

California State Athletic Commission Initial Statement of Reasons

HEARING DATE: September 12, 2016

SUBJECT MATTER OF PROPOSED REGULATIONS:

Headgear

SECTIONS AFFECTED

Title 4, California Code of Regulations sections 610.

BACKGROUND AND IDENTIFICATION OF PROBLEMS TO BE ADDRESSED:

Currently, there is no California statute or regulation that requires amateur boxers to wear "headgear" in competitive bouts. In recent years, the California State Athletic Commission (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 requirements 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 CSAC 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.

The leading cause of death from sports-related injuries is traumatic brain injury. Sports and recreational activities contribute to about 21% 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. 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 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 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.

CSAC adopted emergency regulations requiring the use of headgear for most amateur boxers. CSAC is now seeking to confirm the emergency regulatory language prior to expiration.

BENEFITS

This proposed 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.

FACTUAL BASIS/RATIONALE

1. *Adopt Section 610 of Division 2 of Title 4 of the California Code of Regulations:*

- Subdivision (a) requires that in addition to equipment already required by sections 318, 322 and 323, amateur boxing competitors must wear headgear approved by the commission.

- Subsection (b) allows for exceptions to be made to requirements set forth in subdivision (a) 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.
- Subsection (c) specifies the criteria in determining approval of headgear. The Commission selected USA Boxing's specification for headgear because they are the National Governing Body for Amateur Boxing in the United States.

Additional Information on USA Boxing and why their specifications for headgear were selected:

The United States Olympic Committee is granted its authority by the Federal Government's Ted Stevens Sports Act. The **Ted Stevens Olympic and Amateur Sports Act** is a United States law (codified at 36 U.S.C. Sec. 220501 et seq. of the United States Code) that charters and grants monopoly status to the United States Olympic Committee, and specifies requirements for its member national governing bodies for individual sports.

The United States Olympic Committee names one governing body for each amateur sport. USA Boxing is granted the authority of National Governing Body status for Amateur Boxing in the United States. The rules adopted by USA Boxing govern the sport and provides for the organization to be the only entity that can represent the United States in international competition.

The International Federation that governs boxing is AIBA. They have technical and competition rules that must be followed by each National Governing Body throughout the World. The removal of head gear in Elite Men's Competition is a requirement by AIBA. USA Boxing must follow that rule or its boxers will not be eligible for representation in Olympic Games and other International Competitions.

USA Boxing Board of Directors supports individual State Athletic Commission rules that mandate the wearing of protective head gear in amateur competitions as they reduce the incidence of facial cuts and lacerations and possible nasal and orbital fractures.

USA Boxing is responsible for approving the specifications of protective head gear and grants licenses to athletic equipment companies that manufacture protective head gear and competition gloves.

UNDERLYING DATA

- AIBA Open Boxing Competition Rules, effective February 1, 2015
- July 12, 2016 CSAC Meeting Minutes

ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Commission does not expect a significant economic impact to the amateur boxers, as the proposed regulation shall maintain the current status quo for requiring headgear for amateur boxing contestants.

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because the proposal will not be of sufficient amount to have the effect of creating or eliminating jobs.
- It will not create new business or eliminate existing businesses within the State of California because this proposal will not be of a sufficient amount to have the effect of creating or eliminating business.
- It will not affect the expansion of businesses currently doing business within the State of California because this proposal will not be of a sufficient amount to have the effect of limiting or furthering the expansion of businesses.
- This regulatory proposal does not affect worker safety because this proposal is not relative to worker safety.
- This regulatory proposal does not affect the state's environment because this proposal is not relevant to the state's environment.

BUSINESS IMPACT

The Commission has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes 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.

REQUIREMENTS FOR SPECIFIC TECHNOLOGIES OR EQUIPMENT

This regulation does not mandate the use of specific technologies or equipment.

FISCAL IMPACT ANALYSIS

The Commission anticipates no fiscal impact pursuant to this regulation.

CONSIDERATION OF ALTERNATIVES:

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purpose of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

The alternative is to do nothing and to allow amateur boxers to compete without headgear, which is against CSAC's mandate to maintain essential health and safety practices for amateur boxers.