



July 9, 2021

The Honorable Jamie Raskin  
Chair  
Subcommittee on Civil Rights and Civil Liberties  
2157 Rayburn House Office Building  
Washington, DC 20515-6143

The Honorable Alexandria Ocasio-Cortez  
Vice Chair  
Subcommittee on Civil Rights and Civil Liberties  
2157 Rayburn House Office Building  
Washington DC 20515-6143

Dear Congressman Raskin and Congresswoman Ocasio-Cortez:

Thank you for your letter of July 2nd concerning the one-month suspension of Sha'Carri Richardson for marijuana use. The United States Anti-Doping Agency (USADA) agrees that Ms. Richardson's exclusion from the Tokyo Olympic Games is a heartbreaking situation and that the World Anti-Doping Agency's (WADA) rules concerning marijuana must change.

USADA and WADA are in very different positions of authority and we sometimes have different views when it comes to what substances are included, or not included, on the WADA Prohibited List and what consequences result from a Positive Test. This letter sets forth USADA's response to your questions and requests.

The anti-doping rules are legislated by WADA based on the consensus of Stakeholders worldwide. USADA does not make or have a direct vote on the anti-doping rules but, as a WADA Code Signatory, we are required to enforce them. During the Stakeholder comment phase of the rule-making process, USADA has advocated for more flexible and fair rules to address the use of marijuana by athletes. While those rules have indeed become more flexible and fair over time, USADA has argued for still more changes and will continue to advocate for changes going forward. Because USADA is required to enforce the rules as written, however, it has gone to great lengths to ensure that all athletes are informed through our education programs of the risk and potential consequences of a positive marijuana test during competition.

Your letter is correct in stating that because both USADA and the USOPC are Signatories to the WADA Code, we are bound to follow the WADA Code rules, including the inclusion of marijuana and other synthetic and natural cannabinoids on the WADA Prohibited List. Moreover, through its ratification of the UNESCO Convention Against Doping in Sport the U.S. Government has committed to follow the principles of the Code – the Prohibited List is an Annex to that Convention. Because of these commitments, USADA's contract with the USOPC and its receipt of federal funding both require USADA to comply with the WADA Code.

Ms. Richardson's one-month suspension was the absolute minimum sanction that USADA was permitted to impose under the Code. Anything less would have resulted in USADA being non-compliant with the



WADA Code. Continued non-compliance by USADA could result in serious consequences to U.S. Athletes (inability to participate in the Olympics, World Championships and other International Competitions) and the U.S. Government (loss of seats on the WADA Foundation Board and WADA Committees and more importantly the international embarrassment to U.S. athletes that USADA’s non-compliance would cause under the UNESCO Convention and otherwise). Given that Ms. Richardson voluntarily accepted the outcome, there is no longer any legal process to challenge it or to reverse it. Further, any decision by USADA to attempt to reverse Ms. Richardson’s one-month suspension would be futile. WADA, World Athletics or the IOC would have quickly appealed such a decision and may have resulted in a lengthier suspension for Ms. Richardson.

The WADA Code and its Prohibited List reflect the consensus of more than 650 sport organizations and virtually all of the governments of the world. By establishing a single set of widely-accepted Anti-Doping Rules, the Code has proved to be an effective tool to protect the health of clean athletes and their right to compete on a level playing field. Marijuana is on the Prohibited List because it was, and still is, the consensus of Stakeholders that marijuana can be harmful to athlete’s health and safety during a competition (see the July 2020 National Institutes of Health Marijuana Research Report) and because its use by athletes undermines the “Spirit of Sport, as described in the WADA Code. Most governments in the world have been very reluctant to take marijuana off the Prohibited List for public health reasons. It is worth noting that when marijuana was included in the first Prohibited List in 2004, one of the strongest advocates for inclusion of marijuana on the Prohibited List was the U.S. Government. While the current trend might be in the direction of legalizing marijuana, many in the world still consider marijuana to be an illegal drug and, as we understand it, this is reflected in WADA’s current policy.

Also, the argument that marijuana has no performance enhancing benefit in sport is not universally accepted by either the athlete community or anti-doping scientists. It has also been reported in scientific literature and anecdotally by athletes that marijuana can decrease anxiety, fear, depression and tension thereby allowing athletes to better perform under pressure and alleviating stress experienced immediately before and during competition.

#### ***USADA’s position on marijuana use by athletes and the Prohibited List***

In its submittals during the revisions of the WADA Code and the annually reviewed WADA Prohibited List, USADA has consistently put forward recommendations that the rules addressing cannabis and cannabinoids should be more flexible and fair. Indeed, as the Code and Prohibited List have evolved, many of the suggestions supported by USADA have been incorporated into the rules – e.g., the 2021 Code provision which provides special treatment for marijuana, which could be used to enhance sport performance, and possibly be harmful to the safety of competitors, but are much more typically used by athletes in a social context unrelated to sport.

USADA would however go still further in mitigating the harsh consequences of a positive marijuana case in a situation like Ms. Richardson’s. For example, in the professional sport of Ultimate Fighting Championship (“UFC”), anti-doping rules which were developed and are enforced by USADA (and not subject to the WADA Code), Ms. Richardson’s positive test for marijuana would not have resulted in any period of suspension since it was determined not to be intentionally used for performance enhancing purposes. USADA has also continued to advocate for, and fund research seeking, better scientific approaches to assess whether marijuana actually used during the In-Competition Period would relate to any potential Performance Enhancing effects (e.g., testing for marijuana in blood or oral fluids) and to



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ensure those who may choose to legally use marijuana out-of-competition, which is allowed by the rules, are not caught and punished but to ensure those who use marijuana in unsafe ways or for competitive purposes are appropriately treated under the rules. Simply put, USADA will continue to be very active in its efforts to change how marijuana is addressed under the WADA Code and Prohibited List.

***USADA works hard to inform athletes of the risk and potential consequences of a Positive In-Competition marijuana test.***

Given USADA's inability to unilaterally change the rules governing marijuana in sport, USADA has gone to great lengths to ensure that all athletes are informed of the risks and potential consequences of a positive marijuana test during a competition.

Ms. Richardson learned of these risks through multiple in-person education sessions with USADA and through USADA's on-line education modules which specifically address the marijuana risk. To her credit, Ms. Richardson acknowledged that she knew the risk of using marijuana, and chose to use it anyway, before competing in the U.S. Track and Field Olympic Trials.

***The way forward.***

President Joe Biden described the way forward best when he said:

“Rules are the rules. And everyone knows what the rules were going in. Whether they should remain that way is a different issue. But the rules are rules, and I was really proud of the way she responded.”

So is USADA. USADA will continue to advocate for rule changes which would better address tragic situations like Ms. Richardson's.

Very truly yours,

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CEO  
U.S. Anti-Doping Agency

Philip Dunn  
Chair  
U.S. Anti-Doping Agency  
3x Olympian

Dr. Edwin Moses  
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