

**Testimony of Robert F. Kanaby
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**Before the House Committee on Energy and Commerce
Subcommittee on
Commerce, Trade and Consumer Protection**

**“Drugs in Sports: Compromising the Health of Athletes and
Undermining the Integrity of Competition.”**

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Introduction

Thank you Chairman Rush, Ranking Member Whitfield, and distinguished Members of the Subcommittee for the opportunity to testify today on the issue of steroid use among our young athletes. My name is Robert Kanaby and I have served as the Executive Director of the National Federation of State High School Associations (NFHS) for the past 15 years. Prior to that, I served 13 years as the Executive Director of the New Jersey State Interscholastic Athletic Association. I have also served as a high school teacher, coach, vice principal and principal. In my role as NFHS' Executive Director, I am aware of the health risks attendant to participation in interscholastic athletics.

The Problem

Steroid use threatens the integrity of competitive sport, but even more disturbing is the risk posed to the health of teenage athletes. The "bigger, faster, stronger" mentality glorified in our society leads a small percentage of youth to experiment with steroids and performance enhancing drugs for an "edge." Unfortunately, those athletes remain oblivious to the long-term health consequences of their actions. The availability of such illegal supplements is undeniable, yet I emphasize that the overwhelming majority of student-athletes subscribe to the education-based mission of high school sports. The lure of performance-enhancing drugs is usually outweighed by efforts of coaches, administrators, and organizations such as the NFHS with an educational interest in drug abuse prevention. Even so, several member state associations of the NFHS have recently enacted drug testing programs to combat the use of steroids within interscholastic athletics.

Who Are We?

Before further discussing these measures, let me provide some context on the role of the NFHS within the high school community.

The NFHS is the national organization for high school athletics and performing arts programs in speech, debate, theater and music. Its purpose is to provide leadership and coordination of these activities to enhance the educational experiences of high school students and to reduce the inherent risks of participation. The NFHS promotes inclusiveness and sportsmanship, and its paramount goal is to develop good citizens through sport and activities. Its 51 members, consisting of the high school associations in each state and the District of Columbia, conduct championships and enforce eligibility rules in their respective jurisdictions. Unlike the NCAA, the NFHS does not perform enforcement functions. The NFHS promulgates voluntary rules of play for the nation's 7,000,000 high school student-athletes in sixteen different sports, in addition to another 4,000,000 students in performing arts programs. Another critical function of the NFHS is to obtain and disseminate health and safety-related information. The Sports Medicine Advisory Committee is one facet of the Federation that addresses the medical issues relevant to interscholastic athletics, including steroid use.

Facts on Steroids

According to the American College of Sports Medicine, “anabolic steroid use has been implicated in early heart disease, including sudden death.” The ACSM also notes the potential for further damage to the heart, liver, and growth plates. Behavioral side

effects, highlighted by the National Institute on Drug Abuse, include paranoia, delusions, and increased irritability and aggression (i.e. “roid rage”).

According to studies, more than one million young people in the United States have used steroids at least once in their lifetimes. Other studies indicate over one-third of high school steroid users do not participate in interscholastic sports. The most recent data released by the National Institute on Drug Abuse in December 2007 reveals a steady decrease in the use of steroids by eighth, tenth, and twelfth graders since 2004. Compared to the 2004 statistics, lifetime usage of steroids among today’s eighth graders has dropped from 1.9% to 1.5%, from 2.4% to 1.8% among tenth graders, and from 3.4% to 2.2% among twelfth graders. This data is more optimistic than the numbers offered in the Mitchell Report, which relied on a CDC report from 2001 that cited usage of steroids among high school student-athletes between 3-6%.

NFHS Educational Resources

This statistical improvement is one indication of a growing awareness among student-athletes of the dangerous consequences of steroid use. Such awareness may be attributed in part to the NFHS’ enhanced educational outreach efforts that commenced in 2005 through an initiative titled “Make the Right Choice.” The program offers brochures, DVDs, and posters for state athletic associations to distribute among their member schools. Separate resources are also available for coaches/athletes and parents.

By way of contrast, consider the story of Corey Gahan (featured in the January 21st, 2008 issue of Sports Illustrated). Although he did not formally participate in interscholastic athletics as a competitive in-line skater, Corey was injected by his father

with steroids and human growth hormone for several years, starting at age twelve. The unique circumstances now confronting the eighteen year-old, including a father in prison and a recently expired two-year suspension from the U.S. Anti-Doping Agency, are the byproducts of uninformed and ill-intentioned parents. The NFHS' "Make the Right Choice" educational materials aim to elevate the level of awareness in such difficult situations.

Coaches are another segment of the high school community that should be well-informed on the risks associated with performance-enhancing drugs. The NFHS' Coaches Education Program has rapidly expanded in recent years, and forty state associations have either adopted or endorsed it. The cornerstone of the initiative is to educate coaches on emphasizing "teachable moments" that arise in the course of interscholastic competition. One "teachable moment" addresses steroid use, education, and prevention; the module includes a discussion between a football coach and student-athlete on the use of steroids.

State Association Testing Policies

State athletic associations are sovereign entities; they are not subject to the control of the NFHS, and they make their own decisions about steroid testing. In January 2008, the Texas University Interscholastic League announced a two-year, \$5.6 million deal with the National Center for Drug Free Sport, which also conducts testing for the NCAA and two other state associations. Prompted by a \$3.0 million/year appropriation from the state legislature, the random tests are projected to affect between 40,000 to 50,000 student-athletes by the conclusion of the 2009 school year. The Texas policy results in a

30-day suspension following the first positive result (which is triple checked to ensure accuracy), while a subsequent violation results in a one-year suspension.

Two other state athletic associations, Florida and New Jersey, have already established testing programs, and both entities also utilize the services of the aforementioned National Center for Drug Free Sport. New Jersey pioneered the testing of high school athletes in 2006-2007, targeting 5% of its state championship competitors. Although only one of five hundred participants tested produced a positive sample (at a cost of \$150/test), the association has praised the *deterrent* effects of the program. Florida's policy is "random" at the individual level, but targets athletes in sports more prone to steroid usage (e.g. football, baseball, and weightlifting). A first-time offender in Florida would receive a 90-day suspension, although the scope of the program is considerably smaller than Texas, including only a \$100,000 budget.

The Illinois High School Association is the most recent state to adopt steroid testing procedures. In January, its' Board of Directors approved a plan effective for the 2008-'09 academic year, and similar to New Jersey, testing will be conducted on participants in state finals competitions. A number of other state associations address steroid use without a comprehensive testing plan. For example, Connecticut adopted a regulation that denies athletic eligibility to student-athletes if their respective local school districts discover steroid use. Many other associations, such as the Iowa High School Athletic Association, distribute educational resources through their web-site for parents, coaches, and students.

Legal Authority and Proposed Legislation

The Drug Free Sports Act of 2005 appears to offer a foundation for federal legislation aimed at the testing of high school student-athletes. Section Five of the Act directs the Comptroller General to investigate testing measures utilized in high schools in order to assess potential expansion of the legislation to interscholastic athletics. It should be noted that the legal authority for the testing of high school athletes and performing arts competitors has been firmly established by the United States Supreme Court. The landmark case granting school administrators the discretion to test students in the context of athletics is Vernonia School District 47J v. Acton, 515 U.S. 646 (1995), while Board of Education of Independent School District No. 92 Pottawatomie, et al. v. Earls, 536 U.S. 822 (2002) approved the testing of high school students engaged in other extra-curricular activities.

However, a direct application of the Drug Free Sports Act of 2005 to the interscholastic community raises several concerns. Several fundamental differences between interscholastic athletics and professional sports limit use of the Act at the high school level. For example, random testing of student-athletes in the off-season, as mandated under the Act for professional athletes, is too burdensome on state high school associations. Instead, testing student-athletes in the state championship series is a preferred method, as reflected in the policies adopted by Illinois and New Jersey. The logic of such tests during the post-season is two-fold: (a) state championship events bring together a wide variety of student-athletes, often from different regions of the state. The ease in administration of tests is greatly enhanced with a concentrated sample population in one location. (b) Further, the competitors at state championship events qualified as a

result of intense competition and in most instances are upper-echelon athletes. The overwhelming majority of high school athletes do not use performance-enhancing drugs, but the class of students participating at state finals *and* using performance-enhancing drugs may be greater than at a typical regular season contest. Thus, the deterrent value of testing would be stronger at the championship level.

Of course, another consequence of implementing more aggressive measures at the high school population would be an increase in costs. As previously mentioned, the NFHS has no authority to demand that state associations implement steroid testing policies. Absent a federally mandated and funded program, economic pressures will keep many state legislatures from adopting testing programs. The consequences of “false positives” are so severe that only the highest quality testing programs are acceptable. Such programs are very expensive.

Conclusion

For the aforementioned reasons, I urge that any help from Congress would be focused on a two-fold strategy. The first would be to support the deterrent that random testing provides and the second, very critical companion is a strong educational outreach designed to support the deterrent with accurate and effective educational initiatives. An example would be funding the development of deterrence strategies which target not only student-athletes, but non-athletes as well. The sad stories of youth like Corey Gahan are proof that this problem extends beyond the realm of athletics conducted by the nation’s high schools. I thank the Subcommittee for the opportunity to be here today. I look forward to answering your questions.