



MARCH 10, 2005

**REMARKS OF THE NATIONAL FOOTBALL LEAGUE
BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON ENERGY AND COMMERCE**

My name is Adolpho Birch and since 1997 I have acted as Labor Relations Counsel for the National Football League. On behalf of the NFL, I would like to thank the Committee for inviting us to participate in this hearing. We sincerely appreciate the opportunity to share our thoughts and concerns on perhaps the most important issue facing the sports community today.

DEVELOPMENT OF THE NFL'S STEROID POLICY

- The National Football League and NFL Players Association have long been committed to ensuring that our sport is not tarnished by the influence of steroids and other performance-enhancing substances. We are guided in this respect by three principles:
 - *First*, these substances threaten the fairness and integrity of the athletic competition on the playing field and could potentially distort the results of game and League standings. Moreover, the use of

certain substances by some players without negative consequence might lead other players to believe that they must use them as well in order to remain competitive. This concern arises not only with respect to steroids, but also with respect to ephedrine and other stimulants, which some players believe will provide a boost or “edge” in competition.

- *Second*, the League has serious concerns about the adverse health effects of these substances on our players. There is a growing body of medical literature linking their use to a number of physiological, psychological, orthopedic, reproductive and other serious health problems.
- *Third*, the NFL takes very seriously its role in educating and providing guidance to high school athletes and youth generally. When young athletes see the professional players whom they admire and even idolize using performance-enhancing substances, their desire to use such products increases dramatically. When that desire is combined with adolescent judgment and decision-making skills, young athletes face even higher risks than professional athletes. As role models, NFL players must be concerned with such unintended consequences.

KEY PROVISIONS OF THE POLICY

- Following these principles, in 1989 the NFL became the first U.S. professional league to implement a comprehensive program of steroid testing, discipline and education. The key components of the policy are:
 - Unannounced annual and random testing of all players both in and out of season;
 - A list of more than 70 prohibited substances—including anabolic steroids, steroid precursors, growth hormones and stimulants—which is frequently revised and updated based on scientific developments both within and outside of the NFL;
 - The use of WADA-certified testing laboratories and expert scientific and medical advisors;
 - A commitment to scientific research by the NFL and NFL Players Association, including the establishment of a new research and testing laboratory;
 - Mandatory 4-game suspension (25% of the regular season) without pay upon first violation; and
 - Strict liability for players who test positive—a violation will not be excused because a player was unaware that a product contained a banned substance.
- The consistent adherence to these provisions and to our guiding principles has resulted in the NFL's policy being considered the most effective in professional sports.

EDUCATIONAL EFFORTS/HEALTH AND SAFETY

- As discussed, one of the primary tenets of our policy is the protection of the health and safety of our players. In our view, that is best accomplished through education. Indeed, the most rigorous testing and discipline cannot be effective in the absence of substantive education on the risks and dangers of steroids. In that regard, we have undertaken a number of initiatives:
 - We have established a dedicated toll-free hotline that players and Clubs can call to receive confidential, objective information on dietary supplements and steroids, including the physiological and psychological risks and hazards associated with their use;
 - Since 1989, we have funded a number of research studies looking at a variety of issues related to steroids and other performance-enhancing substances. Those studies have assisted in educating the League and other organizations on potential areas of concern, and in identifying better techniques for testing and detection;
 - We continue to work with our Youth Football department and USA Football to develop youth-oriented materials and programs stressing the dangers of steroids and the importance of healthy nutrition rather than the use of supplements;
 - At the start of the 2004 season, we launched a Dietary Supplement Label Certification program, which provides a mechanism for additional review and testing of dietary supplements to ensure that

they are free of banned substances and that they contain exactly what is listed on the label; and

- In 2004, we announced a partnership with the United States Anti-Doping Agency and the University of Utah's Center for Human Toxicology to establish the Sports Medicine Research and Testing Laboratory, which will devote a significant portion of its activities to scientific research in the field.

Concluding, the NFL would like to reiterate our commitment, along with that of the NFL Players Association, to maintaining the strongest and most comprehensive policy possible. We feel that we owe it to our players, the fans who support our game and, most important, the young athletes who take inspiration and guidance from the dedication and accomplishments of those who suit up and compete every Sunday on a fair and level NFL playing field.

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