

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
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October 25, 2011

The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Upton:

We are writing to request that the Committee hold hearings on the continued impasse between the NFL and the NFL Players' Association (NFLPA) that has resulted in the failure to begin testing for human growth hormone (HGH). Earlier this year, the league and the players' association announced that under their new collective bargaining agreement, they would begin testing for HGH during the 2011 season. But testing has not yet started, with the NFLPA continuing to raise questions about the scientific validity of the test.

This delay is a cause for concern. Earlier this month, nearly two dozen leading anti-doping scientists sent a letter to the NFL and NFLPA affirming the scientific validity of the HGH test.<sup>1</sup> The test has been approved and used by the World Anti-Doping Agency, has been used for Olympic testing, and earlier this year was used in the United States to identify a professional athlete using the drug.<sup>2</sup> There appear to be few questions about the validity of the HGH test.

One leading analyst, former NFL player and television commentator Boomer Esiason, has implied that the NFLPA has different reasons for the failure to agree on a testing protocol. According to Esiason, "the union is backing off because they have players guilty of using this substance . . . [a]nd there are many who believe it is at least 20 percent in the league."<sup>3</sup>

We hope that this is not the case.

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<sup>1</sup> Top Scientists Endorse HGH Test, Associated Press (Oct. 13, 2011).

<sup>2</sup> See, e.g., *Former Met Is First Player to Test Positive for H.G.H.*, New York Times (Aug. 18, 2011).

<sup>3</sup> *Pressure for testing program rises along with HGH use*, CBSSports.com (online at [http://www.cbssports.com/nfl/story/15756329/pressure-for-testing-program-rising-along-with-hgh-use?tag=gen10\\_on\\_all\\_fb\\_na\\_txt\\_0001](http://www.cbssports.com/nfl/story/15756329/pressure-for-testing-program-rising-along-with-hgh-use?tag=gen10_on_all_fb_na_txt_0001)) (Oct. 18, 2011).

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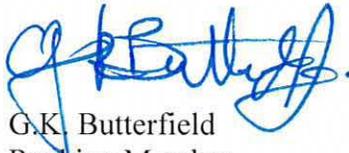
Committee hearings will allow us to learn about these issues, hearing from top scientists about the validity of HGH testing and from the NFL and the NFLPA about the extent of HGH use in the league and their plans for testing to eliminate such use.

We urge you to hold a hearing on this issue as soon as possible.

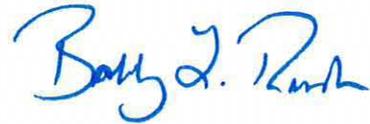
Sincerely,



Henry A. Waxman  
Ranking Member  
Committee on Energy  
and Commerce



G.K. Butterfield  
Ranking Member  
Subcommittee on Commerce,  
Manufacturing, and Trade



Bobby L. Rush  
Member  
Committee on Energy  
and Commerce

cc: The Honorable Mary Bono Mack  
Chairman  
Subcommittee on Commerce,  
Manufacturing, and Trade