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Written Testimony

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House Bill 2716 Opposition

Honorable Chairperson, Honorable Committee Members,

I am writing to you in opposition to HB 2716. This rule places unnecessary restrictions and financial burdens (that will be passed on to customers) on liveries and outfitters who serve as sources of revenue and tourism to our great state. More importantly, there is no substantive data to justify the cause of this proposed new rule and associated fees and penalties.

HB 2716 (and SB 643) were borne from an emotional response to a terrible incident that happened. The bill was introduced at the request of Robert Birge and Shawna Wellman Birge, in memory of Sharon Birge, Robert's wife and Shawna's mother. Sharon was rafting through class IV rapids and hit her head on one of the paddles. The injury eventually led to her death. Death from recreational activity is always tragic and premature. However, a single tragedy, should not be the singular foundation for the implementation of a new rule that will have widespread impact on our commercial outfitters and on our general water based economy.

In the proposal of this bill, there is a lack of appropriate evaluation of what the actual hazards and accident rates are in the word of boating (private and commercial). A rule that is written that benefits a few (emotionally, momentarily and monetarily), and restricts many is not an objective rule-and therefore should be evaluated critically before being proposed into law. There is a great deal of misinformation floating around the internet due to the complex nature of the data on whitewater safety. **The majority of fatalities each year are not on guided trips, but on self-guided trips. Unfortunately, for some the assumption is that any or most whitewater accidents are commercial accidents when just the opposite is true.**

In my testimony below, I will highlight the economic benefits that water sports provide to our region, as well as the very low accident and fatality rates associated with these water based sports. I respectfully thank you for the opportunity to present my feedback to you at this time.

Relevant Personal Background

I have a degree in Recreation Resource Management and have been an educator for whitewater rescue courses and wilderness medicine at Oregon State University. As a lifelong water sports enthusiast I have spent time as an educator as well as over 7 years of experience as a professional river guide in Oregon, as well as having coordinated educational river-based and multi-day wilderness therapy programs for ages 12 and up based out of the Portland area.

I. Recreational Boating Accident Statistics (OSMB, American Canoe Association and American Outdoors).

“In 2015 we had 16 people die in recreational boating accidents in Oregon...Our oldest victim was 81, our youngest victim, sadly, was only 4. Only 4 of the 16 victims were wearing their life jackets. One of those 4 persons had a heart attack while water skiing, another person's lanyard got tangled in a root wad,

and a third person died of hypothermia. In these three instances their life jackets were of no use. The fourth PFD wearer was the 4-year-old, who drowned in extremely rough waters in a narrow gorge. Of the 16 fatalities it is reasonable to assume that, had the other 12 victims worn their life jackets, they may have survived their accidents. 6 of the 16 victims were in an open motor boat, 1 was on a PWC, 6 were in non-motorized boats, 2 were on paddle boards, and 1 was on a log raft. 8 of the 16 victims were over the age of 50. In 11 of the 16 fatalities the victim was the operator. In 6 of the 16 fatalities the victim was the operator and sole occupant.” -OSMB

- **According to the OSMB, the number one cause of fatal accidents this year was Alcohol/Drugs, followed by a tie between *Hazardous Waters* and *Operator Inexperience/Error***
- **Total Oregon boating fatalities is less than .000009% This proposed rule is disproportionate to the actual impacts that are reported regarding fatality and boater negligence (related to helmet use) on public water ways.**
- **This law places an unneeded additional restriction on outdoor recreation that will result in increased costs for both private renters and commercial boaters.**

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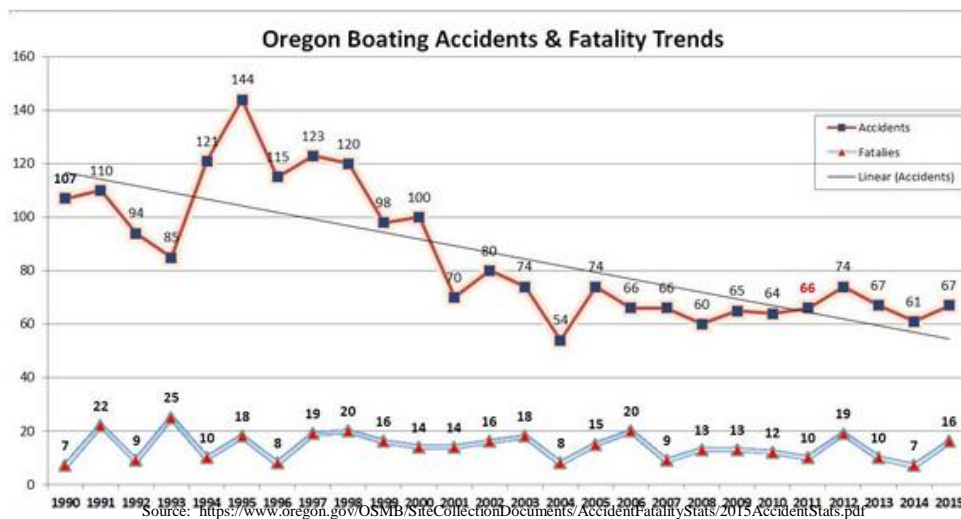
America Outdoors keeps a count of fatalities on guided raft trips. Nationwide, the number of fatalities has ranged between six and ten per year for an estimated 2.5 million user days on guided trips. The incidence of commercially guided rafting fatalities is estimated to range from one death per 250,000 person visits to one death per 400,000 person visit days. A person visit is an individual raft trip for some portion of one day. The relative risk varies with the level of whitewater, weather, the health of the participant, the experience of the guide and other factors. It is estimated that approximately 25% to 30% of the fatalities on commercial raft trips each year are related to heart conditions or heart attacks.

Source: <http://www.americancanoe.org/?page=Statistics>

To make a comparative, the “blanket” rule requiring helmets could be comparable to the requirement for participants in these activities to undergo a heart health screen, because there has a fatality from a heart attack.

The below tables break out the accidents that were reported by the OSMB in 2015 by type of craft, activity and cause.

Type of Craft	Activity	Cause of Accident
Open Motorboat.....6	Fishing.....6	Alcohol/Drugs.....5
Auxiliary Sailboat.....0	Hunting.....0	Force of Wave/Wake.....1
Inflatable.....2	Tubing.....0	Hazardous Waters.....3
Canoe/ Kayak.....3	Waterskiing.....1	No Proper Lookout.....0
Personal Watercraft (PWC).....1	Windsurfing.....0	Op. Inexperience/ Error.....3
Drift boat.....1	Making Repairs.....0	People-Bow/Gunwale/Transom..0
Paddleboard/Sailboard.....2	Starting Engine.....0	Passenger/ Skier Behavior.....1
Log Raft.....1	Whitewater Sports.....4	Restricted Vision.....0
	Relaxing.....4	Sudden Medical Condition.....2
	Paddle Boarding.....1	Weather Conditions.....1
	Unknown.....0	Unknown.....0



Based on the trend line shown above from the OSMB, accident and fatalities are still on a downward trend. The proposed new safety regulations and associated fines are without just cause or data to justify.

II. Economic Contributions of Water Sports Participation

Water sports participants make a significant contribution to the GDP, Job growth and Federal and State Taxes. In a 2011 survey, water sports contributed 12% of the total output for economic contributions resulting from expenditures for outdoor recreation in all U.S. States, and 15% of the total contribution for water sports was in federal and state/local taxes.

Implementing yet another restrictive policy will create another economic barrier for newcomers to the sport(s). The impact on liveries (commercial outfitters) will also be significant-passing on costs to tourists, renters and newcomers to the sport will further discourage participation in this already expensive outdoor activity that is enjoyed by many in Oregon. This new proposed restriction to enjoying public waterways will further discourage public participation in this growing recreational activity.

I have included several tables to illustrate in numbers the economic contributions of water sports and paddle sports in the US, and in our specific region.

Total economic contributions resulting from expenditures for outdoor recreation in all U.S. States

Outdoor Recreation Activities	Total Output	Jobs	Contribution to GDP	Federal Taxes	State & Local Taxes
Trail sports	\$ 126,968,451,510	1,261,009	\$ 73,863,708,967	\$ 10,310,331,625	\$ 9,198,805,629
Biking	\$ 129,617,415,927	1,263,135	\$ 74,980,945,406	\$ 10,512,078,743	\$ 9,232,319,396
Camping	\$ 226,487,198,801	2,249,962	\$ 129,879,929,145	\$ 18,032,047,062	\$ 16,272,268,624
Snow sports	\$ 85,219,099,966	852,228	\$ 50,050,531,326	\$ 6,999,114,202	\$ 6,228,989,157
Water sports	\$ 122,718,885,558	1,214,653	\$ 71,164,109,912	\$ 9,953,674,907	\$ 8,714,280,990
Fishing*	\$ 63,310,096,367	582,761	\$ 35,627,256,106	\$ 4,896,119,775	\$ 4,193,827,680
Hunting*	\$ 49,174,515,759	520,027	\$ 29,184,137,091	\$ 3,947,419,070	\$ 3,432,688,093
Wildlife Watching*	\$ 64,163,533,633	666,065	\$ 37,213,025,657	\$ 5,187,704,288	\$ 5,111,509,117
Motorcycle Riding	\$ 63,117,267,759	642,070	\$ 36,872,262,898	\$ 5,170,650,135	\$ 4,499,024,876
Off Rooding	\$ 86,390,798,549	876,718	\$ 51,841,786,406	\$ 7,363,892,396	\$ 6,274,848,551
TOTAL	\$ 1,017,167,263,828	10,128,626	\$ 590,677,692,915	\$ 82,373,032,205	\$ 73,158,562,113

*Based on a comprehensive survey conducted in 2012, published in 2013. Source: https://outdoorindustry.org/images/ore_reports/oia-state-recreation-economy-technical-report-2013.pdf Note: The sum of economic contributions for each individual state is smaller than total national impacts. For national impacts, see the previous study. These estimates are based partly on data from USFWS 2011 National Survey of Fishing, Hunting and Wildlife- related Recreation.

Pacific Region (Alaska, California, Hawaii, Oregon, Washington)

Expenditures:

<i>Trip-Related:</i>	<u>Trail</u>	<u>Bicycle</u>	<u>Camp</u>	<u>Snow</u>	<u>Paddle</u>	<u>TOTAL:</u>
Food & Drink	\$2,222,900,000	\$2,925,300,000	\$6,091,300,000	\$1,546,200,000	\$944,200,000	\$13,729,800,000
Transportation	\$2,295,300,000	\$2,327,600,000	\$5,733,700,000	\$1,372,900,000	\$870,000,000	\$12,599,400,000
Recreation, Entertainment & Activities	\$1,028,500,000	\$1,521,000,000	\$2,070,900,000	\$1,368,400,000	\$1,007,300,000	\$6,996,100,000
Souvenirs, Gifts & Other Miscellaneous	\$564,600,000	\$626,100,000	\$1,419,900,000	\$396,200,000	\$220,900,000	\$3,227,700,000
<u>Lodging</u>	<u>\$614,600,000</u>	<u>\$1,623,500,000</u>	<u>\$1,077,600,000</u>	<u>\$1,002,000,000</u>	<u>\$282,500,000</u>	<u>\$4,600,200,000</u>
<i>Total Trip Costs =</i>	<i>\$6,725,900,000</i>	<i>\$9,023,500,000</i>	<i>\$16,393,500,000</i>	<i>\$5,685,600,000</i>	<i>\$3,324,900,000</i>	<i>\$41,153,300,000</i>
 <i>Equipment & Services:</i>						
Apparel	\$324,600,000	\$280,200,000	\$307,700,000	\$326,000,000	\$177,000,000	\$1,415,600,000
Equipment	\$168,100,000	\$772,500,000	\$742,000,000	\$255,100,000	\$153,200,000	\$2,091,600,000
Accessories	\$141,000,000	\$219,200,000	\$373,500,000	\$112,900,000	\$125,400,000	\$972,000,000
<u>Services</u>	<u>\$145,500,000</u>	<u>\$127,200,000</u>	<u>\$229,000,000</u>	<u>\$71,200,000</u>	<u>\$129,700,000</u>	<u>\$702,600,000</u>
<i>Total Equip. & Services =</i>	<i>\$779,900,000</i>	<i>\$1,399,200,000</i>	<i>\$1,652,200,000</i>	<i>\$765,200,000</i>	<i>\$585,300,000</i>	<i>\$5,181,800,000</i>
 Tot. Expenditures =	\$7,505,800,000	\$10,422,700,000	\$18,045,700,000	\$6,450,800,000	<u>\$3,910,200,000</u>	\$46,335,200,000

Participation:

<i>Number of Participants:</i>	12,500,000	10,300,000	8,480,000	3,510,000	4,250,000	23,900,000
 <i>Number of Trips:</i>						
Day Trips	77,700,000	119,700,000	47,500,000	22,135,594	28,230,723	318,597,302
Overnight	24,700,000	40,800,000	34,400,000	6,025,333	6,340,162	175,674,153
Total Trips:	102,400,000	160,600,000	81,900,000	28,200,000	<u>34,600,000</u>	494,300,000

Expenditures Per:

Per Participant, Annually:	\$599	\$1,011	\$2,128	\$1,840	\$921	\$1,943
(trip expenditures + equipment & services)						

The below table illustrates the contributions of paddle sports specifically. Paddle sports would be one of the user groups specifically impacted in the proposed bill. Paddle sport (kayaking, rafting and canoeing) contribute \$3,910,200,00 in retail sales, over 50,000 jobs and \$698,700,000 in taxes in the Pacific region.

D-5		Paddle*				
	Retail Sales:	Total Economic Activity:	Salaries, Wages, Business Earnings:	Employment (full & part-time):	State Tax Revenues:	Federal Tax Revenues:
Region 1 - New England	\$731,600,000	\$784,300,000	\$472,200,000	9,331	\$58,800,000	\$70,200,000
Region 2 - Middle Atlantic	\$1,946,300,000	\$2,453,200,000	\$1,354,600,000	22,844	\$183,800,000	\$137,500,000
Region 3 - East North Central	\$2,214,400,000	\$3,120,000,000	\$1,657,300,000	34,999	\$213,900,000	\$182,400,000
Region 4 - West North Central	\$687,400,000	\$888,900,000	\$452,200,000	10,393	\$57,300,000	\$60,900,000
Region 5 - South Atlantic	\$2,320,100,000	\$2,728,000,000	\$1,558,100,000	32,457	\$194,300,000	\$196,500,000
Region 6 - East South Central	\$721,300,000	\$850,700,000	\$418,000,000	9,571	\$49,100,000	\$148,100,000
Region 7 - West South Central	\$879,600,000	\$1,327,100,000	\$665,300,000	12,781	\$75,500,000	\$72,200,000
Region 8 - Mountain	\$1,035,400,000	\$1,557,400,000	\$782,500,000	14,976	\$93,500,000	\$158,100,000
Region 9 - Pacific	\$3,910,200,000	\$5,627,800,000	\$2,843,400,000	50,805	\$389,200,000	\$309,500,000
United States	\$14,446,400,000	\$36,091,100,000	\$18,400,900,000	308,469	\$2,176,800,000	\$2,633,000,000

* Includes: kayaking (recreational/sea/whitewater)
rafting
canoeing

References:

<http://www.outdoorfoundation.org/pdf/ResearchRecreationEconomyTechnicalReport.pdf>

<https://www.oregon.gov/OSMB/SiteCollectionDocuments/AccidentFatalityStats/2015AccidentStats.pdf>