup>15</sup> We call on WADA and USADA to reconsider restrictions on recreational marijuana use and any current suspensions that are in place on that basis. We request the favor of a response to this letter no later than July 9, 2021.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions regarding this request, please contact Subcommittee staff at (202) 225-5051.

Thank you for your prompt attention to this matter.

Sincerely,



Jamie Raskin  
Chair

Subcommittee on Civil Rights and  
Civil Liberties



Alexandria Ocasio-Cortez

Vice Chair  
Subcommittee on Civil Rights and  
Civil Liberties

cc: The Honorable Pete Sessions, Ranking Member  
Subcommittee on Civil Rights and Civil Liberties

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<sup>13</sup> United States Anti-Doping Agency, *2018 Prohibited List: Summary of Major Changes* (Oct. 2, 2017) (online at [www.usada.org/spirit-of-sport/education/2018-prohibited-list-summary-of-major-changes/](http://www.usada.org/spirit-of-sport/education/2018-prohibited-list-summary-of-major-changes/)).

<sup>14</sup> Nancy Armour, *Opinion: Sha'Carri Richardson's Marijuana Ban Is Another Example of Olympic Hypocrisy*, USA Today (July 2, 2021) (online at [www.usatoday.com/in-depth/sports/columnist/nancy-armour/2021/07/02/shacarri-richardson-marijuana-ban-example-olympic-hypocrisy/7840888002/](http://www.usatoday.com/in-depth/sports/columnist/nancy-armour/2021/07/02/shacarri-richardson-marijuana-ban-example-olympic-hypocrisy/7840888002/)).

<sup>15</sup> John Hudak, *Marijuana's Racist History Shows the Need for Comprehensive Drug Reform*, Brookings Institution (June 23, 2020) (online at [www.brookings.edu/blog/how-we-rise/2020/06/23/marijuanas-racist-history-shows-the-need-for-comprehensive-drug-reform/](http://www.brookings.edu/blog/how-we-rise/2020/06/23/marijuanas-racist-history-shows-the-need-for-comprehensive-drug-reform/)).