

## **ANADO Legal Note 11**

### **Back to Basics: Why Do We Use Courier Companies?**

Every once in a while someone asks a question that takes us back to basics. A colleague of ours recently advised me of a query he had received (I would guess from the political level within a sport ministry) expressing concern about “surrendering” custody of doping control samples to courier companies and resulting loss of control over samples and their transportation conditions. The result, it was argued, could be samples that arrive at the lab in a degraded condition.

Why do we and why should we use courier companies to transport samples? Would it not be better to have them carried by DCOs to the lab to better maintain a clear and documented chain of custody and to better monitor their condition?

The reasons for relying on courier companies include both security and practicality.

Established courier companies offer the most secure means of transporting samples between cities and across borders (especially through international customs controls). Given approximately 200,000 samples collected each year world-wide, the majority of which are transported by courier companies, the number of samples lost or delayed is statistically insignificant. So courier companies have a proven track record of getting the samples to where they belong.

Courier companies also have the systems and capacities to handle "unusual" goods such as biological samples with the needed care and protection. Doping control samples would be just one type of biological material they transport regularly. For example, they would ship internationally medical vaccines (potentially far more sensitive and important than our urine samples), and in far larger quantities world wide than the number or volume of our urine and blood samples. Just think how H1N1 vaccine is currently being distributed world-wide. It is not being carried in the checked airline luggage of individual immunologists.

Then turn to the practicalities: what are the other options? I have recently returned home from the Francophone Games in Beirut. Lebanon could never support an accredited lab. So the samples had to travel by air to some other country (in this case Greece and the Athens Lab).

Even if it had been possible to afford the costs of a round trip air ticket (and accommodation) for a DCO to take 10-15 samples a day from Beirut, the sample transport bag was too big to be carry-on luggage. In any event, current international air transport regulations severely restrict the inclusion of liquids in carry-on bags. Then there is the question of examining the samples at airport departure security when by definition they must remain sealed and safe from examination by those who are not involved in the doping control process.

The alternative in this scenario would be for the DCO to check the sample transport bag as checked luggage. How is that any different in kind than handing it over to a courier company? It is not -- except that there would be a far greater chance of the samples being lost, damaged or destroyed (we have all had those unpleasant experiences in our own travels when it comes to our personal luggage).

I know of no case before CAS or another anti-doping tribunal where there has been a challenge, let alone a successful one, to the validity of the analytical results alleging that sending samples by courier is a "loss of control" that breaks the chain of custody or exposes the samples to possible tampering or manipulation. If on occasion a batch of samples arrives which have biodegraded because of exposure to high temperatures, the fault may rest with the DCO, the courier company or even the handling at the lab. Occasionally there may be human error or mechanical failure which impacts on the quality of samples. Neither can ever be avoided completely (no matter how much we continue to improve our processes).

To summarize: the use of courier companies has been part of the doping control system probably since its inception. Far from being seen as involving a loss of control, use of reputable courier companies is an essential feature of transporting samples safely and securely. It is the best guarantee to athletes that the custody and control of their samples is in the hands of professionals.

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