

CLIENT ALERT

Crumb Rubber in the Crosshairs: Focus on Artificial Turf Increases

Apr.04.2016

Many universities, academies, sports teams, secondary schools, and local governments have installed synthetic turf made with “crumb rubber” – ground-up tires – on playing fields and playgrounds in recent years to obtain the advantages of all-season use and lower maintenance costs. In recent months, however, the media and a growing group of critics contend that the crumb rubber used in these fields contains carcinogens and is potentially dangerous to users. The scientific evidence to date shows no basis for these concerns, but the movement against crumb rubber is nevertheless escalating, due in large part to media reports from NBC, ESPN, and others, as demonstrated by the following recent events:

- In mid-January 2016, a California state senator introduced a bill to impose regulations on the installation of crumb rubber playing surfaces and encouraged schools and municipalities in California to consider surfaces made of alternative, organic material. The bill ultimately died 3-2 in a Senate panel vote, despite support from several well-known celebrities, including Jennifer Beals, Laura Dern, Sheryl Crow, Ted Danson, and Courtney Cox.
- One week later, on January 21, 2016, two top Democrats on the Senate Commerce Committee asked President Obama to initiate a comprehensive federal-led study into the potential health risks posed by the surfaces. In a letter to the president, U.S. Sens. Bill Nelson (D-Fla.) and Richard Blumenthal (D-Conn.) said that the possible correlation between crumb rubber and cancer suggested by recent media reports warrants further scrutiny. In addition, the senators cited research from University of Washington soccer coach Amy Griffin, who has cataloged reports of over 150 cancer cases involving athletes who spent significant periods of time playing on crumb rubber turf (primarily as soccer goalies).
- Three weeks later, on February 12, 2016, The Environmental Protection Agency, the Centers for Disease Control, and the Consumer Product Safety Commission announced an “action plan” to address questions raised about crumb rubber turf and possible risks for young athletes. The multi-agency plan includes reaching out to athletes, parents, and industry representatives to collect input before issuing a report by year’s end.
- On February 18, 2016, the Agency for Toxic Substances and Disease Registry (ATSDR), published a Federal Register notice announcing two upcoming crumb rubber studies: an investigation of selected fields across the U.S. (over 50 to start with) to characterize the use of crumb rubber and to take samples, followed by an “activity” study focused on how people use the fields and how they would potentially be exposed. ATSDR also proposed a third study of exposure monitoring, including monitors placed on soccer players and other athletes. Colleges, universities, and other schools will undoubtedly be targets for all three studies.

The crumb rubber debate has not escaped colleges, universities, and state agencies in California. In 2009, the Los Angeles Unified School District announced its intent to switch to non-recycled infills for all new field installations. And according to a [recent article on crumb rubber in the L.A. Times](#), when an 11-acre recreation field at UCLA had to be replaced, the school wrestled with published concerns about crumb rubber: “We had to stop and have a thorough discussion” (Rich Mylin, UCLA Director of Recreation Venues).

Despite the lack of sound science linking crumb rubber to adverse health effects, the crumb rubber issue is not going away any time soon. Indeed, colleges, universities, and other schools who have crumb rubber fields are likely to be disproportionately affected if tort litigation brought by exposed student athletes takes off. Our [recent Law360 article](#) surveys the crumb rubber debate, the current science and existing health investigations of crumb rubber, and the litigation risks arising from ongoing investigations and media pressure.

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