

Changing Pro Cycling: The Perspective of Travis T. Tygart

Editors' Note: Travis T. Tygart is the CEO of the United States Anti-Doping Agency (USADA) – a non-profit, independent entity created to administer the anti-doping program in the U.S. for the Olympic and Paralympic sports – some 50 different sports. USADA's stated mission is to preserve the integrity of competition, inspire a commitment to the core principles of true sport, and protect the rights of U.S. athletes to compete healthy and clean. USADA is equally dedicated to four main areas of service: (1) anti-doping testing and results management processes; (2) programs that deter and detect incidents of doping; (3) research that advances anti-doping science; and (4) educational initiatives aimed at preventing doping altogether – and building a culture of integrity and leadership through sport.

Tygart holds an undergraduate degree in philosophy from the University of North Carolina and a law degree from Southern Methodist University, and he previously served as Director of Legal Services for USADA. Although he works across all Olympic sports, Tygart has become widely known in professional cycling for his prosecution of the Lance Armstrong case – which resulted in the groundbreaking "Reasoned Decision" report of October, 2012. USADA has also been involved with other recent and high-visibility cycling cases, including those of Floyd Landis and Tyler Hamilton.

The Outer Line recently conducted a series of discussions with Tygart about the general doping problem in professional cycling and the need for a stronger system of ethics in the sport. We discussed origins and historical context of the doping issue, how cycling compares in this regard to other sports and various approaches for addressing and correcting the problem. A summary of those discussions follows.

***The Outer Line:** Those of us who follow cycling closely feel like the sport has tried pretty hard lately to clean up its doping problem and image. Many people feel that cycling is conducting more thorough testing and monitoring than many other sports do. Yet, cycling always seems to have a black eye with the broader public; ask the man on the street and he'll usually say that pro cycling is a sport full of cheaters. From your perspective – reviewing and overseeing anti-doping practices across a wide range of sports – how do you assess the anti-doping situation in pro cycling?*

Travis Tygart: Cycling's culture and the public awareness of doping in the sport was built over many years. While cycling has made important strides trying to clean up its act, particularly with the new UCI administration, it has been a Jekyll and Hyde situation for many years. On the one hand, the UCI was pretty progressive when it devised the biological passport program; on the other hand, it wasn't that long ago that the UCI was working to block our investigation, and was not following up on samples that were suspicious, or information regarding doping that was in its possession. And there are other examples, like the fact that there was no EPO or CIR testing at the Tour of California in 2008, and not all of the results were used toward the biological passport. While I do believe the sport is trying to move things forward now, it has clearly had serious problems in some of its programs. So, some people would say cycling is doing more, others would say it may not be doing as much as it could. But the real measurement is not what

it is doing compared to curling or badminton, but is it doing enough to give cyclists hope that they can win without having to become pathological cheaters.

TOL: Can you briefly summarize for us how the UCI, WADA, USADA and the AAA are supposed to interact and coordinate with each other on an individual case? We all know these different agencies and what their general responsibilities are, but sometimes it is very confusing as to the overlapping rules, and who has authority to do what.

TT: WADA's role is essentially as a standard-setting entity that international federations (IFs) and national anti-doping organization (NADOs) like USADA must follow. They also maintain an important appeal right for any case involving a WADA Code signatory. IFs and NADOs are responsible for creating anti-doping programs, conducting testing and for adjudicating cases in which anti-doping rule violations occur. Because IFs have responsibilities and priorities far beyond anti-doping, in many instances they will refer cases to capable, corresponding NADOs. The American Arbitration Association is the independent entity and provides the system of arbitrators for anti-doping cases which are to be heard in the United States. In Olympic sports, when an American athlete challenges the evidence and charges, it is not USADA, WADA, IF, coach or any other related person that determines the final outcome of a case. It is the AAA arbitration panel provides an independent ruling. Where we can see crossover is between the IF and NADO. In our cycling investigation, we had jurisdiction under the rules, because we, through our investigation, discovered the violations. Unfortunately we saw the UCI publicly challenge our jurisdiction, resulting in WADA clarifying that jurisdiction did in fact rest with us, and now we've also seen an independent AAA decision agreeing.

TOL: Do you feel like USADA has been able to work effectively with the UCI in the past?

TT: Under the previous leadership, the relationship was difficult, in a way that has not been the case with many of the other IFs we work with. The anti-doping movement must involve global cooperation, so it is frustrating when an IF actively works to obstruct a NADO, as the UCI did in the Landis case, the Hamilton case, and of course the Armstrong case. In the Armstrong case, Pat McQuaid first publicly recognized our authority but then tried to stop our investigation. In both the Landis and Armstrong cases, we tried to gain access to the blood testing data from the UCI, and although they were allowing the athletes themselves access to the passport testing data, they wouldn't share the information with USADA. Allowing the athletes to use the data means they can possibly manipulate their results to avoid detection, because they can see their own patterns and then adjust their programs to avoid detection. So there had been a long history of concerns regarding UCI under the previous leadership.

TOL: Do you expect major changes in direction and attitude from the new UCI leadership team?

TT: Yes, it certainly appears that Brian Cookson and his team are going to be much more determined to protect the rights of clean athletes and the integrity of the sport. We haven't worked together a lot yet, though we have met and talked a few times. I will tell you this – the day after we released our Reasoned Decision report in October, 2012, Brian was one of the first people and the only UCI member to pick up the phone and call me, and ask “how can we help,

and what can we do to clean things up?" To me, that was a sign of leadership, especially when other UCI leaders were only criticizing us.

TOL: How do you go about fundamentally evaluating the strength or viability of the drug testing system within an individual sport?

TT: Well, there are really two key questions. First, how good are your policies – and who are the signatories to those policies? And second, how effective are you at implementing those policies – how good are your methods and procedures? It isn't enough just to test more, you have to ask what are you testing for? Are you testing for EPO and conducting blood testing? Are you utilizing special analysis testing like human growth hormone (HGH) or carbon isotope ratio testing (CIR)? My concerns about the UCI program were primarily control, and lack of independence. The UCI essentially controlled its own testing program, and could level charges or ignore infractions at its own discretion. We have said it many times before, but it is impossible to effectively promote a sport and police it. There is an inherent conflict.

TOL: How do you view the behavior, attitudes and ethics of pro cyclists in relation to other sports? Are there any generalizations that you can make about the character or culture of pro cycling vis-à-vis other sports?

TT: I think in every sport at every level, and more broadly in most areas of society, there is a win-at-all-cost mentality that has taken over. Too often we are glorifying success, regardless of the path or circumstances it takes to get there. We see this from the parents at our children's soccer games and we certainly see it at the elite competitive levels.

Every sport has to have an ethical and moral code, a corpus or a creed by which it lives and operates. There's no question that pro cycling has had some bad actors over the years, and this moral code has been pretty weak. In the late 1990s and early 2000s – when the U.S. Postal squad was dominant – the creed was almost like "OK, we're all going to use these drugs to cheat and go faster; if you get caught, we're sorry about that, but you've got to keep your mouth shut." There has always been this kind of group-enforced silence or omerta in cycling, and I'm not sure it's completely gone away. We have to figure out a way to flip this type of lawless community on its head, flip it to be the opposite – a strong culture that rewards cleanliness, a culture that speaks out about dirty riders and stands up for clean riders when a dooper tries to rob them.

I actually think that there could have been kind of a "tipping point moment" right after the whole Festina affair back in 1998 to 1999. People like Armstrong, Jan Ullrich and others could have used their influence in the peloton to turn things around right then. If the strong people would have stood up and led by example, a real change could have happened at that point. You can set an example not to dope, just like you can participate in doping. The effort and conviction to break the rules is just the flip side of choosing to follow the rules and set the right example. I think there was a chance to have flipped the culture on its head after Festina.

This might have convinced guys like (Scott) Mercier and (Darren) Baker to stay in the sport in Europe, and perhaps (Christophe) Bassons wouldn't have been destroyed; instead he would

have been pointed to as a hero. But the leaders, the strongest riders and the managers who remained, chose the opposite direction. It still kills me to think about that missed opportunity, that the same people who could have saved the sport at the time took it down the wrong path. Instead of reversing the situation, they decided to double down, and a lot of good people went ahead or were coerced or otherwise convinced to join in and made the same bad decisions.

TOL: Should pro cycling have a more formal ethics training or “certification” in place as part of the licensing procedure? And what is USADA doing in this regard?

TT: The answer is of course yes. I view the building and institution of an ethics program as an investment in the long-term economics of the sport. We have programs for our elite athletes, including our TrueSport initiative. And we want to start building this type of awareness at younger ages in all sports in America, but it takes significant resources.

Our approach is the “perceptual deterrence model.” This approach says you have to build a moral community, where people feel supported by each other, and from above. The rewards for playing by the rules have to be clear and the benefits great, while the consequences for going against the moral code of the group have to be substantial. Those consequences have to be so substantial that basically no one in their right mind would consider violating them. The critical thing here is that everyone has to buy in to the culture or creed – not just some of the people. The program has to be led by the group and fully supported from the top.

More generally, instituting ethics training can be a bit of an uphill battle in many sports organizations. For too many folks, having a set of ethics somehow means you don’t really want to win; that, “if you’re not cheating, you’re not really trying hard enough.” Learning ethics and prevention is important, but let’s face it, detection and enforcement also has to be an important part of the equation – we have to have enforcement of the rules and regulations to back things up. That kind of hammer is the only thing that some athletes, coaches and doctors are going to listen to. For athletes who are using sports as a way to lift themselves out of difficult economic circumstances, you have to look at the cost-benefit analysis from their perspective. Is ethics training going to be enough for an athlete who is weighing the choice of poverty over the chance to make a few hundred thousand dollars a year? Probably not.

A program like this has to be approached from many different angles, because by the time an athlete reaches the professional level, the best opportunities to teach ethics have already passed. That’s why reaching young athletes is an extremely important priority for us at USADA.

TOL: Can you describe your “Whereabouts” program for us?

TT: Whereabouts requirements apply to elite-level athletes who have met the requirements to be included in what we call our “Registered Testing Pool.” These athletes provide us location information on a regular basis, so that they may be located for out-of-competition testing. At the end of the day, the idea is to provide a deterrent. We believe that if you take away testing, you take away the deterrent.

As part of the registered testing pool, the athletes also participate in educational programs, both

in-person and on-line. They go through ethics and anti-doping education which helps them understand the need for a system of ethics in addition to information about anti-doping responsibilities, risks associated with dietary supplements and so on.

The research these days shows that, in terms of education and intervention, there are really two critical intervention points – one during the elementary school age, and another at the early high school level age and some argue it should be even earlier by the time an athlete gets to be at the pro level, if he or she hasn't received a good grounding from their educational environment – family, home, community, sport – it's almost too late to rely on education. We have to intervene in the 4th or 5th grade (9 - 11 years of age), or when they're starting High School (13 - 15 years of age). Those earlier years are when you can really influence the way a kid thinks and acts – and that is why we created our new "TrueSport" initiative. Hopefully, most kids already have some sense of ethical behavior, and we are just trying to clarify, explain and reinforce it.

TOL: Is the Whereabouts program sufficient for instilling the right sense of ethics in the athlete today, or would you like to see a more detailed and intensive system of training? And are there other sports which individually handle this ethics training situation more thoroughly?

TT: Whereabouts and testing is one aspect. Our TrueSport program is also aimed at providing an education and ethics focus to prevent doping.

TOL: Tell us a little more about the True Sport initiative – what is it all about?

TT: TrueSport is an initiative that seeks to ensure a positive youth sport experience by imparting the lessons of clean competition, sportsmanship, and peak performance. In learning how to win the right way, athletes can build the broader skills to be successful in life.

We mostly try to get the word out about this program through our digital channels, getting involved in the curriculum of sport camps and clubs. We also have a new TrueSport initiative with USA Swimming's Deck Pass program, where kids can sign up to win badges if they learn things about sportsmanship, proper nutrition, shaking hands after the game, rewarding fair play and so on. We also utilize role models who are athletes and business and civic leaders to inspire future generations towards excellence through sports participation. It's important to get kids thinking about this kind of thing early. All in all, a little over 20% of our annual budget – or about \$3 million – goes toward educational programs like these.

TOL: How do you actually conduct the athlete testing? Are the testers USADA employees, or is this contracted out to a private party?

TT: All doping control officers conducting USADA tests are employees of USADA – not a third party. This provides maximum quality control and allows us to ensure all testing is conducted in accordance with the WADA International Standard for Testing. We have constant communications, training and best practices scenario review with our doping control officers.

We also have an internal team whose job is to understand specific sports – inside and out. To

know the competition schedules, training schedules, the key players, the up-and-coming athletes. Our goal is to put together a strategic, intelligence-based testing plan that maximizes our ability to detect and deter the use of dangerous performance enhancing drugs.

Together these two groups work to collect the samples from athletes. We collect both blood and urine samples, both at competitions and in no-notice out of competition settings. We utilize special analysis testing in our laboratory screenings including CIR and HGH. Samples are also used for longitudinal data collection or the biological passport. Our goal is to create a smarter, more effective testing program.

TOL: What does USADA do to protect the future rights of athletes who come forward to expose doping-related activities?

TT: Our mission is to preserve the integrity of competition, inspire true sport, and protect the rights of clean athletes. The reality is that there are situations in which athletes who come forward and are truthful and honest about their doping activities and provide substantial assistance, including their knowledge of other doping activities can help us achieve those goals easier and more effectively. There has to be some sort of incentive to provide information that moves the anti-doping movement forward.

Unfortunately, many athletes seem to follow the same playbook when they are confronted with evidence of doping. Deny the charges and attack the system and those in the system working to protect clean athletes. It creates a burden for us, costs us valuable resources and makes our goal for cleaner, safer sport harder to attain. The ability to put shorter bans on the table, so long as the information that's provided is truthful and helps us in our mission to clean up sports, and is an important tool in the longer term goal of drug free sport.

With respect to the whole Armstrong investigation, we offered Lance the opportunity to come forward. He would not even have a discussion with us prior to our Reasoned Decision. There was an opportunity for Lance to provide substantial assistance, but we never even got to that point. He simply would not even meet with us until after the Reasoned Decision. Compare that for a moment with Kelli White (former Olympic athletics sprinter, served a 2-year suspension and annulment of a World Championship due to the BALCO scandal). She accepted our offer. She lost her medals. She served a suspension. To her credit and character, she used the opportunity to become an ambassador for clean sport, and lecture kids on the dangers of doping and what it can lead to. I've said it before, but one of the most difficult moments in our investigation, and the biggest missed opportunity for advancing the sport was when Lance refused to meet with us and be open and honest.

TOL: Do you think cyclists are starting to get more comfortable now, in coming forward to talk, and tell their stories, and try to help root out the negative influences in the sport?

TT: I think so. There is not as much risk of retaliation as there was 10 years ago or so – so long as they are telling the truth. I don't think anybody today is going to stand up and try to squash and silence an athlete if they are telling the truth. They'd be fools to do so today, at least publicly. The kind of situation where Pat McQuaid called Landis and Hamilton scumbags,

at the exact same time as he accepted the findings of the Reasoned Decision? Those days are over. Hopefully, that won't happen again to a rider who comes forward in the future.

But the culture change is still going on. The values have to change. Athletes have to see that it's more economically and personally damaging to go along with the omerta, than it is to speak up and break that wall. Until we get there, a lot of riders will hold on to their stories because they feel that our efforts to protect them won't amount to anything.

TOL: Based on your experience with the major U.S. sports, do you see a strong athlete's union as a possible partner, or as a challenge to the anti-doping movement?

TT: It's tough to make a generalization here – about whether a union would help or not in addressing doping. On the one hand, major league baseball's union is now the catalyst for trying to clean up the sport; baseball is the only major pro sport doing blood testing now, and it has pushed the situation to where external coaches and trainers are no longer allowed. The baseball union should get a lot of credit for pushing those initiatives. On the flip side, the NFLPA is fighting tooth and nail with the NFL, but it's a power struggle and nothing to do with anti-doping.

From the union's perspective, it's necessary to buy into the fact that doping hurts clean athletes. If the union does not see doping as hurting the vast majority of clean athletes, then the only athlete the union may try to protect in an anti-doping scenario is the one being tested – the one who's case is being adjudicated. In the Olympic movement, where a single race can determine who may or may not ever realize their Olympic dreams, athletes understand the fact that a weak system hurts the majority of athletes who are clean. Too often in professional sports we don't equate a player's decision to dope as putting clean athletes at risk. We don't see doping by the individual as hurting anyone else; we always tend to think of the situation only in terms of the perpetrators hurting themselves.

In the U.S., this issue has come down to a bargaining chip. How much more are you going to pay us if we allow ourselves to be subjected to more testing? Who is going to pay for the testing? Neither side wants to give up something or pay for something without getting something in return. Unions often act to try to legitimize the status quo.

Additionally, sometimes it's a matter of equity or fairness that triggers the dispute. For example, the NFL players union has refused to allow HGH testing, primarily because it is dissatisfied with the hearing and review process which the athletes are afforded if they do test positive. In effect, the NFL – basically Roger Goodell – is judge, jury and final punisher, and the union doesn't feel it is an independent and equitable system. The Olympic system is different – decisions are made by an independent group of arbitrators.

Frankly, it is my hope that we here at USADA can play a productive role in this whole discussion. Mike Lupica (*sports writer for the New York Daily News – editors*) once called USADA “the union for clean athletes.” We hope that we can continue to play this role, and help clean athletes in all sports. And I would just like to say this; USADA has a mission and a responsibility, implied in our charter, that we have to stand up for clean athletes; that is our job

and oath.

TOL: Perhaps most important – what are your recommendations for the future? What new initiatives would you undertake if you were UCI President?

TT: First, I would roll up my sleeves and have a good long listen to the people who are participating – to try to understand the athletes' lives, and to make the system fair and safe for them. Sport is too often ruled by fear, and by the fear of retaliation. The bottom line is – the system has to be cleaned out, so that riders don't face the same no-win choices in the future. We can't have top-level athletes being in the position of virtually having to cheat in order to win, or worse, cheat just in order to survive in the sport. We have to learn from the mistakes of the past, and we have to change the culture. In particular, those who set up and managed the doping programs, and those who actively doped athletes when they were in position of power – those people have to be exposed, and they have to go. Unfortunately, that is doubly hard in cycling because so many of the managers, officials and regulators are themselves cyclists who grew up in a similarly corrupt and closed sport.

A lot of these guys are just never going to change; they're just not going to have a big epiphany. They're too vested in the system to stop doing what they're doing – it's all they've ever known. They've got everything to lose and gain economically because of how they've succeeded to this point. To break the chain, you have to give more athletes the tools they need, so that they can refuse to go along with this kind of culture in the future.

The sport also needs a smart, crisp and timely process for hearing claims and reviewing alternatives – so that peoples' voices can be heard, not necessarily agreed to, but at least heard! In the past, few people, including the UCI, were willing to stand up to the bullies. Frankly, I'm thrilled for all the clean racers out there that Cookson's approach is different.

TOL: Can you make any comments on the current UCI Cycling Independent Reform Commission (CIRC) process, which Brian Cookson has recently initiated?

TT: The idea and the premise of the Commission are good, and USADA is certainly ready to help wherever we can. We've met with them. We're encouraging others to help out. We have some concerns about the level of authority and power invested in the Commission, but the Commission does have certain powers to affect future outcomes and retroactively punish past behavior. Let's face it – no model is going to be perfect. I am hopeful that the CIRC process will help the sport to productively move forward. We worry about re-victimizing the victims, but I am hopeful the CIRC process will minimize that risk, if not eliminate it. All of those athletes who did not become pathological cheaters – and there are many of them – their decisions must be honored and respected now.

TOL: Finally, USADA recently announced its action against Johan Bruyneel and the Postal/Discovery team doctors. This has raised another round of debate and controversy in the sport – about who should get punished for what, how severe those punishments should be, and so on. Can you make any comment about this decision, or put it in the broader context of the anti-doping movement?

TT: From the beginning our goal in this investigation was to go after those in the sport – the trainers, the coaches, the doctors – who took advantage of young, eager athletes, and pressured them to take dangerous performance enhancing drugs just to stay in the sport they loved. When you have a system in which trainers, coaches and doctors are taking advantage of young athletes, and putting in harm's way the very athletes they are expected to protect – their removal from the sport needs to be the first priority. We know from our research that coaches are the number one influence on young athletes. More than parents, friends or teachers. It's an extremely important role, and some of these individuals took advantage of their situation to make money in a win-at-all-cost environment. That has to be stopped.

TOL: Thanks for sharing your ideas and insights with us.

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By Steve Maxwell and Joe Harris, June 11, 2014