



Secular Maryland

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HB 757 - OPPOSE

Education – Interscholastic and Intramural Teams and Sports – Designation Based on Biological Sex (Save Women’s Sports Act)

Dear Chair Atterbeary, Vice-Chair Washington, and Members of the Ways and Means Committee

Secular Maryland is committed the principle that public policy should respect and follow a best fit with the overall available empirical evidence conclusion and should prevent invidious discrimination. This bill is biased against both biological females and trans athletes. It is biased against biological females because it fails to address the problem of biological females who received male hormone treatments participating in biological female teams and sports. Because of the centrality of testosterone to fairness in athletic competitions, biological females who have reached puberty and who refuse to reveal whether or not they have taken testosterone hormone treatments should be able to be blocked from participating in biological female only teams and sports.

Testosterone during puberty results in taller heights, longer armspans, larger bones and hearts, greater lung capacity, muscles that are easier to build and harder to lose, and lean body mass. It is biased against trans athletes because it unnecessarily places an unjustified restriction against the participation of biologically female trans-male athletes in biologically only male individual sports competitions such as long distance running. Therefore, although we agree that biological males who underwent male puberty should be forbidden from participating in biological female only teams and sports, as proposed in this bill, we still oppose this particular bill.

This is a complicated issue because there are conflicting, mutually incompatible, goals. A 2021 study concluded that “We have shown that under testosterone suppression regimes typically used in clinical settings, ... evidence for loss of the male performance advantage, established by testosterone at puberty and translating in elite athletes to a 10–50% performance advantage, is lacking. Rather, the data show that strength, lean body mass, muscle size and bone density are only trivially affected. The reductions

observed in muscle mass, size, and strength are very small compared to the baseline differences between males and females in these variables, and thus, there are major performance and safety implications in sports where these attributes are competitively significant.” [Hilton, E.N., Lundberg, T.R. Transgender Women in the Female Category of Sport: Perspectives on Testosterone Suppression and Performance Advantage. *Sports Med* 51, 199–214 (2021). <https://doi.org/10.1007/s40279-020-01389-3>]. A 2021 review of 24 studies concluded that “These findings suggest that strength may be well preserved in transwomen during the first 3 years of hormone therapy.” [Harper J, O'Donnell E, Sorouri Khorashad B, et al How does hormone transition in transgender women change body composition, muscle strength and haemoglobin? Systematic review with a focus on the implications for sport participation *British Journal of Sports Medicine* 2021;55:865-872.] Given this context there is no way to provide equal opportunity that is fair to everyone, but there are ways to reduce unfairness and increase opportunities for trans athletes participation that this bill overlooks.

Granting both trans-females and trans-males the option to compete with males in individual competition would reduce the exclusion of trans athletes in athletic activities. Assigning trans males who have received male hormone treatments to otherwise biological male only sports in individual competitions protects other biological females from unfair competition. Accordingly, we could support this bill if it was amended so that female only individual athletic competitions be restricted to biological females who have not taken male hormone treatments, and male only individual competitions be defined to include biological females who have undergone male hormone treatment.

Respectfully,
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