

## **FINDING OF EMERGENCY**

The California State Athletic Commission (CSAC) hereby finds that the adoption of regulations on an emergency basis is required to maintain essential health and safety practices for amateur boxers. The Commission specifically finds that these emergency regulations are necessary for the immediate preservation of public health and safety, and general welfare of the citizens of California.

### **AUTHORITY AND REFERENCE CITATION**

Authority cited: Section 18611, Business and Professions Code.

Reference: Sections 18640, 18641 and 18725 Business and Professions Code.

### **SPECIFIC FACTS DEMONSTRATING THE NEED FOR IMMEDIATE ACTION**

Currently, there is no California statute or regulation that requires amateur boxers to wear "headgear" in competitive bouts. In recent years, the CSAC has delegated authority to USA Boxing, Inc. (USA Boxing), a qualified non-profit organization, to administer CSAC rules for amateur boxing in California. Until recently, USA Boxing, Inc. required all amateur contestants to wear approved "headgear." As such, USA Boxing's requirement exceeded CSAC laws and regulations insofar as the CSAC has no statute or regulation that specifically requires headgear for amateur contestants. However, on December 22, 2015, the USA Boxing Board of Directors amended its rule 41.3 of its Domestic and Developmental Rule Book as follows: "In USA Boxing Elite Men Competitions [amateurs], headgear is optional. ..." With the USA Boxing rule change, for the first time, USA Boxing rules no longer exceed California requirements. This is a change from the current status quo where the use of headgear had previously been required in amateur boxing under USA Boxing rules. Because of the change of USA Boxing rules, which now no longer exceeds California requirements, it is necessary for the California Athletic Commission to establish a regulation requiring the use of headgear in most amateur contests for the protection of all amateur boxers. By the end of calendar year 2015, there were approximately 4,705 amateur boxing bouts involving potentially 9,410 amateur boxers in California. However, since it is likely that many of the boxers fought multiple times during 2015, consequently, the total number of amateur boxers participating in the 4,705 bouts may involve fewer than approximately 3,000 individual amateur boxers. There will likely be a similar number of bouts and participating boxers in 2016. Up until December 22, 2015, all amateur boxers in California were required to wear headgear. Now there are approximately 3,000 boxers who may be subject to fighting without the use of headgear. In order to protect the health and safety of amateur boxing athletes in California, this proposed regulation needs to be enacted as soon as possible.

The leading cause of death from sports-related injuries is traumatic brain injury. Sports and recreational activities contribute to about 21 percent of all traumatic brain among American children and adolescents. The American Association of Neurological Surgeons has stated that 90% of boxers sustain a brain injury. Boxing may account for fewer

deaths than some other sports, but the numbers of boxers suffering brain damage are believed to be much higher than recorded. There are boxers with minimal injuries and those that are so severely affected that they require institutional care. The term for this condition is chronic traumatic encephalopathy, where sufferers experience memory loss, dementia and depression as well as other symptoms. Consequently, protecting boxers from the cognitive damage associated with repetitive head injuries is crucial for the future health of all boxers.

Concussion may result in neuropathological changes, but the clinical symptoms largely reflect a functional disturbance rather than a structural injury and, as such, no abnormality is seen on standard structural neuroimaging studies. Over time, however, boxers can suffer permanent brain damage. Consequently, protecting boxers from the damage associated with repetitive head injuries is crucial for the future health of all boxers. In several studies, 15-40 percent of ex-boxers have been found to have symptoms of chronic brain injury. Most of these boxers have mild symptoms. Nevertheless, recent studies have shown that most professional boxers (even those without symptoms) have some degree of brain damage. It is not surprising that head injury is so common in boxing. It is estimated that when a boxer gets direct blow to the head it is like being hit by a 12lb padded, wooden mallet travelling at 20mph.

Head and facial wounds such as cuts, bruises and broken bones are also problematic and place each competitor at risk of injury. Being hit on the head can cause fractures to the bone of the head and face and tissue damage in the brain. A blow can damage the surface of the brain, tear nerve networks, cause lesions, bleeding and sometimes produce large clots within the brain. Although protected by very hard bone on the side, eyes are very vulnerable to direct hits from below. Damage to the eyes in boxing can result from direct contact or from shock waves set up in fluid contents. Depending on the force of the blow, damage may result in injury to the retina, retinal detachment, retinal hemorrhage, etc.

Historically, there has never been a requirement for professional boxers to wear headgear in professional bouts. Nevertheless, since the 1980s, under the prior rules established by the International Boxing Association (AIBA) and its American affiliate, USA Boxing, Inc., amateur boxers have been required to wear headgear to protect them from sub-concussive hits to the head that are dangerous and are linked to disease later in life. In 2013, AIBA established a new rule that stated that beginning June 1, 2013 all amateur elite male boxers competing internationally will be prohibited from wearing headgear like their professional counterparts. The 2013 change in the AIBA rules was intended to "equalize" or standardized rules between professional and amateur boxing competitors. Subsequently, however, AIBA amended its rule and limited the prohibition of headgear to "National, Continental and International Levels." For all other categories of competition, the use of headgear is still mandatory. Nevertheless, AIBA reserved itself the right to conduct some "non-Elite Men Competitions" without headgear for the "preparation of the definitive removal" of headgear for all categories starting from January 1, 2018. (Rule 20.1, AIBA Open Boxing Competition Rules, effective February 1, 2015.)

In California, the AIBA rules regarding headgear are not applicable since the CSAC is not subject to its jurisdiction. Initially, USA Boxing intended to modify its headgear rule in order to be in alignment with AIBA rule to prohibit the use of headgear. However, subsequently, because of the CSAC health and safety concerns, USA Boxing ultimately proposed modifying its rules to make the use of headgear optional in November, 2015. Nevertheless, as such, the CSAC was not warned that USA Boxing intended to modify its headgear rules until late November 2015. Now that USA Boxing has formally amended its rules on December 22, 2015 to make headgear optional, it is readily apparent there is no current rule in USA Boxing's bylaws or in the CSAC regulations that requires the use of headgear in amateur boxing.

Wearing a boxing headgear is essential for most amateur boxers in order to physically protect themselves. Boxing headgear also helps in improving the head movement of the fighters while he or she is involved in the match. The CSAC is sensitive and understands AIBA's and USA Boxing's concerns with qualifying exceptional athletes for international Olympic competitions. Consequently, the proposed emergency regulation provides an exception for limited events where the competitor is seeking to qualify as a member of the USA Boxing National Team for the purpose of competing in the Olympic Games Competition. The headgear exception only applies in events where Elite boxers are competing in international type of competitions that may ultimately lead to Olympic Games Competition. Only a relatively small percentage of amateur boxers would compete in events that fall within this narrow and limited exception. In 2015 there were no events in California that would have qualified for this exception; however the CSAC anticipates a request to schedule an international event that would qualify for this exception in the later part of 2016.

For all the aforementioned reasons, the CSAC has determined that due to the recent changes to both AIBA and USA boxing rules, it is immediately necessary for CSAC to amend its regulations, as an emergency, to require the use of headgear in all amateur boxing events except those events in an event where the competitor is seeking to qualify as a member of the USA Boxing National Team for the purpose of competing in the Olympic Games Competition. This proposed emergency regulation shall maintain the current status quo for requiring the use of headgear for all other amateur boxing events. This is necessary in order to maintain essential health and safety practices for amateur boxers.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Pursuant to Business and Professions Code section 18646 the California State Athletic Commission (CSAC) may delegate to a qualified non-profit organization to administer its rules for amateur boxing and may waive CSAC laws and regulations subject to an affirmative finding that the non-profit's standards and enforcement of similar rules meet or exceed the safety and fairness standards of the CSAC.

At present, there is no statute or regulation requiring amateur boxers to wear headgear. However, in the interest of the health and safety of amateur athletes, amateur boxers should be required to wear boxing headgear. Wearing boxing head gear is essential for most amateur boxers.

In recent years, the CSAC has delegated authority to USA Boxing, Inc. (USA Boxing), a qualified non-profit organization, to administer CSAC rules for amateur boxing. Until recently, USA Boxing, Inc. had a requirement that all amateur contestants wear approved "headgear." As such, USA Boxing's requirement exceeded CSAC laws and regulations insofar as CSAC had no statute or regulation that specifically required headgear for amateur contestants. However, on December 22, 2015, the USA Boxing Board of Directors amended its rule 41.3 of its Domestic and Developmental Rule book as follows: "In USA Boxing Elite Men Competitions [amateurs], headgear is optional. ..." With the USA Boxing rule change, for the first time, USA Boxing rules no longer exceed California requirements. This is a change from the current status quo where the use of headgear has been required in amateur boxing events. Because of the change of USA Boxing rules, which now no longer exceed California requirements, it is necessary for the CSAC to establish a regulation requiring the use of headgear in most amateur contests for the protection of the vast majority of amateur boxing competitors.

### **ANTICIPATED BENEFITS OF THE PROPOSAL**

This proposed emergency regulation shall maintain the current status quo for requiring headgear for amateur boxing contestant. The requirement of headgear for amateur boxers protects the health and safety of the participant and is necessary to maintain essential health and safety practices for amateur boxers.

### **CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS**

During the process of developing these regulations, the Commission has conducted a search of any similar regulations on this topic and had concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

### **FISCAL IMPACT ESTIMATES**

Mandate on local agencies and school districts: **None.**

Cost or savings to any state agency: **None.**

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: **None.**

Other nondiscretionary cost or savings imposed on local agencies: **None.**

Cost or savings in federal funding to the state: **None.**

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The CSAC has made an initial determination that there will be no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: **None.**