



October 20, 2016

Legal Options for Reducing Concussion-Related Disease in Professional Football

Time: 12:00pm

Location: Tanenbaum 112

Risk Regulation Seminar

Adam Finkel

In the past eight years, more than 100 former NFL football players have been diagnosed at autopsy with a newly-identified pattern of brain lesions known as chronic traumatic encephalopathy, or CTE.

Many of these players suffered moderate to devastating cognitive and behavioral symptoms during their retirement. Although much remains to be understood about the possible mechanism for the apparent association between CTE and football, and the possible role of other factors, many researchers have provided evidence that the risk of developing CTE may be related to the cumulative number and intensity of concussions and sub-concussive impacts during practice and gameplay.

As a former rulemaking and enforcement official at the U.S. Occupational Safety and Health Administration, Adam Finkel will present his research findings on whether and how OSHA could intervene to reduce the incidence of this occupation-related disease. He will demonstrate how OSHA has ample statutory authority and cost-benefit license to regulate in this area; OSHA could also invoke its "general duty clause" authority to implement cost-effective remedies, but this would require clarification of a recent D.C. Circuit decision in the *SeaWorld* case that left open the question of whether OSHA can interfere with "the essential nature" of an entertainment or sports industry. He will present a spectrum of six governance options OSHA and other agencies might consider as informational, partnership, or regulatory interventions, and will discuss pros and cons of each option.

David Langfitt is an attorney in Philadelphia who has litigated and tried to verdict and judgment a wide variety of civil and criminal cases, including cases involving financial fraud, environmental damage, patent infringement, catastrophic personal injury, and homicide. He currently serves on the Court-appointed Executive Committee for the plaintiffs' side of the NFL Players Concussion Litigation, currently the subject of a certiorari petition to the U.S. Supreme Court. Mr. Langfitt will discuss the historical context of brain injury in football and the long-term prospects for the game.

Registration for this event is now closed.



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