

**STATEMENT OF COMMISSIONER ALLAN H. SELIG BEFORE THE HOUSE  
OF REPRESENTATIVES COMMERCE TRADE AND CONSUMER  
PROTECTION SUBCOMMITTEE OF THE HOUSE ENERGY AND  
COMMERCE COMMITTEE  
FEBRUARY 27, 2008**

Good morning Chairman Rush, Ranking Member Whitfield and other members of the Committee. Thank you for the opportunity to testify this morning.

As the Commissioner of Baseball, I have confronted many difficult problems. When I became acting Commissioner in 1992, Baseball's economic system was so ineffective and outdated that it was undermining the core competitive character of our game and compromising the integrity of our sport. Moreover, our labor relations were so dysfunctional that the game had endured an unbroken string of work stoppages that threatened to alienate even our most loyal fans. We confronted these problems and, as a result, the great game of Baseball is more popular than ever with fans across America.

As difficult and complex as these problems were, none was more difficult than the issue of performance enhancing substances. The use of steroids and human growth hormone is difficult to detect because it involves clandestine behavior by users and the science of cheating constantly changes; it is divisive because it pits players who use such substances against those who do not; it is corrosive to the integrity of our game because it creates an unfair advantage on the field; and it is dangerous both to the players who use these substances and the young people who emulate those players.

Major League Baseball has acted aggressively to combat the use of performance enhancing substances by our players. In 1994, we made a thorough and detailed proposal to the union on drug testing and it was rejected. In 2001, I implemented the first industry-wide drug testing program in our minor league system where I was free to act unilaterally. I have continually improved that program by adding more banned substances and imposing tougher discipline. I have also expanded the program to cover players in the Dominican and Venezuelan Summer Leagues. In the initial year of minor league testing, we had a positive rate of 9 percent. By 2007, that rate had declined to less than one half of one percent.

In 2002, we overcame the Players Association's historic opposition to drug testing of any type and negotiated the first-ever Major League drug testing program. Since that time, we, along with the Players Association, have taken the unprecedented step of twice reopening our collective bargaining agreement to toughen our joint policy. Our current policy, complete with a disciplinary provision of 50 games, 100 games and life, is the strongest in professional sports. Senator Mitchell's recent report found that the program has been effective in deterring the use of detectable steroids. In fact, we had nearly 100 positive tests in the 2003 survey test and just two steroid positives in 2006 and three in 2007. Moreover, on our own initiative, we banned amphetamines and other stimulants in 2005. We test for stimulants on game days, both before and after the game.

I understand that new challenges like Human Growth Hormone will continue to emerge. As a result, Major League Baseball has been active in research and education.

We provided the initial funding for Dr. Don Catlin's effort to develop a urine test for Human Growth Hormone, a project subsequently joined by the NFL. We were a founding member, along with the USOC and the NFL, of the Partnership for Clean Competition, an on-going multi-sport research program that will also be involved with HGH-testing research. Major League Baseball has funded and worked closely with the Partnership for a Drug Free America and the Taylor Hooton Foundation on educational efforts directed at preventing steroid use by young people.

Most recently, I unilaterally took the unusual, but important, step of commissioning the Mitchell Investigation. I knew that looking into the past would be difficult and disturbing, but I was determined to learn the truth about what went wrong. I never wanted it to be said that I personally or Baseball as an institution had something to hide.

I believe that the subsequent Mitchell Report will be a road map for our future efforts to deal with performance enhancing substances. I am encouraged that Senator Mitchell found our program to be effective in dealing with steroids and I recognize that HGH remains a problem for Baseball and all sports. To the extent that the report is critical of Major League Baseball, I accept responsibility. Equally important, I am committed to adopting Senator Mitchell's recommendations and continuing the fight against performance enhancing substances.

I have adopted all of the Mitchell recommendations that can be accomplished without collective bargaining. Baseball has created a new department of investigations to pursue “non-analytical positives.” Key department personnel have met with senior law enforcement officials to open and improve lines of communication. Background checks and drug testing of Clubhouse personnel will be required in the 2008 season. Our policies requiring Club personnel to disclose information on performance enhancing drug use have been strengthened and we have established a confidential hot line and web site to encourage such disclosures.

Other recommendations made by Senator Mitchell require bargaining with the Players Association. We have already reached agreement to eliminate the overnight advance notice of urine collections previously provided to Clubs. Moreover, I have met personally with Don Fehr and with a group of players about the Mitchell recommendations. My staff is involved in on-going, detailed discussions. Unfortunately, we have not yet concluded that negotiation. Consistent with the Senator’s report, I am committed to achieving a more independent, a more transparent and a more flexible program that will have adequate year-round, unannounced testing to deter the use of illegal substances.

Moving forward, I can assure you that Major League Baseball will remain vigilant and proactive in dealing with the issue of performance enhancing drugs. But performance enhancing drugs are a societal problem. Senator Mitchell’s report identified the difficulties inherent in any attempt, whether by Baseball, by other professional sports,

or by the Olympics, to stop by itself the use of illegal performance enhancing substances.

We welcome your participation in attacking the problem at its source. There are a number of bills that have been introduced that we wholly support, including Representative Lynch's bill (HR 4911) and Senator Schumer's bill (Senate Bill 877) to make HGH a Schedule III Controlled Substance, Senator Grassley's bill (Senate Bill 2470) to prohibit the sale of DHEA to minors, and Senator Biden's bill (Senate Bill 2237) to crackdown on the sale of controlled substances over the Internet.

Thank you for providing me the opportunity to be here.