

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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March 7, 2011

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Mary Bono Mack
Chairman
Subcommittee on Commerce, Manufacturing, and Trade
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Upton and Chairman Bono Mack:

On February 17, 2011, NFL legend Dave Duerson took his life. Reports suggest that Mr. Duerson deliberately shot himself in the chest so as not to disturb the condition of his brain – which he asked family members to turn over to the Boston University Center for the Study of Traumatic Encephalopathy so that it could be determined whether he suffered from chronic traumatic encephalopathy (CTE), a degenerative brain disease recently found in about 20 dead football players that has been linked to depression, cognitive impairment, and even suicidal behavior.¹

Dave Duerson, even in the dark moments before he ended his life took, time to think about how he might help advance our understanding of CTE and concussion-related brain injuries. We believe the Subcommittee also should examine this issue and respectfully request that we have a hearing to understand how football helmets might be improved to reduce concussions and other head injuries for players at all levels and ages.

¹ Alan Schwarz, *N.F.L. Players Shaken by Duerson's Suicide Message*, New York Times (Feb. 20, 2011); Alan Schwarz, *A Suicide, a Last Request, a Family's Questions*, New York Times (Feb. 22, 2011).

Around 4.4 million children play tackle football each season.² Figures from the National Children's Hospital indicate that about 100,000 concussions are reported each season among high school football players.³ Many more are believed to go unreported or unrecognized.⁴ Children, in particular, are susceptible to the problems associated with concussions, including problems with memory and depression.⁵

Parents and others involved with youth football programs believe helmets are designed to keep kids safe from concussions and other head injuries.⁶ They aren't. Helmets for the youngest peewee league players to the most seasoned professionals are tested to the same standard that requires only that they withstand extremely high-level forces that would cause a skull fracture.⁷ Helmets are not held to any standard regarding the forces believed to cause concussions.⁸ In addition, the existing standard does not take into account physical differences between children and adults such as head mass, neck length, and muscular strength.⁹ This same standard has not been significantly revised since it was first written by the National Operating Committee on Standards for Athletic Equipment (NOCSAE) in 1973.¹⁰

Even more alarming, helmets that are beaten and battered season after season may not provide the level of protection required by this standard – even after undergoing an industry “reconditioning” process. The approximately 25 facilities authorized to conduct reconditioning are required to perform a test on only 3% of helmets to see if they still protect against the level of force that would cause a skull fracture.¹¹ Most reconditioned helmets aren't tested at all and receive only a visual inspection.¹²

² Alan Schwarz, *As Injuries Rise, Scant Oversight of Helmet Safety*, New York Times (Oct. 20, 2010).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ Alan Schwarz, *N.F.L. Invites Helmet Safety Ideas*, New York Times (Dec. 8 2010).

¹⁰ Schwarz, *As Injuries Rise, Scant Oversight of Helmet Safety*.

¹¹ *Id.*

¹² *Id.*

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Worse still, last year two reconditioners had their licenses terminated when it was discovered they were certifying helmets as complying with the standard without having even conducted the minimal testing required of them.¹³ This deliberate failure to follow safety testing requirements was only discovered after an athletic trainer attending a trade show happened to complain about the condition of his helmets to the executive director of an association for athletic equipment reconditioners.¹⁴

Finally, some programs and school districts, particularly those in poorer communities that can't afford the expense of reconditioning, continue to reuse helmets unlikely to meet the standard if they were put through that process.¹⁵ Data from the National Athletic Equipment Reconditioners Association indicates that last fall 500,000 young players wore helmets that had not undergone basic reconditioning.¹⁶ This is possible because some organizations that oversee football programs for children and high school students don't require that helmets continue to meet the existing standard from season to season. They only require that helmets meet the standard at the time of manufacture.

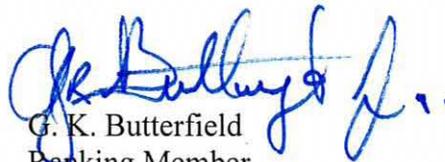
The health and safety of millions of children, young people, and professional athletes is being put at risk even as they snap on the very helmet they believe will help protect them from injury. We believe the Subcommittee could help in addressing these risks and ask that we hold a hearing to examine the issue. Witnesses could include NOCSAE and its licensed reconditioners, helmet manufacturers, and medical experts.

We thank you for considering our request.

Sincerely,



Henry A. Waxman
Ranking Member



G. K. Butterfield
Ranking Member
Subcommittee on Commerce, Manufacturing,
and Trade

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*