

FOR IMMEDIATE RELEASE



IRONMAN's Response to False and Misleading Statements Regarding Andrew Starykowicz Anti-Doping Rule Violation

IRONMAN's Anti-Doping Program

IRONMAN has been a World Anti-Doping Agency (WADA) Code Signatory since 2005, and as such IRONMAN is obligated to operate its Anti-Doping Program in compliance with the WADA Code like other private and public WADA Code Signatory's. IRONMAN is committed to complying with its obligations as a WADA Code Signatory by applying the anti-doping rules as written and has done so without exception. As required by the WADA Code (Article 14), IRONMAN provides designated anti-doping organizations notice of the assertion of all anti-doping rule violation and updates as cases progress. Nothing in IRONMAN's process is independent of oversight from other Anti-Doping Organizations.

Sanctions for Intentional Anti-Doping Rule Violations

The *intentional* use of a "Specified Substance" results in an anti-doping rule violation with a starting period of ineligibility of four-years under Article 10.2 of the WADA Code. The term "intentional" applies when "the Athlete or other person engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk."

The sanctioning scheme under the WADA Code and IRONMAN Rules is based primarily upon the Athlete's Degree of Fault and not the prohibited substance involved.

Unlike other cases, Mr. Starykowicz *intentionally* elected to compete while **knowingly using a prohibited substance**, and manifestly disregarded the risk that his Therapeutic Use Exemption (TUE) application would be declined.

Despite a written warning from the U.S. Anti-Doping Agency (USADA) on October 25, 2019 stating, "if the TUE is not granted by the start of your competition, you will be committing an anti-doping rule violation by competing without an approved TUE for a prohibited substance," Mr. Starykowicz made the decision to race in two IRONMAN events without an approved TUE.

In applying the WADA Code to these unique facts, IRONMAN concluded that a four-year period of ineligibility was an appropriate sanction under the Code when it provisionally suspended Mr. Starykowicz on December 5, 2019. As was cited and agreed with in the MGSS Arbitration Award, the CAS Arbitrator concluded in its Final Award, "The Athlete is highly experienced and did not dispute that he was fully aware of his anti-doping obligations. In this moment in time, however, the Athlete walked blindly with confidence that a TUE would be granted."

IRONMAN's Knowledge of Mr. Starykowicz's TUE Application

Under IRONMAN Rules TUE applications for U.S. IRONMAN athletes are handled by USADA. IRONMAN was made aware of Mr. Starykowicz's TUE application and status only after initiating a review of his adverse analytical finding from IRONMAN Florida. This is consistent with the anti-doping processes under the WADA Code.

Judgements in the Starykowicz Anti-Doping Rule Violation Case

Mr. Starykowicz has a broad suite of rights under the WADA Code, which provides a high evidentiary bar for establishing an anti-doping rule violation. Specifically, the WADA Code provides all athletes with opportunities and rights for review and appeal.

Mr. Starykowicz fought the anti-doping rule violation charges aggressively in numerous fora – and lost at every turn. Mr. Starykowicz was ruled against by multiple anti-doping organizations and independent arbitrators as follows:

- USADA denied Mr. Starykowicz's TUE application on November 8, 2019. Mr. Starykowicz appealed.
- The USADA Medical Review Board rejected Mr. Starykowicz's appeal, and confirmed the denial of the TUE application on January 14, 2020. Mr. Starykowicz appealed.
- The WADA Therapeutic Use Exemption Committee denied his appeal and upheld Mr. Starykowicz's TUE denial decision on March 6, 2020. Mr. Starykowicz appealed.
- The Court of Arbitration for Sport (CAS) arbitrator denied Mr. Starykowicz's appeal on August 5, 2020, following a June 24, 2020 hearing.
- In August 23, 2020, after the CAS Award was issued, and after learning that WADA was considering changing the status of vilanterol on the Prohibited List as of January 2021, IRONMAN amended its charge, as detailed in Paragraph 50 of the MGSS Award, to seek only a two-year period of ineligibility and to exercise its discretion to agree that the period of ineligibility would end on January 1, 2021, when the 2021 Prohibited List went into effect.
- Mr. Starykowicz then applied for arbitration to appeal IRONMAN's amended charge on August 28, 2020 at

which point – **for the first time** – he conceded to committing an anti-doping rule violation in a pre-hearing brief.

- On November 25, 2020, the period of ineligibility was upheld by the independent arbitrator McLaren Global Sport Solutions, a well-regarded independent administrator of anti-doping rules and the arbitration process.

Allegations of Unfair Treatment of Mr. Starykowicz

The independent MGSS arbitrator found “no proof of any animus toward the Athlete” by IRONMAN during the process. IRONMAN was represented throughout the case by outside counsel, [Richard R. Young](#).

Detailed decisions and further information are available below:

- [CAS Final Award](#)
- [MGSS Arbitration Award](#)
- [USADA announcement of CAS decision](#)
- [IRONMAN announcement of MGSS decision](#)