

RICHARD BLUMENTHAL
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JUDICIARY

VETERANS' AFFAIRS, RANKING MEMBER

United States Senate

WASHINGTON, DC 20510

706 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-2823
FAX: (202) 224-9673

90 STATE HOUSE SQUARE, TENTH FLOOR
HARTFORD, CT 06103
(860) 258-6940
FAX: (860) 258-6958

915 LAFAYETTE BOULEVARD, ROOM 230
BRIDGEPORT, CT 06604
(203) 330-0598
FAX: (203) 330-0608
<http://blumenthal.senate.gov>

August 15, 2016

Gary Bettman
Commissioner
National Hockey League
1185 Avenue of the Americas
New York, NY 10021

Dear Commissioner Bettman:

Earlier this year, disturbing emails from the NHL came to light that cast a shadow on the league by revealing its apparent apathy toward players' injuries. In June, I wrote to you about these emails and their relationship to the issue of concussions and the health crisis that could plague some players with brain diseases like Chronic Traumatic Encephalopathy (CTE). As the ranking member of the United States Senate subcommittee on consumer protection, which has jurisdiction over professional sports, my hope is that the country's sports leagues – including the NHL – are fostering safety and sportsmanship, not putting profits ahead of players' health. Your response to my letter fails to demonstrate that the NHL shares this goal. With the well-being of your athletes on the line, I hope for a more serious, sustained commitment to players' safety and health.

The NHL response reflects an understanding of head trauma, but sadly, an ongoing indifference and disregard for the significant scientific evidence linking such trauma to CTE later in life. The league's position is entangled in conflicting, mixed messages. The NHL insists that player safety is sacrosanct – a “top priority” for the league – and recognizes the many dangers of concussions and head impacts. Your letter notes concussions can cause “long-term lasting effects” like “permanent brain injury” and “permanent brain damage.” But the league appears unwilling to consider even the possibility that concussions cause CTE.

Why does the NHL so readily and quickly discount or dismiss warning signs of a link between hockey and CTE? Even a cursory analysis of several medical journals should sound an alarm:

- Doctors at Boston University's CTE Center concluded last year that “experiencing many concussions over a lifetime – especially if they are not recognized or adequately treated – may be a risk factor for CTE.” The researchers said, “Indeed, continuing to play after a concussion may expose the injured brain to persistent subconcussive injury during a period of heightened vulnerability. Independent of the number of concussions, the length

of exposure to contact sports is strongly associated with more severe CTE pathology.”¹

- Researchers at the Mayo Clinic’s brain bank examined more than 1,700 individuals and “identified a small, yet significant, subset of individuals with neurodegenerative disorders and concomitant CTE pathology. CTE pathology was only detected in individuals with documented participation in contact sports.”²
- Researchers with Boston University, the Veterans Administration and other medical schools were linking concussions and CTE as far back as 2009. “There is overwhelming evidence,” they found, that CTE “is the result of repeated sublethal brain trauma that often occurs well before the development of clinical manifestations. Repetitive closed head injury occurs in a wide variety of contact sports”³
- Even research that you cite to disprove a connection actually acknowledges that a link between concussions and CTE likely exists: “[T]here is sufficient evidence to conclude that CTE is a distinct pathology that is caused, at least in part, by repetitive head impacts.”⁴

Why does the league disregard and ignore these warning signs? Even if the science is “evolving” and “not advanced to the point” of finality, as your letter contends, why is the league so seemingly indifferent to seeking more answers – choosing to sit on the sidelines and “monitor” the matter instead of urging and supporting research needed to determine whether hockey players are at a heightened risk of a debilitating disease? Your letter stresses how the league willfully refrains from providing ‘warnings’ to players about CTE. Instead, it prioritizes providing “educational messages” to players to thwart “misinformation on the topic in the media.” These policies indicate that the NHL would prefer that athletes remain ignorant of potentially very serious threats to their health.

History proves this path is unsustainable. After a decade of denial, National Football League (NFL) officials now admit the link between playing football and acquiring CTE. The risks are similar in hockey – a sport replete with hard hits to the head and league-sanctioned fighting. The NHL should look to the NFL at a minimum for some guidance on a possible link, rather than callously dismissing such a causal connection, despite mounting evidence.

Most puzzling is why you attack others for asking these profoundly important questions. Instead of aggressively seeking to advance the science surrounding concussions, you accuse the “media,” “media consultants,” lawyers, and players of “fear mongering.” Your letter suggests

¹ Thor D. Stein, Victor E. Alvarez and Ann C. McKee, *Concussion in Chronic Traumatic Encephalopathy*, CURR PAIN HEADACHE REP. 7 (2015).

² Kevin F. Bieniek et al., *Chronic traumatic encephalopathy pathology in a neurodegenerative disorders brain bank*, ACTA NEUROPATHOL. 877, 879 (2015).

³ Ann C. McKee et al., *Chronic Traumatic Encephalopathy in Athletes: Progressive Tauopathy After Repetitive Head Injury*, J. NEUROPATHOL EXP. NEUROL. 709, 732 (2009).

⁴ Christine M. Baugh et al., *Current Understanding of Chronic Traumatic Encephalopathy*, CURR. TREAT. OPTIONS NEUROL. 5 (2014).

that seeking facts about concussions and CTE could instill “unwarranted fears” that lead to “depression” and “suicide.” You suggest that asking questions could frighten parents and others in youth sports.

The NHL leads by its example – for good or ill. Your leadership guides professional players who are admired and revered by junior, college, amateur and youth hockey players. Your actions are followed by countless players in semi-professional and amateur leagues around the country. Your failure to take a safety issue seriously could have ramifications for players at every level, seriously affecting public health. The NHL is a big business that produces an estimated \$4 billion in annual revenue. Much of that revenue is made possible by exemptions from federal antitrust laws, and local and state support. The NHL has a duty to behave responsibly in light of its public trust.

Hockey is an iconic and treasured sport, and its great moments resonate and inspire us all. To honor the sport and its players, I urge you to establish a foundation to support independent, impartial research and understanding about the science of head trauma and brain disease later in life, vigorously working to uncover the truth rather than degrading science and the game. An investment in such research literally would help save lives – and enable the league to lead by example. It would put the NHL on the right side of history and health. Your apparent current indifference is a disservice to fans and players.

I invite you to re-evaluate and resubmit your response, delineating the steps you are taking to advance science instead of dismissing it.

I appreciate your attention to this critical matter.

Sincerely,



RICHARD BLUMENTHAL
United States Senate