



The Committee on Energy and Commerce

Memorandum

March 11, 2014

To: Members of the Subcommittee on Commerce, Manufacturing, and Trade
From: Majority Committee Staff
Re: Hearing on “Improving Sports Safety: A Multifaceted Approach”

On Thursday, March 13, 2013, the Subcommittee on Commerce, Manufacturing, and Trade will convene a hearing at 10:15 a.m. in 2322 Rayburn House Office Building entitled “Improving Sports Safety: A Multifaceted Approach.” Witnesses are by invitation only.

I. Witnesses

Mr. Richard Cleland, Assistant Director, Division of Advertising Practices, Federal Trade Commission;
Mr. William Daly III, Deputy Commissioner, National Hockey League;
Dr. Timothy Gay, Professor of Atomic, Molecular & Optical Physics, University of Nebraska - Lincoln;
Dr. Gerard Gioia, Ph.D., Division Chief, Neuropsychology, Children’s Medical Hospital;
Dr. Robert Graham, Chair, Committee on Sports Related Concussion in Youth, Institute of Medicine;
Mr. Scott Hallenbeck, Executive Director, USA Football;
Mr. Ian Heaton, High School Athlete;
Dr. James Johnston, Assistant Professor, Department of Neurosurgery, University of Alabama-Birmingham;
Dr. Dennis L. Molfese, Ph.D., Director, Center for Brain, Biology and Behavior, University of Nebraska Lincoln;
Mr. David O’grean, Executive Director, USA Hockey;
Ms. Briana Scurry, Former Professional Goalkeeper, U.S. Women’s National Soccer Team; and
Ms. Martha Shenton, Ph.D., Professor of Psychiatry and Radiology, Brigham and Women’s Hospital, Harvard Medical School.

II. Summary

Over the past decade, sports leagues, the medical community, researchers, government, and equipment manufacturers have devoted more attention to sports-related concussions and ways to reduce the risk of injury. While there is risk of suffering a concussion associated with many activities outside of sports, the risk of recreation and sports-related concussions has been the focus of growing concern and attention in recent years due, in part, to the potential relation of the (neurological) illnesses of some former professional athletes to the injuries they may have suffered while they played. Because children and teens may be more likely to suffer a traumatic brain injury (TBI) and take longer than adults to recover, youth sports have come under increased scrutiny. To address the growing concerns, actors across the entire chain of the sports ecosystem – from youth and professional sports leagues, to State and Federal governments – are

working to enhance safety on and off the field of play. These efforts include researching ways to improve athlete safety during game-play, changing rules of play, increasing coach awareness of proper sideline protocol after potential injury, educating medical staff on how to diagnose and treat concussions, investing in improved equipment design, and protecting consumers from false claims related to protective equipment. The hearing will examine these activities and how they will shape the future of sports' safety.

III. Background

According to the Physical Activity Council's 2012 Participation Report, 16 percent of American children aged 6 to 12 were inactive in 2011, while 16.4 percent of youths aged 13 to 18 were inactive. Overall, 68 million Americans over the age of 6 were inactive in 2011 compared to 217 million Americans who were active in either a fitness activity or sport.¹

Of all youth ages 6 to 18 who were active in 2011, 35 million played organized sports. For high school sponsored sports, football was the most popular sport, with a combined number of participants at over 1.1 million boys and girls. Track and field, basketball, and soccer each counted more than 750, 000 participants in their respective sport.²

Also, at the youth level, US Youth Soccer reported over 3 million participants registered in 2012.³ USA Football reported 2.8 million players ages 6 to 14 in 2012, while Pop Warner football reported over 225,000 players in 2012. However, those numbers reflect a decline for all 3 sports from 2010 participation numbers. While the reasons for the decline are open to speculation, some believe the increased attention to and concerns regarding concussions in recent years have been factors, particularly for football.⁴

There is no universal agreement on the definition of the term "concussion," though it is recognized as including some level of brain injury ranging from mild to traumatic. The Center for Disease Control (CDC) states a concussion is caused by a bump, blow, or jolt to the head or blow to the body that causes the head to move quickly. Regardless, there is widespread agreement that it is a serious issue. According to the CDC, the activities associated with the greatest number of TBI-related emergency room visits include bicycling, football, playground activities, basketball, and soccer. In a national surveillance of 9 high school sports, TBI represented almost 9 percent of all injuries reported. For boys ages 10 to 19, sports-related TBI occurred most often while playing football or bicycling. For girls ages 10 to 19, sports-related TBI occurred most often while playing soccer, basketball, or bicycling.

¹ Available at <http://www.physicalactivitycouncil.com/PDFs/2012PACReport.pdf>.

² Participation Data, National Federation of State High School Associations, available at <http://www.nfhs.org/content.aspx?id=3282>.

³ Available at http://www.usyouthsoccer.org/media_kit/keystatistics/.

⁴ Fainaru, Steve and Fainaru-Wada, Mark, "Youth Football Participation Drops", ESPN.com, November 14, 2013, available at http://espn.go.com/espn/otl/story/_/page/popwarner/pop-warner-youth-football-participation-drops-nfl-concussion-crisis-seen-causal-factor.

The growing focus on concussions has galvanized both a cultural change in sports and the resources devoted to increasing understanding of the issue, including both research into brain injury and research to improve sports equipment.

Sports Leagues

There is no question the professional sports leagues garner the attention necessary to drive change throughout all levels of sports because of their prominence in American culture. In recent years, most sports leagues adopted rules changes, increased penalties and enforcement for violations of rules of play, and embarked on research to further understanding of brain injuries. That is not to say reducing the risk of concussion is new to their agenda. Player safety has been an ongoing concern for the professional leagues, and the leagues' various approaches to improving player safety has evolved with medical research. For example, the NHL implemented a rule change in 1979 requiring helmets; the league also began baseline concussion testing in 1997, which is used to measure players' cognitive responses before a season. Comparisons may then be made following an injury by retaking the test to determine if there is a decline in skills that may indicate a concussion. Those changes have flowed to youth and high school leagues, as well as other sports. For example, some high school soccer leagues have adopted baseline testing in recent years.

While the professional sports leagues can adopt rules changes that are applied unilaterally to a few thousand athletes, governance over youth and high schools sports -- where participants can number in the millions—is generally more decentralized, and it is therefore more challenging to effectively implement rules changes or return-to-play guidelines for coaches. While States control regulation of many schools sports, certain sports where club sports predominate over high school teams—such as hockey—follow a single governing body that can ensure safety requirements are applied consistently.

Government

At the Federal level, the CDC's National Center for Injury Prevention and Control launched the "Heads Up: Brain Injury in Your Practice" initiative in 2003 to provide healthcare professionals with concussion assessment and management tools. The CDC revised the initiative in 2007 to reflect the latest science on diagnosis and management of patients with mild traumatic brain injury (mTBI). In 2005, the CDC launched "Heads Up: Concussion in High School Sports" followed by the launch of "Heads Up: Concussion in Youth Sports" in 2007. Both initiatives provide concussion resources and information for coaches, parents, and athletes.⁵

State initiatives run the gamut from sponsored research at the university level to passing new laws related to concussion injuries. Since 2009, all 50 States and the District of Columbia adopted laws protecting youth and high school athletes from returning to play too soon after suffering a concussion or a potential concussion. These "return to play" guidelines mandate a variety of requirements on athletes, parents, and coaches. Additionally, many States have

⁵ Available at <http://www.cdc.gov/concussion/HeadsUp/youth.html>.

developed their own training and informational resources for sports concussion diagnosis and management.

Regarding sports equipment, the Federal Trade Commission (FTC) has brought complaints against, and sent warning letters to, sports equipment manufacturers for potentially misleading claims. Specifically, the FTC challenged marketing claims that the equipment would reduce the risk of concussions and warned manufacturers to ensure they had sufficient science to support health claims.

IV. Questions for Consideration

- What are the concussion rates for organized sports versus other recreational activities?
- Do rule changes affect concussion rates?
- How is research informing changes to the games and equipment?

Please contact Brian McCullough or Shannon Taylor of the Committee staff at (202) 225-2927 with questions.