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**Conducted by the House Energy and Commerce Subcommittee on Commerce,
Manufacturing, and Trade**

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Mr. Chairman, members of the Committee, good morning. My name is Travis T. Tygart and I am the CEO of the United States Anti-Doping Agency (USADA). I want to thank this Committee for its interest in clean sport and for the opportunity to appear before you today to discuss this important ethical and health issue.

It is an honor for me to be here representing the USADA Board, our small but talented professional staff and the tens of millions of clean athletes in the United States that we serve.

It is also an honor for USADA, a 501(c)(3), not-for-profit, incorporated in Colorado, to be asked through the legislation to play a role as an independent non-governmental organization to assist the sport of horseracing to ensure a level-playing field, enhance the consumer confidence in the gaming industry and to sustain a culture of health for the athletes and hopefully allow for overall economic growth for the entire industry.

True sport is built on the idea of honesty, respect fairness and an equal opportunity for success under the rule of law—the very same principles that build the foundation of every free, democratic society. We firmly believe as our athletes do and all should that the greatest injustice in sport is when one competitor robs another of their hard work, dedication and victory because they gained an unfair advantage under the rules of the game. Of course, we all want to win and hate to lose but what we hate more is losing to someone who cheats.

Accordingly, we welcome and appreciate this Committee's focus on the harms that are caused by performance enhancing drugs in sport.

The issue of corruption and drugs in sport strikes at the very heart of the question of what role sport will play in America's future. USADA's interest in this discussion is driven by a motive to not only protect the rights of today's Olympic athletes to play drug free but just as important to protect America's next generation of athletes.

Illicit steroid use is illegal and an ethical and public health problem that reaches right to the core of our collective values and our future, because it adversely affects today's high school, junior high school and even grade school athletes.

Bottom line, if we turn a blind eye to fraudulent conduct contrary to the rules of competition in track and field, cycling, football or horseracing— essentially saying as long as we win and do not get caught it is okay – then we send a powerful message that it is acceptable, justifiable, even noble, to win by any means necessary including using dangerous performance enhancing drugs, corrupt measures, fraud, or whatever—as long as you win and do not get caught.

And, make no mistake, the win at all costs culture is alive and well and will flourish in every sport including horseracing, if we do not take decisive action to stop the take no prisoners competition from running wild and instead truly give hope through effective enforcement for those who compete to win under the rules.

USADA’s perspective on the current anti-doping climate in horseracing comes from living the history of the fight against doping that has occurred within the international Olympic movement over the past thirteen years. That history is important because the questions faced and the answers offered today echo a similar process undertaken by the International Olympic Committee and the United States Olympic Committee (USOC) in the late 1990’s. This effort also provides a successful roadmap for the uncharted waters toward uniformity, harmonization and full independent implementation currently facing the horseracing industry.

In the 1990’s, the public did not view the global Olympic movement as being committed to ensuring fair play, integrity and sport equality when it came to stopping corrupt drug use in sport.

There was a myriad of different rules and regulations across the globe in each jurisdiction and even each sport. There was no uniform or harmonized policy for what was considered a violation, what was tested for, what collection and chain of custody procedures applied, what laboratory standards applied, there were varying sanction lengths.

Ultimately, this system of self-regulation by the various states and sports led to perceptions of conflict of interest and rife allegations of attempts to cover up doping behavior. This created an untenable position for athletes, sport and seriously disrupted the economic

viability of the Olympic Games. Suffice it to say, the Olympic rings were tarnished and that was bad for business.

In 1999, athletes, the sporting world and governments said enough is enough and came together at the first World Conference on Doping in Sport to solve the problem. The U.S. Olympic sports and government participated in this game changing event which ultimately led to the creation of the World Anti-Doping Agency or WADA.

WADA is a private organization consisting of a foundation board and executive committee formed from sport and governments of the world including the U.S. From its formation in late 1999 until 2003, WADA listened, sought feedback and ultimately drafted and approved the World Anti-Doping Code.

Today, the Code is the uniform policy document that applies equally to all athletes, coaches, trainers, sport officials in the global Olympic movement and provides the substantive anti-doping rules we all agree to and are bound by.

The uniform Code harmonizing the rules of competition has been revised now three times through an elaborate open, transparent and democratic process. The new version was just approved at the Fourth World Conference this past Friday in South Africa and will go into effective in 2015.

To date, approximately 520 sporting organizations and 172 governments have accepted the WADA Code; thereby, agreeing to the principles of fair play, sport equality and committing to implement the mandatory substantive anti-doping rules of the uniform WADA Code into the rules of the game.

There is no good reason why this same effort could not be done for the horseracing industry in the U.S. and the current legislation would allow a similar process to happen with sport organizations, racing commissions, racetracks, trainers, owners and others within the industry.

Simultaneously in 1999, the United States Olympic Committee also realizing it could not fairly or properly police itself, formed a task force to investigate and consider the best approach to fighting doping in the U.S. Olympic movement.

As a result of this sport led process, USADA was formed in 2000. The creation of USADA triggered a radical transformation in the world's perception of anti-doping efforts in the United States Olympic Movement. We are now viewed as a world leader in Olympic anti-doping and it is universally acknowledged that our athletes are subject to one of the world's most rigorous anti-doping programs in the world and that they are winning the right way because the doping way is too costly.

It was an extremely courageous decision for the USOC and the 45 or so national governing bodies like USA Swimming, USA Basketball, USA Track and Field to fully externalize their efforts to USADA, but they took the stand because it was clear that the sports themselves could not simultaneously promote and police their sports.

The key to any good anti-doping program is independence. It is important that "independence" not be dismissed as simply window dressing designed to remove perceived conflicts.

Instead, USADA's experience has established that true independence is a functional and fundamental requirement of an effective anti-doping program. In fact, true independence is the single most important element of the USADA model because it provides us with complete authority over all areas of the entire anti-doping program.

Simply put, USADA's mission is to protect clean sport and preserve the rights of athletes to compete clean. In accomplishing that mission, USADA does not have a conflicting duty to also protect the image of the sport it serves or of commercial factors such as obligations to sponsors, owners or other investors. This true independence frees USADA to take the steps necessary to accomplish its mission without worrying about the possible negative impact on the financial interests or the image of the sport.

Ultimately, by keeping a steadfast focus on the sole goal of clean sport, USADA has improved the image of Olympic sport, but that victory has necessarily come at the price of exposing the dark side of sport along the way. When the path to redemption requires that individuals once thought to be heroes must be exposed as frauds, it takes a strong resolve to walk that path. Unfortunately, experience establishes that where that resolve may be impacted by a duty to protect the image of the sport or its profits then the mission will be easily compromised.

The history of anti-doping efforts in the Olympic movement and the experience of other sports, establish that partial independence is not an effective model for fighting doping in sport. The fight against doping in sport cannot be a part-time job and true progress will not be achieved through anything less than the full commitment and dedication of a team of experts.

In addition to true independence and transparency, the WADA Code provides the substantive provisions by which all anti-doping policies can be evaluated and provides a guide to what this legislation would allow:

Effective testing including standardized selection, collection, chain of custody and transport rules and practices;

A full list of prohibited substances and methods that would capture new, designer drugs as they are developed and a uniform and open process dealing with the use of legitimate medically necessary, non-performance enhancing medications;

Implementation of best legal policies and practices as they evolve which must include adequate sanctions to deter doping and due process protections for those accused of doping violations;

Implementation of best scientific standards for laboratory uniformity and practices including robust accreditation and proficiency testing as well as scientific research for the detection of new doping substances and techniques and for the pursuit of scientific excellence into anti-doping;

Implementation of education programs to truly change the hearts and minds of would be cheaters and to prevent those from fraudulent behavior;

Investigative units and partnerships with government particularly law enforcement to ensure that those who illegally manufacturer, traffic and distribute these dangerous drugs and who might be outside of sports jurisdiction are also held accountable for their illegal behavior.

Our duty to these clean athletes and our mission require us to advocate for the most effective anti-doping policies at all levels of sport even when that means offering candid assessments of the programs of other sports entities. While no anti-doping program is perfect until the program elements discussed above are fully realized by all elite level sports organizations their programs will not be as effective as they should be and there is really no good reason if we care about the integrity of horse racing, care about the health of the athletes, care about the legitimacy of the gaming industry that a uniform, independent effective anti-doping program cannot be put in place with the buy in and support of the sport just as we have seen in the worldwide Olympic movement.

I would like to thank this Committee for its time and its interest in this important ethical and public health issue and for inviting me to share USADA's experience and perspectives. We look forward in assisting you as needed as you move forward and genuinely hope that the model of independence and harmonization envisioned through this legislation can be realized for the long term good of this wonderful sport.