

Tough Mudder or Sheer Madness: An Analysis of Extreme Race Legislation in the United States

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Legal aspects

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Sport management programs have evolved since their inception almost 50 years ago. In the United States these programs oftentimes possess a number of similar courses such as Sport Marketing, Facility & Event Management, Sport Governance, Budgeting & Finance and Sport Law. Facility and Event management curriculum have traditionally focused on events such as intercollegiate athletics, professional sport leagues, motor sports and concerts. However, within the past 3-5 years newer events such as extreme sports have taken center stage. Within the extreme sport category a new genre of obstacle course races has grown exponentially. It has been said that participants in these extreme obstacle races such as Tough Mudder, Spartan Races and Warrior Dashes are encouraged to put teamwork and the welfare of their fellow Mudders above their personal performance (McNeil, 2011). This camaraderie, while appealing, encourages some individuals to literally dive in without proper physical training compounded by preexisting health issues.

In 2011 150,000 people participated in 14 Tough Mudder events that grossed \$25 million and Under Armour became their “official outfitter” (Rovell, 2011). In 2012 more than 2 million people competed in events such as the Tough Mudder, Warrior Dash, Muddy Buddy, Spartan Race and other muddy, obstacle-filled, boot-camp style races (Williams, 2012). Warrior Dash and Tough Mudder, although separate companies, generated revenues close to \$70 million dollars (Williams, 2012). These large sums attract a number of race promoters who sometimes are more concerned with the potential financial windfall than with safe course design or providing adequate medical attention. For example two race participants died in 2011 allegedly from hot humid conditions and two more from accidental drowning in 2012 and 2013. Other race participants have been paralyzed or suffered from electrical shocks, heart attacks, hypothermia and other serious injuries. US government officials as well as representatives from U.S. Adventure Racing Association (which sanctions team-based races that usually involve trail running, mountain biking and paddling) believe the main issue to be the lack of a governing body and accepted best practices for designing, building and operating the courses.

Legal research is an important tool that plays a critical role in public health law policy. The purpose of public health law policy is generally to improve the health of the general population within social and legal limits (Teitelbaum & Wilensky, 2007). One way to address public health implications is to enact legislation. The purpose of this exploratory legal research study is to identify and examine current and proposed legislation relating to extreme obstacle course races. Specific legal research questions include:

1. What states have enacted extreme race legislation, and what states have proposed, or are considering similar legislation?
2. What is the stated purpose of the legislation?
3. What kind of warnings, waivers and informed consents are being used?
4. Is the inherent risk of participation truly understood by the participants?
5. How is the law enforced?

The study will provide a public health policy tool to assist in the reduction of injuries emanating from extreme obstacle course races. Common purposes for the legislation are identified as well as common elements of the statutes. Strengths and weaknesses are identified and the implications for future litigation and risk management policies for sport managers will also be discussed.

This legal research study measures the law as a result, state legislation and proposed legislation constitute the data. The state statutes were identified using the Lexis and Westlaw legal database search engines. In examining the statutes, considerations of “precision, sensitivity, specificity, validity and reliability” were taken into account for

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coding each element of the law (Tremper, Thomas & Wagenaar 2009). Categorical variables for measuring the law include: full legal citation, enactment date, effective date, legal provisions, populations covered, enforcement provisions, and not sure/other. Two researchers examined each statute independently and then compared coding. Discrepancies were reviewed until there was agreement.

References

Rovell, D, (2011, December 5). Tough Mudder Brings In \$25 Million, Signs Under Armour. Retrieved from <http://www.cnbc.com/id/45554832>

Teitelbaum, J.B. & Wollensky, S.E. (2007). Essentials of public health law and policy. Sudbury, MA: Jones & Bartlett.

Tremper, C., Thomas, S., & Wagenaar, A.C. (2009). Measuring law for public health research. Monograph. Public Health Law Research Program. Retrieved from [http://publichealthlawresearch.org/sites/default/files/Measuring_Law_for_Public_Health_Research%20\(1\).pdf](http://publichealthlawresearch.org/sites/default/files/Measuring_Law_for_Public_Health_Research%20(1).pdf)

Wells, C. & Wood, P. (2013, May 25). Death and injuries at events like Tough Mudder and Warrior Dash lead to lawsuits. The Baltimore Sun. Retrieved from <http://www.baltimoresun.com/news/maryland/bal-with-rise-of-extreme-races-fun-comes-with-serious-risk-20130524,0,554574.htmlstory>

Williams, P. (2012, September 24). Down & dirty: Obstacle races clean up with events that are part fun, part survival of the fittest. Sports Business Journal. p. 1. Retrieved from <http://www.sportsbusinessdaily.com/Journal/Issues/2012/09/24/In-Depth/Obstacle-races.aspx>