

Dear Mr. Mendenhall

As per our phone conversation yesterday, I am correct. Below is the evidence that the bat manufacturers are submitting documentation that is not true.

The opposition stated in their submitted documentation that in 2005 for the NCAA teams there were 8 injuries on 38 teams. The number that I figured is much higher at 651. Please let me explain.

The NCAA Injury Surveillance System, ISS, sampling statement states, "Participation in the NCAA Injury Surveillance System is **voluntary** and **limited** to member institutions. The NCAA ISS participants are selected from the population of schools sponsoring a given sport. Selections are random within the constraints of having a minimum 10 percent representation of NCAA Divisions I, II and III." What this means is that between the Divisions I, II and III they **ONLY** have a minimum of 10% reporting injuries. For the year 2005, the 38 teams the opposition stated there are only **4.3%** of the 875 college Division I baseball teams. One year, U of M was a reporting school (part of the 4.3%) and they do not have a baseball program. Therefore the numbers are skewed.

Now I can only compare the numbers for the 2005 season since they are on-line and the 2006 are not. The below links are for the 2005 season. They are in pdf format and once opened, please print.

This link is the Injury Summary for the 2004-2005 **Practice** season. This is the form I believe they got their "8 injuries on 38 teams in 2005" numbers.

Page 1 at the top of the page shows the sample of schools to be 38 schools for a total of 4.3% of the total of 875 baseball teams. So this report is a very, very small cross-section of reportable injuries.

Page 2 shows their number of 8 injuries in 2005 under the "Specific Injury Mechanism, 7 Hit by FAIR batted ball (line drive) and 8 Hit by FAIR batted ball (ground ball)". The line drive stated that they had 8 injuries, and 2 by ground balls. Thus 10 total injuries by balls hit from metal bats in practice during the 2004-2005 season.

This following link is the Injury Summary for the 2004-2005 **Competition** season. I believe that they needed to use both the Practice and the Competition injuries to show all accidents from metal bats.

Page 1 at the top of the page confirms the same sample of schools to be 38 schools for a total of 4.3% of the total of 875 baseball teams.

Page 2 shows the "Specific Injury Mechanism, 7 Hit by FAIR batted ball (line drive) and 8 Hit by FAIR batted ball (ground ball)". The line drive stated that they had 13 injuries, and 5 by ground balls. Thus 18 total injuries by balls hit from metal bats in competition during the 2004-2005 season.

So unless someone can prove me wrong, I believe that for the 2005 NCAA season for metal bats, the opposition used the Practice numbers and not a combination of Practice and Competition, which would have been a total of 28 injuries.

Simple math will tell us then that if you have only 4.3% reporting the injuries, the new totals would be the following:

$$\begin{array}{l} \% \quad \frac{4.3\%}{28} = \frac{100\%}{\text{"X"}} \quad \text{or} \quad 4.3\% \times \text{"X"} = 100\% \times 28 \quad \text{or} \quad \text{"X"} = \frac{2800}{4.3\%} \\ \# \end{array}$$

"X" = 651 injuries to all Division I baseball teams in practice and in competition for 2005. This number is much higher than the total of 8 that they have claimed.

Again this is only for the 2005 season. I do not have the information for the 2006 NCAA or the 2005 and 2006 summer league teams. But reviewing the summer league teams numbers, the opposition stated that there were 129 summer league teams in 2005 and 117 in 2006. The total leagues were 15. Therefore, divide both years team numbers by the 15 leagues and the total number of summer league teams per league was 8.6 in 2005 and 7.8 in 2006. That makes sense to me for the amount of teams per league. Not having the reports to review, one would assume that they are getting ALL of the injuries from the summer leagues, not the mere 4.3% as the NCAA had.

Again, please call me (459-7777) if you have any questions on this or any other issues with this bill. I have done countless hours of research on this subject.

The opponents on page 2 of the Annual Report - Batted Ball Injuries to the Pitcher states, "injuries...involved the head and face (compared to none in the NCAA)." On April 22, 2005, Dave McKae of the University California Davis (Division I) was struck in the face from a one-hopper from an aluminum bat. I do have a video of this accident if needed.

Last point, why are we comparing NCAA college players to high school aged players?

Thanks for your time!

Jack Carlson  
459-7777  
Brandon's Uncle

PRAIRIE COUNTY  
COMMISSIONERS

Fax Transmittal Form

To Business and Industry

From Prairie County Commissioners

PRAIRIE COUNTY COMMISSIONERS

(406)-635-5575  
(406)-635-5576  
Clerkrecorder@prairie.mt.gov

- Urgent  
 For Review  
 Please Comment  
 Please Reply

Date sent: February 6, 2006  
Time sent: 03:10  
Number of pages including cover  
page: 2

Please copy and make available to all representatives of  
Business and Industry and Representative Bill McChesney.

ASAP

Thank you for your assistance in this matter.

Dear Committee Members,

Concerning our letter to you on  
Feb. 6, 2007. There was a typo  
in paragraph 2... EASTON sued  
the NCAA for \$267,000,000!

Please Support HB 360

Todd Dewh

Prairie Co. Commissioner

  
Organization

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February 6, 2006

Dear Members of Business and Industry:

Prairie County's first concern is the safety of the game of baseball and our second concern is liability of our county.

The BESR, Ball Exit Speed Ratio is of great concern to us. When the NCAA rules committee first set the parameters of the BESR, Easton sued the NCAA for \$267, 000.00. At that time the NCAA executive committee pulled the parameters recommendation away from the rules committee and set the parameters of the BESR higher in order to satisfy Easton. In turn Easton dropped their suit. Easton's bats then passed the BESR testing with slower swing speed used.

Since the American Legion and others are following the BESR rating of NCAA at its inflated performance limits and because the testing is under current slower swing speed and pitch speed as the standard, the bat companies have minimized the "trampoline effect" dynamics of the high tech alloys and composites. The standard swing and pitch speed used for the BESR are dramatically slower than the average pitch or batter in American Legion Baseball. We feel the "trampoline effect" is what killed Brandon Patch.

If the original BESR standard recommendation of the NCAA rules committee were used today, Prairie County would be much less concerned about safety.

The "trampoline effect" is not an issue at lower pitching and batting speeds. We feel that the threshold of the "trampoline effect" is between 140 and 150 mph combined speed of pitch and swing. The bat companies have put great effort into making sure those thresholds are not used in the testing of their bats for BESR compliance. We feel American Legion players have no problem reaching the combined pitch and speed of 140-150 mph. That combined speed and over are when the real true performance of the high tech non-wood bat comes into place because of the "trampoline effect". There is minute "trampoline effect" with wood at any combined speed.

In conclusion not only are the current BESR limits increased because of law suits, bat and pitch speeds were reduced so that the "trampoline effect" stayed at a minimum.

Please strongly consider supporting HB360

Sincerely,

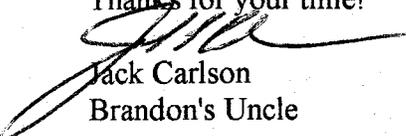
*Prairie County Commissioners*  
Prairie County Commissioners

Hello Legislators,

I am sure that you have heard or seen this press release which was dated January 25<sup>th</sup>, 2007.

I would like to point out some of "falsehoods" within this document. I will bold my statements for easier reading. I have put the history of the NCAA and the BESR within this document. If you have any questions, please contact me at [www.forever11.com](http://www.forever11.com).

Thanks for your time!



Jack Carlson  
Brandon's Uncle

The Youth Committee of USA Baseball today issued the statement below regarding non-wood bats.

Little League International is a member, along with other youth organizations, of USA Baseball. Little League also holds a seat on the USA Baseball Board of Directors.

USA Baseball often coordinates research that affects all youth baseball organizations. For example, USA Baseball was instrumental in the recent change to the league age determination date by all youth baseball organizations.

**REALITY: Because of this rule, there are more 13-year-olds playing in the Little League World Series.**

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USA Baseball, the National Governing Body (NGB) for the sport of baseball as designated by the Amateur Sports Act of 1978, recently held a meeting of its National Youth Membership, and on behalf of the following organizations has released the following statement:

1. American Amateur Baseball Congress (AABC)
2. American Legion Baseball
3. Dixie Baseball
4. Little League Baseball, Inc.
5. Babe Ruth Baseball
6. PONY Baseball
7. National Amateur Baseball Federation (NABF)
8. National Baseball Congress / Hap Dumont Baseball
9. Amateur Athletic Union (AAU)
10. United States Sports Specialties Association (USSSA)
11. National Police Athletic League (PAL)
12. T-Ball USA

PERCEPTION: Aluminum bats are more dangerous than wood bats.

The National Consumer Product Safety Commission studied this issue and concluded in 2002 that there is no evidence to suggest that aluminum bats pose any greater risk than wood bats. Multiple amateur baseball governing bodies, including the NCAA, National High School Federation, Little League International, PONY, et al, all track safety statistics and have concluded that aluminum bats do not pose a safety risk.

**REALITY:** The National Consumer Product Safety Commission's (NCPS) response on April 5<sup>th</sup>, 2002 DID NOT COMPARE "aluminum bats pose any greater risk than wood bats." The NCPS Conclusion: "Based on its review of all the available information, the Commission concluded that a mandatory standard is not reasonably necessary to address an unreasonable risk of injury posed by non-wood bats." This three page document states, "Thus, available incident data are not sufficient to indicate that non-wood bats may pose an unreasonable risk of injury." But the Commission commented on the above organizations evaluating the performance of non-wood bats and their possible impact on safety as, "The Commission is asking the staff to continue monitoring bat performance and bat-related incidents and the measures taken by these organizations to address the safety of non-wood bats."

As for the Organizations tracking their own safety statistics, the two front-runners are the NCAA and Little League International. NCAA is a voluntary web-based data-collection system. "Selections are random within the constraints of having a minimum 10 percent representation of NCAA Divisions, I, II and III." For baseball in 2004-05, they had ONLY 4.3 percent of sample schools report. One year, University of Montana was on the list but they do not even have a baseball program. Now the Little League International takes their data from secondary medical insurance claims. I know of a recent serious Little League player's injury in which the parents insurance will pay for the entire procedures, including follow-up surgeries. This information is only a small cross-section of a bigger piece of pie. Not all the injuries are being reported and therefore, the true numbers of injuries is still unknown.

PERCEPTION: Balls come off aluminum bats faster than wood.

Since 2003, all bats are required to meet the "Bat Exit Speed Ratio" (BESR) performance limitation, which ensures that aluminum bats do not hit the ball any harder than the best wood bats.

**REALITY:** The truth behind the NCAA and the BESR is the following time lines:

February 19-20, 1998

Minutes of the NCAA Research Committee

"Staff presented the final report in this study. It was noted that the Baseball Committee will be reviewing the study of performance standards of non-wood baseball and softball bats as they relate to student-athlete health and safety issues."

This is the beginning of the regulation of non-wood bats.

August 6, 1998

**Press Release – NCAA Committee Recommends Baseball Bat Performance Standard, New Specs for 1999**

“The rules committee agreed that a maximum batted-ball exit velocity of 93 miles per hour, plus one mile per hour deviation for test variance, would be required for all bats used in NCAA contests.”

Remember 94 mph since this number will change later to 96 plus 1 for 97 mph BESR.

August 12, 1998

**Press Release – NCAA Executive Committee Approves Baseball Bat Changes**

“The changes had been recommended by the Baseball Rules Committee and created a maximum batted-ball exit velocity of 93 miles per hour and new size and weight specifications of non-wood baseball bats.”

The NCAA Executive Committee approves the 93 mph BESR.

August 28, 1998  
and  
December 4, 1998

**NCAA Memos- Baseball Bat Issue**

“It is in response to these decisions by the individual schools, conferences and championships committees that Easton has been conducting its public relations and letter-writing campaigns. The NCAA Baseball Rules Committee believes it is important to set the record straight regarding some of the issues raised and **some of the inaccurate information conveyed by Easton’s campaign.**”

**“Easton’s more glaring distortions of information should be corrected. Easton claims that safety is not a legitimate concern.”**

**“Easton’s more glaring distortions of information should be corrected. Easton claims that safety is not a legitimate concern.”**

There are several of these quotes in the memo.

December 15, 1998

**Press Release – NCAA Championships Bodies Divided on Baseball Bat Standards**

“Ponsetto said the baseball committee had expressed its concern whether a sufficient number of bats meeting the exit-speed specification would be available for the championship. She also noted that the cabinet placed a condition on adoption of these tournament bat standards of indemnification by non-wood bat manufacturers for the NCAA and its member schools against injury damages from use of the bats.”

This action was taken when Easton Sports Inc. sued the NCAA for \$267 million during the first week of August 1998. Yes that is correct, \$267,000,000.00. "In a prepared statement, Jim Easton said Wednesday he was "encouraged" by the NCAA's decision to delay enforcement of the guidelines..." Then in turn, the NCAA counter-sued the bat manufacturers so they would not be held liable in case of an accident during the College World Series. Thus the above statement.

**February 17, 1999**

**Press Release – NCAA Baseball Research Panel Named**

"No one can deny that the performance level of nonwood bats over the last ten years or so has steadily increased."

The Research Panel members are announced.

**August 6, 1999**

**Press Release – NCAA Executive Committee Suspends Implementation of Non-Wood Bat Specification**

"The panel initially recommended input speeds of 80 MPH for the ball and 80 MPH for the bat swing be used for the testing."

Remember these speeds of 80 mph for the pitch and bat swing speed. It will change before the BESR is finalized.

**September 29, 1999**

**Press Release – NCAA Provisional Standard for Testing Baseball Bat Performance**

"Input target speeds of 66+1 mph for the bat swing speed (velocity measured at a point 6 inches from the barrel end) and 70+2 mph ball speed to yield a combined speed of 136 + 3 mph."

This is the method of testing the bats for the BESR. The pitch and bat swing speed changed from the above 80 mph for each to 66 mph for bat swing and 70 mph for pitch speed. The exit speed is still 94 mph.

**June 9, 2000**

**Press Release – Baseball Research Panel Makes Recommendations**

"The recommendations will be forwarded to the NCAA Baseball Rules Committee this summer and could go into effect January 1, 2002, which will give the baseball community ample time to adjust to the proposed changes."

These changes are the following:

"The panel voted to recommend changes to the ball standard, establishing a "moment-of-inertia (MOI)" requirement, use of a swing-speed sliding

scale for nonwood bats in testing, and a uniform ball-exit speed based on a 33-inch wooden bat as the standard for certification of nonwood bats.”

“The panel voted to recommend changing the standard for baseballs that will be used in NCAA play. The current standard allows baseballs that meet a coefficient-of-restitution (COR) standard of .525 to .555. The panel voted to make the range .515 to .535.”

"What this means is that the baseball will be a bit less lively," said panel member Ken Johnson, professor of physics, Southern Illinois University at Carbondale. "This is an important addition to reforms that have been made with the bats."

July 12, 2000

### **Press Release – NCAA Baseball Rules Committee Recommends No Immediate Changes in Equipment Rules**

1. A moment-of-inertia (MOI) standard will be set for each bat length and weight based on bats previously certified by the NCAA Bat Certification Program. All currently certified bats will meet the MOI standard. The MOI of future bats may not be less than the lowest MOI for bats of that length and weight recorded during the certification process for the 2000 season. The committee will continue to monitor the effect of MOI on the integrity of the game. Moment-of-inertia affects how weight is distributed along the barrel of the bat during the swing and can affect performance.
2. During the 2001 season, the NCAA will conduct random testing of baseballs for coefficient-of-restitution (COR) compliance. All baseballs used for regular and post season play must have a COR value of between .525 and .555 to be eligible for play in the 2002 season. The NCAA will collect data to determine if an additional or substitute standard is necessary.
3. Effective January 1, 2003, a sliding scale for swing speed based on the bat length will be implemented as part of the NCAA Bat Certification Program. The scale will be based on the original exit speed standard of 97 miles-per-hour for a 34-inch bat.
4. The committee supported the Baseball Research Panel recommendations that further study be conducted on the possible effects of bat "work hardening" and that the NCAA collect data to determine the accuracy of the NCAA Bat Certification Program testing procedures.

**Now they have changed the exit speed to 97 mph and not the 94 as before. Also the sliding scale will be new too.**

**The NCAA changed their mind several times during this creation of the BESR due to pressures from the bat manufacturers.**

### **Self-Certified Bats**

Now at the beginning of 2006 "while the UMLBRC was transitioning to the new certification method, companies had the option of self certifying bats up through May 2006. Self certification is no longer an option. The list of self-certified bats can be seen on the NCAA web site. These self-certified bats must now be tested for BESR compliance at the UMLBRC to remain allowed in games requiring BESR-certified bats." Some bats are still not certified by the NCAA.

**Could the new transition for the testing of the bats by UMLBRC be because of the lawsuit of: Baum Research and Development Co., Inc. and Steve Baum VS. Hillerich & Bradsby Co., Inc., Easton Sports, Inc., Worth, Inc., National Collegiate Athletic Association and the Sporting Goods Manufacturers Association? This case was settled out of court in 2005.**

**PERCEPTION:** Injuries from aluminum bats are more severe than with wood bats.

Two out of the three deaths from a batted ball in the last decade came from wood bats. Dr. Frederick Mueller, Director of the National Center for Catastrophic Sports Injury Research, has indicated from his studies that catastrophic injuries from wood bats may be more frequent than aluminum bats.

**REALITY:** The press release quoted statements made by Dr. Frederick Mueller, Director of the National Center for Catastrophic Sports Injury Research. We contacted Dr. Mueller and his response to these quotes was "I never made that statement and do not know what they are talking about. I never made either statement." Interesting enough, the Committee Chairman who issued the press release was James Quinlan, who is also the National Director of American Legion Baseball. Mr. Quinlan is also the Vice President of the United States Baseball Federation, Inc.

**PERCEPTION:** The Brown University study proves that aluminum bats hit the ball harder than wood bats.

This study is irrelevant by today's standards. All of the bats used in the Brown study would not be allowed to be used today, because they do not meet the BESR standard.

**REALITY:** This is actually a correct statement. The problem is an Umpire will check the metal bats to see if they have the "BESR" sticker on the barrel section allowing them to be used in American Legion play. The bat that was used when Brandon was struck down was created BEFORE the MOI and therefore would not meet the BESR standards of today. How many illegal bats are in play today that have the older BESR sticker on them but would not pass the BESR standards? Don't forget the work harding of a metal bat will increase the performance of the bat by 3 mph. Also, starting in January of 2006, the NCAA had the bat manufacturers "Self-Certified" their bats since the NCAA did not have a testing machine in place. Now that the testing machine is up and running, most bat manufacturers have tested their bats for BESR performance. The Easton Stealth bat has not been tested and approved by the NCAA but it is self-certified by Easton themselves.

**PERCEPTION:** The use of aluminum bats places children at an unacceptable risk of injury.

A study from the National Center for Catastrophic Sports Injury Research shows that there have been only 15 catastrophic batted ball injuries to pitchers out of more than 9,500,000 high school and college participants since 1982.

**REALITY:** The National Center for Catastrophic Sports Injury Research defines a **Catastrophic Injury** as a “sport injury that resulted in a brain or spinal cord injury or skull or spinal fracture.” The reports from this center do not address the other accidents that happen to players being struck by batted balls. I have paid my \$25 for a detailed report of the accidents only to get a copy of what the web pages show when viewed.

During the last five years a number of states, individual organizations, city councils, and others have proposed the banning of metal baseball bats on a number of different levels. These actions have typically been in reaction to a catastrophic injury as opposed to being based on creditable injury data or research. In May of 2002 the Consumer Product Safety Commission stated, “The Commission is not aware of any information that injuries produced by balls batted with non-wood bats are more severe than those involving wood bats”. This statement was true in 2002 and it is true in 2007.

**REALITY:** Why do we need to be reactive instead of proactive? Brandon already died. Taylor Roberts of the American Legion Laurel Dodgers almost died when he was struck in the head by a ball hit from a metal bat. How many more “freak accidents” will it take before action is taken?

The Medical/Safety Advisory Committee of USA Baseball was initiated due to the lack of injury data needed to make decisions affecting the safety of baseball participants. Prior to 2005 there has not been significant research comparing injuries to baseball pitchers from metal bats versus wood bats. In 2005 the USA Baseball Medical/Safety Committee initiated a three year research project comparing line drive baseball injuries to pitchers from metal bats and wood bats. Metal bat injury data were taken from the National Collegiate Athletic Association (NCAA) Injury Surveillance System and wood bat injury data collected from college summer leagues (NCAA recognized college summer league teams all use wood bats).

After two years (2005 and 2006) of collecting batted ball injury data to the pitcher from 93 NCAA college baseball teams and 246 college summer league teams there have only been 17 injuries to NCAA college pitchers and 15 injuries to college summer league pitchers. Only 32 injuries after 331,821 balls were hit into play (Balls hit into play are calculated by taking the number of at bats and subtracting strike outs and bases on balls). The injuries in the summer leagues were more severe than the NCAA injuries. One-third of the summer league injuries involved the head and face as opposed to none in the NCAA. The third year of the study will be completed in 2007.

**REALITY:** The Medical/Safety Advisory Committee of USA Baseball is comparing apples to oranges with their study. The Medical/Safety Advisory Committee of USA Baseball’s three year study compares NCAA College baseball teams to summer college league teams. The NCAA College baseball teams are voluntary self reporting and only a small percentage of teams actually report injuries. (2005: only a mere 4.3 percent reported!) How can there be more summer league teams reporting compared to the regular season NCAA baseball teams? Then USA Baseball could not provide supporting documentation upon request due to the study being unpublished.

What this data does indicate is that injuries to the pitcher from batted balls are very rare and can happen while using metal or wood bats. There is no data to indicate that the few catastrophic injuries to baseball pitchers from metal bats would not have happened if the batter was using a wood bat. Before any sport makes rule changes, equipment changes, or other changes related to the safety of the participants, it is imperative that these changes are based on reliable injury data and not anecdotal information.

**REALITY:** When you control the deck of cards you will always win the game.