

TESTIMONY
Before the
Subcommittee on Commerce, Manufacturing, and Trade
House Committee on Energy and Commerce
Hearing:
Legislative Hearing on 17 FTC Bills
May 24, 2016

Chairman Burgess, Ranking Member Schakowsky and Members of the Subcommittee:

Good afternoon and thank you for the opportunity to provide testimony on the important issue of protecting our nation's youth from concussion. I commend Chairman Upton and Ranking Member Pallone and Members of the Committee for their ongoing investigation into concussion.

My name is Dr. Gregory O'Shanick and I am the President and Medical Director of the Center for Neurorehabilitation Services in Richmond, Virginia. I am also the Medical Director Emeritus of the Brain Injury Association of America, the nation's oldest and largest brain injury patient advocacy organization.

Today, I am here to discuss the Youth Sports Concussion Act, HR 4460, sponsored by Congressman Bill Pascrell, Jr. and Congressman Thomas J. Rooney, co-chairs of the Congressional Brain Injury Task Force. The Brain Injury Association of America and 35 organizations submitted a letter to the committee in support of this legislation. I would like to submit this letter for the record.

The Youth Sports Concussion Act would help ensure that safety standards for sports equipment are based on the latest science and curb false advertising claims made by manufacturers to increase protective sports gear sales. An extensive National Academy of Sciences report previously found a lack of scientific evidence that helmets and other protective devices designed for young athletes reduce concussion risk - yet some manufacturers continue to use false advertising claims that prevent athletes, parents and coaches from making informed safety decisions.

In 2012, the Federal Trade Commission (FTC) warned nearly 20 sports equipment manufacturers that they might be making deceptive concussion prevention claims, but the FTC's actions thus far have not deterred companies from making these claims. The Youth Sports Concussion Act would empower the FTC to seek civil penalties in such cases.

As parents and grandparents, we want to do our best to educate ourselves to protect our children while they are competing in sports. Companies that claim they can protect a child from a concussion with their sporting goods equipment when they cannot should be prevented from using this tactic while advertising their product to the American public.

In my clinical practice, everyday I see children and adolescents who have sustained a concussion whose parents are torn between wanting to encourage their child's physical activity in team sports, but simultaneously, are fearful of what we are now recognizing as the immediate and long term risk of concussive injury in the developing brain. Effective coaching and adult supervision of these activities by individuals who understand and have been themselves trained in concussion protocols is one element of this prevention and awareness process. And while we have solid data, for example, regarding the benefit of helmets in the prevention of bicycle-related concussions, my patients' parents are being bombarded with a host of misleading and false claims that allow other manufacturers to financially capitalize on these fears. My advice to these parents is typically, "If it seems too good to be true, it most likely is." For the kids, education, awareness and proactive planning are the elements I encourage in their return to learn and return to play activities.

The Brain Injury Association of America has a Concussion Information Center located at www.biausa.org. This information is designed to shed further light on concussion-related issues to help families, individuals, educators, health care professionals and others to be more mindful of signs of a concussion, how to respond accordingly, and to identify resources to assist following a concussion, also known as mild traumatic brain injury (mTBI).

BIAA is launching a concussion certificate for professionals this fall. Obtainment of the concussion certificate demonstrates that the individual responsible for return to work, learn, or play decisions has acquired the requisite knowledge base needed to make sound, informed decisions.

Prevention is important in reducing concussion in our youth, and safety equipment is a key component of prevention. States have enacted several measures designed to reduce fatalities and brain injuries, including seat belt legislation; distracted driving laws; drunken driving laws; and return to play laws with regard to sports-related concussions. Individuals can take several measures designed to reduce the risk of brain injury and these include:

- Wearing protective gear, such as helmets, when bicycling, motorcycling, snowboarding, riding a horse, skiing, riding/driving ATVs, or playing sports;
- Wearing seat belts while driving or riding in vehicles;
- Ensuring that living areas for seniors and young children are free of trip hazards and have sufficient barriers for stairs; and
- Maintaining physical activity to improve lower body strength and balance.

Your efforts to prevent mild traumatic brain injury in our nation's youth are needed and welcomed. Thank you and I look forward to your questions.