

Senate Agriculture & Natural Resources

SB21-184 Ski Area Safety Plans & Accident Reporting

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Kelly Harris For Self	<p data-bbox="565 506 1182 537">Madam Chair and Honorable Committee Members:</p> <p data-bbox="565 625 1458 1003">My father, Richard Hart was hit by a snowboarder on February 28, 2020 at Copper Mountain and died as a result of his injuries on March 4, 2020. He was much more than a statistic or just a number. He was a resident of Colorado for 46 years. He was a retired Air Force pilot who served 2 tours in Vietnam. He was a world traveller. He was an avid paddleboarder. He was a skier for 70 years starting at the age of 16. He was an educator his entire adult life - from training pilots in the Air Force, to training private pilots in Boulder, to teaching economics and political science throughout the world. He would say "What did you learn from this?". SB21-184 is a bill that would help answer his question.</p> <p data-bbox="565 1094 1463 1392">SB21-184 is an education bill. The components of the bill serve to educate - the public, the ski industry, and the ski areas. Designing a dynamic Safety Plan and providing accident transparency, benefits everyone. How can the ski areas and resorts benefit? By tracking information regarding accidents, they can possibly see where safety concerns are an issue. Ski equipment has changed and everything is faster now. Ski areas can take a look at their runs and terrain to see if they can make changes to accommodate the modern equipment and skiers in a safer manner.</p> <p data-bbox="565 1482 1463 1703">It would be a feather in the cap of any ski resort to be able to report their outstanding safety record. Think of the economic benefits! Educating skiers and snowboarders regarding their risks and behaviors is equally important. Include in the Safety Plan information about the Skier Code and equipment care and maintenance, accident prevention, etc. The more information available, the more knowledgeable everyone will be.</p> <p data-bbox="565 1793 1045 1824">I strongly urge you to support SB21-184.</p>

Madame Chair Donovan and Members of the Committee. My apologies in not being able to attend the hearing in person. I started a new job this week, so I appreciate your time and attention to this matter and to my written statement.

My name is Sara Larrimer. My daughter, Marielle, fell from a chair lift at Eldora two years ago. Since that time, I became involved in Parents for Safe Skiing (“PFSS”) working to advocate for our children and skiers in general. I can assure you that data transparency would not have prevented my daughter’s fall.

Senate Bill 184 is not the path to adequately protecting both consumers and the ski industry. Data for the sake of data will help no one make informed and reasonable decisions. There needs to be context which can result in actual change. One accident is too many. Period. I can tell you this with first-hand experience and from the heart. Simply having numbers does nothing. Change comes by analysis. Examining an accident to determine why it happened and what can be done to make sure a similar accident never happens again is positive change. Knowing how many accidents does nothing to analyze, educate, and facilitate new measures designed to prevent accidents from happening.

Second, allowing PFSS and other consumer advocates to work *with* the ski industry rather than against the ski industry seems a far superior way to accomplish the end goals that everyone desires – preventing accidents. Unfortunately, the outside group working to push their agenda disingenuously represented that PFSS advocated for SB 184. Quite the contrary in that PFSS desires to partner with the ski industry to determine how to protect everyone’s interests. A Colorado-based group desiring to work with the Colorado-based ski industry is surely in a better position to collaborate on the best interests of our citizens and visitors who contribute to one of our main sources of state income.

SB 184 is preventing any forward progress in working toward the common goal because both the ski industry and the Colorado consumer advocates are appropriately focusing energy on defeating it. While each side has their own reasons for their position, they both clearly understand that SB 184 is misguided. The sooner SB 184 is off the table, the sooner these groups can return to the table and accomplish what needs to be accomplished. No child, no parent, and no skier should be in the position that my daughter and I were in. Please allow us to work with the ski industry so that consumers can protect themselves and skiing can be made as safe and fun as it is intended to be.

PFSS requests that you please vote against this haphazard legislation and allow the home state entities to work together to find a better resolution. Thank you again for your time.

Sara

Sara A. Larrimer, Esq.

Testimony of Jeff Brown in support of SB-184

Submitted to Governor Polis and members of the Colorado State Senate
Agriculture and Natural Resources Committee

Governor Polis and members of the Senate Agriculture and Natural
Resources Committee:

My name is Jeff Brown and I thank you for the opportunity to speak in
support of SB-184.

- I have supported risk mitigation and safety management initiatives in a variety of industries over the past forty years. These include flight operations, regional electrical transmission, health care, and other settings.
- The common ground among these domains is complexity, variable environmental conditions affecting operations, inherent risk, and the potential for injury or death when mishaps occur.
- My comments, regarding SB-184, relate to the importance of transparency in supporting advancement of safety and risk management strategies.
- The ski industry is not unique in having the attributes of complexity, variable environmental conditions, and inherent operational risk. Nor is the ski industry unique in its initial opposition to public reporting of safety data.
- Objections to public reporting of ski area safety statistics and safety planning are consistent with the objection to public reporting of patient safety events raised by hospitals and their advocacy organizations in the late 1990s and early 2000s.
 - In order to make the case for identifying and mitigating the risk of accidental patient injury and death in healthcare, early researchers and advocates for patient safety had to mine closed malpractice claims to estimate the annual number of avoidable patient deaths in hospitals.

- It is noteworthy that the early estimates of avoidable death in hospitals, using these primitive techniques, placed the annual national rate at between 44,000 and 98,000 avoidable deaths.
- With the establishment of public safety reporting in hospitals, improved data mining techniques, and the requirement for patient safety management, we now know that upwards of 500,000 patients die for avoidable reasons in U.S. hospitals every year.
- With access to publicly reported patient safety data, systems researchers and engineers are able to conduct the analyses necessary to design effective countermeasures to lethal vulnerabilities and share these for the benefit of healthcare organizations and patients across the country.
- Early fears in the healthcare industry about disastrous public image consequences of patients having access to safety statistics have proven unfounded.

- My point in sharing the foregoing, with regard to SB-184:
 - Only through data transparency—and the ability to aggregate data—are we able to establish and assure the accountability of *any* industry for the adoption and practice of contemporary safety management practices.
 - Industries improve their management of risk following the requirement of public reporting and safety management accountability.
 - This is true for commercial aviation, nuclear reactor operations, regional electrical transmission, chemical processing facilities, offshore oil production, etc.

 - However, It is a *basic* tenet of safety management systems that external scrutiny is essential to detect drift in an organization's or industry's risk mitigation practices and to assure accountability for vigilance. Combatting drift into poor practice is the

greatest ongoing challenge of any safety management program, in any domain (consider Boeing's 737 Max nightmare).

- Access to data also enables the research that will drive innovative approaches to improvement. Researchers need data if they are to aid in the improvement of ski area safety—this will help the industry, rather than hamper.
- *The fear of transparency, across industries, has proven unfounded.*
 - The simple expectation of publicly reporting the data specified in SB-184 would be a positive step toward late 20th Century thinking about risk and risk mitigation.
 - Good people in any domain—like the ski industry--will assert “we know what we’re doing” and “we’re a safe organization”.
 - However, organizational and professional biases require objective cross-checking that can only be achieved through data transparency. Well-intended professionals will anchor in favorable beliefs about the quality of their safety management efforts. External data review keeps our minds open to alternate perspectives—enables us, for example, to see risk that has been normalized—no longer visible to those closest to it.
 - Aviation’s dramatic improvement in accident rates between the 1960s and now (recent accidents included) was aided by the crucial requirement for data reporting and sharing of safety investigation findings. These improvements required legislative and regulatory catalysts, which eventually drove the industry to *focus on improvement rather than secrecy*.
 - SB-184 will strengthen public trust in the ski industry.

Thank you,

Jeff

Jeff Brown, MEd

Principal

Safer Healthcare, LLC

603-674-0687

Senate Agriculture & Natural Resources

	Sincerely, Kelly Harris
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