

TESTIMONY OF G. WILLIAM HUNTER
EXECUTIVE DIRECTOR
NATIONAL BASKETBALL PLAYERS ASSOCIATION
FEBRUARY 27, 2008
BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON COMMERCE, TRADE AND CONSUMER PROTECTION

Mr. Chairman and Members of the Subcommittee:

My name is G. William Hunter and I am the Executive Director of the National Basketball Players Association, the labor union that represents all NBA players in collective bargaining.

I appreciate the Subcommittee's concern about the use of steroids by professional athletes and others, particularly young adults and children. As a former state prosecutor and United States Attorney, I have participated in the prosecution of many drug cases and have a keen sensitivity toward issues involving drug use and abuse. Based on my experiences in the nearly 12 years I have served the NBA players, I firmly believe that the use of steroids and other performance enhancing drugs is virtually non-existent in the NBA. Nonetheless, the players and I are committed to ensuring that the use of such drugs does not ever become an issue of concern.

To that end, in our most recent collective bargaining agreement executed in 2005 shortly after my last appearance here, we greatly strengthened the testing protocol for steroids, masking agents and performance enhancing drugs that was established in our 1999 Agreement. Our Agreement today provides for random testing for all players of up to four (4) times during the NBA season. This testing protocol is a significant change from the prior policy, which provided for random testing of veteran players once during the training camp period.

Additionally, all players remain subject to reasonable cause testing at any time. If an independent expert finds reasonable cause to believe that a player is using steroids the player may be tested up to four (4) times during the following six week period. The testing during this period may be administered at any time, without any prior notice to the player. All drug testing is conducted by an independent company, with no advance notice given to the players, and all specimens are analyzed by one of only three WADA-accredited laboratories in North America.

Our list of banned substances is extremely comprehensive and current. The list includes all steroids made illegal by Congress plus other steroids, stimulants and supplements banned by WADA. The list is updated regularly by our Prohibited Substances Committee, comprised of three independent drug testing experts and a representative from both the NBPA and NBA

While our Anti-Drug Program has always had a strong emphasis on education and treatment rather than punishment, with a standard of progressive discipline for violators, the Program does provide for substantial penalties, which were significantly increased in our current agreement, for those who are caught using steroids and other performance enhancing drugs. A first time offender is automatically suspended for ten (10) games and is required to enter an education, treatment and counseling program established by the Program's Medical Director. This suspension alone would cost the average NBA player half a million dollars in salary. For a second violation, the player is suspended for twenty-five (25) games and required to re-enter the education, treatment and counseling program. For a third violation, the player is suspended for one (1) year from the date of the offense and is again required to enter the education, treatment and counseling program. If there is a fourth violation, the player is immediately dismissed and disqualified from the NBA. Also, any player who is disciplined for conduct involving steroids, performance enhancing drugs or masking agents, will have his identity, the particular drug used,

and the penalty publicly disclosed. Especially in the current environment, the impact of being identified as a steroid user could be devastating to a player, costing him millions in endorsements and other revenues, and certainly serves as a significant deterrent.

In addition to severe penalties and increased frequency of testing, our Anti-Drug Program is focused on education, treatment and counseling. Players attend mandatory meetings when they first enter the league and then during each NBA season where the dangers of steroid and performance enhancing drug use are discussed with drug counselors. At our regular union meetings, we take the opportunity to further educate the players on these issues. The program's Medical Director supervises a national network of medical professionals, located in every NBA city, available to provide counseling and treatment to players.

Recognizing the increased scrutiny that steroid and other performance enhancing drug use has received in society, and particularly in professional sports, we feel that we have sent a strong and unequivocal message to society in general and our young fans in particular that we do not condone, support or accept the use of steroids and performance enhancing drugs in our sport. Our willingness to significantly increase the frequency of testing that our players undergo, and increase the penalties imposed upon violators evidences the utmost concern that we have for this societal problem. Indeed, our players have been active in various events and programs run by their teams to help spread the word to their communities about the dangers of steroids.

We continue to believe that collective bargaining is the most appropriate forum for the resolution of these issues and are confident that our program addresses in a meaningful way the concerns of the Committee. Congress has long given deference to parties operating under collective bargaining agreements to develop their own solutions to problems, properly recognizing that the parties bound by a collective bargaining agreement have a longstanding

relationship with unique problems and problem solving methods that are often difficult to comprehend by those outside the relationship. We fully believe in and support the Committees' and Congress' goal of eliminating the use of steroids and performance enhancing drugs in sports, and we believe this goal is best accomplished by the leagues and players working together to accomplish this universal objective. We think that the players, supported by the leagues, are best able to demonstrate to everyone, especially our young fans, that the only way to become a professional athlete is by cultivating and nurturing their talent, determination, and desire, and by working harder than everyone else.

I want to thank the Committee for the opportunity to appear before you today.