

## Changing the Business Model: (4) A New Approach to Anti-Doping

There is no greater threat to the future of pro cycling than the continued lack of a consistent and defensible anti-doping system. Athlete testing and punishment is often [inequitable](#) or inconsistently applied, the testing methods themselves are sometimes analytically inconclusive, and the responsibility and coordination between different governing agencies is often absent or unclear. The shortcomings of this system have been felt across the entire sport – from its shaky [financial situation](#) to the growing demand for fundamental structural and governance reform. Real progress and a more effective solution to the doping dilemma would allow the sport to attract more sponsors, generate more revenue and flourish in the future.

Over the past several years, there have been hundreds of articles and editorial pieces criticizing the current anti-doping procedures in pro cycling, and decrying the wide spectrum of failures, inequities, and unintended consequences; even proclaiming the end of sport. But few observers have had any concrete suggestions for new approaches to deal with the problem. In this article, we suggest some new ideas about anti-doping, and propose a broad conceptual outline for the application of the professional certification model – and the creation of an independent **Cycling Certification Program (CCP)**.

The general concept of certification has existed in different professional contexts for decades – as a means of defining an accepted and consistent standard for conducting business, or for manufacturing and providing goods and services. This includes the wide range of accreditations required of professionals such as doctors, accountants or architects; as well as the comprehensive manufacturing quality control standards of the International Standards Organization (ISO) 9000 and 14000 protocols, or the LEED certification conventions for environmentally sustainable buildings. These groups have taken it upon themselves to impose a certification process – to ensure that all participants face the same scrutiny and requirements regarding their skills and ethics, and to maintain the reputation of their overall industry. So why not consider applying the principles of certification to the arena of professional sports?

The command and control system used today to discourage cheating in pro cycling is pretty simple: the rules are set, and those caught breaking them are punished. This encourages most participants to adhere to the rules, but it may also lay out guidelines for others to navigate shortcuts around those rules. And if enough players cheat often enough without getting caught, more and more players will also make the decision to cheat. This is exactly what has happened in pro cycling over the past thirty years; almost everyone felt they had to dope simply to survive.

Disgracefully, team officials, medical staff and allegedly even governing agencies have sometimes conspired to push the limits.

The current system is further limited by serious gaps in the monitoring and oversight process. For example, the current Biological Passport program has many blind spots in its execution. Infrequent athlete testing paints only a partial picture of their individual physiologies. Simply put, the passport resembles a family photo album: it tells the story of a person's life one snapshot at a time. But if these snapshots are taken infrequently, the "album" is incomplete and

may tell only part of the story. In addition, different national Federations have different review procedures and may mete out widely varying sanctions and punishments – dramatically illustrated by the recent cases of Roman Kreuziger and Jonathan Tiernan-Locke.

A certification program would deemphasize this reliance on command and control thinking, and would reinvent the general governance and anti-doping approach in the sport by means of three cornerstones: (1) a more comprehensive system of team and/or athlete auditing, monitoring and tracking; (2) the development and institution of stronger ethical standards and training; and (3) more severe and permanent penalties for those found guilty of breaking the rules.

**Certification at the Team Level:** The most effective application of a certification plan would be to place the key responsibilities – as well as the repercussions for failing to meet them – directly on the teams. These are the entities which have the most power to implement immediate cultural change. An independent certification agency would be created and empowered – modeled upon the ISO as a private and impartial standard-setting organization – and would be independent of the anti-doping and sporting federations. This new agency would set operating and behavioral standards, create appropriate metrics by which to measure adherence to those standards, and would hold teams accountable to the standards necessary to compete in pro cycling. The specific metrics would have to be agreed upon, but the objective would be to grade a team's ability to meet specific ethical, operational, financial and administrative thresholds such that they could be certified for top-level pro competition.

Just like the way in which private corporations become ISO-certified or are financially audited by external accounting firms today, cycling teams would be evaluated and approved to participate in the business of pro cycling. If and when irregularities were detected, a red flag would be raised, and the team would need to respond or make changes in order to continue competing. Under the league model, which we [discussed earlier](#), there would be a very strong economic incentive for all top teams to comply with these minimum standards. If a professional franchise was unable to compete due to a failed audit, it would have a potentially devastating economic effect. And if the team failed to correct the problems within a specific time period, it could risk losing its professional license, relegation to a lower division, or some other severe economic consequence which no team could bear to endure. No longer would poorly managed or unethical teams be able to expose races, competitors or governing agencies to tainted results, doping scandals, economic fiascos, or ruined reputations.

The critical team characteristics to be evaluated and measured in the certification process would include details like the professional histories and licensing of training staff, doctors, and other medical advisors; minimum safety and health standards, like the number of expected racing days per rider; financial and competitive strength of the team; contracts and salary levels; physical infrastructure of the team; expected code of conduct and ethics training programs; and so on. Unannounced audits of key criteria could take place at any time if a team was suspected of bending the rules, to prevent teams from taking an approach of “we’ll pass the test when we need to” and to generally ensure quality and compliance. The general process here could be envisioned as a more comprehensive version of the licensing process that the UCI conducts today, with the critical difference that the certifying agency would be independent. The certifying agency would be responsible for monitoring and policing the sport, not promoting it; it

would not be subject to conflicting objectives, such as the UCI faces with Team Astana today.

Adoption of a stronger certification and ethics program would finally position the individuals and team staff as professionals to be held accountable for their actions. Athletes caught doping would face the same kind of severe penalties that professionals in other industries receive for breaking accepted ethical codes of conduct. As we will discuss later, entire teams might also face similarly harsh punishments. The shift from trying to catch individual riders, to holding teams accountable for the actions of their riders, would essentially create a situation where team managers could no longer tolerate the potential transgressions of questionable riders and staff. And the risk to reward proposition of doping would become unacceptable to those trying to game the system.

**Certification at the Individual Athlete Level:** Pro cyclists have reached the top level in their profession, and are “professionals” in every sense – in training, physiology, nutrition, racing tactics and so on. Yet, the only certification that a pro cyclist can obtain is a UCI license. And this is a somewhat arbitrary certification, because there is essentially no agreement about who should or should not be qualified to become a “pro” in the first place; there are few minimum requirements or standards. Only certain national Federations and anti-doping authorities “test” their athletes for ethics considerations at all, or specify what they expect in terms of adherence to the rules. In short, if you’ve demonstrated that you can ride a bike fast, there are few other requirements for or barriers to obtaining a UCI license. This deficit of clear expectations and qualifications results in an over-dependence on the command and control model.

But the stakes have grown so high from a financial perspective that the incentives to dope and cheat the system are just as great today as they have been in the past. Advances in the science of performance enhancement, and how to mask those procedures, seem to outpace the science of detection; and many of the highest-profile cases have been “won” due to confessions, rather than lab work. An individually-focused “Athlete Certification Program” (ACP) could also be created so that the riders could exercise more direct control over whether they could truly be labeled as “clean.”

Individual certification would have several distinct benefits, similar to what can be observed in other professions. First, the professional would determine and maintain their personal certification to participate in the industry. This would turn cycling’s traditional model on its head; *everyone* would have a strong competitive and financial interest in ensuring that the system works. Second, the oversight agency would uphold the certification, such that actual standards could be enforced. Third, non-compliance would be quickly identified, and the penalties would typically be severe and non-negotiable; the high frequency of testing would leave little room for unscrupulous practitioners to get away with violations.

The ACP model could improve the current Biological Passport by increasing the frequency of testing – to perhaps twice monthly - providing a more definitive record of the athlete’s personal physiology. This would create a true “baseline reference file” which could be compared year-over-year, or against longer personal historical trends. Once validated by the appropriate agencies, this up-to-date history would essentially certify the rider as a clean athlete. This is directly analogous to the industry model where an independent agency certifies the company (in

this case the teams) but where its products (the athletes) are validated by a third party. (General Electric is ISO certified as a corporation, and its toasters and refrigerators are UL-approved.) A higher frequency of testing would leave fewer windows by which an athlete could dope, and make it easier to catch those trying to cheat at points of competition: the historical record would show what the baseline *should be for that person*, as opposed to a comparison against averaged values from other athletes.

There are numerous logistical requirements for setting up an individual certification system.

First, there would have to be more accredited laboratories to handle the higher volume of testing, as well as more sophisticated analytical and data management systems; the new system could “piggy-back” off of the existing network of private labs, and make better use of existing electronic health record systems. Second, it would be critical to develop stronger inter-agency agreements, to refine and streamline the review and appeal process for when adverse results are found. Third, the level of cooperation between UCI, WADA, national anti-doping and cycling federations, teams, race organizers, and the riders union would need to be strengthened. WADA would need to review and authorize improvements to the testing model. The UCI and the international federations would need to support the concept, and perhaps help to defray the startup costs. Although better science will help to attack the problem of doping, the real solution will be dependent upon better and more cooperative governance.

Of course, the riders themselves would have to buy into the new philosophy of being certified professionals – they would now be more in charge of their own destiny, as opposed to being policed by higher power. The higher testing frequency required in order to obtain and keep certification might seem intrusive at first, but it might be preferable to today’s system of specifying whereabouts months in advance, and submitting to unannounced testing at all hours of the day. Furthermore, it is not unusual in industries where workers need to regularly show they are adhering to an anti-substance abuse policy. ACP’s certification standards could become a requirement – along with passing a much more detailed ethics training program and exam – for a new professional to obtain their racing license.

**Stronger Punitive Measures:** Once teams and/or riders were certified under this type of program, anti-doping punitive measures could finally be given real teeth. Explicit agreements within other certification models, such as those which disbar lawyers or prohibit doctors from practicing, would make it virtually impossible for cheaters to be repeat offenders in the future. Guilty parties are often permanently barred from being licensed again, even if they manage to escape financial penalties or jail time. The whole premise of employment in this sport needs to be changed – riders, and staff, need to understand that cheating can mean the end of their careers. Proven doping cases, even for first-time offenses, could lead to a lifetime ban for the rider; possible six-month loss of certification for the entire team (rendering it unable to compete in any events for the duration of the audit and investigation that the team would have to undergo to become re-certified); if any team staff were found to have aided and abetted the rider, these persons could also be given a lifetime ban; and if an audit discovered systematic, organized doping within the team, the team could suffer an effective “death sentence” – losing its certification altogether and being run out of the sport.

The beauty of an athlete certification model is that it encourages and empowers the athletes to

initiate and maintain responsibility for their certification – in exactly the same way that other business professionals are responsible for accreditation to work in their chosen field. The athletes would gradually become collectively invested in making sure the process works, reporting wrong-doing as it happens, and ensuring that everyone is treated equally. So long as they maintained their regular testing schedule and produced no questionable results, riders would be allowed to maintain and affix a prominent ACP symbol or logo of “good housekeeping” to their jersey – showing teams, organizers and fans that they are an accredited and certified clean racer. Over time, the reputational privilege and purely economic value of being able to wear that “ACP Clean” symbol would grow significantly.

Change is never easy, and the transition to any type of certification model would obviously not be simple. There are clearly numerous and significant start-up, organizational and management requirements which would have to be explored in far more detail. We realize that a shift to this type of anti-doping system would be sharply opposed by certain groups, who may have a vested economic interest in maintaining the status quo. Of course no certification system is going to be perfect either; one needs only to remember the Enron/Arthur Andersen debacle to realize that a certification system is dependent upon the integrity and commitment of its participants. But just like the Enron crisis, which resulted in a vastly strengthened financial regulatory system, certification could be the catalyst to change pro cycling’s landscape. And though our focus here is on cycling, it should be pointed out that there are numerous other sports which could also benefit from such a team or individual certification system – and which could share the costs.

Cycling needs to clean up its act now, and a timely move to this type of certification and punitive model might reinforce the wave of change which is rippling through the peloton, particularly among the younger riders in the sport. If carefully designed and implemented, certification *could* take root, improve competitive conditions, and gradually become the norm throughout the sport. This is exactly what has historically happened in many other professions. Well-intentioned riders would finally have the charter *and* the tools to protect themselves; just as important, they would have both the incentive and the supporting team structure to gradually weed out others who didn’t want to play by the rules. By certifying themselves to be clean, riders would in turn validate the races in which they participated; races would have true winners, and results would no longer have to be re-written by doping scandals after the fact. All of this could create a sharply upward spiral in the sport – building a greater sense of legitimacy, growing the fan base, encouraging new investment, and promoting economic growth.

***DISCLAIMER:*** *As with all postings on theouterline.com, our goal is simply to provide ideas and spur debate about what constitutes real change in professional cycling. If you have an opinion about how to repair and strengthen professional cycling, please contact us, and make your ideas or opinions heard.*

Joe Harris and Steve Maxwell, November 25, 2014