

TESTIMONY OF DEMAURICE SMITH
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BEFORE THE COMMITTEE ON THE JUDICIARY
UNITED STATES HOUSE OF REPRESENTATIVES
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Good Afternoon Chairman Conyers and Members of the Committee on the Judiciary. By way of reintroduction, as Executive Director of the National Football League Players Association, I represent the players, both current and former, of the National Football League.

Please accept our deepest gratitude for shining a national spotlight on this issue of concussions and brain trauma in the sport of football. You have forced a change in the tide of the rules governing player safety and the recognition of the science that support these decisions. I offer my thanks on behalf of every player that has, is and will ever play this great game.

There has been much progress in the area of concussion prevention – the NFL, in conjunction with its concussion committee, made strides by setting return-to-play guidelines governing players that have sustained head injuries during a game or practice. The NFL is also currently running a public service announcement that encourages players to report head injuries suffered by a player or his teammates. The awareness has been heightened significantly due to these efforts by the League; however, it is unfortunate that it took Congressional pressure to force action for such a critical issue. There is simply no justification for the NFL to have previously ignored or discredited Dr. Omalu and others with relevant, valid research. For far too long, our former players were left adrift; as I emphasized at the last hearing, we were complicit in the lack of leadership and accountability but that ends now. I am here again to make it clear that our commitment is unwavering.

My goal today is to proudly provide the Committee with an update on the players' progress in this realm. As you know, we formed the NFL Players Association Players Concussion Committee (PCC) in May of this year to address the diagnosis, treatment and prevention of concussions and traumatic brain injury (TBI) in active players and the long term, cumulative effects of isolated or repetitive TBI in NFL players as patients and how these effects can be reduced or eliminated.

During the October 28, 2009 hearing, we agreed to the following and have also provided an update as to our progress:

1. **To objectively and honestly embrace all studies related to this issue to create a roadmap that leads to preventative measures** – The PCC is actively considering proposals from various companies that manufacture proprietary technologies and products that reduce traumatic brain injuries and improve the diagnosis and

treatment of such injuries, as well as considering partnerships with various institutions with substantive knowledge on this issue.

2. **To verify the scientific relevancy of the NFL ongoing study concerning former players and concussions** – In an attempt to verify the scientific relevancy of current and previous studies, we encourage the NFL to release to us, any and all communications regarding studies surrounding head injuries in football so that both organizations can build upon the same relevant and valuable research.
3. **To renew the request to the NFL to provide the injury data and analyses for 2006, 2007 and 2008** – The League provided some injury data without providing the analyses as requested. We are currently reviewing the data and will renew our request to the NFL for the missing data and analyses that we have yet to receive.
4. **To commission new research and evaluate, follow and disseminate existing research in the area of traumatic head injury** – We have begun this task in the area of helmet safety; we are supporting an increase in helmet safety standards and measurements and access to helmet safety literature. We are also planning to encourage NOCSAE to implement new standards, as well as hosting a roundtable of major helmet companies to identify gaps in the current research pertaining to traumatic brain injuries. To assist in this effort, we ask that the NFL release their prior communications with the helmet companies to further our effort to take precautionary and preventive measures as it relates to helmet design and safety.
5. **To review the procedures for the diagnoses of players and the decision about when a player who suffers a head trauma should return to play** – We are encouraging player compliance with the new NFL rule governing return-to-play after sustaining a head injury and continuing to review any and all injury data and concussion reports.
6. **To improve the coverage provided by the 88 Plan** – We have discussed potential improvements, such as raising the maximum benefit amount and abolishing the distinction between in-home and institutional care. Such improvements are a part of ongoing collective bargaining agreement negotiations.
7. **To reach out to former players suffering from mental and psychologically conditions to assist them in any way possible** – The NFLPA Retired Players department will continue to provide support for retired players who suffer from severe medical conditions and/or are in dire need, through the award of PAT (Player Assistance Trust) grants.
8. **To take steps to become the leading voices to college, high school, and youth leagues about the TBI and concussions and the steps that can be taken to minimize the risks of concussion** – USA Football has taken significant steps to educate the youth on concussions and preventive measures. We currently work closely with USA Football and plan to share with them, our independent analyses gathered by the PCC.

As Executive Director of the NFLPA, my primary goal is to represent, support and serve the players of the National Football League; the credit for forming the Players Concussion Committee, precipitating real change in the brain injury arena and forcing accountability by the League to change

the rules to promote safety in football should go to the players first and foremost. Without their guidance, input and articulation of the issues, we would not be able to report on the progress made in the last few months. Those efforts include the endeavors of the Mrs. Sylvia Mackey, who successfully requested that the NFL to accept new Plan 88 applicants during the uncapped season, the NFLPA Retired Players Chapter Presidents and Steering Committee, Bob Grant and Dave Pear, all of whom presented the head injury issue to the army of former players to raise awareness and apply pressure to the appropriate parties to act.

As I have reiterated over and over again, the mantra of the Players Association is:

WE ARE COMMITTED TO GETTING THE RIGHT ANSWERS, TO WORK WITH EVERYONE WHO HAS THE GOAL OF PROTECTING OUR PLAYERS AND TO SERVE AS A MODEL FOR FOOTBALL AT EVERY LEVEL. WE WILL NOT FAIL.

Much more needs to be done, as the commitment needs be lasting and the parties need to be dedicated to the solution. The NFL should release all of the data that was promised to the Judiciary Committee and all internal analyses and communication pertaining to research conducted on this issue. We need to continue to encourage NOCSAE to update helmet standard testing, continue to communicate with the helmet manufacturers, continue to negotiate the collective bargaining agreement with an eye towards Plan 88 coverage improvements and finally, create a multi-year plan to educate the youth on playing football safely. Protecting the players is the most important aspect of the game and in order to preserve the fans' confidence and the continued participation of the youth, we need to act consistently and transparently to ensure that the integrity of the game perseveres.

Chairman Conyers, thank you again for your stewardship on this issue, as it has ushered in a new era of awareness and accountability. I ask the Committee to continue its leadership in this field, which will help ensure that future generations of athletes are equipped with the best knowledge, technology, and treatment. I look forward to answering your questions.