Joint Drug Agreement (2005) -

Letter by Donald Fehr in response to Commissioner Selig's letter

proposing changes to the JDA section of the Collective Bargaining

Agreement

May 1, 2005

The following is the letter from MLBPA Executive Director Donald M. Fehr to Commissioner Bud Selig in response to the Commissioner's letter dated April 25 proposing changes in the Joint Drug Agreement provisions of the Collective Bargaining Agreement:

Allan H. Selig
Commissioner of Baseball
777 E Wisconsin Avenue
Suite 3060
Milwaukee, Wisconsin 53202

Re: Joint Drug Agreement

Dear Bud:

I write with respect to your letter of 25 April. As you know, the Players share the goal of trying to rid the game of the use of unlawful performance enhancing substances. Players too have concerns about the perception of our fans.

To that end, in the past three years we have made two significant agreements relating to the unlawful use of performance enhancing substances. First, in 2002, in connection with Major League Baseball's Joint Drug Prevention and Treatment Program, the players agreed for the first time to be subject to random testing, without cause. As you have agreed and acknowledged, that agreement worked well, particularly as a deterrent to the unlawful use of steroids. Then, although the information we had indicated that our agreement was, in fact, having the desired and expected effect, in January of this year the MLBPA nevertheless agreed to unprecedented mid-contract amendments to that agreement, which came into effect this season. With respect to these new amendments, on March 17, 2005, you said: "Baseball's policy on performance enhancing drugs is as good as any in professional sports."

To date both Clubs and Players have approached this subject in good faith and with no ill intentions. Our efforts have been productive. As you have acknowledged, the JDA is, in fact, working well, as indicated by the very low number of positives from 2004, before the new provisions were agreed to for this year. The players support the current program and are confident that it will deter the unlawful use of steroids, while at the same time being both a fair and appropriate response to the matters at issue, and are understandably reluctant to renegotiate the existing agreements.

I am not aware of anything relating to the operation of our program this year which suggests that it is not working. Nor have you so asserted. Notwithstanding that, however, you now request that we further modify our agreement. Given the players' demonstrated commitment to make certain that the goals of our program are met, and their desire to continue to strive to make sure that is done, we are willing to discuss the matter with you. Our ongoing experience under the program now in effect will no doubt inform our talks.

I share your view that in recent years we have made strides in our bargaining relationship. To a large extent this has been due to the parties' mutual willingness to negotiate at the table, and not in the media, and to respect the authority of the representatives sent to the table to represent our diverse constituencies. We would do well to respect what has been accomplished to date, and the manner in which it has been accomplished. Accordingly, I will not here otherwise respond to your letter. We will look forward to discussing the points you raised, and other appropriate matters.

Sincerely,

Donald M. Fehr