

A. THE WADA POSITIVITY CRITERIA MUST BE READ AS REQUIRING THAT THE  $^{13}\text{C}/^{12}\text{C}$   $\delta$  VALUE MEASURED FOR ALL METABOLITES TESTED DIFFERS SIGNIFICANTLY, WHICH CRITERIA IS NOT MET IN THIS CASE

The WADA Positivity criteria, as mentioned above, requires a showing that “ $^{13}\text{C}/^{12}\text{C}$  value measured for the **metabolite(s)** differs significantly i.e. by 3 delta units or more from that of the urinary reference steroid chosen.” This requirement must be read as requiring that **all metabolites tested** differ significantly as described, i.e. by 3 delta units or more from the urinary reference standard chosen. Such a reading was confirmed in 2006 by the WADA-accredited laboratory in Lausanne:

“According to the technical document of the WADA Laboratory Committee, an athlete would be reported as consistent with the administration of a steroid when the  $^{13}\text{C}/^{12}\text{C}$ -value measured for the **metabolites** differs significantly, i.e. by 3.0‰ or more from that of the urinary reference steroid chosen.” Baume et al., Use of Isotope Ratio Mass Spectrometry to Detect Doping with Oral Testosterone Undecanoate: Inter-Individual Variability of  $^{13}\text{C}/^{12}\text{C}$  Ratio, Steroids 2006, at p. 6 [attached hereto as Exhibit 3]

In this case, it is clear that the Landis sample does not meet this positivity criteria, as only one of four metabolites tested clearly exceeds the 3‰ example provided by WADA (a second metabolite, measured at  $-3.51\% \pm 0.8\%$  on the “B” sample, cannot be said to exceed this threshold). For these reasons, the CIR results do not support a finding of exogenous testosterone use.

Landis submits that this criteria must be read as requiring that all metabolites tested exceed this threshold to declare the CIR test as positive. However, at worst, this