

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES  
CHILDREN AND YOUTH COMMITTEE PUBLIC HEARING

IN RE: HOUSE BILL 1482

STATE CAPITOL  
MAIN CAPITOL BUILDING  
ROOM 418  
HARRISBURG, PENNSYLVANIA

THURSDAY, SEPTEMBER 27, 2007, 1:00 P.M.

BEFORE :

HONORABLE LOUISE WILLIAMS BISHOP, MAJORITY CHAIRMAN  
HONORABLE ROSITA C. YOUNGBLOOD, MAJORITY VICE CHAIR  
HONORABLE BARBARA MCILVAINE SMITH  
HONORABLE FRANK LOUIS OLIVER  
HONORABLE EDDIE DAY PASHINSKI  
HONORABLE STEVE SAMUELSON  
HONORABLE FRANK ANDREWS SHIMKUS  
HONORABLE RICK TAYLOR  
HONORABLE CAROLE A. RUBLEY, MINORITY VICE CHAIRMAN  
HONORABLE KAREN BOBACK  
HONORABLE BRYAN CUTLER  
HONORABLE SUSAN C. HELM  
HONORABLE DUANE MILNE  
HONORABLE DAN MOUL  
HONORABLE ROSEMARIE SWANGER

1 ALSO PRESENT:

2 TOM HILLER  
Democratic Executive Director

3  
4 JANELLE LYNCH  
Republican Executive Director

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## 1 P R O C E E D I N G S

2 CHAIRPERSON BISHOP: Good afternoon. If  
3 the committee would identify itself from my left,  
4 please.

5 REPRESENTATIVE K. SMITH: Ken Smith, 112th  
6 District, Lackawanna County.

7 REPRESENTATIVE PASHINSKI: Representative  
8 Eddie Day Pashinski, Luzerne County, of the 121st  
9 District.

10 REPRESENTATIVE OLIVER: Frank Oliver,  
11 District 195, Philadelphia County.

12 REPRESENTATIVE RUBLEY: Representative  
13 Carole Rubley, Minority Chair of this Committee from  
14 parts of Chester and Montgomery Counties.

15 REPRESENTATIVE B. SMITH: Barbara  
16 McIlvaine Smith, Chester County, 156th.

17 REPRESENTATIVE SWANGER: Representative  
18 RoseMarie Swanger, Lebanon County, House District  
19 102.

20 REPRESENTATIVE SHIMKUS: Frank Andrew  
21 Shimkus, I'm from the 113th District which is  
22 Lackawanna County, City Expanded and surrounding  
23 areas.

24 REPRESENTATIVE BOBACK: Karen Boback,  
25 parts of Wyoming, Columbia and Luzerne County, 117th

1 District.

2 REPRESENTATIVE SAMUELSON: Steve Samuelson  
3 from the Lehigh Valley, District 135.

4 REPRESENTATIVE HELM: Sue Helm, 104th  
5 District of Dauphin County.

6 REPRESENTATIVE CUTLER: Good afternoon,  
7 Bryan Cutler, Southern Lancaster County, 100th  
8 District.

9 REPRESENTATIVE MOUL: Representative Dan  
10 Moul from Adams and Franklin, 91st District.

11 REPRESENTATIVE MILNE: Duane Milne, 167th  
12 District, Chester County.

13 CHAIRPERSON BISHOP: And we are being  
14 joined by another one of our members who has just  
15 walked in.

16 REPRESENTATIVE YOUNGBLOOD: And  
17 Representative Rosita Youngblood from Philadelphia  
18 County, 198th District.

19 CHAIRPERSON BISHOP: And Representative  
20 Mike Carroll has asked that this Committee hold a  
21 public hearing so that an issue dealing with  
22 children's safety could be addressed and  
23 discussed.

24 And today's hearing is an opportunity for  
25 him to explain his legislation and for others to

1 have a chance to gain knowledge from the topic.

2 Representative Carroll?

3           REPRESENTATIVE CARROLL: Thank you very  
4 much.

5           Good afternoon. I would like to thank the  
6 members of the Children and Youth Committee and  
7 Madam Chair Bishop for your interest in this  
8 matter and for taking the time to conduct this  
9 hearing.

10           My name is Michael Carroll and I'm the  
11 father of three young children, a son age 12 and two  
12 daughters, ages 10 and 8.

13           My son began his baseball playing career  
14 at age 5 in T-ball and continued through this year  
15 in Little League. My two daughters play girls  
16 softball.

17           I've served my local Little League as a  
18 head coach and assistant coach for the past eight  
19 years. And prior to that, I served my local Little  
20 League as a volunteer assistant dating back to the  
21 1980's.

22           My experiences, especially during the past  
23 eight years as my son's coach, were one of my life's  
24 greatest joys. I firmly believe all children, both  
25 boys and girls, benefit greatly from participation

1 in team sports and from baseball or softball in  
2 particular.

3           In addition, I am a product of Little  
4 League, as is my father, and I encourage every child  
5 in this Commonwealth to participate. As I watched  
6 my son's games this year, I became extremely alarmed  
7 with a playing condition I believed was being  
8 created by the bats used by the players.

9           Each team we would play, as well as our  
10 own team, had one or two players who had above  
11 average to exceptional talent.

12           In my view, this talent, combined with a  
13 very expensive metal bat, created a situation  
14 whereby a batted ball hit toward the pitcher  
15 traveled too fast for a defensive reaction by the  
16 pitcher.

17           I actually found myself hoping the  
18 opposing team would intentionally walk our team's  
19 best player for fear that he would injure the  
20 opposing team's pitcher. Thankfully, I never  
21 witnessed such an injury.

22           Considering the possibility that metal  
23 bats may be creating an unsafe condition, I examined  
24 every document I could find on the subject of metal  
25 bats.

1           Suffice it to say there have been numerous  
2 studies on metal bats which each attempting to  
3 measure their performance. The most often cited  
4 statistic in these studies is the exit speed of  
5 the ball off the bat. I am certain other  
6 presenters today will highlight these statistics for  
7 you and attempt to document how today's metal bats  
8 perform the same as a wood bat, but I am not  
9 convinced.

10           Metal bats have evolved over time and some  
11 steps have been taken by manufacturers, likely in  
12 response to league demands, to make them safer than  
13 they were in the past. Despite this, not all metal  
14 bats are the same.

15           The use of metal bats is regulated on a  
16 league-by-league basis. And the mere fact that  
17 leagues regulate metal bats is cause for concern.  
18 Metal bats come in a variety of lengths, weights,  
19 composites and a measurement called performance  
20 factor.

21           For example, PIAA and NCAA limit  
22 weight-length ratio to a minus 3. Therefore, a  
23 30-inch bat cannot weigh any less than 27 ounces.

24           Many youth leagues have no such limit. In  
25 fact, my son's league, most players on that team use

1 bats that range from a minus 9 to a minus 13. This  
2 means a 30-inch bat can weigh as little as 17  
3 ounces.

4           Other limitations imposed by leagues  
5 target the bat performance factor. This factor or  
6 ratio attempts to compare the performance of a metal  
7 bat with the performance of a wood bat.

8           Beginning in 2009, Little League will  
9 require all metal bats to comply with the 1.15 bat  
10 performance factor. If manufacturers made the  
11 change to 1.15 Bat Performance Factor in the early  
12 90's, I wonder why Little League waits until 2009 to  
13 impose this restriction.

14           Other leagues have a lengthy list of  
15 nonapproved metal bats. My analysis of the studies,  
16 combined with my years of experience, did not allay  
17 my concerns that the bats used today in youth  
18 baseball leagues are safe.

19           Metal bats are marketed as having a larger  
20 sweet spot, a trampoline effect, more pop and better  
21 overall performance. Their product is intended to  
22 hit the ball harder, faster and further to give the  
23 player using the bat an advantage.

24           I suspect bat manufacturers will continue  
25 to enhance their products yearly to outperform their



1 competition or even last year's model. Leagues, in  
2 turn, will be faced with determining the effects  
3 bats have on players and the game with constantly  
4 evolving equipment.

5 My personal experience with metal bats is  
6 the product of my time served as a Little League  
7 volunteer. I am not a physicist and I will not  
8 attempt to justify any scientific data to support  
9 this legislation.

10 I share the same view as that of John  
11 Franco, 22-year major league baseball pitcher who  
12 testified in New York about his experience with  
13 metal bats used by high school players.

14 And John Franco said while the ball is  
15 getting out of my hand, it's already hitting the  
16 bat. I don't even see it coming at me. It's  
17 dangerous. It's very, very dangerous. I'm  
18 speaking from someone who is standing on the mound  
19 for 22 years, and I can see the difference, close  
20 quote.

21 I introduce this bill to ensure that we  
22 had a discussion in our Commonwealth about metal  
23 bats. I foresee the day when a player is tragically  
24 injured or even killed and the citizens of this  
25 State will stand up and ask if the metal bats are

1 safe.

2 I was hopeful the bill's introduction  
3 would spur that conversation before the tragedy.  
4 Judging from the interest in the subject, I firmly  
5 believe the subject is underway.

6 I have heard the complaints from some who  
7 say metal bats save money or that our child would be  
8 at a disadvantage if not allowed to continue their  
9 use. The same arguments were used in other  
10 jurisdictions that have taken action to limit the  
11 use of metal bats, notably, New York City and the  
12 State of North Dakota. I believe safety trumps all  
13 other concerns when it comes to our state's  
14 children.

15 Finally, to those who say we have more  
16 pressing issues to consider in Pennsylvania, I say  
17 there is no limit to the number of measures we can  
18 consider this session.

19 As United States District Judge John  
20 Codell noted in his decision relating to the  
21 New York City case, in short, the judgment that high  
22 school players' safety is more important than higher  
23 batting averages or more offense is a classic  
24 legislative judgment that the city counsel could  
25 constitutionally make.

1 I believe we in Pennsylvania need to  
2 consider the player's safety and take appropriate  
3 steps to ensure children are not being subjected to  
4 unsafe conditions.

5 Outside of any action this committee may  
6 take, I call on all youth leagues to carefully  
7 examine the types of bats that are allowed to be  
8 used and take every precaution to protect their  
9 players from an injury that may be avoided.

10 I thank the Committee for their time and  
11 interest and I'll be happy to try and answer  
12 whatever questions you may have.

13 CHAIRPERSON BISHOP: Thank you very much,  
14 Representative Carroll. The first testimony today  
15 will come from Mr. Steve Keener, who is President  
16 and CEO of the Little League International.

17 We are going to move to our first  
18 testifier representative. Thank you for your  
19 testimony. Mr. Carroll is the President and CEO of  
20 the Little League International -- Mr. Steve Keener,  
21 rather, and he's going to testify.

22 MR. KEENER: Good afternoon.

23 CHAIRPERSON BISHOP: Good afternoon.

24 MR. KEENER: Actually, my name is Steve  
25 Keener, I'm President and Chief Executive Officer of

1 Little League Baseball International, and I'm here  
2 today to represent my program, which has nearly  
3 3 million children playing both Little League  
4 Baseball and softball in '92 countries.

5 I am certainly grateful to the  
6 Pennsylvania House Children and Youth Committee and  
7 to you, Committee Chair Bishop, for giving me the  
8 opportunity to present this testimony today on  
9 behalf of the more than 250,000 Little League  
10 Baseball players and other youth baseball and  
11 softball participants throughout our Commonwealth.

12 I also want to just take a moment, and I  
13 presume Representative Carroll is still here, and I  
14 want to thank him. First, every opportunity I get  
15 publicly to thank the good work of a Little League  
16 volunteer, I want to take the opportunity to do  
17 that, and I thank Representative Carroll for his  
18 service to Little League Baseball and to his  
19 community and certainly for his desire, as we all  
20 share, to make the game of baseball --

21 CHAIRPERSON BISHOP: Excuse me. Would you  
22 turn your mike on, please, so that we can be sure  
23 everyone has an opportunity to hear you. That  
24 should be the button there. Thank you.

25 MR. KEENER: Do I need to begin again?

1           CHAIRPERSON BISHOP: You may.

2           MR. KEENER: I was thanking Representative  
3 Carroll for his volunteer services to the Little  
4 League program and to his community and for  
5 certainly sharing our interest in trying to make the  
6 games of youth baseball and softball as safe as  
7 possible for the more than 250,000 kids in this  
8 Commonwealth who participate.

9           And it's volunteers like Representative  
10 Carroll throughout this state and around the world  
11 which help us keep a watchful eye on our program and  
12 certainly make recommendations to us on every aspect  
13 of safety in our program.

14           Even so, we strongly oppose the  
15 legislation proposed by Representative Carroll and  
16 we believe that passing such a law would not  
17 necessarily reduce injuries in baseball and  
18 softball.

19           And instead, in our judgment, and this  
20 is our belief, that this law is more likely to  
21 result in fewer children participating, not only  
22 in Little League and other youth programs but also  
23 in high school baseball and softball programs as  
24 well.

25           And I didn't want to come here today, and

1 I'm sorry, I don't do this very often and I don't  
2 want to tell you I'm a little nervous, but I didn't  
3 want to come and sit before you today and provide  
4 testimony that I didn't have the full support of  
5 the Little League constituency in Pennsylvania to  
6 do.

7           So in preparation for this, we prepared a  
8 survey of 28,000 Little League volunteers, parents,  
9 coaches in our program, sent them the survey, gave  
10 them all the factual evidence which I will present  
11 to you in a moment and ask them if they supported  
12 this legislation because if they are in favor of  
13 the legislation, it doesn't matter what I present  
14 to you, I wouldn't have a very strong case to  
15 present.

16           Well, I'm pleased to report to you that  
17 84 percent of them oppose the legislation. 16  
18 percent favor the legislation. We had about 12  
19 percent respond, about 3,300 people respond to the  
20 survey. And so today I feel stronger that I'm on a  
21 pretty solid foundation of representing the  
22 interests of our constituency in the State of  
23 Pennsylvania.

24           We're led by more than 50,000 adult  
25 volunteers in Pennsylvania, and certainly, this is

1 one of the largest Little League states in the  
2 country. Pennsylvania also has the great  
3 distinction of being the birthplace of the Little  
4 League program and the home to the annual Little  
5 League World Series which is played in Williamsport,  
6 Pennsylvania.

7           Our volunteers know that safety of our  
8 participants and our volunteers has always been the  
9 hallmark and the foundation of the Little League  
10 program. I could cite a litany of safety  
11 innovations that have come through the Little League  
12 program over many, many years that are now today  
13 used at every level of baseball.

14           The double flap ear -- double ear flap  
15 batting helmet that is worn at every level of the  
16 game today is an innovation that came through Little  
17 League Baseball and my predecessor, Creighton Hale.  
18 He invented the helmet. It's used at every level of  
19 the game today.

20           We review injury data, recommendations  
21 from our field volunteers on an annual basis to make  
22 determinations about safety, about protective  
23 equipment, about rules that will make the game  
24 safer.

25           I'll give you just a couple of examples.

1 About 10, 12 years ago we found through our injury  
2 data, which we've maintained in Williamsport, that  
3 the most injuries taking place in our game were  
4 happening, as a result of on-deck things, the  
5 on-deck position in the Little League program, which  
6 is, for those of you who aren't baseball fans,  
7 that's the batter who is up next and they have to  
8 stand reasonably close to home plate so they're  
9 ready to bat.

10 More kids were getting hurt by being in  
11 that on-deck position than any other position in our  
12 game. We eliminated the on-deck position from  
13 Little League rules. Injuries declined rapidly.

14 That's a great tradition of the game, the  
15 on-deck position. Baseball people don't like to  
16 change tradition, but we did it in the name of  
17 safety.

18 We eliminated the head first slide in our  
19 program which could have catastrophic consequences  
20 and has had.

21 We changed a decades-old rule just this  
22 year where we're protecting young pitching arms. We  
23 used to restrict kids by the number of innings that  
24 they pitch.

25 Now we restrict them by the actual number



1 of pitches that they throw, and that was based on  
2 two years of study and science and consultation with  
3 medical professionals to guide us in doing that.  
4 This is how we operate.

5           We are the only national or international  
6 youth sports organization which mandates background  
7 checks of volunteers in our program. We believe  
8 it's important that volunteers in our program have  
9 their backgrounds looked into before they're given  
10 the responsibility of handling other people's  
11 children.

12           So we take seriously our role with  
13 safety. And the issue before us today over nonwood  
14 bats versus wood bats, in our opinion, if it was an  
15 issue of safety, I think our track record of safety  
16 speaks for itself and that we would be leading the  
17 effort to make changes if there was, in fact, a  
18 safety issue related to the nonwood bats which are  
19 used today.

20           Now, I don't expect you to take me at my  
21 word to that. I'd like to share with you some, what  
22 I believe to be evidence which will support my  
23 position and to let you know how we've come to these  
24 conclusions.

25           In the early 1990's, looking over our

1 injury data, we noticed that there was an escalation  
2 of injuries to pitchers from batted balls, who are  
3 certainly in the most vulnerable position on a  
4 baseball field. We had a high in 1992 of 145  
5 pitchers who required medical attention as a result  
6 of being hit by a batted ball.

7           The short version of a long, long story is  
8 that the bat manufacturers were summoned to  
9 Williamsport, Pennsylvania, met with my predecessor  
10 and his staff at that time.

11           The bat manufacturers left that meeting  
12 agreeing that they would not manufacture baseball  
13 bats any more high performing than they were  
14 currently being made and that a testing process  
15 would be developed in order to make sure that the  
16 nonwood bats being used today performed  
17 comparable -- as close as they could get them to  
18 wood bats that were being used.

19           Several years later the bat performance  
20 factor test was developed. It was developed by a  
21 gentleman, I believe he's a physicist at New York  
22 University, a Dr. Richard Brandt.

23           It's called the Bat Performance Factor.  
24 It's a laboratory test which basically puts nonwood  
25 bats, using a wood bat as a standard, fires

1 baseballs at them and measures the reflection of the  
2 ball from the bat.

3           That's the BPF test. You may hear about  
4 the BESR certification a little later today. Little  
5 League Baseball adopted that standard, and as  
6 Representative Carrol said, that in 2009 we will  
7 require all bats used in Little League play to carry  
8 that BPF certification label on the bat.

9           Since the mid-90's those bats have been  
10 required to meet the BPF certification. And our  
11 arrangement with the manufacturers is the only way  
12 we would license those bats to carry our Little  
13 League name on the bat, would be is if they met that  
14 standard.

15           So by the fact that our name was on the  
16 bat approved by Little League Baseball meant the bat  
17 met the BPF certification. So this is not a new  
18 standard.

19           But in 2009, in our efforts to try to  
20 better educate and make people aware of what we are  
21 doing, we will require the actual BPF certification  
22 logo to be placed on the bat. So I just want to  
23 make sure that that's -- there has been a standard  
24 in place probably since the mid-90's.

25           The other thing we looked at, and you

1 can't look at the bats without looking at the  
2 baseballs. And so mid to late 90's we began  
3 examining the baseballs used in our program and  
4 found that many of them were livelier than baseballs  
5 used at the major league level.

6           We went to the American Society for  
7 Testing Materials and asked them to work with us to  
8 develop a test and a standard for baseballs used in  
9 our program whereas the coefficient of restitution  
10 and the compression of baseballs would be reduced in  
11 balls use in youth baseball. And that became the  
12 new standard.

13           I'm sorry to take so much of your time  
14 explaining this, but I think it's important to know  
15 that from 1992 when injuries were at a 145, the  
16 standards imposed on the bats, the standards imposed  
17 on the balls, today the injuries to pitchers from  
18 batted balls in our program, somewhere between 20  
19 and 30 per year.

20           We believe our actions have greatly  
21 reduced the injuries in Little League Baseball and  
22 in other youth baseball programs as well.

23           In 2001 this issue of the safety of  
24 nonwood bats was raised by the United States  
25 Consumer Products Safety Commission.

1           Little League Baseball voluntarily  
2 provided all of our testing, our injury data that  
3 we -- every bit of information we had about this  
4 subject we provided to the Consumer Product Safety  
5 Commission.

6           We testified before them in hearings. And  
7 at the end of the day, the U.S. Consumer Products  
8 Safety Commission concluded that there was  
9 insufficient data or evidence to support a ban of  
10 this particular product. And we felt that that was  
11 probably the appropriate body to be making that type  
12 of determination.

13           We've maintained injury data since the  
14 early 1960's. I can tell you, and I don't even like  
15 to talk about this, you know, any fatality, any  
16 catastrophic injury in our program, one is too  
17 many.

18           And unfortunately, in our program since  
19 the early 1960's there have been eight fatalities in  
20 our program as a result of a batted ball.

21           Six of those fatalities have come from  
22 balls hit with wood bats. Two of them have come  
23 from balls hit by nonwood bats. Those were in 1971  
24 and 1973, more than 20 years prior to there being  
25 any type of performance standard placed on nonwood

1 bats.

2           I did ask this question, and I think it's  
3 a fair question and I'm assuming it may be in the  
4 back of your minds, well, then why are you here,  
5 what is your reason for opposing this legislation?

6           We oppose this because we believe that the  
7 lighter bats which meet the standards that we  
8 require of the manufacturers are easier for,  
9 particularly, the young children in our program to  
10 handle and therefore have a greater opportunity for  
11 having some success playing and therefore will want  
12 to continue to participate in our game.

13           Our belief is that going through a mandate  
14 or a prohibition of nonwood bats would only lead to  
15 youngsters becoming very frustrated and swinging  
16 heavy or more cumbersome wood bats, frustrated with  
17 not having much fun playing the game and would  
18 ultimately turn away from the great games of  
19 baseball and softball.

20           That's our reason. This is about us  
21 trying to maintain and grow participation in what we  
22 believe to be healthy, wholesome recreational  
23 activities that we'd like to have our children  
24 involved in and not turn them away to perhaps other  
25 less desirable activities. That's what this is

1 about.

2 I've also been asked, well, you must have  
3 some business or financial interest in this because  
4 you wouldn't be so adamant about your position if it  
5 wasn't going to affect your bottom line in some  
6 respect.

7 Let me tell you what our financial  
8 relationship is with the manufacturers and make sure  
9 you understand it clearly. Little League Baseball  
10 is part of a group of youth organizations which  
11 receive a royalty on the sale of both wood and  
12 nonwood baseball bats.

13 The manufacturers pay the royalty to a  
14 fund called the Sporting Manufacturers Association  
15 Youth Baseball Bat Fund. We then receive a portion  
16 of that fund based on the number of participants we  
17 have in our program. That's distributed to us two  
18 times a year.

19 We receive from that fund generally  
20 somewhere in the neighborhood of \$360,000 a year,  
21 which is just about 2 percent of our annual  
22 operating revenues, a pretty small amount.

23 If you were to enact a ban on these bats  
24 and it was to go into effect nationwide, I believe,  
25 and I think I'm reasonably sure about this, that not

1 only would our royalties from that fund equal what  
2 we receive today, they would probably greatly exceed  
3 the royalties that we receive today because there  
4 would be perhaps millions more bats sold as a result  
5 of bats that break because of the quality of the  
6 wood bats that Little Leaguers and other youth  
7 programs -- only the major league baseball players  
8 get good wood bats.

9           Wood bats used at the youth levels are  
10 made of wood that's not very good, break easily  
11 and I think would certainly contribute to us  
12 receiving a far greater share of the royalty fund as  
13 a result.

14           So if this was a business interest for  
15 Little League Baseball, I would be on the other  
16 side. It's not a business interest. Our interest  
17 is in keeping kids participating and growing  
18 participation in our program.

19           Some people prefer wood bats. That's  
20 fine. Our program is a program of choice. And if a  
21 Little Leaguer or a local Little League itself wants  
22 to use wood bats, we don't object to that. That's  
23 their right to do so, and they are certainly capable  
24 of making that decision and we support them and  
25 would not try to change their mind.



1           Ultimately, there is no data, there is no  
2 evidence, there is no science at this point which  
3 would prove that the game of baseball and softball  
4 would be any safer if played exclusively with wood  
5 bats.

6           And if there was, then we certainly would  
7 be looking at taking steps to correct that. And  
8 even though Little League baseball and softball are  
9 among the safe activities a child can participate  
10 in, we would certainly like to prevent all injuries  
11 in our program.

12           We ultimately believe that a ban on  
13 nonwood bats will not make it safer for youth  
14 baseball players and softball players in  
15 Pennsylvania.

16           Instead, as I said earlier, it would only  
17 likely serve to decrease participation in these  
18 sports and potentially drive these children into  
19 less healthy pursuits.

20           I think in fairness, Chairwoman Bishop, I  
21 would like you to indulge me for one second, this  
22 issue, while primarily has been viewed as a  
23 baseball issue in the Commonwealth, this  
24 legislation has a potential devastating effect on  
25 softball in this great state of ours here in

1 Pennsylvania.

2           And I would like, if you would be willing  
3 to give me just two minutes, to introduce to you  
4 the lady who is the Junior Olympic Commissioner for  
5 the Amateur Softball Association here in  
6 Pennsylvania. I think she could probably provide  
7 you with some pretty good insight into how this bill  
8 might affect the softball programs throughout  
9 Pennsylvania.

10           Two points I should have made, and again,  
11 I don't necessarily want to refute Representative  
12 Carroll's statements, Mike Mussina, who is a great  
13 pitcher for the New York Yankees and is a Little  
14 League graduate, a resident of the State of  
15 Pennsylvania and a member of the Little League  
16 Baseball International Board, takes a contrary view  
17 to this topic, as John Franco.

18           So in fairness, I think you should know  
19 that -- and Mike Mussina is a pitcher who has been  
20 hit in the face with a line drive from a wood bat  
21 and tell you that it hardly makes much of a  
22 difference. That's what he would tell you if he  
23 were sitting here today.

24           And I think Representative Carroll also  
25 mentioned North Dakota. I would also ask you, and

1 you don't necessarily have to rely on my word for  
2 this, but I would also ask you to check, the  
3 reason that the ban on wood -- nonwood bats took  
4 effect in North Dakota had nothing to do with  
5 safety. But the North Dakota Baseball Association  
6 made that decision because it's so cold in North  
7 Dakota when their season starts that the nonwood  
8 bats actually break when they're used.

9           And it was a decision made because the  
10 nonwood bats can be very expensive, as you mentioned  
11 or as it's been mentioned, and they were breaking  
12 those bats.

13           So that was their reason for going to  
14 wood bats in the State of North Dakota. With that  
15 said, may I ask Miss Stuck to join me for a few  
16 moments?

17           CHAIRPERSON BISHOP: Yes. And would you  
18 remain there because the members would like to ask  
19 questions of you.

20           MR. KEENER: Thank you very much.

21           MS. STUCK: Thank you very much,  
22 Mr. Keener.

23           My name is Stacey Stuck. I have lived in  
24 Northumberland County for most of my life. I have  
25 been the Junior Olympic Commissioner for the Amateur

1 Softball Association for the past eight years.

2           The Amateur Softball Association is the  
3 national governing body for softball. Prior to  
4 becoming the Commissioner, I played softball from  
5 the age of 12, participating in high school  
6 championships as well as women's fast pitch and slow  
7 pitch championship teams.

8           I was a fast pitch pitcher as well as a  
9 slow pitch pitcher, so I've experienced the way the  
10 game has changed over the years with the addition of  
11 the nonwooden bats.

12           Firstly, let me say the ASPA of PA  
13 registers the third largest number of teams in the  
14 country, exceeded only by Southern California and  
15 Texas. We register almost 5,000 teams and have  
16 about 75,000 girls participating in our program. We  
17 register our players and coaches individually as  
18 well for insurance purposes.

19           I have personally managed that program and  
20 must sign off on all the insurance claims before  
21 they're submitted to our insurance company for  
22 payment.

23           In the past year we registered over 17,000  
24 players and coaches. I've signed off on less than  
25 12 claims at this time. The majority of the

1 claims have been from sliding, collisions and  
2 throwing accidents. I do not recall any claim due  
3 to a child being hit by a batted ball during this  
4 past season.

5           In addition, over the years I've been in  
6 charge of numerous tournaments for youth softball.  
7 In all of these tournaments, the most serious  
8 accident that I can remember is a shortstop getting  
9 her leg broken by a player sliding into her.

10           I do not recall any batted ball incidents  
11 in any of the tournaments that I have run. We, the  
12 ASA of PA, also have developed a program by which we  
13 classify our youth program.

14           The three classifications are 18-Gold for  
15 our best 18-year-old teams, Class A for our travel  
16 ball, Class B for our recreational programs so the  
17 skill levels of the players can be more evenly  
18 matched.

19           Secondly, the Amateur Softball Association  
20 has taken great strides to protect the integrity of  
21 our sport. Each year the ASA's Equipment Testing  
22 and Specifications Committee examines the current  
23 rules and specifications governing various items of  
24 equipment.

25           This committee makes recommendations to

1 our counsel comprised of commissioners, selected  
2 youth and player representatives, umpires, elite  
3 athletes and other members.

4           The counsel makes the ultimate decision  
5 regarding the equipment, but at this time there are  
6 64 bats on this banned list that cannot be used in  
7 our program.

8           I also feel that the recruitment process  
9 for our high school age young women would suffer  
10 tremendously. While the rest of the country is  
11 playing softball using all of the equipment  
12 available to them, we would be using the wood bat.

13           College coaches have a very limited budget  
14 in order to recruit players. I feel this would  
15 affect their travel to Pennsylvania to recruit these  
16 players for college teams.

17           This legislation would force our children  
18 to function at a disadvantage in the very highly  
19 competitive world of scholarships and athletic  
20 competition.

21           We have fought very hard to improve our  
22 position within this competition. The ASA is the  
23 organization of preference for college coaches and  
24 we sanction a number of college showcases here in PA  
25 every year.

1           I also researched the aspect of the ball  
2 coming off the wooden bat versus a nonwooden bat.  
3 What I found is less than 5 percent difference in  
4 the speed, which is incrementally small in  
5 relationship to the game.

6           If we would adopt the use of the wooden  
7 game, I see other inherent issues that would affect  
8 the game. The best wooden quality, as Steve said,  
9 would be used at the major league level with the  
10 quality of wood degrading down to the youth level.  
11 The bats would break and splinter, causing a  
12 different hazard for the sport.

13           Our softball is 12 inches in diameter, so  
14 I'm very much concerned that it would have a great  
15 impact on the way that the bats would be used.

16           Adopting this legislation would also be  
17 detrimental to the economy of Pennsylvania, where we  
18 host many tournaments attended by teams outside the  
19 Commonwealth, Little League included. If this  
20 legislation were adopted, these teams would no  
21 longer come to Pennsylvania to play in these  
22 tournaments and therefore, hotels, restaurants,  
23 et cetera, would suffer because these teams would go  
24 elsewhere.

25           The other issue I see in this is that the

1 legislation as written is a girl or boy under the  
2 age of 18. We have 18- and 19-year-old women  
3 playing in both our high school and summer softball  
4 programs.

5           Therefore, as I see it, they would be able  
6 to legally use a nonwooden bat when everyone else  
7 could not. And the fielders would still have to  
8 field the ball off of that bat, rendering this  
9 legislation useless at that aspect.

10           In closing, I see enforcement of the  
11 legislation problematic at best, but I will not  
12 begin to speculate on that issue. If this assembly  
13 would like to improve softball and baseball for our  
14 youth, perhaps legislation that would require  
15 background checks for coaches who would directly  
16 impact the welfare of our children might serve our  
17 children better.

18           Other issues would be to require coaches  
19 to attend coaching education classes so that they  
20 are taught the proper techniques to hit, field and  
21 play the sport, rendering a level of safety at that  
22 aspect.

23           Therefore, I respectfully request to  
24 defeat this bill and allow the governing body of our  
25 sport to preserve our sport. Thank you.



1           CHAIRPERSON BISHOP: Thank you very much.

2 And Miss Stuck, would you remain along with  
3 Mr. Keener so that we can have the members ask  
4 questions. And our first question begins with  
5 Representative Rubley, the Minority Chair.

6           REPRESENTATIVE RUBLEY: Thank you, Madam  
7 Chair.

8           And thank you both for giving us the  
9 benefit of your expertise today, and I would also  
10 like to acknowledge that I appreciate Representative  
11 Carroll's concern about the safety of our youth in  
12 any sport that they're playing. It's something that  
13 we do have to look at.

14           But I have learned so much more about  
15 what's going on with bats and balls in this last few  
16 weeks since this issue came up than I ever thought I  
17 needed to know. And I have children who play in  
18 Little League.

19           But Mr. Keener, you brought out that  
20 performance standards for bats were adopted 10 years  
21 ago and that the incidence of injury has diminished  
22 since that time.

23           Are you comfortable that bats meeting  
24 these standards are being used across the country  
25 with our Little Leagues -- are coaches all aware of

1 this?

2           And I know you're going to have the seal  
3 coming out in a couple of years. But speaking for  
4 today?

5           MR. KEENER: I am comfortable. The  
6 manufacturers who make bats that are approved for  
7 play in Little League Baseball are all required to  
8 send them for this independent testing before we  
9 will allow them to put Approved For Little League on  
10 the bat.

11           So we get a report back from the testing  
12 lab telling us that this particular bat model has  
13 been submitted, tested. And as long as it meets  
14 that standard, then the manufacturer is permitted to  
15 put Approved For Play in Little League Baseball on  
16 the bat.

17           We tell our coaches and managers that's  
18 the only way you can tell if a bat meets the  
19 standard that we require. That's why we're going to  
20 take the further step of actually putting the BPF  
21 certification on the bat. We'll try to explain to  
22 them what that means. Sometimes I get lost in the  
23 science of it all.

24           But if anything we can do to further  
25 educate and make our coaches, volunteers, umpires,

1 parents more comfortable that the bats that they're  
2 using have been tested and meet this standard, we  
3 certainly want to do that.

4           The fact that it says Approved For Play In  
5 Little League is our seal of approval on the bat,  
6 that it's been tested and meets that standard.

7           REPRESENTATIVE RUBLEY: And if I can just  
8 follow up. I appreciate hearing that. And I was  
9 very glad that each of you brought up two issues I  
10 intended to bring up.

11           One is that North Dakota, their reason was  
12 not based on safety but other practical reasons  
13 because of the cold weather there.

14           And one of the other concerns I have has  
15 been with the quality of wooden bats. If you're  
16 using an inferior quality of wood, these broken  
17 bats can become projectiles, too, causing other  
18 injuries.

19           So I think you both brought up very, very  
20 important issues. Thank you.

21           MR. KEENER: Thank you.

22           CHAIRPERSON BISHOP: Mr. Keener, is there  
23 some special training that is required of the  
24 coach to teach the Little League how to use these  
25 bats?

1           MR. KEENER: We have numerous coach's  
2 training programs that we -- there's no mandate that  
3 a coach must attend a training session. We  
4 certainly encourage them to do it. We provide them  
5 with materials. We try to make it as easy as  
6 possible for them to get the information.

7           In fact, right now it will probably be  
8 ready sometime around the end of November, maybe  
9 early December, we are developing what is called an  
10 on-line coach's resource center which will be  
11 available to any Little League volunteer coach to go  
12 on-line and to actually be able to get all types of  
13 training information.

14           And one of the things that needs to be  
15 taught and emphasized about a batted ball is how to  
16 best position your pitcher defensively to defend  
17 themselves against a -- it's something that a lot of  
18 coaches may need help in teaching.

19           That's going to be one of our strong  
20 points of emphasis on this coach's resource center.  
21 I would invite you all to take a look at it when  
22 it's up and running.

23           It's very expensive to produce, and we've  
24 finally been able to secure the funding to get it  
25 done. So we're really excited about it. And that's

1 certainly one of the things that we'll be  
2 highlighting on it.

3           But there is no mandate for any type of  
4 coach's training or certification program, but we  
5 certainly have a wide range of coach's training  
6 programs, which fortunately, many of our coaches  
7 do.

8           Now, they're also required to follow the  
9 rules that are in the rule book, and this is clearly  
10 quoted in the rules.

11           CHAIRPERSON BISHOP: Representative  
12 Shimkus.

13           REPRESENTATIVE SHIMKUS: Thank you,  
14 Madam Chairman.

15           I have some questions for you, Mr. Keener,  
16 but I also want to salute Representative Carroll.  
17 Mike and I are close friends. We sit next to each  
18 other on the House floor and have talked about this  
19 bill a lot of times.

20           And his intention has been to protect you  
21 people, number one, and you saluted that. But he  
22 also has mentioned to me several times that he  
23 certainly wanted to see a dialogue started.

24           He wanted to see people begin to think  
25 about this issue. And we have seen this show up in

1 magazines and we've seen it show up in editorials  
2 and we've seen the issue show up everywhere.

3           And so I think he has gotten not only the  
4 State's attention, but the Nation's attention. And  
5 I just really -- I respect him as a lawmaker and I  
6 respect him for introducing this bill.

7           That being said, I have also said to him  
8 many times, my dear friend, I am going to oppose  
9 this bill, and respectfully so.

10           And my reason for that is that I am a  
11 former Little Leaguer. I have children who've  
12 played Little League. And now I have 10  
13 grandchildren. Six are old enough to play T-ball  
14 and/or Little League. My oldest granddaughter is a  
15 pitcher and has been trained in defense.

16           My primary reason that I would oppose this  
17 bill may seem a bit strange. And my reason is  
18 because I know Little League -- I know the Little  
19 League organization. I have been to Williamsport  
20 many times.

21           I have been to Lamade Stadium so many  
22 times, you know, the true proof that you have been  
23 to the Little League World Series is when you have  
24 ridden down the hill on a piece of cardboard.  
25 Right?

1 MR. KEENER: Yes.

2 REPRESENTATIVE SHIMKUS: It's a tradition  
3 of Little League Baseball. You only get that joke  
4 if you've been --

5 MR. KEENER: We've had people that want to  
6 ban that, too.

7 REPRESENTATIVE SHIMKUS: And that's South  
8 Williamsport, not Williamsport. But I have  
9 been very closely aligned with Little League and  
10 know that their number one priority is safety.

11 And so when I hear you give the statistics  
12 to say that we are concerned, I immediately trust  
13 you and say perhaps this is something that we should  
14 leave to you and that Mike's intention,  
15 Representative Carroll's intention to get you to  
16 just think about this is perhaps enough of an  
17 accomplishment.

18 I have not seen any injuries in all of the  
19 Little League that I have covered from the time  
20 that my kids were little, from the time that I  
21 played, to the time that my grandchildren have  
22 played now.

23 I am personally not concerned about it.  
24 When I was listening to you, ma'am, speak, I was  
25 thinking that one of the things that we should be

1 concerned about for the safety of the Little  
2 Leaguers is banning crazy parents who are  
3 problems.

4           But I want to go on record saying that I  
5 respect and admire Mike's bill because it did get  
6 America to think about this issue. But I also want  
7 to publicly say that the Little League organization,  
8 their priority has been and always has been the  
9 safety of the kids.

10           I have the utmost respect and will stand  
11 with Little League Baseball and say if they are  
12 opposed to this bill, I, too, will also be opposed  
13 to it. Thank you very much.

14           MR. KEENER: May I respond. Thank you for  
15 your trust, and that is of utmost importance to our  
16 organization, is maintaining the integrity of our  
17 program.

18           And I agree with everything you've said,  
19 and that's why I wanted to publicly thank  
20 Representative Carroll, because I thanked him for  
21 his volunteer service and I thanked him for allowing  
22 us -- I really view this opportunity today as an  
23 opportunity to educate and to make people aware of  
24 what we are doing.

25           I don't know if Representative Carroll



1 would want to talk about this, but we met several  
2 months ago and talked about this issue, and I really  
3 came away from the conversation with the feeling  
4 that I provided him with a lot of information he  
5 wasn't aware of at that time as well.

6           But in order to maintain that public  
7 trust and have most importantly, the trust of  
8 parents and coaches in our program, I think Little  
9 League Baseball, we cannot rest on our laurels  
10 either.

11           We need to continue to move forward and do  
12 what we can, whether it's continue to look for  
13 better ways to look at bats and balls and every  
14 element of our game to make it as safe as we can.  
15 That's our responsibility, and we take that very  
16 seriously and we will continue to do that.

17           REPRESENTATIVE SHIMKUS: Madam Chairwoman,  
18 if I may follow up.

19           I was thinking about this and I'm not sure  
20 I was correct on this, if you would help me.  
21 Certainly, tourism will never come before the safety  
22 of our children. But if aluminum bats were banned,  
23 does that impact the World Series? Now, the World  
24 Series draws international attention. ESPN and ABC  
25 cover that every year, which is one of the reasons

1 why I have been there.

2           But will this have a bigger impact than  
3 just the game in the grass field in Scranton,  
4 Pennsylvania?

5           MR. KEENER: I have been asked that  
6 question by members of the media and others. And my  
7 answer today to you is that it would be difficult to  
8 conduct the Little League World Series under a law  
9 like this. How difficult, I don't know and I can't  
10 expound on that and tell you.

11           I just know it would be difficult to do.  
12 I would really, I guess, turn it back to you folks,  
13 that if you felt this law was necessary and that you  
14 were going to ban nonwood bats, I would ask you what  
15 do we do, what do we do if 49 other states don't do  
16 what Pennsylvania has done.

17           And essentially, the kids coming to  
18 Williamsport would have to check their bats at the  
19 border when they came in. So I think it would be a  
20 very difficult cumbersome, awkward position to be  
21 in.

22           I certainly don't want to be in that  
23 position. I don't think it's necessary that we're  
24 placed in that position. But the best answer I can  
25 give you today is that it would be a difficult

1 task.

2 CHAIRPERSON BISHOP: Thank you. I'm going  
3 to ask the members to please be as brief as  
4 possible. We have a lot of members who do want to  
5 ask questions. So try to avoid, again, a follow-up.  
6 And Representative Boback is next.

7 REPRESENTATIVE BOBACK: Thank you, Madam  
8 Chair.

9 And thank you, Mr. Keener, for being here  
10 today. And of course, the major purpose of any  
11 legislator is to protect their constituency, and  
12 that's why we're all here, which leads me to my  
13 question.

14 You said that you maintain injury data. I  
15 just wanted to qualify something. You said since  
16 the mid-60's there were eight fatalities?

17 MR. KEENER: Since the early 1960's when  
18 we started maintaining injury data, there have been  
19 eight fatalities in our program as a result of a  
20 batted ball.

21 REPRESENTATIVE BOBACK: A batted ball?

22 MR. KEENER: A batted ball, and six of  
23 those have come from wood bats, two of them from  
24 nonwood bats. And the two that came from nonwood  
25 bats were 20 years prior to the -- any performance

1 standard being placed on the bats.

2 REPRESENTATIVE BOBACK: And that statistic  
3 alone means a lot to me with my decision concerning  
4 this bill.

5 Another question then, you said in 1992  
6 there were 145 injuries, but then in 2007 there were  
7 20 to 30 injuries?

8 MR. KEENER: We don't have 2007 final  
9 numbers yet. But from 06, 05 and 04 they ranged  
10 between 20 and 30 injuries. These are just the  
11 pitchers --

12 REPRESENTATIVE BOBACK: Yes.

13 MR. KEENER: -- that have required  
14 medical treatment, 20 to 30 per year, from a high of  
15 145 in 1992.

16 REPRESENTATIVE BOBACK: And where do you  
17 get your data from? Is it from Little League --

18 MR. KEENER: Little League Baseball,  
19 Incorporated, as an element of our service to our  
20 constituents, we operate our own insurance program.

21 We are essentially a third-party  
22 administrator for, now the AIG Insurance Company  
23 underwrites our program. We essentially run it,  
24 manage it, sell the policies. We provide all of the  
25 insurance programs to our local leagues. They

1 purchase them through us.

2           We then, in turn, pay all the claims and  
3 get sued and all those things that come with that.  
4 But it's from that information that we are able to  
5 obtain and maintain the injury data.

6           REPRESENTATIVE BOBACK: Valid  
7 statistics --

8           MR. KEENER: Yes.

9           REPRESENTATIVE BOBACK: -- that's what I  
10 was looking for.

11          MR. KEENER: Yes.

12          REPRESENTATIVE BOBACK: And the last thing,  
13 I certainly support your Bat Performance Standard  
14 issuance that you will put on the bats.

15          MR. KEENER: Yes.

16          REPRESENTATIVE BOBACK: I think that's an  
17 important thing. Thank you for the input.

18          MR. KEENER: Thank you.

19          CHAIRPERSON BISHOP: Thank you very much.  
20 Representative Smith.

21          REPRESENTATIVE K. SMITH: Thank you, Madam  
22 Chairman.

23           And thank you, Mr. Keener for taking your  
24 time and for your testimony today. It's been very  
25 enlightening.

1           And excuse me, if you have already  
2 answered this question. But for example, the PIAA  
3 and the NCAA, two governing bodies, they impose a  
4 weight length limit of minus 3, I believe.

5           Why doesn't or why shouldn't youth leagues  
6 consider such limits?

7           MR. KEENER: It's a very fair question,  
8 and I'm going to defer on the length-to-weight ratio  
9 issue to Mr. Cashman from the PIAA. That's his area  
10 of expertise, not necessarily mine.

11           We have relied on the Bat Performance  
12 Factor Standard, which I don't want to have to try  
13 to explain in great detail, but it's not the same  
14 test as the BESR certification, which is what  
15 ultimately determines the length-to-weight ratio.

16           But there are so many variables in kids  
17 playing the game that to say that anybody playing  
18 Little League Baseball would have to use a bat that  
19 had a length-to-weight ratio no greater than  
20 negative 5 or negative 6 or negative 7 would  
21 probably have some similar consequences as playing  
22 with a wood bat if they were all required to use the  
23 same weight bat.

24           Now, with that said, one of the very  
25 confusing aspects of this whole issue is having to

1 explain the difference between the bat performance  
2 factor testing and certification process and the  
3 BESR testing and certification process.

4           And I, to some extent, share your, I  
5 believe, your interest in, and this is why I think  
6 we need to continue to move this issue forward and  
7 search for ways where we could have perhaps a  
8 common standard for baseball bats that would start  
9 at the collegiate level and go all the way down to  
10 the high school level so that we're all talking  
11 about the same thing, so that if -- a youngster in  
12 T-ball might be able to play with a bat that can't  
13 be greater than a length-to-weight ratio of minus  
14 11.

15           It may be best for the 5- and 6-year-olds  
16 to have it -- and maybe the 11 and 12's should be  
17 somewhere between negative 5 and negative -- I don't  
18 know. That's up to the scientists and the engineers  
19 and the physicists to determine if that's possible.  
20 That's the kind of thing I think we ought to look at  
21 in the future.

22           But today we use the BPFs certification,  
23 which has been -- obviously produce the results  
24 we've hoped for, which has been we've seen the  
25 reduction of injuries rather dramatically over the

1 years.

2           And I can't also get away from the idea of  
3 regulating the baseballs that are used, because  
4 there's really two components that factor in that,  
5 it's the bat and the balls.

6           I don't know if I've answered your  
7 question or not?

8           REPRESENTATIVE K. SMITH: Somewhat. One  
9 other quick question is with so many youth, both  
10 male and female, bringing their own bats to the  
11 games, are the coaches required to check and make  
12 sure these bats fall under the auspices of --

13           MR. KEENER: It's actually the  
14 responsibility of the umpire before each game to  
15 check bats.

16           I think, as the gentleman indicated at the  
17 Little League World Series, what you would see if  
18 you were there early enough before a game, you would  
19 see the umpires go to the dugout, bring out all the  
20 bats that the kids are going to use and put them  
21 through a bat ring and check them to make sure that  
22 there are no dents or cracks and if they say  
23 approved for play in Little League.

24           REPRESENTATIVE K. SMITH: And are they  
25 doing this at every game?



1 MR. KEENER: They're supposed to.

2 CHAIRPERSON BISHOP: Representative  
3 Cutler.

4 REPRESENTATIVE CUTLER: Thank you, Madam  
5 Chair.

6 I have been listening with great interest  
7 with regards to some of the bat performance factors  
8 and the changes that you all have made to the ball,  
9 which I commend you on and your commitment to  
10 safety.

11 However, a variable that I have a question  
12 about actually deals with children themselves  
13 because I've seen 12-year-olds that are very tiny  
14 and I've seen 12-year-olds that are very large. Is  
15 there any kind of height or weight restriction on  
16 the players who can play?

17 MR. KEENER: In Little League Baseball  
18 there is no height or weight restriction on  
19 participants, much like you might see in like the  
20 Pop Warner (ph) football program where they do  
21 have regulations on how tall or heavy players can  
22 be.

23 So no, we don't have a height or weight  
24 restriction in our program.

25 REPRESENTATIVE CUTLER: All right. Thank

1 you. Just a very brief comment on the bill then. I  
2 think that the safety of the children is everyone's  
3 interest here. I think it's Representative  
4 Carroll's and it sounds like it's certainly Little  
5 League's and many organizations as well.

6           And it sounds as if you all are doing a  
7 wonderful job doing this. I guess my one concern  
8 is, and like Representative Shimkus, I, too, will  
9 oppose this bill because I think this is probably --  
10 I think in my estimation this is government reaching  
11 too far. We're trying to micromanage sports at the  
12 local level, and I have a lot of concerns about  
13 that.

14           And I think that since all of you are  
15 doing a fine job at this, I think it should  
16 continue. Thank you.

17           MR. KEENER: Thank you.

18           CHAIRPERSON BISHOP: Thank you very much.  
19 Representative Pashinski.

20           REPRESENTATIVE PASHINSKI: Thank you very  
21 much, Madam Chairman.

22           First of all, let me say to both you and  
23 Michael, thank you very much for your testimony.  
24 And since Pennsylvania is where Little League  
25 started, I think it is appropriate that we have

1 this conversation here. Let's make sure what we do  
2 here is the right thing and we'll have the other  
3 states follow.

4 Don't worry about the cost of the bats.  
5 These aluminum bats on steroids or baseball on  
6 steroids, so to speak, sometimes the adults  
7 involved here, they're overzealous, excitement,  
8 energy in order to win sometimes plays a role in  
9 this.

10 I was very happy to see that you said that  
11 the umpires will check those bats to make sure they  
12 have the proper notification on them. What do we do  
13 for the balls?

14 MR. KEENER: The balls are marked the same  
15 way. I mean the balls actually -- a ball approved  
16 for the --

17 MS. STUCK: Same.

18 MR. KEENER: -- ASA. But I think it's  
19 similar, if you pick up a ball that's marked  
20 Approved For Play In Little League Baseball, it will  
21 have an RS or RST on it, which means Regular Season  
22 Tournament play. And it will also actually be  
23 stamped on there what the weight, the ounces and the  
24 cord compression, that it fits within the standards  
25 that we require.

1           This is the responsibility of the  
2 manufacturer, to make the balls to meet that  
3 standard. We tell the manufacturers what the  
4 standards will be that we want in our program. And  
5 then they have to manufacture the ball to meet that  
6 standard before it can it be stamped for play in our  
7 program.

8           REPRESENTATIVE PASHINSKI: Okay. Very  
9 good.

10          MS. STUCK: And softball is the same way,  
11 everything is stamped, the bats and the balls.

12          REPRESENTATIVE PASHINSKI: Is there any  
13 kind of check and balance, is there a follow-up, in  
14 other words, when you become a Little League, like  
15 to follow certain books, the policy and so on?

16          And then is there any follow-up by the  
17 Little League Association to make sure that they are  
18 following those standards, any spot checks, is that  
19 possible?

20          MR. KEENER: Well, we are not an  
21 investigative agency. We have a corps of 600 Little  
22 League district administrators worldwide who are the  
23 liaison between Little League International  
24 Headquarters, our regional operations and our valued  
25 people down at the very grass-roots level of the

1 program.

2           We don't go in and spot-check. In order  
3 to issue a charter to that Little League program  
4 annually, they are agreeing by signing that charter  
5 application that they will abide by the rules and  
6 regulations of the Little League program. And we  
7 expect them to do that.

8           If they do not abide by the rules and  
9 regulations of Little League Baseball and that is  
10 demonstrated to us, we then have authority to revoke  
11 that charter and therefore essentially revoke their  
12 affiliation with Little League Baseball.

13           We have done that for things probably far  
14 more egregious than perhaps using a ball or a bat  
15 that might not have met a standard. I don't know  
16 who's ever done it for that reason, but for other  
17 issues we have.

18           REPRESENTATIVE PASHINSKI: And I have one  
19 other quick question, the BPF, the wooden bat has a  
20 1.0 rating --

21           MR. KEENER: The best weight bat will have  
22 a BPF rating of 1.15. That's the very best wood  
23 bats that can be made, which can be very difficult  
24 for Little Leaguers to get. But they, you know,  
25 they might be able to get them if mom and dad can

1 afford to, you know, if mom and dad can afford a  
2 \$250 nonwood bat, chances are some of them will be  
3 able to afford buying a better wood bat.

4 REPRESENTATIVE PASHINSKI: Am I  
5 interpreting 1.15 as being less powerful?

6 MR. KEENER: No. Again, this is where I  
7 wish we had the scientists here to explain this to  
8 you, the bat that's put in the laboratory for  
9 testing is the best wood bat available.

10 And then the nonwood bat is placed against  
11 it, next to it. And the balls are fired out --

12 REPRESENTATIVE PASHINSKI: Yes. But is  
13 the 1.15 livelier than the 1.0?

14 MR. KEENER: Yes.

15 REPRESENTATIVE PASHINSKI: Okay. I wonder  
16 why you wouldn't want to maintain the 1.0 rating  
17 safety factor?

18 MR. KEENER: Because some programs will  
19 have access to the best wood bats. Most of the  
20 leagues will not, but some will.

21 So we don't want the manufacturers to  
22 have to manufacture a bat that doesn't perform  
23 equal to the best wood bats. That's the standard  
24 that --

25 REPRESENTATIVE PASHINSKI: Would you agree

1 then we have the technology to create any kind of  
2 bat necessary?

3 MR. KEENER: We, Little League Baseball,  
4 we have the authority and the obligation to provide  
5 the standard that the manufacturers have to meet to  
6 make the bats.

7 The responsibility is on us to set the  
8 standard for what we think is appropriate.

9 REPRESENTATIVE PASHINSKI: And that  
10 standard is the aluminum bat is of the same --

11 MR. KEENER: Cannot exceed the same  
12 performance quality as the best wood bat.

13 REPRESENTATIVE PASHINSKI: As the best  
14 wood bat?

15 MR. KEENER: Yes.

16 REPRESENTATIVE PASHINSKI: But you stated  
17 earlier that the kids do not get the best wood  
18 bats?

19 MR. KEENER: Some probably won't, yeah.

20 REPRESENTATIVE PASHINSKI: Wouldn't the  
21 standard be better regulated based upon that?

22 MR. KEENER: That's obviously a  
23 conversation to have. But I believe the problem  
24 with that theory is that the injury data today does  
25 not support that we should make a change to it. The

1 injury data is very, very low.

2           We had, I think in 2006, I don't want to  
3 be held -- somewhere in the 20-range, in the  
4 mid-twenties, I believe, of injuries to pitchers  
5 from batted balls.

6           We calculated that out. In the 2006  
7 season we estimated that there were probably  
8 160,000,000 at-bats in the Little League season.  
9 and there were 23 or 24 injuries, according to our  
10 data, that required medical attention.

11           It's almost immeasurable. It's not  
12 immeasurable to those families and the kids who were  
13 injured. We understand that.

14           CHAIRPERSON BISHOP: Representative Rick  
15 Taylor brings the last question before our last  
16 testifier.

17           REPRESENTATIVE TAYLOR: Thank you,  
18 Ms. Chairman. Thank you, Mr. Keener, for coming  
19 down and testifying today.

20           Got a quick question for you regarding  
21 Little League and those who are not affiliated with  
22 Little League. For example, I'm an assistant  
23 baseball coach for Ambler Junior Baseball. It's not  
24 affiliated with Little League.

25           But the question I have for you is because



1 Little League is such a large organization, is it  
2 Little League that basically establishes the  
3 standards for all bats or could -- let's say a group  
4 that's not affiliated with Little League, the bats,  
5 would they be possibly super bats or something like  
6 that instead of, you know --

7 MR. KEENER: I can only testify and  
8 provide information about Little League Baseball.  
9 The program that you are -- in the Ambler?

10 REPRESENTATIVE TAYLOR: Ambler Junior.

11 MR. KEENER: Ambler Junior Baseball  
12 obviously is not affiliated with our program,  
13 therefore is not subject to our rules, regulations  
14 and requirements.

15 They're certainly not required to use any  
16 of the products that we require certain standards to  
17 be met. I think what you're asking me is because  
18 Little League Baseball is the recognized leader in  
19 this area, and probably the highest form of flattery  
20 is copying.

21 Many youth baseball organizations run  
22 their programs just the way Little League Baseball  
23 would require them to. They just don't affiliate  
24 with us, for whatever the reason might be.

25 They might use our rules. They use the

1 same equipment, all of those things. So that's why  
2 we think it's incumbent upon us to maintain a strong  
3 leadership position on issues like this.

4 But to answer your question, if a child  
5 wants to use a product in your program, we obviously  
6 have no control or authority over that.

7 REPRESENTATIVE TAYLOR: And I think that  
8 answers much of the question. But the bigger part  
9 of that question really is -- because Little League  
10 is a dominant part of the market, you know, for  
11 organized sports for children, does it really, you  
12 know, when you go to, for example, a Target or  
13 something like that and buy something, really the  
14 only option is something that has the --

15 MR. KEENER: Again, I don't spend a lot of  
16 time shopping, and I'm not -- I don't go to a lot of  
17 the retailers to see what's on the racks.

18 But I think you're probably right. I  
19 think most of the manufacturers -- Little League  
20 Baseball makes up about roughly 70 percent of the  
21 market of the youth baseball arena or universe. So  
22 they're making bats that meet the standards and  
23 specifications that we require. And it's very  
24 likely that they're not making many that don't  
25 because simply there's not that big a market for

1 purchasing them.

2           Most parents going in and buying a bat at  
3 Wal-Mart or Dick's Sporting Goods or whatever it  
4 might be are probably going to end up buying a bat  
5 that's approved for play in Little League even  
6 though they may use it in another program.

7           REPRESENTATIVE TAYLOR: And I'll step up  
8 to say Ambler Junior Baseball is an excellent  
9 program (inaudible) not castigating them. It's just  
10 a general question on that.

11           And just echo about the safety, I believe  
12 that is paramount. I think that is what we want.  
13 But I also believe in the tradition of the Little  
14 League World Series, and I would love to keep that  
15 here for many years to come. Thank you for your  
16 time.

17           CHAIRPERSON BISHOP: Mr. Keener, for one  
18 who was very nervous in the beginning and had not  
19 done this before, let me say thank you for a job  
20 well done.

21           MR. KEENER: Thank you very much.

22           CHAIRPERSON BISHOP: And our next  
23 testifier today is Mr. Brad Cashman. He is from the  
24 Pennsylvania Interscholastic Athletic Association.

25           MR. CASHMAN: Good afternoon.

1 CHAIRPERSON BISHOP: Good afternoon.

2 MR. CASHMAN: My name is Brad Cashman.

3 I'm the Executive Director of the Pennsylvania  
4 Interscholastic Athletic Association. I've been a  
5 member of the administrative staff for nearly 27  
6 years. 14 of those years have been as the PIAA  
7 Executive Director.

8 Thank you for inviting me to appear today  
9 at the Committee on Children and Youth Hearing.  
10 House Bill Number 1482, if passed, would prohibit  
11 the use of nonwood bats in the sports of baseball  
12 and softball by individuals under 18 years of age.

13 Before I provide you with reasons why PIAA  
14 opposes the passage of this bill, I believe that  
15 some background information about PIAA is  
16 appropriate.

17 I have taken the liberty of redacting or  
18 reducing, I should say, some of my presentation  
19 because I think this hearing has gone on longer than  
20 what some people may have anticipated. So I'm  
21 cutting out some background information, if you  
22 don't mind.

23 The Pennsylvania Interscholastic Athletic  
24 Association is a nonprofit corporation and a  
25 volunteer membership organization. The members of

1 the PIAA consist of almost all the public and many  
2 of the private junior high, middle schools and  
3 senior high schools in the Commonwealth of  
4 Pennsylvania.

5           Generally stated, the function of PIAA is  
6 to develop and enforce rules regulating the  
7 interscholastic athletic competitions which are  
8 authorized by our member schools.

9           The membership of PIAA consists of more  
10 than 1,470 schools, divided almost equally between  
11 senior high schools and junior high and middle  
12 schools.

13           Of that membership, approximately 200 are  
14 private schools. Nearly 350,000 students  
15 participate in interscholastic athletics at all  
16 levels, varsity, junior varsity or otherwise at  
17 competitions under PIAA jurisdiction, which places  
18 Pennsylvania seventh among the state associations  
19 for 2006-2007.

20           The four major areas in which PIAA  
21 currently operates are establishing and enforcing  
22 rules governing the eligibility of high school  
23 athletes to participate in interscholastic  
24 athletics, including rules for academic performance  
25 and attendance, age, amateur status and transfers,

1 adopting the contest rules for each sport under its  
2 jurisdiction, with the exception of bowling, golf,  
3 girls lacrosse, rifle and tennis.

4           The National Federation of State High  
5 School Associations, of which PIAA has been a member  
6 since 1925, publishes all of the contest rules  
7 adopted by PIAA. As NFHS does not have rules in  
8 these five sports, PIAA adopts those published by  
9 the respective national governing bodies.

10           Our third area is registering and  
11 providing training opportunities for officials to  
12 officiate at contests in which PIAA member schools  
13 participate.

14           Approximately 13,500 officials are  
15 currently PIAA-registered. PIAA requires the  
16 officials to be involved in continuing education and  
17 provides classes for them to attend on a local basis  
18 throughout the state.

19           And our fourth is organize and operate  
20 interdistrict championship contests in 11 girls  
21 sports and 11 boys sports.

22           It is the second major area of PIAA's  
23 operation, adopting the contest rules for each sport  
24 under its jurisdiction, which I would like to  
25 address today, specifically, the contest rules as

1 they pertain to baseball and softball bats.

2           As I mentioned above, PIAA, along with all  
3 other state high school associations, adopts the  
4 rules for each sport as established by NFHS.

5           This is a condition of membership in NFHS  
6 and is intended to ensure uniformity of rules, at  
7 least on the competition surface, for  
8 interscholastic sports throughout the country.

9           Consistent with this requirement, PIAA has  
10 adopted the NFHS baseball and softball rules books  
11 and the bat rules as set forth in both  
12 publications.

13           The types of bats which are available for  
14 use at the high school level have been a subject of  
15 considerable study throughout the years. NFHS has  
16 long been aware of the issues which this committee  
17 has been asked to address and has adopted standards  
18 to provide safeguards to high school baseball and  
19 softball players.

20           NFHS Baseball Rule 3-2, as set forth in  
21 this rules book, in relevant part, provides, All  
22 nonwood bats shall meet the Ball Exit Speed Ratio,  
23 or BESR, performance standard. And such bats shall  
24 be labeled with a silkscreen or other permanent  
25 certification mark.

1           The concept of BESR is discussed in the  
2 White Paper from the Baseball Research Center at  
3 the University of Massachusetts at Lowell, which I  
4 have provided for you in Attachment 1 of my  
5 presentation.

6           The National Collegiate Athletic  
7 Association has taken the lead on restricting the  
8 liveliness of bats. NCAA requires that all nonwood  
9 bats be certified such that the BESR of the bat must  
10 fall at or below a predetermined value.

11           The Baseball Research Center tests all  
12 manufacturers' nonwood bats to see if they meet the  
13 standard established by NCAA. The NCAA standard has  
14 also been adopted by NFHS.

15           In addition, NFHS Baseball Rules provide  
16 restrictions on the size of bats. NFHS Baseball  
17 Rule 3-4 provides for wood bats to have a diameter  
18 at its thickest part of 2 3/4 inches or less and  
19 nonwood bats to have a diameter at its thickest part  
20 of 2 5/8 inches or less.

21           Rule 3-4 also requires that a bat shall  
22 not weigh numerically more than 3 ounces less than  
23 the length of the bat, that is, a 33-inch long bat  
24 cannot be less than 30 ounces.

25           The NFHS Baseball Rules Committee adopted



1 the nonwood 2 5/8 inch bat barrel diameter and the  
2 minus 3 weight-to-length ratio to restrict the  
3 performance of nonwood bats to that comparable to  
4 wood bats.

5           The NFHS Softball Rules are comparable to  
6 the baseball ones. NFHS Softball Rule 1-3-3, as set  
7 forth in this rules book, relevantly provides the  
8 specifications for a ball to be used in fast pitch  
9 play shall be 12 inches in size and have .47 maximum  
10 Coefficient of Restitution or COR.

11           NFHS Softball Rule 1-5-4 relevantly  
12 provides that all bats must meet the 2004 Amateur  
13 Softball Status, or ASA, Bat Performance Standard.  
14 Certified bats that meet this standard can be found  
15 at [www.asasoftball.com](http://www.asasoftball.com).

16           The Amateur Softball Association White  
17 Paper from the Sports Science Laboratory, School of  
18 Mechanical and Materials Engineering, Washington  
19 State University, Pullman, Washington, which is set  
20 forth in Attachment 2 of my presentation, describes  
21 in great detail the test methods that were used to  
22 regulate both ball and bat performance in the sport  
23 of softball.

24           As in baseball, the NFHS Softball Rules  
25 Committee adopted the aforementioned standards to

1 restrict the performance of nonwood bats to that  
2 comparable to wood bats.

3           On a subject somewhat unrelated to NFHS  
4 rules and the restrictions which already exist  
5 relating to bats, it must be pointed out that House  
6 Bill Number 1482, as currently drafted, creates a  
7 possible inequity between high school baseball and  
8 softball players 18 or 19 years of age, which would  
9 be limited mostly to high school seniors and those  
10 under the age of 18.

11           Under the bill, those senior student  
12 athletes could use a nonwood bat against field  
13 players that are under the age of 18. If there is  
14 indeed evidence that metal bats, even if  
15 restricted as they are by the existing rules, are  
16 superior to wood bats, this bill would provide for  
17 an unintended competitive advantage to those 18- or  
18 19-year-old high school baseball and softball  
19 players.

20           In conclusion, PIAA opposes the passage of  
21 House Bill 1482 as we believe that the National  
22 Federation of State High School Associations  
23 Baseball and Softball Rules Committees have  
24 properly reviewed and studied the issue and that  
25 they and the National Collegiate Athletic

1 Association have adequately addressed the issue by  
2 adopting uniform rules that provide for flexibility  
3 in the use of either wood or nonwood bats, while  
4 promoting the health and safety of student athletes  
5 that participate in the sports of baseball and  
6 softball.

7 I also have brought with me today, and I  
8 think you received copies of these, several letters.  
9 There is letter from the Chair of the Pennsylvania  
10 Athletic Oversight Committee that has oversight  
11 responsibilities over PIAA.

12 Also, the President of the PIAA High  
13 School Baseball Coach Association has submitted a  
14 letter providing for, among other things, speaking  
15 to the safety issues of bats, but also outlining  
16 the increased cost that schools would have to incur  
17 if they were required to use wood bats and the  
18 number of wood bats it would have to provide per  
19 player.

20 And finally, there is an NFHS news release  
21 just this past Tuesday setting forth the results of  
22 a comparative study of Illinois high school baseball  
23 teams using wood bats and nonwood bats during the  
24 same season.

25 In summarizing that study, one, there was

1 no statistically significant difference in injuries;  
2 two, games with nonwood bats produced more hits; and  
3 three, therefore, they generally last longer.

4           Thank you for allowing me to testify  
5 today. If you have any questions, I'll be more than  
6 glad to answer them at this time.

7           CHAIRPERSON BISHOP: Our first question  
8 comes from Representative Shimkus.

9           REPRESENTATIVE SHIMKUS: Thank you, Madam  
10 Chairwoman.

11           Thank you, sir. Thank you for being here.  
12 PIAA spiritually controls all sports in the  
13 Commonwealth of Pennsylvania in one way or another,  
14 and I appreciate that and I take your testimony very  
15 seriously.

16           My question is on a bit of a different  
17 note, although it relates to this. You and I have a  
18 bit of a history, although you may not remember. As  
19 I said, my name is Frank Andrew Shimkus.

20           And my question comes to you as a former  
21 vice president of the New York Times Broadcast Group  
22 and as the former news director of WNEP TV when we  
23 battled the PIAA for the rights to broadcast a state  
24 game, and we were denied. And we tried to get a lot  
25 of records, and we were denied.

1           And I'm just wondering, in the spirit of  
2 openness, if the PIAA has now opened its records or  
3 is willing to open its records and let us see how it  
4 operates, how it functions, how it gets money, how  
5 it spends money, how all of these policies, how all  
6 of these studies have gone, because I spent three or  
7 four years of my career trying to get information  
8 from the PIAA that I could not.

9           MR. CASHMAN: That's a rather long  
10 question. I'll try to give you a brief answer, if I  
11 can.

12           Yes, we have changed our policy since that  
13 time and we allow access to certain records.  
14 Obviously, we're not going to allow the media to  
15 have records regarding student's eligibility.

16           We do have records that deal with that,  
17 and we especially can summarize those for those that  
18 request it. But we have an open meetings policy,  
19 which is similar to the open meetings law.

20           We also have policies in regard to  
21 retention of records and the release of records. So  
22 we do have those things in place now that we did not  
23 have in place at that time.

24           CHAIRPERSON BISHOP: Represent Rubley.

25           REPRESENTATIVE RUBLEY: Thank you again,

1 Madam Chair.

2           And thank you, Mr. Cashman, for not only  
3 your verbal testimony, but the in-depth information  
4 that you have supplied to us.

5           And certainly the science behind the  
6 caliber of bats and balls is much greater than I  
7 ever anticipated. And so I really just have a  
8 comment that based on the testimony we received  
9 today and the letters and information we have  
10 received before this, I am impressed with what's  
11 happening out there among the various organizations  
12 and associations and with their concern about the  
13 safety of our young people.

14           And I frankly don't see a need for a bill  
15 like this, and I just hope that as time goes on  
16 these associations will continue to look at the  
17 incidences of any injury and do what they can to  
18 make sure it's as safe as possible.

19           But from everything I've learned, I'm very  
20 comfortable with what's happening today. So thank  
21 you.

22           MR. CASHMAN: Thank you.

23           CHAIRPERSON BISHOP: Thank you very much.  
24 Representative Samuelson.

25           REPRESENTATIVE SAMUELSON: Thank you.

1           My question is about the Bat Performance  
2 Factor that we've heard about that Little League  
3 uses as a standard. I think they have a maximum of  
4 1.15, or I guess 15 percent higher than the average  
5 wood bat.

6           You've handed us quite a bit of  
7 information. And the White Paper, actually, near  
8 the back of that White Paper, about seven pages from  
9 the back there is a chart about some bats that were  
10 tested. And one of them, instead of 1.15, goes up  
11 as high as 1.6, or perhaps a Bat Performance Factor  
12 of 1.6.

13           Does that mean there's a bat out there  
14 that's 60 percent differential between a nonwood bat  
15 and a wood bat? That's my first question.

16           And my second question is, does PIAA use a  
17 similar Bat Performance Standard? Do you have an  
18 upper limit like a 1.15 on the Bat Performance  
19 Factor, or do you have another upper limit?

20           MR. CASHMAN: Well, I'm not that  
21 well-versed on this Bat Exit Speed Ratio testing. I  
22 can only tell you that the testing was done and the  
23 testing was done in such a way that the exit speed  
24 of a ball off of a nonwood bat is comparable to that  
25 of a wood bat.

1           Otherwise, it would not be certified as  
2 being a legal bat. I don't know --

3           CHAIRPERSON BISHOP: Mr. Cashman, you may  
4 get that information, if you like, and send it to  
5 the Committee and we can see that it is  
6 distributed.

7           MR. CASHMAN: I think it is in the  
8 information that you do have as your Attachment 1.

9           CHAIRPERSON BISHOP: Okay.

10          MR. CASHMAN: But the ratios that you're  
11 referring to are not necessarily provided for in the  
12 rules book.

13          The Bat Exit Speed Ratio Standard is the  
14 standard by which the baseball bats are used at the  
15 high school level. They have to meet that standard  
16 and they have to be certified in some kind of  
17 permanent fashion on the bat, that they meet the  
18 BESR standard.

19          REPRESENTATIVE SAMUELSON: Well, I guess  
20 I'm trying to reconcile the testimony today.  
21 Earlier I heard that bat manufacturers since 1993  
22 have only been making bats that go up to 1.15.

23          And then I have a 2007 study here that  
24 there's a bat out there that has 1.6. I'm wondering  
25 how -- what's the range of bats that are out there



1 in use on the bat performance factor?

2 MR. CASHMAN: Based on Mr. Keener's  
3 testimony, I believe there are two separate  
4 standards out there, one for Little League Baseball  
5 and one for high school baseball. And I'm not that  
6 familiar with the standard for Little League  
7 Baseball.

8 I can only speak to -- within my limited  
9 knowledge, of the standard that's been established  
10 for high school baseball and collegiate baseball  
11 also.

12 REPRESENTATIVE SAMUELSON: And it sounds  
13 like you use, instead of the Bat Performance Factor,  
14 you use a separate exit speed standard?

15 MR. CASHMAN: Yes. It's commonly referred  
16 to as a BESR standard, and that's the standard that  
17 we use at the high school level. It's also the same  
18 standard that NCAA has adopted.

19 It was established by NCAA, trickled down  
20 to the high school level, but apparently, according  
21 to Mr. Keener's testimony, has not yet trickled  
22 down to Little League, and they have used a  
23 separate standard, another testing standard for  
24 their bat.

25 But I'm not familiar with that to the

1 extent I can speak to that, other than it appears  
2 that there's a separate standard they use.

3           REPRESENTATIVE SAMUELSON: Thank you for  
4 being here today.

5           CHAIRPERSON BISHOP: Thank you very much  
6 for joining us, and this concludes our meeting for  
7 today.

8           MR. CASHMAN: Thank you.

9           (Whereupon the hearing was concluded at  
10 2:20 p.m.)

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## 1                   C E R T I F I C A T I O N

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3                   I hereby certify the foregoing to be a  
4 true and accurate transcript of my original  
5 stenographic notes taken at the time and place  
6 hereinbefore set forth.

7                   Dated at York, Pennsylvania, this 29th day  
8 of October, 2007.

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Lucinda K. Love  
Court Reporter

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23 (The foregoing certification of this transcript does  
24 not apply to any reproduction of the same by any  
supervision of the certifying shorthand reporter.)

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