



**For Immediate Release**

## **MLBPA Statement Regarding 2003 Testing**

**New York, NY, Saturday, August 8, 2009** ... Major League Baseball Players Association General Counsel, Michael Weiner, today issued the following statement regarding 2003 testing.

"*The New York Times* recently reported that David Ortiz and Manny Ramirez "are among the roughly 100 Major League Baseball players to test positive for performance-enhancing drugs in 2003." The reported sources for this statement were "lawyers with knowledge of the [test] results" who "spoke anonymously because the testing information is under seal by a court order." The Association has previously offered its views regarding this patent violation of court orders by attorneys, and *The New York Times'* active pursuit and publication of what it openly acknowledges to be information that may not be legally disclosed.

"In light of the *Times'* report, and all the other newspaper reports it has spurred, the Association feels compelled to offer the following additional comments:

"The sealing orders, which were appropriately issued by the various courts to maintain the collectively-bargained confidentiality of the testing, prevent the Association from supplying a player with specifics regarding his 2003 test results, or from discussing those specifics publicly. The practical effect of the sealing orders, if that confidentiality is to be maintained, is to further preclude the Players Association from confirming or denying whether a player's name appears on any list which purportedly discloses the 2003 test results. The result is that any union member alleged to have tested positive in 2003 because his name supposedly appears on some list -- most recently David Ortiz and Manny Ramirez -- finds himself in an extremely unfair position; his reputation has been threatened by a violation of the court's orders, but respect for those orders now leaves him without access to the information that might permit him to restore his good name.

“Unlike those anonymous lawyers who have violated the court orders -- and *The New York Times*, which has authorized an active and willful pursuit of those violations -- the Association will respect the courts' rulings. But we can legally say the following, each of which we suggest must be considered in assessing any and all newspaper reports stating a player has "tested positive for steroids in 2003.”

“First, the number of players on the so-called "government list" meaningfully exceeds the number of players agreed by the bargaining parties to have tested positive in 2003. Accordingly, the presence of a player's name on any such list does not necessarily mean that the player used a prohibited substance or that the player tested positive under our collectively bargained program.

“Second, substantial scientific questions exist as to the interpretation of some of the 2003 test results. The more definitive methods that are utilized by the lab that administers the current Drug Agreement were not utilized by the lab responsible for the anonymous testing program in 2003. The collective bargaining parties did not pursue definitive answers regarding these inconclusive results, since those answers were unnecessary to the administration of the 2003 program.

“Third, in 2003, legally available nutritional supplements could trigger an initial "positive" test under our program. To account for this, each "test" conducted in 2003 actually consisted of a pair of collections: the first was unannounced and random, the second was approximately 7 days later, with the player advised to cease taking supplements during the interim. Under the 2003 program, a test could be initially reported as "positive", but not treated as such by the bargaining parties on account of the second test. “