

CCES Submission to International Standards First Review Phase: International Standard for Testing and Investigations (ISTI)

In response to WADA's request for comments as part of Phase 1 of the International Standards review process, the CCES submitted the following comments with respect to the **International Standard for Testing and Investigations (ISTI)**.

General Comments to Part One

As a general comment for the final version of this Standard, CCES recommends providing hyperlinks to references within the Code, Annexes and other Articles within the Standard.

As a general comment to this Standard, CCES recommends using "their" in place of "his/her" to comply with gender inclusivity norms.

3.0 Definitions and interpretation

3.2 Defined terms specific to the International Standard for Testing and Investigations

Expand the definition of "Filing Failure" to capture failures that occur for not meeting the deadline as well as failing to update whereabouts throughout the quarter (be deliberate in this wording for athlete education).

In the definition of "Sample Collection Equipment" underline "tamper-evident" should it remain a defined term.

In the definition of "Sample Collection Equipment" consider expanding equipment for blood sample collection to allow for dry blood spot, etc.

CCES agrees with the addition of a definition for "Tamper Evident."

In the definition of "Unsuccessful Attempt Report" (UAR) remove "from an athlete in a Registered Testing Pool," as UAR reports are beneficial for non-RTP athletes and can be relied upon to add someone to an RTP.

General Comments to Part Two

1. Requirement for Testing:

In order for Anti-Doping Organizations (ADOs) to properly plan their program and resources, it would be helpful if WADA could provide what a minimum standard/guideline for testing should be.

Article 4.8.4 is the only article within the ISTI that mentions a specific number of tests per athlete (3 tests per athlete included in an RTP). Yet:

- At the most recent Symposium, there was mention that all ADOs with Athlete Biological Passport (ABP) requirements under the Technical Document for Sport-Specific Analysis (TDSSA) will be required to test RTP athletes in *mandatory-ABP* sports 3 times a year, and
- Recently, at the Rio Olympic Games, the Pyeongchang Olympic Games and the Gold Coast Commonwealth Games, ADOs were *strongly encouraged* to follow Pre-Games Taskforce recommendations to test athletes. Some of the recommendations even exceeded 3 tests per athlete *in the 4-month* lead-up period to the Event

When it comes to the recommendations of the Pre-Games Taskforces, it is not clear what our obligations as ADOs are nor the consequences of not following the recommendations (other than being perceived as an uncooperative ADO). In certain cases, our resources are planned for the year and may not be redistributed to the recommendations of the Taskforce. If Pre-Games Taskforces will be the way forward with Major Events, we would suggest that this be built in to the ISTI or (preferably) the recommendations be subsidized by the Testing Authority.

2. Quality vs. Quantity

While the rules of the ISTI reinforce efficient and effective anti-doping, CCES is unsure whether WADA compliance monitoring is effective in determining if ADOs are developing effective anti-doping programs (quality) or developing compliant programs (quantity).

For example, CCES notices that more and more fee-for-service testing requests from Organizing Committees include GH blood testing and ESA and/or GHRF analysis but the application of these additional analyses is often random or delegated to the Doping Control Officers (DCOs). This is not how the TDSSA is meant to be applied nor is it a proper use of resources but from a compliance standpoint, the Testing Authority would be compliant.

It is important that Compliance monitoring is able to monitor quality of doping control.

4.0 Planning effective Testing

4.1 Objective

In Article 4.1.3 CCES notes that it is important to recognize that a Test Distribution Plan can change throughout the year based on several factors (intelligence, budget, etc.) and that ADOs need to document all these changes and/or versions of their TDPs. From a monitoring perspective, WADA should not only be ensuring that a TDP is developed and approved but also it is implemented.

4.2 Risk assessment

With respect to Article 4.2.1.e (“Available research on doping trends (e.g., peer-reviewed articles)”) CCES notes there are a number of scientific papers on WADA’s resources page which may be helpful but it is challenging for non-scientific administrators to understand and to keep up with scientific trends. It would be helpful if WADA could provide quarterly or yearly summaries, and/or include this as a standing topic during the ADO Symposium.

4.4 Prioritizing between sports and/or disciplines

Article 4.4.2 says “[...] more resources should be devoted to the sport or discipline or nation involving the larger number of Athletes.” While the number of athletes is important, CCES believes the level or performance level of athletes within a sport as well and/or the type of the sport (e.g., team sports) should be considered as well. If two sports have the same risk of doping, more resources should not automatically be devoted to the sport with larger number of athletes but rather there should be an assessment of the athletes within each of the sports. Perhaps re-word this sentence as: “[...] more resources should be devoted to the sport or discipline or nation involving the larger number of Athletes if the Athletes have the same level of performance.”

4.5 Prioritizing between different Athletes

With respect to the Comment to Article 4.5.1, the CCES agrees with this approach. There needs to be a way to monitor athlete selection. ADOs with fewer resources may revert to testing athletes with better or more accurate whereabouts, or be limited to testing athletes that are competing within their country.

In Article 4.5.2.b) add “athletes with the potential to compete at major games.”

In Article 4.5.3.b) add “inconsistent performances” in addition to “sudden major improvements in performance.”

4.6 Prioritizing between different types of Testing

With respect to Article 4.6.2, consider providing clarifications on “No Advance Notice” on different scenarios including the following examples or provide examples of what may qualify as “exceptional and justifiable circumstances.”

- A DCO calling an athlete after waiting 55 minutes during the athlete’s 60-minute time slot;
- Calling an athlete from the entrance of a gaited residence;
- 24-hour notice of ABP testing on specific country/delegation (with no specification on names);
- A service provider having to apply for a visa to enter a country for testing and require a reference from the country for application purposes;
- Notice at competition instructing athletes to report to doping control (with no time limit).

4.7 Sample analysis

With respect to Article 4.7.3.c (“New detection methods to be introduced in the near future relevant to the Athlete, sport and/or discipline”), CCES believes it would be helpful for WADA to provide some guidance for ADOs. Perhaps this can be a standing topic at the ADO Symposium.

4.8 Collecting whereabouts information

Article 4.8.2 addresses gathering whereabouts information from other sources, rather than from the individual athlete, for example, when an organized and carried out on a collective basis. CCES agrees with this approach as long as the testing can remain unpredictable. Athletes from team sports should not only be tested during periods where team activities are taking place or in team settings.

The Comment to Article 4.8.3 address tiers of athletes. It may be useful to standardize the “naming” of the different tiers. Many ADOs have taken the pyramid approach but the terms can differ: Testing Pool, Test Pool, etc. It can be confusing, especially if for an athlete both the NADO and the IF have separate types of pools (and different names).

The requirement in Article 4.8.4 to collect “three or more Samples per year Out-of-Competition from particular Athletes” limits how many athletes an ADO can include in its RTP and ultimately its testing. Many ADOs do not have the resources to test *any* athletes 3 times a year and without including athletes in the RTP, they will likely: 1) spend resources on attempts that will result in unavailable athletes (the information that can be submitted through ADAMS from non-RTP athletes can be very general and often requires more follow-up); and 2) test athletes in the sport without focusing on the highest risk athletes. It is acknowledged in the comment to 4.8.1 that whereabouts information can have a useful deterrent effect but the three-sample requirement does not allow ADOs to use whereabouts as a (very economical) deterrent in the fight against doping. Consider re-wording to allow ADOs a little more judgement on the necessity of including athletes in the RTP.

In Article 4.8.5, use the wording “may be liable for an anti-doping rule violation” instead of “shall be liable.”

In Article 4.8.7, change last sentence to “in the lead-up to a major games or event” instead of “in the lead-up to an Olympic or Paralympic Games or a World Championship.

In Article 4.8.9, consider adding a “Room Number” field in ADAMS specific for use during MEO.

4.9 Coordinating with other Anti-Doping Organizations

To assist with better coordination between ADOs, consider standardizing deadlines dates for whereabouts submission. CCES suggests the due dates for all whereabouts submissions (whether to a NADO or to an IF) should be the 15th day of the month prior to the start of the new quarter: December 15, March 15, June 15, and September 15. Standardizing the deadline ensures that all athletes are subject to the same deadline, and those who are included in more than one RTP have the same deadline

for organization to whom they submit the information. The suggested dates above also allow the ADO to start planning tests well before the start of the quarter (i.e., planning for testing on January 1 and beyond can start as of December 15, whereas it is much more challenging to start planning with December 31 deadline, especially when some athletes don't submit their whereabouts until the final day of the submission period).

5.0 Notification of Athletes

5.2 General

In Article 5.2.d, consider changing the wording from "...to the arrival at the designated Doping Control Station" to "to the end of Sample Collection." E.g., the athlete must continue to be chaperoned if he leaves the doping control station to attend medal ceremony.

5.3 Requirements prior to notification of Athletes

With respect to Article 5.3.3, CCES wishes to raise as a point of discussion whether the article should specify that chaperones do not require specific (photo) IDs, especially since many ADO programs do not have chaperone programs. CCES has experienced a few instances where an athlete has requested to see the chaperone's identification. No official accreditation or ID is currently provided, nor is it required. Aside from Major Events where accreditation is required, it is easy for anyone to walk off the street and "pose as chaperone" if no accreditation or ID is required. Additionally, should this article specify how chaperones are to be trained? This section is vague in Annex H on Sample Collection Personnel Requirements.

5.4 Requirements for notification of Athletes

In Article 5.4.1 change the second "a)" to "e)."

With respect to Article 5.4.1.i, is it possible for the ISTI to specify that athletes are only allowed to shower after doping control is completed? Or would this be a human rights issue? Alternatively, if athletes are permitted to shower, it would be helpful to add a comment which specifies the preferred way of proceeding when athletes request to use the shower, ice baths or hot tub for cool down or bathing prior to providing their sample.

In Article 5.4.1.h, add "or consume alcohol" so that it reads "Not to hydrate excessively or consume alcohol since this may delay the production of a suitable Sample."

6.0 Preparing for the Sample Collection Session

6.3 Requirements for preparing for the Sample Collection Session

In Article 6.3.2 add a reference to confidentiality: "The DCO shall use a Doping Control Station which, at a minimum, ensures the Athlete's privacy and confidentiality..."

In Article 6.3.3 change the word "entitlement" to "right," as the term "right" is more consistent with the language used throughout the Standard.

6.3.4 Sample Collection Equipment

In Article 6.3.4.o) expand the subsections that are referenced to include h), j), k), l), m), and n):

“...validate at a minimum that the equipment meets the criteria set out in subsections b), f), g), **h), j), k), l), m), and n)** above.”

7.0 Conducting the Sample Collection Session

7.3 Requirements prior to Sample Collection

Article 7.3.3 mentions avoiding excessive hydration. Consider providing guidelines or a comment on acceptable hydration.

7.4 Requirements for Sample Collection

In Article 7.4.5.a) reference is made to notification being done with advance notice. Consider adding a definition for “Advance Notice Testing” which could include mandatory elements which need to be recorded (for example, how the advance notice transpired, how much advance notice was given, etc.)

Article 7.4.7 states “The DCO shall provide the Athlete with a copy of the records of the Sample Collection Session that have been signed by the Athlete.” Consider rewording the sentence such that it includes the possibility of a digital copy, rather than a paper copy, being provided to the athlete in instances where the sample collection session is conducted using paperless methods. For example: “The Athlete shall be provided with a copy of the records of the Sample Collection Session that have been signed by the Athlete. The copy may be provided in paper format or digital format (e.g. via email or a clearinghouse.)”

8.0 Security/Post-test administration

8.3 Requirements for security/post-test administration

With respect to reporting requirements, it is mentioned throughout that ADOs are required to report information to WADA “via ADAMS or other system approved by WADA.” The addition of an API to allow information to flow from such “other system” into ADAMS would be very helpful in eliminating the duplication of data entry which currently occurs for ADOs who are using other systems.

9.0 Transport of Samples and documentation

9.3 Requirements for transport and storage of Samples and documentation

In Article 9.3.2 add a comment about the need to document any issues related to the transport of samples (delays, etc.)

10.0 Ownership of Samples

General Comments to Section 10

An article or comment should be included in section 10 which outlines WADA’s right to request samples from an ADO for the purposes of further analysis or to verify sample or equipment integrity.

11.0 Gathering, assessment and use of intelligence

11.2 Gathering of anti-doping intelligence

In Article 11.2.1, consider adding reference to media reports, social media, and athlete profiles.

In Article 11.2.2 better define a threshold level for the privacy of the information (e.g.: locked vault or sitting on our desks in a locked office) and include a minimum standard for proper disposal of information.

11.4 Intelligence outcomes

In Article 11.4.2 add a reference to sharing information with the relevant governing body when information is received regarding to non-Code compliant sports.

Also consider adding a comment around protecting sources and an overarching comment about the obligations ADOs have to share information with ADOs.

12.0 Investigations

12.3 Investigating other possible anti-doping rule violations

In Article 12.3.2 expand to further clarify when WADA needs to be informed about investigations and provide more clarity around the point at which the ADO is “starting an investigation.”

In Article 12.3.5 the second “should” should be “shall”: “... the Anti-doping organization shall bring proceedings against them for violation of Code Article 2.5...”

Annex B – Modifications for Athletes with Impairments

B.4 Requirements

In Annex B.4.6, consider providing examples of alternatives if it is not possible for the existing urine collection or drainage system to be replaced. For example: “If the athlete does not have a new, unused catheter or drainage bag, the bag should be emptied and rinsed...”

Annex C – Modifications for Athletes who are Minors

C.4 Requirements

In Annex C.4.6 further expand on who can qualify as a representative for the DCO/Chaperone if the athlete declines to have one.

In Annex C.4.8 add a comment about considering technological means for ensuring an athlete can have a representative present.

Annex D – Collection of Urine

D.1 Objective

In Annex D.1.e) underline “tamper-evident” should it remain a defined term.

D.4 Requirements

With respect to Annex D.4.4, it would be interesting to understand if terminating a sample collection session due to unsatisfactory equipment is something that has occurred often in the field and to make sure that this is taken into consideration when vetting new equipment suppliers.

With respect to Annex D.4.6, which specifies the witness “shall be of the same gender as the Athlete,” is there a need to specify/define gender with transitioned/transgender athletes or even Sample Collection Personnel?

In Annex D.4.7 specify “the Athlete washes his/her with water only”

In Annex D.4.17 and D.4.18 identify who can discard an athlete’s urine (e.g., DCO and/or Chaperone).

Annex E – Collection of Blood Samples

E.4 Requirements

In Annex E.4.2.(a) specify “one or two tubes” rather than “a single sample tube” for samples to be used in connection with an ABP as this is recommended later in the ISTI.

In Annex E.4.6, as with the comment to D.4.4, it would be interesting to understand if terminating a sample collection session due to unsatisfactory equipment is something that has occurred often in the field and to make sure that this is taken into consideration when vetting new equipment suppliers.

In Annex E.4.13 underline “tamper-evident” should it remain a defined term.

In Annex E.4, point E.4.15 is missing in the sequence.

In Annex E.4.16 a period is missing between the “E” and “4”

Annex E.4.17 ends with specifying “a method authorized by the Testing Authority.” Should this not be the Sample Collection Authority?

Annex F – Urine Samples – Insufficient Volume

F.4 Requirements

In Annex F.4.4 should be changed to indicate that the DCO (and not the Athlete) shall retain control of the sealed partial sample, and that the sample shall remain in the doping control station and/or waiting area.

Remove Annex F.4.11 given that DCOs can refrain from having to pour the entire sample in the bottles in order to ensure the sample is not too dilute.

Annex G – Urine Samples that do not meet the requirement for Suitable Specific Gravity for Analysis

G.4 Requirements

In Annex G.4.6 and its related Comment, consider wording which gives the Testing Authority/ADO the discretion to decide how many samples they wish to collect after the first athlete's sample is dilute. For example, for a high-risk athlete, it may be warranted to collect samples until one meets the criteria for suitable specific gravity for analysis however, we do not think that this approach should be applied in all sports or at all levels consistently. CCES also recommends adding a comment encouraging ADOs to consider follow-up target testing if appropriate.

With respect to Annex G.4.11, consider gathering statistics to understand if analyzing both samples is really beneficial or whether analyzing the most concentrated of the two samples is adequate. Note that the Testing Authority can use the information gathered to further target the athlete.

Annex H – Sample Collection Personnel Requirements

General Comments to Annex H

In Annex H, consider adding some criteria by which accreditation of sample collection personnel should be withdrawn.

Annex I – Code Article 2.4 Whereabouts Requirements

I.1 Introduction

In Annex I consider including information regarding the IF's requirement to notify the NADO about athletes who have strikes.

In Annex I.1.2 add "may" to the sentence "Three Whereabouts Failures by an Athlete within any 12-month period may amount to an anti-doping rule violation..."

In the Comment to Annex I.1.3 CCES recommends that in point a), the Filing Failure wording be expanded to include "or any day during that quarter" so it would read: "a Filing Failure will be deemed to have occurred on the first day of the quarter or any day during that quarter for which the Athlete fails to make a (sufficient) filing..."

I.2 Entering and leaving a Registered Testing Pool

In the Comment to Annex I.2.1 change "should" to "must" to specify that "Athletes included in an RTP must be informed and educated so that they understand the whereabouts requirements..."

As with the comment to Article 4.9, to assist with better coordination between ADOs, consider standardizing deadlines dates for whereabouts submission. CCES suggests the due dates for all whereabouts submissions (whether to a NADO or to an IF) should be the 15th day of the month prior to the start of the new quarter: December 15, March 15, June 15, and September 15. Standardizing the deadline ensures that all athletes are subject to the same deadline, and those who are included in more than one RTP have the same deadline for organization to whom they submit the information. The suggested dates above also allow the ADO to start planning tests well before the start of the quarter (i.e., planning for testing on January 1st and beyond can start as of December 15, whereas it is much

more challenging to start planning with December 31 deadline, especially when some athletes don't submit their whereabouts until the final day of the submission period).

I.3 Whereabouts Filing Requirements

In Annex I.3 ADAMS and ISTI need to align to ensure that the basic information required is captured in ADAMS.

I.4 Availability for Testing

In the Comment to Annex I.4.2 there is a formatting error with underlining before the word "before."

In Annex I.4.3.c) make the phone call mandatory and not discretionary, in accordance with the precedent set by ITF.

Annex J – Event Testing

General Comments to Annex J

With respect to Annex J.4, an ADO should not be declined permission to test at an event if the request comes later than within 35 days of the Event. An ADO may request Testing at the Event based on last-minute information/intelligence or registration confirmation. As such, this should be re-worded to clarify that if the request is requested within the 35 days of the Event, "appealing" to WADA will not be an option.

Annex K – Collection, Storage and Transport of Blood ABP Samples

K.2 Requirements

With respect to Annex K.2.1, additional guidance with respect to collection of blood samples within two hours of training or competition would be helpful. Does collecting ABP samples within two hours of exercise invalidate a sample or should the ADO always wait until it's been two hours since the athlete has exercised?

In Annex K.2.5, add wording to allow athletes to lie down for 10 minutes, rather than only provide the option of "a normal seated position." There are athletes that know that they faint with blood collection and request to be lying down for the venipuncture procedure. To avoid moving following the 10-minute waiting period, the Annex could include that the athlete be "in a normal seated position with feet on the floor, or lying down, for at least 10 minutes..." If there are additional considerations for the waiting period for an athlete who requests to lie down during venipuncture, those could be included as well.

Annex L – Results Management Requirements and Procedures for the Athlete Biological Passport

L.1 Administrative Management

It would be helpful if all ADOs with an interest in an athlete's ABP have access to and are notified of all the athlete's information, including the experts' opinions and recommendations in ADAMS. Currently, only the Passport Custodian gets notified of any changes from the APMU/Experts and in the event that

the Passport Custodian does not have the resources or time to follow up, there may be a lost opportunity.

Additionally, the current setting in ADAMS is that passport custodianship is defaulted to the ADO who collects an athlete's first sample. Should we prevent ADOs that do not do Hematological ABP testing from being passport custodian? Or alternatively the passport custodianship could be separated by module (passport custodian for hematological passport would go to TA for 1st passport blood sample and passport custodian for steroidal passport would go to TA for 1st urine sample).

Finally, it would be helpful to include (or make mandatory) in ADAMS the reasons why a sample is reported as invalid.