

STATEMENT OF ROBERT D. MANFRED, JR. BEFORE THE HOUSE
OF REPRESENTATIVES COMMITTEE ON ENERGY AND
COMMERCE, SUBCOMMITTEE ON HEALTH, APRIL 14, 2010

Chairman Pallone and members of the Committee, thank you for the opportunity to address our shared commitment to reduce the use of smokeless tobacco products. I would like briefly to review Major League Baseball's past and ongoing efforts to reduce or eliminate the use of such products by players, as well as the legal framework within which Major League Baseball's efforts have been undertaken.

For almost two decades, Major League Baseball has worked on multiple fronts to reduce the use of smokeless tobacco products and educate members of the Baseball community accordingly. The centerpiece of this effort is the Minor League Tobacco Policy, which since 1993 has banned the use and possession of all tobacco products by club personnel – including players – in Minor League ballparks and during team travel. We believe that our efforts at the

Minor League level are crucial so that players learn to avoid these products early in their careers. The Policy is displayed in all Minor League Clubhouses, and each Minor League contract requires the player to represent that he is aware of the Policy and agrees to its provisions. To ensure compliance with the Policy, Major League Baseball's Resident Security Agents conduct roughly one hundred random security inspections of Minor League ballparks annually. Players and field managers who violate the Policy are subject to game ejection and incur substantial monetary fines.

Major League Baseball has also administered a formal policy regarding tobacco products at the Major League level for well over a decade. Pursuant to the Major League policy, Clubs may not permit the distribution of tobacco products in Major League clubhouses. The Major League policy likewise strongly encourages Clubs not to permit Club personnel to buy tobacco products on behalf of other Club personnel, including Players. I

should also point out that Club personnel are barred from smoking when in uniform in view of spectators.

Our efforts to reduce the use of tobacco products extend beyond formal disciplinary measures and into education and treatment. To that end, the Minor League Policy encourages field managers to hold tobacco education meetings with their clubs and waives fines for each first-time offender who completes a cessation counseling program approved by the club's Employee Assistance Professional ("EAP"). Major League Baseball has also collaborated extensively with its partners to raise public awareness. In 1994, Major League Baseball helped establish the National Spit Tobacco Education Program ("NSTEP") to curb the use of smokeless tobacco products. Major League Baseball has provided NSTEP and its partners over \$100 million in cash contributions, television exposure, and other support to conduct public service activities and announcements, which featured Players including Hank Aaron and Derek Jeter.

Within the Baseball community, NSTEP has also served Major and Minor League players via numerous education and treatment options. These options include oral examinations, brush biopsies, educational seminars, cessation programs, and training for Club EAPs. Through 2003, Major League Baseball sponsored NSTEP programs with the assistance of grants from non-profit organizations including the Robert Wood Johnson Foundation. Clubs continue to administer oral examinations and smokeless tobacco education programs as part of their annual Spring Training activities. Highmark Blue Cross Blue Shield, the insurance provider for the Minor League players' medical plan, also conducts an annual Spring Training presentation for players that addresses tobacco cessation options (among other things).

Largely because of these efforts, the use of smokeless tobacco products has declined substantially in the Baseball community over the last two decades. Commissioner Selig

nevertheless remains committed to exploring additional opportunities in conjunction with the Safety and Health Advisory Committee, a joint committee of Baseball and Major League Baseball Players Association representatives. Last November, at Commissioner Selig's urging, the Committee hosted a presentation on smokeless tobacco use prevention by Dr. Ashok Shaha, a head and neck surgery specialist from Memorial Sloan-Kettering Cancer Center. And during the 2010 season, the Commissioner's Office will survey all Minor League players to develop other educational and treatment programs.

As we carry these initiatives forward, however, it is important for this Committee to bear in mind the legal framework that applies to smokeless tobacco. Like drug testing, the regulation of Player use of tobacco products is a mandatory subject of collective bargaining with the Players Association. But unlike performance-enhancing substances, smokeless tobacco products are legal in all fifty states for sale to, and consumption by, adults.

And not even the most ardent critics of smokeless tobacco use as a public health matter would argue that it compromises the competitive integrity of our game in a manner analogous to performance-enhancing substances. While an outright ban on the use of smokeless tobacco in the Major Leagues is a laudable goal, it will have to be pursued against the backdrop of these legal realities.

Thank you again for this opportunity.