



Oregon Senate Committee on Commerce and General Government:

RE: Recreational Liability Waivers

February 8, 2026

Dear Committee Members,

Thank you for advancing reform to Oregon's liability waiver un-enforceability issue. This issue is of critical concern to our organization, the Opal Creek Ancient Forest Center.

I suspect you may be commonly hearing testimony from recreation providers. However, for the past 25 years, our forest education 501(c)3 has provided Outdoor School to tens of thousands of Oregon's youth. We contract with both public school districts and individual schools to provide specialized, place-based curriculum using highly-qualified educational staff. In order to attend, each student must return our waiver of liability signed by a parent or guardian.

We of course carry commercial general liability insurance and extend coverage to schools as "additional insureds" but as a contracted independent non-profit corporation, we are not protected by the Oregon Tort Claims act.

Because of the un-enforceability of waivers in Oregon, our liability insurance premiums have doubled over the last few years. Because of the significant cuts to Oregon's Outdoor School program in the FY 25-27 budget (20% cut to ODS vs. prior year funding), our 2026 school enrollment has halved. Our organization is experiencing these current financial impacts **on top** of our ongoing struggle to recover from the Beachie Creek Fire of 2020, which burned across our entire campus and consumed 28 of 32 buildings. Five years after the fire, our educational programming remains wholly displaced -- for the last 3 years we have been operating from a rented camp facility in Silver Falls State Park, which is yet another additional expense for our organization.

Oregon's Outdoor School Annual Report 2025 observes that of 539 total outdoor school programs conducted in academic year 2024-2025, 486 programs (90%) were led by independent providers.

On behalf of the Opal Creek Ancient Forest Center, an "epically Oregon organization", and 42 other non-profit education providers in Oregon, please update the legislation language to include parent/guardian signatures on behalf of minors. Oregon's waiver un-enforceability issue does not only affect recreation opportunities, but educational programming that is fundamental to creating Oregon's next generation of natural resource stewards and advocates.

Many Thanks,

Nathan

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