

February, 15, 2023
Senate Judiciary Committee

**Testimony of Joel Shaich, SW Portland
No on Senate Bill 754**

Chair Prozanski and members of the Committee, my name is Joel Shaich. Thank you for the opportunity to share with you why I oppose this bill. In spite of my mobility issues, it was important for me to come and testify here today because I'd hate for any other Oregonian to find themselves in the situation I've experienced and have no real recourse through our legal system.

Three years ago yesterday, on February 14th 2020, I went up to Mt. Hood Meadows, where I've been a season pass holder for many years, expecting to have a fun day of skiing. My ski buddy and I headed over to the O-Ring trail, one of my favorites that I've skied many times before. Starting down the run we encountered a solid sheet of nearly invisible ice. I immediately lost control, fell, and slid down the hill headfirst on my back at high speed until I collided with several trees. I suffered a broken hip and shoulder blade, broken ribs, internal injuries, and several broken vertebrae that damaged my spinal cord. I spent the next three months in the hospital, in nursing home care, and finally in an intensive rehabilitation program before I was able to return home, now a paraplegic.

I learned to ski on Mt. Hood when I was 7 and I've been skiing ever since on Mt. Hood and at ski resorts all over the western U.S. and Canada. I'm not a reckless skier, I'd never had a ski injury before this. The conditions on that run the day of my accident were extremely hazardous for any level of skier and the run should never have been open. Period. I later learned that several other people were injured when they encountered similar conditions at Mt. Hood Meadows that weekend, and that two people even died.

I've been an avid outdoorsman all my life. I'm a wetlands biologist by profession. I loved going out into the field to do natural resource surveys, but I can't do that anymore. I loved dancing, cycling, backpacking, hiking, all the joys of living in our beautiful Pacific Northwest, but I'm no longer able to do many of those things. In addition to the limitations on what I'm able to do there are many additional costs that go with being a paraplegic including medical costs, home retrofitting costs, and the cost of buying a wheelchair accessible vehicle. I'm doing the best I can, but for the recreational industry to shirk accountability and ask for immunity and liability waivers is beyond the pale in cases like mine. Some risks are *very* foreseeable. Resorts regularly assess and mitigate avalanche dangers and close runs when conditions are unsafe. We know it's their job to keep an eye on changing conditions for the safety of everyone on the mountain. They did not do their job that day and people suffered for it, greatly. There will be even less incentive for resorts to properly assess conditions for the safety of all their customers if this bill passes. I hate to think of more people being seriously injured as I was due to this legislation. That's why I'm **urging you to Vote No on Senate Bill 754**.
Thank you.