

YOU ARE WHAT YOU EAT, WHICH IS HOPEFULLY SOMETHING:

MINIMUM WEIGHT REGULATIONS FOR HIGH SCHOOL AND INTERCOLLEGIATE WRESTLERS

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I. Introduction

Weight has always been a problem in certain sports. Jockeys can literally grow out of their jobs. Gymnasts have become anorexic, eating nothing but green salads. The cyclist Gregory LeMond, who won the Tour de France three times, said an inability in later years to lose five pounds hurt him severely in climbing mountains. Swimmers and figure skaters have been slaves to the scale.

As in boxing and the martial arts, wrestling competition is conducted in weight classes. Wrestlers forever seem to be trying to lose weight to compete in lighter classes, and they can do it easily within reason. But when they try to lose too much too soon, the results can be fatal.¹

Amateur wrestling at the high school and collegiate levels does not garner a great deal of popular attention.² While just about any sports fan can rattle off at least a few names from the Mitchell Report³ on steroids in baseball, very few people would be able to pick Cael Sanderson out of a police lineup, winner of four national wrestling titles at Iowa State—compiling a career record of 159–0 while in college—and gold medal champion at 190 pounds in the 2004 Athens Olympics.⁴ While a tragedy in intercollegiate wrestling briefly thrust the sport into the national

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¹ Frank Litsky, *Wrestling; Collegiate Wrestling Deaths Raise Fears About Training*, N.Y. TIMES, Dec. 19, 1997, available at <http://query.nytimes.com/gst/fullpage.html?sec=health&res=9505eeda1e3ff93aa25751c1a961958260>.

² In 2004, the NCAA wrestling national championship meet boasted a television ratings all-time record of 0.6 (a little over 500,000 households nationally). NCAA, *Wrestling Championship Sets TV Ratings Record*, Mar. 29, 2004, <http://www.ncaa.org/wps/ncaa?ContentID=21035>. In contrast, the first weekend of the NCAA basketball tournament in 2008, comprising the rounds before the Sweet Sixteen, earned a rating of 4.8 (about 7.5 million viewers), a nine percent dip from the previous year. Chris Purcell, *CBS' March Madness Ratings Down*, TVWEEK, Mar. 30, 2008, available at http://www.tvweek.com/news/2008/03/cbs_march_madness_ratings_down.php. The 2007–08 BCS football bowl season saw the national title game between Ohio State and LSU receive a 17.4 rating, and even the lowly New Orleans Bowl between Florida International University and Memphis eked out a rating of 1.63. BCSFootball.org, *TV Ratings*, <http://www.bcsfootball.org/news/story?id=4819384> (last visited Mar. 15, 2009).

³ George J. Mitchell, *Report to the Commissioner of Baseball of an Independent Investigation into the Illegal Use of Steroids and Other Performance Enhancing Substances by Players in Major League Baseball*, Dec. 13, 2007, available at <http://files.mlb.com/mitchrpt.pdf>.

⁴ Wikipedia, *Cael Sanderson*, http://en.wikipedia.org/wiki/Cael_Sanderson (last visited Mar. 15, 2009); see also *CaelSanderson.com*, <http://www.caelsanderson.com> (last visited Mar. 15, 2009).

spotlight in 1997,⁵ wrestling has since retreated back into relative obscurity in recent years.⁶ This paper, then, seeks to bring scholarship on wrestling up to date.

Part II provides background on the culture of weight loss in wrestling, outlining prevalent weight management techniques and discussing the potential health impact of weight-cutting on young athletes. Part III traces the regulatory actions taken by the National Collegiate Athletic Association (NCAA) and state high school athletic associations since 1989, culminating in the National Federation of State High School Associations' (NFHS) implementation of weight management programs within its rules. Part IV, then, analyzes the effectiveness of these weight management programs, ultimately calling for a more systematic study of compliance with these regulations at the high school level, as well as increased efforts to educate coaches, parents, athletic trainers, and athletes about proper nutritional health.

II. Background: Weight-Cutting Culture

In every sport, athletes seek a competitive edge. High school football players chug protein shakes before bed in order to add bulk. High school baseball players unload hundreds of dollars on the latest glove or bat to hit the market every spring. To gain an edge in wrestling, participants cut weight. A lot of weight.⁷

In theory, wrestlers believe cutting weight will provide an advantage for two reasons: "First, it's better to be the heaviest wrestler in a class than the lightest. Second, since so many wrestlers cut pounds to make weight, [those wrestlers who do not cut weight are] essentially wrestling people with the muscle mass of a heavier opponent."⁸ Put another way, the wrestler with a natural weight of 145 pounds has no desire to compete against opponents who weighed over 180 pounds just months before the season and cut down to 145 for competition; this athlete naturally feels a strong motivation to move down a few weight classes and play the part of the larger-framed bully at 125 pounds.⁹ Add in the social pressures of wanting to help one's team

⁵ See *infra* notes 26–38 and accompanying text.

⁶ There is a distinct drop-off in literature following the 1997 deaths and regulatory response from the NCAA. See *infra* Part II. While this paper only skims the surface of weight issues in wrestling, hopefully others will fill in the gaps left by the present analysis.

⁷ See, e.g., Casey Olson, *Wrestling with Weight*, FED. WAY MIRROR, Feb. 17, 2004, available at http://www.pnwlocalnews.com/south_king/fwm/sports/19916599.html; see also Cara Caulfield, *Standley Lake Wrestlers Struggle to Make Weight*, Feb. 17, 2009, <http://denver.yourhub.com/Westminster/Stories/Education/High-School/Story~581256.aspx> ("I was trying to get from 130 [pounds] to 112 At 119 I got nose bleeds from not having enough iron.").

⁸ Easha Anand, *Cutting Weight to Make the Cut*, SILVER CHIPS ONLINE, Feb. 20, 2004, <http://silverchips.mbhs.edu/story/2954>.

⁹ This belief is mistaken, however. See Robert A. Opplinger et al., *ACSM Position Stand On Weight Loss In Wrestlers*, 28 MED. SCI. SPORTS EXERC. (1996) ("Wrestlers practice these weight loss techniques believing their chances of competitive success will increase. Ironically, 'weight cutting' may impair performance and endanger the wrestler's health. . . . The combination of food restriction and fluid deprivation creates a synergistic, adverse physiologic effect on the body leaving the wrestler ill-prepared to compete. . . . In short, weight cutting appears to adversely influence the wrestler's energy reserves and fluid and electrolyte balances.").

succeed,¹⁰ and a powerful argument for weight-cutting can be made from a competitor's perspective.

In terms of how weight-cutting is actually done, the details of the process are not for the faint of heart. Wrestlers do not go on what most people consider to be "diets," avoiding sweets and snacks and perhaps opting to take the stairs instead of riding the elevator at the office. Rather, while in the middle of intense physical training, wrestlers essentially stop eating.¹¹ Additionally, massive dehydration is employed in order to reduce water weight. As a high school wrestler in Ohio, I personally witnessed a teammate who—in an effort to maintain his weight at 119 pounds, down from nearly 140 pounds prior to the season—consistently wore three-to-four layers of sweaters to school and carried around a small plastic cup throughout the day in order to constantly spit saliva rather than swallow.

While this stunning lack of nutrition would hardly sustain a completely sedentary individual, wrestlers exercise vigorously throughout this entire process, running, weightlifting, and cycling in addition to grueling practices that last for several hours every day, all while wearing several layers of sweats to maximize perspiration.¹² For many years and arguably still today, losing twenty pounds in a week was seen not only as acceptable behavior, but as desirable self-sacrifice, signifying true dedication to team success.¹³ Trips to emergency rooms for dehydration were not uncommon, and such events were generally dismissed as a sign of an individual's weakness rather than an indication that something was awry in the training program.¹⁴ In a practical sense, dropping fifteen to twenty percent of one's total body weight is no small matter, particularly when that drop is from 120 to 103 pounds, but such practices were

¹⁰ See Leonard F. Marquart & Jeffery Sobal, *Weight Loss Beliefs, Practices, and Support Systems For High School Wrestlers*, 15 J. ADOLESCENT HEALTH 410 (1994) (discussing the influence of coach and teammate pressure as a motivating factor to cut weight for many high school wrestlers).

¹¹ See, e.g., Anand, *supra* note 8 (describing a high school wrestler whose lone meal for a day was "a cup of plain lettuce").

¹² In addition, increasingly popular bodybuilding supplements such as creatine exacerbate the health risks of rapid weight loss by placing even further strain on the body. See Litsky, *supra* note 1 ("Wrestlers use [creatine] to recover more quickly from workouts and help develop muscle bulk, but the abuse of creatine without sufficient water intake can cause the body to dangerously overheat."). Because creatine causes the body to retain water, this poses obvious risks when used by individuals who are avoiding hydration at any cost. See *id.*

¹³ Rob Prebish, a high school wrestling coach and author of *The Solitary Wrestler*, admitted to cutting nearly twenty pounds every week to make his weight class when he competed in high school and college. See Jason Bryant, *Q&A With Rob Prebish: Author of "The Solitary Wrestler,"* INTERMAT, <http://209.183.221.249/articles/bryant21.aspx> (last visited Mar. 15, 2009).

¹⁴ See, e.g., David Fleming, *Wrestling's Dirty Secret: The NCAA Should Be Called On the Mat After Three Collegians Died Trying to Shed Pounds*, SPORTS ILLUSTRATED, Dec. 29, 1997, available at <http://vault.sportsillustrated.cnn.com/vault/article/magazine/MAG1011763/index.htm> ("Once, after cutting sixteen pounds in two days . . . —through starvation and dehydration—I was hospitalized in Rochester, N.Y., with a clogged salivary gland that had swollen to the size of a grapefruit. To prevent that from happening again, my coach said upon my return to campus that he was putting me on the Jesus Christ diet. 'Forty days and forty nights in desert conditions without food or drink,' I remember him saying. 'That ought to get you down to weight.'"); see also Bryant, *supra* note 13 ("I almost died in 1991 cutting weight for a college match. It was one of the scariest things I have ever dealt with. Imagine lying in the emergency room with an IV in your arm, listening to the doctor basically chew you out for destroying your body. I almost died!") (quoting Rob Prebish)).

considered to be routine for many years.¹⁵ As late as 2004, the following account was written in a high school student newspaper, detailing the day-to-day life of a wrestler on the school's team:

In the next forty-five minutes, Coleman will sweat off five pounds. He will climb sixty flights of stairs on nothing but a tablespoon of peanut butter and a mouthful of water, gargled during yesterday's practice to convince his throat he's getting rehydrated, then spit out to prevent water weight. At 3:30 p.m., the naturally 150-pound athlete will be 135 pounds. Coleman will make weight for his meet; he always has.¹⁶

The ubiquity of rapid and intensive weight loss in wrestling has led some to conclude that it is "inherent" in the sport.¹⁷ In other words, when someone joins a wrestling team, it is just assumed that he will drop however many pounds necessary to fill a weight class for the squad.¹⁸ There is simply no shock value for a 130-pound high school student—whose body is still very much in the process of growing and maturing—to starve himself into the 103-pound weight class. To the contrary, the willingness to put oneself through torture in order to make a lower weight is viewed as a measure of one's toughness and dedication to the team; cutting weight has become, in a sense, "a macho badge of honor."¹⁹

The above description of the pervasiveness of weight-cutting in wrestling is not meant to suggest that no one ever objected to the practice until the very recent past.²⁰ Indeed, there were those who tried to warn of the intense danger of the practice. In a 1996 study assessing the body

¹⁵ Because wrestlers are in a constant battle to stay eligible for a certain weight class, small hiccups in routine can be devastating in attempts to cut weight before competition. In January of 2009, wrestling coaches in Altoona, Pennsylvania complained that snow days were throwing off training regimens at schools that cancel practices when school is not in session. See Todd Irwin, *Winter Weather Creates Havoc With Weight Cutting*, ALTOONA MIRROR, Jan. 13, 2009, available at <http://www.altoonamirror.com/page/content.detail/id/515047.html?nav=816&showlayout=0> ("Whenever the schedule gets moved around and you're not sure when you're going to wrestle because of the weather, it makes it tough to hold your weight and make sure your weight is where it needs to be . . ."). This further illustrates the point that weight-cutting is a constant battle, and it is still an issue very much on the minds of coaches and participants even today; when reducing one's weight so severely, one missed day of intensive training can disrupt the entire process.

¹⁶ Anand, *supra* note 8.

¹⁷ See Alexander J. Pal, *Hungry For Victory: Why High School Wrestling Coaches Should Not Be Held Liable for Injuries Resulting from Weight Loss* 10–13 (2008) (unpublished comment), available at http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=alex_pal (arguing that weight-cutting is an inherent part of wrestling, and thus the risks associated with weight-cutting are assumed by participants in the sport).

¹⁸ See Marquart & Sobal, *supra* note 10.

¹⁹ Fleming, *supra* note 14; see also ROB PREBISH, *THE SOLITARY WRESTLER* (2004), available at <http://www.jbeonlinebooks.org/wrestling/sample.htm> ("Until nine years ago [in 1997], the rubber suit was simply a much needed part of the wrestler's wardrobe. Extra workout sessions in searing heat were the norm. Starving before weigh-ins was simply a test of intestinal fortitude. If you did not cut a lot of weight for wrestling, you were not tough enough.").

²⁰ In fact, wrestling's "dirty little secret" has been fairly well known for many years. See Robert A. Oppliger, Suzanne A. Nelson Steen, & James R. Scott, *Weight Loss Practices of College Wrestlers*, 13 INT'L J. SPORT NUTRITION EXERC. METABOLISM 29, 29 (2003) ("In 1967, a banner headline on the front page of the Des Moines, Iowa Register news proclaimed 'Health Peril in Wrestling.' The 'health peril' referred to the practice of losing weight for competition, 'cutting weight.'") (internal citation omitted).

composition of high school wrestlers,²¹ Dale Wagner recommended that minimum weight classes be put in place to cap the amount of weight competitors could lose over the course of a season, thus increasing overall physical well-being and decreasing the risk of serious injury.²² The American College of Sports Medicine (ACSM) also published a position paper in 1996, detailing the prevalent methods and scope of wrestling weight loss²³ and describing the wide-ranging dangers that could result from such behavior.²⁴

Unfortunately, these words of warning were not heeded,²⁵ and the issue of weight loss did not catch the public's eye until three collegiate wrestlers died within a span of just a few weeks in 1997.²⁶ Jeff Reese, a wrestler at the University of Michigan, was attempting to rapidly lose seventeen pounds prior to competition.²⁷ He worked out for two hours in a rubber suit in a room with the temperature cranked up to ninety-two degrees.²⁸ His official cause of death was listed as rhabdomyolysis, "a cellular breakdown of skeletal muscle under conditions of excessive exercise, which, combined with dehydration, resulted in kidney failure and heart malfunction."²⁹ Joe LaRosa, a wrestler at the University of Wisconsin-La Crosse, also died after a stationary bike workout performed in a steam room while wearing a rubber suit.³⁰ His body temperature reached 108 degrees.³¹ Billy Saylor of Campbell University suffered a similar fate under nearly identical circumstances.³² Despite whatever causes of death were listed on the certificates produced by the coroner, these three young men all died from the self-induced torture of attempting to cut weight for wrestling. And all of this occurred within thirty-three days.³³

While these were the first deaths ever recorded since wrestling became an NCAA sport in 1928,³⁴ the proximity of the events made the prevalence of the weight-cutting problem very clear to even casual observers of the situation, and the public outcry was swift and fierce. Major

²¹ See Dale R. Wagner, *Body Composition Assessment and Minimal Weight Recommendations For High School Wrestlers*, 31 *J. ATHLETIC TRAINING* 262 (1996).

²² See *id.* at 264–65.

²³ See Opplinger et al., *supra* note 9.

²⁴ See *id.* Beyond damage to "energy reserves and fluid and electrolyte balances," the ACSM noted the potential—albeit non-conclusively—that "weight-cutting" practices may also alter hormonal status, diminish protein nutritional status, impede normal growth and development, affect psychological state, impair academic performance, and have severe consequences such as pulmonary emboli, pancreatitis, and reduce immune function." *Id.* (internal citations omitted).

²⁵ Wrestlers' unawareness of the seriousness of the issue stems in part from the tendency of young men in the prime of their athletic careers to feel a certain sense of invincibility. See Mike Viscardi, *Weight Issues In Wrestling*, VANDERBILT HEALTH PSYCHOLOGY, http://www.vanderbilt.edu/AnS/psychology/health_psychology/Weight-Wrestling.htm (last visited Mar. 15, 2009) ("They [wrestlers] think they are indestructible Wrestlers believe that it is mind over body; they can accomplish anything and nothing bad will ever happen to them." (quoting legendary wrestling competitor and coach Dan Gable)).

²⁶ See John Marcus, *Death of Wrestlers Leads to New Training Rules*, *TIMES HIGHER EDUC.* (Apr. 3, 1998), <http://www.timeshighereducation.co.uk/story.asp?storyCode=106630§ioncode=26>.

²⁷ See Viscardi, *supra* note 25.

²⁸ See *id.*

²⁹ See *id.*

³⁰ See *id.*

³¹ See *id.*

³² See *id.*

³³ See Fleming, *supra* note 17.

³⁴ See Marcus, *supra* note 26.

national media outlets, ranging from Sports Illustrated³⁵ to the New York Times,³⁶ published articles detailing the gruesome events and chastising the weight-cutting practices that had been taking place under the media radar in wrestling rooms for years. Scientific studies were funded to investigate the weight loss behavior of wrestlers,³⁷ and coaches were closely scrutinized for improper influence on competitors regarding their weight. Attention for wrestling had never been so intense—save, perhaps, in ancient Athens or Rome—but this was certainly not the type of attention wrestling officials wanted, particularly in light of the recent decline in participation stemming from college program cuts occurring steadily since the enactment of Title IX in 1972.³⁸

III. Regulatory Response

To its credit, following the tragedies of 1997, the NCAA acted quickly and decisively in regulating weight loss in collegiate wrestling. Taking its cue from a policy paper published by the ACSM,³⁹ the NCAA imposed a number of regulations designed to curb unsafe weight-cutting

³⁵ See Fleming, *supra* note 14.

³⁶ See Litsky, *supra* note 1.

³⁷ See Kathleen S. Dale & Daniel M. Landers, *Weight Control in Wrestling: Eating Disorders or Disordered Eating?*, 31 *MED. SCI. SPORTS EXERC.* 1382 (1999); Randle R. Wroble & Donald P. Moxley, *Acute Weight Gain and Its Relationship to Success in High School Wrestlers*, 30 *MED. SCI. SPORTS EXERC.* 949 (1998). This is not to suggest that such studies were not conducted in past years, but the tragic events of 1997 certainly led to a spike in capital invested in the issue.

³⁸ See John Irving, *Opinion, Wrestling With Title IX*, *N.Y. TIMES*, Jan. 28, 2003, available at <http://query.nytimes.com/gst/fullpage.html?res=9C00E2DB1339F93BA15752C0A9659C8B63> (“In 1982, there were 363 N.C.A.A. wrestling teams with 7,914 wrestlers competing; in 2001, there were only 229 teams with fewer than 6,000 wrestlers. Yet, in that same period, the number of N.C.A.A. institutions has increased from 787 to 1,049.”).

³⁹ See Opplinger et al., *supra* note 9. The recommendations of the ACSM were as follows:

1. Educate Coaches and wrestlers about the adverse consequences of prolonged fasting and dehydration on physical performance and physical health.
2. Discourage the use of rubber suits, steam rooms, hot boxes, saunas, laxatives, and diuretics for “making weight.”
3. Adopt new state or national governing body legislation that schedules weigh-ins immediately prior to competition.
4. Schedule daily weigh-ins before and after practice to monitor weight loss and dehydration. Weight lost during practice must be regained through adequate food and fluid intake.
5. Assess the body composition of each wrestler prior to the season using valid methods for this population. Males 16 yr and younger with a body fat below 7% or those over 16 yr with a body fat below 5% need medical clearance before being allowed to compete. Female wrestlers need a minimal body fat of 12%–14%.
6. Emphasize the need for daily caloric intake obtained from a balanced diet high in carbohydrates (>55% of calories), low in fat (<30% of calories) with adequate protein (15%–20% of calories, 1.0–1.5 g·kg⁻¹ body weight) determined on the basis of RDA guidelines and physical activity levels. The minimal caloric intake for wrestlers of high school and college age should range from 1700 to 2500 kcal·d⁻¹, and rigorous training may increase the requirement up to an additional 1000 calories per day. Wrestlers should be discouraged by coaches, parents, school officials, and physicians from consuming less than their minimal daily needs. Combined with exercise, this minimal caloric intake will allow for gradual

practices by its athletes. These measures included (1) banning the use of saunas⁴⁰ and rubber (and other impermeable) suits,⁴¹ (2) increasing weight allowances,⁴² and (3) moving weigh-in times closer to matches.⁴³

While the banning of rubber suits and saunas as weight loss tools are the most obvious safety measures taken by the NCAA in terms of their impact, the policy with the greatest effect on athletes' weight management decisions has arguably been shifting weigh-in times closer to matches.⁴⁴ Traditionally, wrestlers were weighed in at tournaments upwards of twenty hours before competition was to begin (often the night before, for ease of administration).⁴⁵ This allowed athletes an opportunity to gorge on food immediately prior to the competition in an effort to regain much-needed strength before a match.⁴⁶ Faced with the prospect of having to wrestle only two hours after weighing in, however, a wrestler is less likely to emaciate himself for fear of being weakened and slow on the mat.⁴⁷

Another important element of weight management regulation has been the establishment of a minimum weight class for all student-athletes, to be determined at the beginning of each season.⁴⁸ This allows for some gradual weight loss over the course of the season but imposes firm limits on how much weight can be lost each week until the minimum allowable weight is reached. While the determination of minimum weight is somewhat technical, high school coach Rob Prebish has stated the process rather straightforwardly:

The NCAA has specific guidelines for athletes to follow in order to determine [minimum weight]. The first step . . . is to determine the wrestler's body fat percentage while in a fully hydrated state. This means all athletes must have a urine specific gravity test to ensure that they meet the maximum specific gravity for a hydrated wrestler of 1.020. . . . If the wrestler's urine tests above

weight loss. After the minimal weight has been attained, caloric intake should be increased sufficiently to support the normal developmental needs of the young wrestler.

Id. (internal citations omitted).

⁴⁰ See Marcus, *supra* note 26.

⁴¹ See *id.*

⁴² See Olson, *supra* note 7 ("A seven-pound weight allowance has been added to each class, an increase from the previous one pound allowance. This means that a wrestler in a 118-pound class can actually weight up to 125 pounds.").

⁴³ See Marcus, *supra* note 26; Olson, *supra* note 7.

⁴⁴ See Olson, *supra* note 7 (arguing that the weigh-in rule change would have the greatest impact on weight management decisions of wrestlers).

⁴⁵ See *id.*

⁴⁶ See Marcus, *supra* note 26. In reality, the perception that the human body can recover this quickly is mistaken. See Opplinger et al., *supra* note 9 ("Wrestlers hope to replenish body fluids, electrolytes, and glycogen in the brief period (30 min–20 h) between the weigh-in and competition. However, reestablishing fluid homeostasis may take 24–48 h; replenishing muscle and glycogen may take as long as 72 h, and replacing lean tissue may take even longer.") (internal citations omitted).

⁴⁷ See Olson, *supra* note 7 ("With less recovery time after weight-in, a person who is using his head knows if he has to cut too much weight, he's not going to perform on the mat.' This change should severely reduce the frantic, last minute attempts to drop weight using the dehydration measures." (quoting Marty Benson, playing rules liaison to the NCAA Wrestling Rules Committee)).

⁴⁸ See Olson, *supra* note 7.

1.020 specific gravity, no tests to determine percent body fat may continue because the wrestler is considered dehydrated. . . . If the wrestler's urine specific gravity meets the hydration standard, the trainer will proceed with the program. The wrestler will step on a scale and have the weight recorded to the nearest tenth of a pound.

The second step to determine the wrestler's [minimum weight] is to measure body density, or body fat. . . . Once this has been completed, the number of weeks of weight loss will be determined, as well as the amount of weight that can be lost per week. The amount of weight loss can only reflect 1.5% of total weight per week. An equation will be used to determine the athlete's [final] Minimum Wrestling Weight (MWW).⁴⁹

The most intriguing part of the establishment of a minimum weight is the hydration requirement at the time of weigh-in. This ensures that wrestlers do not simply push their drastic weight reduction strategies further back into the preseason in order to show up emaciated at the season's initial weigh-in, thus making the program entirely ineffective. Instead, if a wrestler attempts to establish minimum weight in a dehydrated state, he simply cannot weigh-in that day.⁵⁰ While the measure used to determine whether an athlete is properly hydrated has been criticized by some as casting an overly broad net,⁵¹ the overall value of ensuring hydration at the season's initial weigh-in can hardly be denied.

High schools have followed the same basic regulatory structure, although the path taken to get there was a bit more winding than in the case of the NCAA. In reality, the NCAA actually borrowed its regulations from a few states that had already established weight management programs prior to 1997. Wisconsin was the first state to implement such a program in 1989, requiring body fat measurements for wrestlers and imposing maximum weekly weight loss amounts at 1.5% of total body weight.⁵² Michigan followed in 1995 with a broad regime that "offered nutritional education to coaches, [and established] a skin fold test for body fat that would not allow any wrestler with less than 7% body fat to compete unless authorized by a physician"⁵³ Indeed, the programs in these states—and particularly the program in Wisconsin—provided the impetus for many of the scientific studies warning of the dangers of extreme weight-cutting measures published prior to the 1997 tragedies.⁵⁴ In the area of wrestling

⁴⁹ See PREBISH, *supra* note 19.

⁵⁰ See *id.*; see also Olson, *supra* note 7.

⁵¹ See PREBISH, *supra* note 19 ("I know my athletes are hydrated; I make sure they have water bottles with them during practice and that they have ample opportunity to get water if they need it. We work hard during practice and my athletes sweat, but they do replace most of their fluids. No one complains of being tired, or any signs of dehydration. . . . I cannot emphasize normally hydrated wrestlers I have whose [urine specific gravity tests above permissible levels]!").

⁵² See *id.* This weekly limitation serves to ensure that any weight loss that occurs throughout the season is at the natural pace one would expect from rigorous exercise coupled with healthy nutrition.

⁵³ *Id.* The comparable limitation for female wrestlers is generally set at twelve percent. See, e.g., NWCA Optimal Performance Calculator, <http://www.nwcaonline.com/nwcaonline/wrestling.aspx> (last visited Apr. 5, 2010).

⁵⁴ See Dale R. Wagner, *Body Composition Assessment and Minimal Weight Recommendations For High School Wrestlers*, 31 *J. ATHLETIC TRAINING* 262 (1996).

weight management, it can truly be said that the states acted as laboratories of sound public policy.

While a few states led the way on wrestling weight management programs, however, state high school athletic associations on the whole lagged behind the NCAA. With vast financial resources and a relatively limited number of college competitors, implementation is logistically simpler for NCAA officials. States, however, face a number of difficulties in trying to make such programs work, ranging from the budgetary to the political to a problem of sheer numbers: It is estimated that there are more than forty high school wrestlers for every one that will compete collegiately.⁵⁵ Therefore, even though Wisconsin and Michigan stepped to the forefront of weight management regulation to protect their wrestlers, many states failed to act for a number of years after the NCAA regulations took effect.⁵⁶

Finally, in 1996, the National Federation of State High School Associations (NFHS) added weight management programs to its rules, which have since been implemented by all states. The general requirements outlined by the NFHS are basically in line with the regime imposed by the NCAA.⁵⁷ As of the 2006 wrestling season, “all states would be required to implement a weight management program that included a specific gravity not to exceed 1.025; a body fat assessment no lower than seven percent males/twelve percent females and a monitored weekly weight loss plan not to exceed 1.5% a week.”⁵⁸ While some states differ on the particulars of implementation⁵⁹—and states are always free to impose more restrictive guidelines

⁵⁵ See John Irving, Opinion, *Wrestling With Title IX*, N.Y. TIMES, Jan. 28, 2003, available at <http://query.nytimes.com/gst/fullpage.html?res=9C00E2DB1339F93BA15752C0A9659C8B63>.

⁵⁶ See PREBISH, *supra* note 19. Some states employed alternative measures, such as the “fifty percent system” for weight certification, but such alternatives proved more problematic than the regulations imposed by Wisconsin, Michigan, and the NCAA. See *id.*

⁵⁷ See Alan C. Utter, *Weight Management: The Basics*, <http://www.nwcaonline.com/sports%20science%20articles/weight%20management%20basics.cfm> (“A successful weight management program should consist of the following three essential components: 1) Establishment of a healthy minimal wrestling body weight through body composition and hydration assessment. 2) Development of a sound, gradual and safe weight-loss plan that includes nutritional information if weight loss is desired. 3) Development of a nutritional educational program that is directed to the coach, individual wrestler and, parents.”) (last visited June 5, 2010).

⁵⁸ See PREBISH, *supra* note 19.

⁵⁹ For example, some states differ on the appeal process available for wrestlers who are initially denied certification at a particular weight class. See, e.g., Ohio High School Athletic Ass’n Weight Mgmt. Monitoring Program, 2009-10, <http://www.ohsaa.org/sports/wr/boys/WgtManagement/wtmanage.htm> (allowing wrestlers to compete at the lowest allowable weight class determined at their initial assessment during the appeal process) (last visited June 5, 2010); IHSA Sports Medicine, Wrestling Weight Control Program, <http://www.ihsa.org/initiatives/sportsMedicine/weight.htm> (specifying that, during the appeal, “the wrestler may not wrestle in interscholastic competition until the appeal results are posted . . .”) (last visited June 7, 2010). Needless to say, whether or not one has to forego competition while appealing weight certification may have a major impact on whether or not a wrestler chooses to question his or her initial certified weight. Additionally, states differ on whether a growth allowance is allowed over the course of the season. Compare HAW. WRESTLING WEIGHT MONITORING PROGRAM: RULES AND REFERENCE GUIDE 3 (2009), available at http://www.sportshigh.com/files/content/sports/wrestling/hhsaa_state_wrestling_wmp_0910.pdf (providing for a two-pound allowance at a specific point during the season) (last visited June 24, 2010), and Ohio High School Athletic Ass’n Weight Mgmt. Monitoring Program, 2009-10, <http://www.ohsaa.org/sports/wr/boys/WgtManagement/wtmanage.htm> (same), with IHSA Sports Medicine; Wrestling Weight Control Program, available at <http://www.ihsa.org/initiatives/>

than those minimally required by the NFHS⁶⁰—basic uniformity reigns in today’s regulatory landscape.⁶¹

In addition to promulgating rules, the NCAA and states have been fairly effective at disseminating educational information to coaches, parents, and student-athletes. Such efforts (1) help shed light on what is required under the weight management programs,⁶² which is helpful to coaches attempting to adjust to changing times,⁶³ and (2) provide nutritional health information, pointing out the risks involved in rapid weight-cutting.⁶⁴ This educational information is vital for improving overall health in young wrestlers. While coaches tend to be experts in all things wrestling, they are not necessarily schooled in proper sports nutrition.⁶⁵ Indeed, since many grew up competing in an era of weight-cutting abuses,⁶⁶ coaches are particularly likely to be dangerously misinformed. Additionally, educating wrestlers on the reasons such regulations are being imposed will hopefully motivate them to internalize and willingly adopt healthier eating habits and not simply comply with minimum requirements involuntarily.

sportsMedicine/weight.htm (last visited June 24, 2010) (lacking any mention of a growth allowance).

⁶⁰ See, e.g., 2006–07 NFHS Wrestling Rules Interpretations, <http://www.arkwrestling.com/2006-07%20Interps.pdf> (noting that, in addition to the weekly weight loss limits, “Each state association’s rules may require that in order to compete in a weight class at the state championships, that he/she must compete at a weight class for at least 50-percent of his/her matches . . . [because] under NFHS wrestling rules, state associations have the authority to make playing rules more restrictive in any sport.”) (last visited Apr. 5, 2010). Thus, the NFHS guidelines set only floors for what is to be required of amateur wrestlers, and states are free to impose stricter requirements. While more stringent regulation may take various forms in different states, Virginia stands out by requiring written records of daily weigh-ins before each practice, as well as daily monitoring by coaches of weight fluctuation of greater than three percent of total body fat in any team member, which can lead to recalculation of the weight loss schedule for that individual. Virginia High School League Wrestling Weight Control Program, <http://www.fcps.edu/supt/activities/atp/WCP/vhslwcpabout.htm> (last updated Nov. 13, 2009).

⁶¹ While this is largely because of the mandatory NFHS guidelines dominating regulatory structure, states have also tended towards uniformity by choice. For example, at least thirty-five states have adopted the National Wrestling Coaches Association’s [NWCA] Optimal Performance Calculator [OPC] to set proper weight loss plans and nutritional guidelines for wrestlers. See Mike Moyer, NWCA Optimal Performance Calculator, NAT’L WRESTLING COACHES ASS’N, available at <http://www.nwcaonline.com/nwcaonline/backgroundopc.pdf> (last visited June 9, 2010).

⁶² See Va. High School League, *supra* note 61.

⁶³ See Dave Kraska, Wrestling With Weight, <http://unbound.intrasun.tcnj.edu/archives/0203/health/wrestlers.htm> (last visited June 24, 2010).

⁶⁴ See Tennessee Wrestling Minimum Weight Program: Parental and Doctor Permission Form, available at <http://www.docstoc.com/docs/673081/Tennessee-Wrestling-Minimum-Weight-Program> (last visited June 24, 2010).

⁶⁵ See Karen Sossin et al., Nutrition Beliefs, Attitudes, and Resource Use of High School Wrestling Coaches, 7 INT’L J. OF SPORT NUTRITION 219, 221 (1997) (“Although coaches considered themselves to be very knowledgeable about wrestling, only forty-five percent rated themselves as knowledgeable about weight loss, thirty-six percent about sport nutrition, and seventeen percent about vitamin supplements.”).

⁶⁶ See Bryant, *supra* note 13 (discussing the climate of dangerous weight loss that existed when current coach Rob Prebish was a competitor in high school and collegiate wrestling).

IV. Analysis

Most people would probably agree that placing restrictions on weight loss for high school and collegiate wrestlers is, at least intuitively, a good idea. Indeed, it is difficult to construct a defensible position advocating the continued destruction of immature bodies through a kind of athletic bulimia.⁶⁷ However well-intentioned minimum weight programs are, though, such programs would be of little value if the harmful weight-cutting behavior persisted after implementation of the regulations. Accordingly, this section looks at the available scientific research that analyzes the effectiveness of wrestling minimum weight programs. While the data is scarce and the results somewhat mixed,⁶⁸ the general consensus seems to be that weight loss behavior among amateur wrestlers is becoming safer and less extreme.⁶⁹

After considering the effectiveness of weight management programs, this section examines potential avenues for further research and scholarship. These other areas include the potential for litigation against noncompliant coaches, considered particularly in light of the recent Stinson case in Kentucky,⁷⁰ as well as the possibility of extending weight management programs to other sports with high rates of eating disorders and unhealthy nutritional behavior, such as gymnastics and cross country.⁷¹

A. The Impact of Weight Management Programs on Athlete Behavior

A little over a decade after the three tragic deaths of collegiate wrestlers in 1997, comprehensive weight management programs have become ingrained in the sport's rulebooks nationwide. The NCAA, as well as every state high school athletic association, has adopted minimum weight programs designed to promote healthy weight management behavior on the part of student-athletes.⁷² While evaluation of such programs will continue to evolve as more data becomes [note: I know it's technically wrong, but that usage has become generally acceptable, and it reads better] available in the future, some have attempted at least a preliminary investigation of the effectiveness of weight loss restrictions thus far.

In 2004, for example, the *Journal of Athletic Training* published a study investigating the impact of the NCAA's weight management program and discussing Wisconsin's comparable high school program.⁷³ Observing seventy-eight male collegiate wrestlers who were members of elite programs over the course of one season,⁷⁴ as the study's conclusions were "cautiously

⁶⁷ See Jack Ransone & Brian Hughes, *Body-Weight Fluctuations in Collegiate Wrestlers: Implications of the National Collegiate Athletic Association Weight-Certification Program*, 39 *J. ATHLETIC TRAINING* 162, 163 (2004) available at http://www.ncbi.nlm.nih.gov/pmc/articles/PMC419511/pdf/attr_39_02_0162.pdf (last visited June 5, 2010); Bret Maurras, *Bulimic Behavior Among Wrestlers*, *VANDERBILT HEALTH PSYCHOLOGY DEP'T*, http://www.vanderbilt.edu/ans/psychology/health_psychology/wrestle.htm (last visited June 5, 2010).

⁶⁸ See *infra* notes 73-84 and accompanying text.

⁶⁹ See *infra* note 75 and accompanying text.

⁷⁰ See *infra* notes 91-108 and accompanying text.

⁷¹ See *infra* notes 85-90 and accompanying text.

⁷² See Moyer, *supra* note 61 (noting that all collegiate governing bodies have explicitly adopted the OPC for administering their respective programs).

⁷³ See Ransone & Hughes, *supra* note 67.

⁷⁴ See *id.* at 162.

optimistic” about the value of minimum weight programs.⁷⁵ The authors of the study were careful to (1) caution that “[r]eview of high school and collegiate policies regarding weight loss needs to continue,”⁷⁶ (2) called for enhanced efforts at improving nutritional education,⁷⁷ and (3) ultimately issued a sobering perspective of the sport of wrestling in general:

[A]s long as wrestlers are allowed to compete in differing weight categories, the popular practice of competing at the lowest possible weight will probably continue. In that situation, the best course of action for the certified athletic trainer is to become acutely aware of the unique nutritional concerns of these athletes in order to make this practice as safe as possible.⁷⁸

Despite the authors’ ongoing concerns with weight management behavior in wrestling, they noted that “[t]he NCAA weight-certification program appears to have influenced the volume of body-weight gains and losses by wrestlers”⁷⁹ Of course, influencing the volume of weight gains and losses is the primary motivation for implementing such programs; that the programs have had such influence is no small statement. Thus, at least in the case of the NCAA, weight management programs seem to have influenced wrestler behavior regarding weight, which is at the very least a positive step towards healthier student-athletes, and—at best—evidence that the programs are doing exactly what they were intended to do.

While the information provided above is certainly beneficial, it is by no means comprehensive. The sample sizes are relatively small,⁸⁰ such that they may not be sufficiently representative of the general population of competitors in the sport.⁸¹ Thus, while the Journal of

⁷⁵ *Id.* at 163-64 (“The wrestlers in our investigation lost significant amounts of weight before and gained significant amounts of weight after competition. . . . Although these changes in body weight may be statistically significant, they are within the range that has been observed as a result of normal water turnover.”). This conclusion, while stating that weight loss generally fell within the normal range, is not exactly a ringing endorsement for the NCAA weight management program’s impact on wrestler behavior.

⁷⁶ *Id.*

⁷⁷ *Id.* (“Most coaches (eighty-two percent) considered themselves to be very knowledgeable about wrestling but less informed about sport nutrition, weight loss, and ergogenic supplements. The best preventative measure may be the education of wrestlers, parents, and coaches about the consequences of rapid and extreme weight loss and the significant role nutrition and fluid replacement play in successful training and competition.”).

⁷⁸ *Id.*

⁷⁹ *Id.* Interestingly enough, more recent scholarship seems to take a similar view of the NCAA program’s effectiveness. See, e.g., Aimee E. Gibbs, Joel Pickerman & Jon K. Sekiya, *Weight Management in Amateur Wrestling*, Abstract, 1 *SPORTS HEALTH* 227 (May 2009) available at <http://sph.sagepub.com/content/1/3/227.abstract> (suggesting in the abstract that some improvements in weight management behavior have been realized, but that further reform is still needed) (last visited June 24, 2010). [note: I just found this abstract online and could not view the full study. Feel free to remove reference altogether. I keep going back and forth on citing an abstract without viewing the study itself.]

⁸⁰ See *id.* at 162 (noting that the study included seventy-eight wrestlers, all of them at elite collegiate programs).

⁸¹ See *id.* Because the wrestlers chosen were all members of teams that had recently finished in the top five nationally in NCAA Division I competition, this study fails to consider the weight management behavior at smaller, less prestigious programs, which may have more difficulty recruiting elite participants at every weight class (and thus might feel greater pressure to have wrestlers alter their weights more drastically in order to field a competitive squad).

Athletic Training study allows for some extrapolation from changed nutritional behavior in the sample group to changed behavior in wrestlers in general, things are not so simple in reality. Maintaining and enforcing a minimum weight restriction is costly; staff must be hired and trained to administer weigh-ins,⁸² proper equipment for testing hydration and body fat must be purchased,⁸³ and even the scales used to weigh competitors must be certified as accurate.⁸⁴ Accordingly, enforcement of such policies is likely less rigid in poorer, rural areas of the country than enforcement in big-budget metropolitan centers, and the process is likely much less organized and precise in high schools than in colleges.

Having rigorous policies on the books, however laudable, is not beneficial to the health of young wrestlers if no one actually gives the program teeth through strict enforcement. Unfortunately, no systematic study has yet been attempted to examine compliance rates on a state-by-state (or even more geographically specific) basis. Thus, we really do not know to what extent minimum weight policies are being followed in different areas of the country. While it is good to know that current policies generally seem to promote healthier weight management behavior in wrestlers, it would be helpful to find out how dutifully such policies are followed; only then could we have a full picture of the current situation of weight loss in wrestlers. Such a systematic study is seriously needed in order to fill gaps in the data currently available.

B. Possible Expansion of Weight Management Programs and Optimum Performance Calculations

As noted in the opening quote of this article, wrestling is not the only sport that suffers from rampant malnutrition and disordered eating habits. Gymnastics is fraught with anorexia and bulimia,⁸⁵ and cross-country runners also tend to take extreme measures to maintain a small, light frame.⁸⁶ Other sports, such as football, suffer from the opposite problem: obesity that leads to problems with dehydration and exacerbates heat related illness.⁸⁷

⁸² See Ohio High School Athletic Ass'n Weight Mgmt. Monitoring Program, *supra* note 60.

⁸³ See *id.*

⁸⁴ See *id.*

⁸⁵ See Ana Cintado, *Eating Disorders and Gymnastics*, VAND. HEALTH PSYCHOL., http://www.vanderbilt.edu/ans/psychology/health_psychology/gymnasts.htm (noting that "women's gymnastics seems 'designed for this disease'" and estimating that over half of all participants likely suffer from eating disorders (internal citation omitted)); see also Murray G. Hughes, *Eating Disorders and Gymnastics*, GIRLS GYMNASTICS FOR PARENTS, http://www.all-eating-disorders.com/eating_disorder/gymnastics_and_eating_disorders.htm (discussing bulimia and anorexia) (last visited June 5, 2010).

⁸⁶ See Nanci Hellmich, *Athletes' Hunger to Win Fuels Eating Disorders*, USA TODAY, Feb. 5, 2006, available at http://www.usatoday.com/news/health/2006-02-05-women-health-cover_x.htm (noting the motivation to become lighter and faster); Eli Saslow, *In Prep Cross-Country, Girls Often Face an Uphill Battle: Physiological Changes Can Hinder Female Runners*, WASH. POST, Sept. 16, 2006, at A01, available at http://www.washingtonpost.com/wp-dyn/content/article/2006/09/15/AR2006091501153_pf.html ("College and high school coaches estimate that about 80 percent of female runners will level off [in skill], at least temporarily, because of physiological changes. The average girl gains about 10 or 20 pounds during high school, doctors said, and much of the added weight consists of natural fat. Nutritionists suggest women must maintain at least 17 percent body fat to menstruate; top male athletes, meanwhile, often thrive on less than 10 percent."); Paul Scott, *When Being Varsity-Fit Masks an Eating Disorder*, NY TIMES, Sept. 14, 2006, available at <http://www.nytimes.com/2006/09/14/fashion/14Fitness.html> (detailing the death of a 20-year old cross country

Hopefully, these sports—and all sports—can learn from wrestling and its weight management programs. While other sports may not have weight classes—which provide uniquely strong incentives to cut as much weight as possible in wrestling—athletes in those other sports still have powerful reasons to push the boundaries of good health in order to gain a competitive edge. Recognizing the need for healthier weight management behavior in other sports, and at the behest of several state high school athletic associations,⁸⁸ the NWCA has modified its Optimum Performance Calculator (OPC) to “accommodate the unique needs of all sports.”⁸⁹ While the OPC for other sports would not involve certifying for weight classes, body fat could be tested at the beginning of a season to ensure hydration and a healthy body composition, and minimum weights could still be set for the duration of the competitive year. In addition to facilitating the expansion of weight management programs to other interscholastic sports, the NWCA has also partnered with several state high school athletic associations and state departments of education to combat childhood obesity in youths with education campaigns targeted at younger students.⁹⁰ These are both extremely positive developments, hopefully trending towards a culture of healthier student-athletes in all sports, as well as a healthier population on the whole.

C. Potential Future Litigation Against Wrestling Coaches

This article’s discussion of weight management programs in high school and collegiate wrestling can only be properly considered against the background of the dangerous weight-cutting culture that has permeated the sport in recent history. Accordingly, this sub-part briefly considers the potential for litigation against wrestling coaches who continue to condone or promote hazardous methods of cutting weight. In other words, if NCAA and NFHS regulations do not sufficiently ensure wrestlers’ nutritional well-being, what—if any—recourse is available for those who suffer catastrophic injury as a result of unhealthy weight-cutting practices?

In August of 2008, fifteen-year-old Max Gilpin, a Kentucky high school football player, collapsed and died in the waning moments of an hour-long practice session that was conducted in ninety-four degree heat.⁹¹ His body temperature reached at least 107 degrees, and the apparent cause of death was complications from heat stroke.⁹² In response, the state charged Jason Stinson, head football coach of Max’s team, with reckless homicide in connection with Max’s death.⁹³ The charge involved “fail[ure] to perceive a substantial and unjustifiable risk

runner who collapsed and died from cardiac arrest as a result of intense training and starving herself down to seventy pounds).

⁸⁷ See Moyer, *supra* note 62.

⁸⁸ See *id.*

⁸⁹ See *id.*

⁹⁰ See *id.*

⁹¹ See Dan Slater, *After Player’s Death, High School Football Coach Charged With Homicide*, WALL ST. J., Jan. 23, 2009, available at <http://blogs.wsj.com/law/2009/01/23/after-players-death-high-school-football-coach-charged-with-homicide/>.

⁹² See *id.*; see also Associated Press, *Kentucky Coach Charged in Player’s Death*, ESPN.COM, Jan. 22, 2009, <http://sports.espn.go.com/highschool/rise/football/news/story?id=3852811>.

⁹³ Kentucky uses the term “reckless homicide.” Other states refer to this crime as “negligent homicide” or “gross negligence.” See Slater, *supra* note 92.

that the result will occur.”⁹⁴ While wrongful death lawsuits are frequent in cases of athletes dying on the field of play,⁹⁵ the application of criminal charges against Stinson was unprecedented.⁹⁶

Even though Stinson was ultimately acquitted,⁹⁷ the former coach may still face civil liability⁹⁸ and his case provides strong warning to coaches, schools, and parents across the country.⁹⁹ Indeed, “coaches nationwide will be watching and seeing what happens and how it may affect them and how they do their jobs.”¹⁰⁰ Particularly relevant to wrestling coaches is the role that dehydration played in the incident; apparently, player requests for water during the workout were denied by the coaching staff. As one criminal law professor explained:

If it’s true that there was water denied, that strikes me as problematic. . . . What we’re talking about is coaches entrusted with the care of children. This kid was fifteen. And fifteen year-olds aren’t always the most cautious people. They want to please their coach and their parents and show off to their teammates. So a reasonable person should know about the limitations of a high school athlete, and should know that a kid might not necessarily ask for water if he’s being told not to.¹⁰¹

⁹⁴ See *id.*

⁹⁵ A simple Internet search will generate hundreds of relevant results. See, e.g., Chad Day, Update: Tentative Settlement Reached In *Aaron O’Neal Suit*, MISSOURIAN, <http://www.columbiamissourian.com/stories/2009/03/10/tentative-settlement-reached-aaron-oneal-wrongful-death-suit/> (discussing the wrongful death suit of a former University of Missouri football player) (last visited Apr. 5, 2010); Iliana Limón, UCF Seeks Summary Judgment In Wrongful Death Suit, Claiming Ereck Plancher Signed Injury Waivers, ORLANDOSENTINEL.COM, <http://www.orlandosentinel.com/sports/college/knights/orl-sportsplancher25042509apr25,0,975227.story> (discussing a similar lawsuit filed against the University of Central Florida) (last visited Apr. 5, 2010).

⁹⁶ See Lindsay English, Fallout From Stinson Indictment Could Impact Coaches Across the Nation, WAVE 3 TV, Jan. 22, 2009, available at <http://www.wave3.com/global/story.asp?s=9720037%20> (“It seems to me to be a unique situation and having covered sports and covered football for 20 plus years now, I cannot remember an instance where it got to this level with a reckless homicide charge,” says Pat Forde, senior writer for ESPN.com.”).

⁹⁷ See Jim Halley & Andy Gardiner, Jury Acquits High School Coach On All Charges In Death of Player, USA TODAY, Sept. 17, 2009, available at http://www.usatoday.com/sports/preps/football/2009-09-17-stinson-trial_N.htm.

⁹⁸ A civil trial against Stinson for wrongful death was set for February 15, 2010. See Andrew Wolfson, *Stinson’s Acquittal Poses Problems for Civil Lawsuit*, LOUISVILLE COURIER-JOURNAL, Sept. 19, 2009, available at <http://www.courier-journal.com/article/20090919/SPORTS05/909200329/>. Despite Stinson’s acquittal in his criminal trial, as well as the substantial likelihood that potential jurors would be aware of that result because of the high publicity generated by the case, the plaintiff’s attorney in the wrongful death suit remained optimistic about his chances to obtain a favorable judgment for damages against Stinson. See *id.* (“Just because [someone is] found not guilty doesn’t mean they are innocent.”). The civil trial of Stinson for wrongful death has yet to occur, however, because of delays caused by pretrial appeals. See Jason Riley, *Appeal Will Likely Delay Trial of Stinson and Assistant Caches a Year or More*, COURIER-JOURNAL.COM, May 7, 2010, available at http://www.rr.com/news/topicdl/article/dlt/Of8s5gV526efV/06oBh2KeBE8Hu/Appeal_will_likely_delay_trial

⁹⁹ See English, *supra* note 96.

¹⁰⁰ *Id.* (quoting Pat Forde).

¹⁰¹ Slater, *supra* note 92 (quoting Andrea Davis, former defense attorney and current criminal law professor at the University of Kentucky); see also CNN, *High School Football Coach Charged in Player’s Death*, CNN.COM, Jan. 26, 2009 available at <http://www.cnn.com/2009/CRIME/01/26/football.coach.indicted/index.html> (“If he [Stinson]

As was mentioned previously, one of the primary means of extreme weight loss in wrestling is dehydration.¹⁰² Additionally, wrestling is a sport of intense loyalty,¹⁰³ in which participants are unlikely to question a coach's judgment on something like the timing of a water break. Thus, a coach who attempts to sidestep the minimum weight regulations and continues to endorse heavy weight cutting by his team may very well find himself in the same boat as Stinson should a wrestler die or suffer a major injury.

This brief discussion is not intended to be a penetrating legal analysis of the merits of the state's failed case against Mr. Stinson; rather, it simply seeks to point out that this matter could cause major waves in the wrestling coaching community, particularly in areas of the country that are less rigidly compliant with minimum weight program requirements. Additionally, the possibility for criminal liability presents a stark contrast to the position taken by at least one author who, under the dubious assumption that dehydration is an inherent risk in the sport, has suggested that wrestling coaches should be protected against even civil liability in cases of injury caused by extreme weight loss because athletes assume the risk by choosing to compete.¹⁰⁴ In short, the future of coaches' liability in cases of wrestling injuries related to dehydration and weight loss is very much up in the air, and the precedent set by the Stinson case may have an important impact on how prosecutors treat such injuries going forward.

V. Conclusion

For many years, wrestlers at the high school and collegiate levels have engaged in dangerous weight-cutting practices in an attempt to garner a competitive edge in their sport. Unfortunately, three young men had to die in the late 1990s before the sport's supervising bodies took any significant regulatory action, but the NCAA and NFHS have since implemented comprehensive weight management policies designed to encourage healthier habits on the part of student-athletes and to put a stop to reckless nutritional and exercise habits. Early returns analyzing these programs have been mixed, but the policies implemented seem to be doing at least some good towards erasing harmful training and nutritional practices among amateur wrestlers. A systematic study on compliance with these programs—particularly at the high school level, where monitoring difficulties abound—would do a great deal to help assess the efficacy of the NCAA and NFHS regulations, as well as to bring to light areas in which changes

denied him access to water, that's really, really serious,' said CNN senior legal analyst Jeffrey Toobin. 'I can see the case moving forward.'").

¹⁰² See supra notes 11–33 and accompanying text.

¹⁰³ See supra note 19 and accompanying text.

¹⁰⁴ See Pal, supra note 17 (arguing that weight-cutting is an inherent part of wrestling and thus that the associated risks are assumed by participants). The intricacies of coach liability for athlete injury or death during participation are largely beyond the scope of this article; noting the existence of this criminal matter is simply meant to direct attention to a contemporary legal matter that may have far-reaching implications for wrestling coaches who routinely assist their wrestlers in seriously dehydrating themselves in order to cut weight. The perspective of Pal and others that coaches should not even be civilly liable for wrestling tragedies was noted to illustrate the wide divergence in scholarly opinion on the matter. For a good synopsis of some of the major issues in this area of the law, see Timothy B. Fitzgerald, *The Inherent Risk Doctrine, Amateur Coaching Negligence, and the Goal of Loss Avoidance*, 99 *Nw. U. L. REV.* 889 (2005).

in the regulatory structure might improve a program's overall efficacy. Such a systematic study is desperately needed in this area. In the meantime, however, continuing efforts must be made to educate coaches, parents, athletic trainers, and student-athletes about proper nutritional health and the risks of extreme weight-cutting. Unfortunately, no matter what efforts are made to curb abusive weight loss practices by wrestlers, there will always be those who push their bodies beyond their natural limits in an effort to succeed, and the courts may be called upon to fill gaps where student-athletes have managed to fall through the cracks and injure themselves through destructive weight loss practices.