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February 15, 2023

Senate Committee on Judiciary
900 Court Street NE
Salem, Oregon 97301

Submitted online at:

<https://olis.oregonlegislature.gov/liz/2023R1/Testimony/SJUD/SB/754?area=Measures>

Re: SB 754 Recreational Liability Reform

Chair Prozanski and Members of the Committee,

The American Alpine Club (AAC) appreciates the opportunity to voice their support for Oregon’s SB 754 Recreational Liability Reform. Since its founding, the AAC has worked with local, state, and federal governments to ensure public land protection and climbing access. Home to over 1,000 AAC members, Oregon not only boasts some of the country’s best climbing, but it also hosts one of the AAC’s most popular annual climbing events at Smith Rock State Park. The Smith Rock Craggin Classic is a decades-old event that brings together thousands of climbers to celebrate community, to learn and develop new skills, and to give back to the local environment. Given its history with outdoor recreation in Oregon, the AAC looks forward to working with the Oregon State Legislature to ensure the implementation of responsible reforms to recreational liability.

I. The American Alpine Club

The AAC is a 501(c)(3) non-profit organization based in Golden, Colorado, with over 25,000 members nationally. Founded in 1902 to support the research and exploration of mountainous regions, the AAC remains committed to supporting the climbing and human-powered outdoor recreation communities over a century later. Grounded in community and place, the AAC’s mission is to share and support members’ passion for climbing and respect for the places they climb. Through education, community gatherings, stewardship, policy, advocacy, and scientific research, the AAC strives to build a united community of competent climbers and healthy climbing landscapes. The AAC also serves as the de facto historians of the sport, chronicling the major feats of climbing in literary works such as the annual American Alpine Journal and the nation’s largest mountaineering museum and archive.

II. Comments and Concerns

As an organization that frequently runs national climbing programs that carry inherent risk, the AAC is concerned by the degree to which Oregon’s current recreation liability policy is out of step with other Western states. Namely, all 10 Western states other than Oregon utilize a liability threshold of “gross negligence” when determining whether an entity should be held responsible for injury or



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death.¹ This language allows the AAC to confidently deploy competent instructors who donate their time for the safety and education of our sport.²

Unfortunately, given Oregon's lower liability threshold, that confidence now requires higher insurance premiums in order for organizations to enjoy the same degree of protection available in other states. This not only has a chilling effect on programming for industry professionals, but it also increases costs that are commonly passed on to consumers. This paradigm creates additional barriers to entry, preventing those of lower income brackets from enjoying outdoor recreation provided through safe instructional formats.

If the current liability policies are kept in place, the AAC will be reluctant to continue to offer our programs within the state. This, however, is not a future the AAC wants. SB 754 will re-align Oregon with the same balanced liability standards that exist in every other Western state. This will create a more defensible liability threshold where individuals who engage in inherently risky activities will accept responsibility for their activity, and businesses will be held accountable for the safety of their operations.

III. Conclusion

The AAC appreciates the Oregon legislature's efforts to balance consumer protections with responsible liability practices, and looks forward to continued programming in Oregon's outdoors. We welcome further discussion as your process moves forward.

Respectfully submitted,

Nicholas Ridley

A handwritten signature in black ink, appearing to read "Nicholas Ridley".

Programs Project Manager
American Alpine Club

CC:

Pete Ward, Interim-CEO, American Alpine Club
Taylor Luneau, Policy Director, American Alpine Club
Byron Harvison, Advocacy and Government Affairs Manager, American Alpine Club
Shane Johnson, Chief Marketing Officer, American Alpine Club

¹ We name the 10 Western states to include: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Washington, and Wyoming

² Learn more about the AAC's Volunteer Instructor program here: <https://americanalpineclub.org/volunteer-training>