

LATE TESTIMONY

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor

March 15, 2012

To: The Honorable Angus L.K. McKelvey, Chair,
The Honorable Isaac W. Choy, Vice Chair, and
Members of the House Committee on Economic Revitalization and Business

The Honorable Tom Brower, Chair,
The Honorable James Kunane Tokioka, Vice Chair, and
Members of the House Committee on Tourism

Date: Thursday, March 15, 2012
Time: 11:15 a.m.
Place: Conference Room 312, State Capitol

From: Dwight Y. Takamine, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. No. 2433 SD2 Relating to Challenge Course Technology

I. OVERVIEW OF PROPOSED LEGISLATION

SB2433SD2 adds a new chapter to the Hawaii Revised Statutes (HRS) to regulate ziplines and canopy tours. We oppose this measure as written. However, the department appreciates the intent to ensure the safety and security for participants and employees—we note the department is still in the process of investigating a zipline accident that killed one employee and seriously hurt another. The department also appreciates the growing contribution of zipline and canopy tours to the state's economy.

DLIR has been in communication with the proposal's proponents, other state departments and the legislature in regards to the contents of this measure. We understand the House is currently working on a revision and the department is open to further discussion on the matter.

II. CURRENT LAW

HIOSH's Boiler and Elevator Inspection Branch currently regulates amusement rides, which are defined as, "Amusement ride means a mechanically or electrically operated device designed to carry passengers in various modes and used for entertainment and amusement." (Hawaii Administrative Rules, 12-250-2) The department does not regulate zipline or canopy tours.

The department does permit special inspectors and owner-user inspectors, not employed by the department, to undertake boiler and pressure vessel inspections with a valid certificate of competency issued by the department. Special inspectors are required to be employed by an insurance company authorized to insure boiler or pressure vessels in the state. Further, owner-user inspectors must hold a valid a valid National Board Owner-User Commission, pass an examination prescribed by the director, and be continuously employed by an owner-user inspection agency.

III. COMMENTS ON THE SENATE BILL

- Elevator inspectors currently also perform the inspections on amusement rides and the department already struggles with maintaining the training and certification standards of elevator inspectors for amusement rides. In order to do a credible job the inspectors and manager would need to develop expertise to both undertake inspections and certify QCCP inspectors, adding an additional burden to the Boiler and Elevator Inspection Branch.
- The inspection, permit and certification fees in the measure are far too low to cover the costs of developing the expertise to regulate ziplines and canopy tours in the manner prescribed in the bill. Furthermore, most of these operations are located in remote areas of the Neighbor Islands, which would entail significant costs to pay for airfare, car rental, per diem, etc.
- The department questions whether owners and operators of ziplines and canopy tours should be allowed to inspect their own equipment in the manner that owner-users do for boilers and pressure vessels. The department notes that the criteria for owner-users of boilers and pressure vessels are very high standards. These inspectors hold a national certification, pass examinations prescribed by the department, develop and maintain rigorous self-regulatory regimes approved by the department, and are continuously employed by an inspection agency. Insurance companies authorized to insure boiler and pressure vessels in the state employ these special boiler inspectors.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 5:27 PM
To: ERBtestimony
Cc: jeff.baldwin@piiholozipline.com
Subject: LATE TESTIMONY - Testimony for SB2433 on 3/15/2012 11:15:00 AM

Testimony for ERB/TOU 3/15/2012 11:15:00 AM SB2433

Conference room: 312
Testifier position: Support
Testifier will be present: No
Submitted by: Jeff Baldwin
Organization: Piiholo Ranch Zipline
E-mail: jeff.baldwin@piiholozipline.com
Submitted on: 3/14/2012

Comments:

My company operates both Zipline and Canopy courses. I am in regular contact with industry trade groups, QCCP inspectors, and operators in Hawaii and the Mainland. I worked on one of the initial drafts of this bill which mirrored a successful bill that passed in West Virginia. Some where along the way after being submitted the DLIR was tasked with doing the inspections. I testified that I thought this was a mistake and the DLIR objections are in line with my own testimony as the cost and qualifications were not taken into full consideration. The original draft had an administrative roll for the DLIR, not a field presence or inspection roll. This administrative roll would give the DLIR full authority to close any Zipline or Canopy operation not in compliance with known standards based on existing engineering practices.

In the last version of SB2433 SD2 under rule 13 language was added under section 13 rule 2 stating:

(2) Require that the issuance of a permit to an operator subject to this chapter shall be contingent upon the certification by a qualified engineer regarding the structural integrity of the design, structures, and anchoring systems of the zipline or canopy tour for which the permit is sought.

While this sounds good on the surface it fails to address anchor systems in entirety. Specifically the use of trees being approved by engineers as it is rare at best to find an engineers who will sign off on a living tree. As this industry revolves around the experience of a natural environment this is a serious omission. I believe that this rule needs amending as follows:

(2)"Require that the issuance of a permit to an operator subject to this chapter shall be contingent upon the certification by a qualified engineer and/or a Certified Arborist, when trees are used as anchor points, regarding the structural integrity of the design, structures, and anchoring systems of the zipline or canopy tour for which the permit is sought. " I agree with the DLIR that companies should not perform (annual) inspections them selves or internally. This should not be confused with the daily inspections of structures and equipment operators do every day as part of standard operations. Wether doing new construction or on going operations an independent QCCP inspection is part of what should be written in to law. The conflict of interest is clear on this when a company stands financial loss from a failing report. My company has been using a third party (QCCP) inspection service for years. The company we use specializes in the structures, rigging, equipment and staff training in our industry. We use this firm for skill audits of our staff as they interact with guest. They inspect, report and take pictures of critical guy and anchor systems and submit these with their reports to the insurance company so that there is a written and visual history going back several years. This is what is described as a QCCP inspection in section 5 of SB2433. My Earlier testimony stated that these inspections cost over \$5,000 each. I consider that as a normal part of business. Doing an independent QCCP inspection at least once a year should be mandated. The firm we use is recognized by our insurance carrier, who ultimately has to pay out in the event of any accidents. They are constantly assessing risk management.

As such the insurance industry has been regulating the inspection process by recognizing who they will accept reports from. A QCCP inspection is performed additionally by a company which is insured to perform this.

In testimony the DLIR references HAR, 12-250-2 as it relates to the definition of Amusement rides. This is a similar route taken by lawmakers in Massachusetts as they also first used existing Amusement standards to regulate the zipline industry. In that case it worked out very poorly as Amusement standards have little to do with Zipline standards. It took several years for them to undo that mistake once they realized the implications due to not fully understanding what they were writing laws about. Amusement standards are not a good fit for the Zipline and Canopy tour industry.

Recently there have been comments or suggestions that this bill either be modified drastically or be dove tailed into HRS468M. While this may be a simple fix it does not address the QCCP inspection requirement as it is possible to get insurance with out an inspection from some companies. This would on the surface, look like the state has acted to the outcry of public concern, but the effectiveness would be limited and not close one of the gaps I see in the current system as it allows courses to operate with out the QCCP inspection process. This would allow substandard operations to exist.

Thank you

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LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 7:41 PM
To: ERBtestimony
Cc: ilenecallaway@yahoo.com
Subject: LATE TESTIMONY - Testimony for SB2433 on 3/15/2012 11:15:00 AM

Testimony for ERB/TOU 3/15/2012 11:15:00 AM SB2433

Conference room: 312
Testifier position: Support
Testifier will be present: No
Submitted by: Ilene Callaway
Organization: Individual
E-mail: ilenecallaway@yahoo.com
Submitted on: 3/14/2012

Comments:

Re: Senate bill 2433 SD2 Relating to Challenge Course Technology

I am the mother of Ted William Callaway, the man who lost his life on a Zip Line on 9/21/11, in Hilo, Hawaii. I give this testimony representing all of Teddy's heartbroken friends and family.

Although Ted was a thrill seeker and loved his new job constructing Zip Lines, I doubt he believed he would lose his life because of the failure of one. I am also sure that the thousands of tourists that innocently participate in this activity do not believe this could happen to them. The sad fact is, it could have been a tourist that plunged 200 feet to their death. Instead of the local news reporting "Construction Worker falls from Zip Line", it could have been in the National news reading "Vacationing Family Falls to their death on Hawaii Tourist Attraction";

Although, it shouldn't matter whether it was a vibrant and passionate, 36 yr. old father of 7 construction worker or a tourist. A life is a life. I choose to point this out because I believe that not only is better Zip Line regulations an urgent safety issue but also makes good business sense for the State of Hawaii.

As tragic as losing Ted would have been under any circumstances it is even more of a tragedy to realize that it is very probable that his death could have been prevented.

A business license certainly isn't enough of a requirement to construct something that puts people hundreds of feet in the air. There have been laws created that require one to use safety belts while riding in a car. Recently more states have adopted cell phone laws prohibiting use of hand held cell phones while driving. These laws have been put into effect because of concern for the safety of the public. Certainly having careful regulations in place for a Zip Line should be of equal concern.

I realize that putting stricter standards in place for the Zip Line Industry will take much work. But concerning the risk involved, it needs to be a question of "how" to implement it and not "if" you should do pass this bill.

Ted's Dad and I have lost our son, our children have lost their brother, His 7 children their father. To us, his family and his many friends nothing can make it OK. At least not while we are on this earth. But, we would like to find peace knowing this won't happen to someone else. Although I believe he is now being protected by a higher law, I don't believe the laws of the State of Hawaii were adequately protecting him while he was alive.

Please consider this while making a decision concerning the safety of Zip Lining. Make sure you make decisions that will reverence the life of my son and protect all that participate in this tourist attraction.

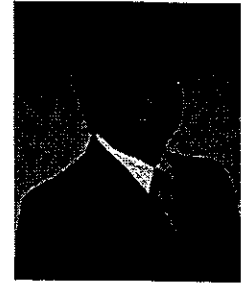
Sincerely,
Ilene Callaway
Kennewick, Washington

LATE TESTIMONY



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813



Mark M. Nakashima

TO: The Honorable Angus L.K. McKelvey, Chair
The Honorable Isaac W. Choy, Vice Chair
Members of the House Committee on Economic Revitalization and Business

The Honorable Tom Brower, Chair
The Honorable James Kunane Tokioka, Vice Chair
Members of the House Committee on Tourism

FROM: Representative Mark M. Nakashima

**Testimony on Senate Bill 2433 – Relating to Challenge Course Technology
State Capitol, Room 312
Thursday, March 15, 2012
11:15 AM**

Dear Colleagues:

I have been attempting to work with the various stakeholders who all agree that legislation that would insure the health and safety of challenge course customers is eminently timely in light of the recent accident on the Big Island. In an attempt to address this issue during this session, and provide for the future information of a sunrise study, I am proposing an amendment to this legislation that would not impose any licensing or regulatory enforcement at this time but would implement a system of self regulation which would have an operator's insurance company assess the risk associated with participation in these activities as the state cannot and should not attempt to develop the necessary expertise to manage the vast and complex engineering and structural differences associated with the multiple variables of the courses currently in existence.

This bill will have two additional hearings in the House and I will ask that you adopt the proposed amendment and allow the various interests the opportunity to review the House draft and prepare testimony to the next committees. A copy of the proposed amendments in ramsayer format is attached.

Mark M. Nakashima
First District
repnakashima@capitol.hawaii.gov

Twenty-Sixth Legislature
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Vice Chair
Committee on Higher Education
Member
Committee on Education
Committee on Energy & Environmental Protection
Committee on Housing
Committee on Water, Land, & Ocean Resources

SECTION 1. The legislature finds that ziplines and canopy tours are used and enjoyed by a number of Hawaii residents and attract a large number of tourists to the State, which contributes significantly to Hawaii's economy. There are, however, inherent risks in ziplines and canopy tours. These risks are an inherent part of such activities and as a result, require that the State be vigilant in its regulation to ensure the safety and security of those who choose to participate.

The purpose of this Act, therefore, is to establish standards and regulations for zipline and canopy tour operators.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

ZIPLINES AND CANOPY TOURS

§ -1 **Definitions.** As used in the chapter:

"Canopy tours" means a commercial facility not located in an amusement park or carnival, that is a supervised or guided educational or recreational activity, including beams, bridges, cable traverses, climbing walls, nets, platforms, ropes, swings, towers, ziplines, and other aerial adventure courses, which may be installed on or in trees, poles, portable structures or buildings, or be part of self-supporting structures.

"Challenge course standards" means the current edition of Challenge Course Standards: Association for Challenge Course Technology, or substantially equivalent standards approved by their insurance provider. department.

"Certificate of Insurance means the document issued to the operator by the insurance provider indicating that the operator has insurance and has met the criteria set forth in this section.

~~"Department" means the department of labor and industrial relations.~~

"Employee" means an officer, agent, employee, servant, or volunteer, whether compensated or not, full time or not, who is authorized to act and is acting within the scope of the employee's employment or duties with an operator.

"Insurance Provider" means any entity licensed to provide insurance in the State of Hawaii who has provided the necessary certificate of insurance to the operator.

"Operator" means any person, partnership, corporation, or other entity who has operational responsibility for any zipline or canopy tour.

"Participant" means any person who engages in activities on a zipline or canopy tour individually or in a group activity supervised by a zipline or canopy tour operator.

"Qualified challenge course professional inspector" means a private inspector of canopy tours and ziplines who meets challenge course standards and is certified by the Insurance Provider department.

"Zipline" means a commercial recreational activity where participants, by use of a permanent cable or rope line suspended between support structures, enables a participant attached to a pulley to traverse from one point to another, for the purpose of giving the participant amusement, pleasure, thrills, or excitement.

§ -2 **Zipline and canopy tour operators.** Every operator shall:

- (1) Construct, install, maintain, and operate all ziplines and canopy tours in accordance with challenge course standards;
- (2) Ensure that ziplines and canopy tours are inspected at least annually by the Insurance Provider department or a qualified challenge course professional inspector approved by the Insurance Provider;
- (3) Train employees operating ziplines and canopy tours in accordance with challenge course standards;
- (4) Procure and maintain commercial general liability insurance against claims for personal injury, death, and property damages occurring upon, in, or about the

zipline or canopy tour that affords protection to the limit of not less than \$1,000,000 for the injury or death of a single person, to the limit of \$2,000,000 in the aggregate, and to the limit of not less than \$50,000 for property damage; and

- (5) Maintain the following records:
 - (A) ~~Proof~~Certificate of insurance;
 - (B) Inspection reports;
 - (C) Maintenance records; and
 - (D) Participant acknowledgment of risks and duties.

The records shall be retained for a period of at least five years from the date of creation.

§ -3 Responsibilities of participants; prohibited acts.

- (a) Each participant shall have a duty to act as would a reasonably prudent person when using a zipline or canopy tour offered by an operator.
 - (b) A participant is prohibited from:
 - (1) Using a zipline or canopy tour without the authority, supervision, and guidance of an operator or employee acting within the scope of the employee's employment or duties with the operator;
 - (2) Dropping, throwing, or expelling any object from a zipline or canopy tour except as authorized by an operator;

- (3) Performing any act that interferes with the running or operation of a zipline or canopy tour; and
- (4) Engaging in any harmful conduct, or wilfully or negligently engaging in any type of conduct that causes or contributes to the injury of any person.

§ -4 **Operators; liability.** (a) An operator shall be liable for any injury, loss, or damage caused by a failure to follow duties and standards of care pursuant to section -2, where the violation of duty is causally related to the injury, loss, or damage suffered.

(b) An operator shall not be liable for any injury, loss, or damage caused by the negligence of any person who is not an employee of the operator or for the failure of a participant to comply with section -3.

§ -5 ~~Permits; application~~ Certificate of insurance;
annual inspection. (a) No operator may knowingly permit the operation of a zipline or canopy tour without ~~a permit issued by the department~~ a certificate of insurance.

(b) An operator shall conduct annual inspections or as many as may be required by the insurance provider. ~~apply annually to the department for a permit on a form and in a manner prescribed by the department. The permit application shall be submitted.~~

~~(1) At least fifteen days prior to the first time the zipline or canopy tour is made available for public use, if the application is an initial application; and~~

~~(2) At least fifteen days prior to the expiration of a permit, if the application is a subsequent application.~~

~~(c) Each zipline or canopy tour shall be inspected on at least an annual basis. The department shall perform an inspection of the zipline or canopy tour:~~

~~(1) Within thirty days of the first time the zipline or canopy tour is made available for public use; and~~

~~(2) Within thirty days of the expiration of the annual permit if the operator is applying for a subsequent permit; provided that the department shall accept and may approve inspection reports provided by the operator from a qualified challenge course professional inspector in lieu of performing its own inspection.~~

~~(d) The department may conduct additional inspections during normal operating hours, without prior notice, in a manner that does not interfere with the safe and efficient operation of the zipline or canopy tour.~~

~~§ -6 Issuance of permit; certificate of inspection insurance; availability to public. (a) The Insurance Provider shall issue a certificate of insurance to the operator verifying that the operator has met the terms of this section. If, upon~~

~~inspection, a zipline or canopy tour is found to comply with department requirements, the department shall issue the permit in the form of a certificate of inspection.~~

(b) Upon issuance, a copy of the certificate of insurance ~~current permit~~, showing the last date of inspection, shall be affixed to the zipline or canopy tour, or other location designated by the ~~department~~ Insurance Provider.

(c) An operator shall retain each ~~permit~~ certificate of insurance in the operator's records for five years in a form that is readily accessible to the public for inspection at any reasonable time with prior notice.

(d) The certificate of insurance shall appear in all publicity material, websites and advertising by the operator.

~~(d) The department may order, in writing, a temporary cessation of operation of a zipline or canopy tour if, and to the extent, it has been determined through the inspection that the zipline or canopy tour does not comply with challenge course standards. Operation shall not resume until deficiencies are corrected to the department's satisfaction.~~

~~§ -7 Inspection and permit fees.~~ (a) The department shall charge an annual permit fee of \$100 per zipline or canopy tour.

~~(b) The department shall charge an inspection fee of \$100 for each annual inspection conducted by the department, which~~

~~shall be due at the time of application for an annual permit.
The department shall waive the inspection fee for an operator
who provides proof that an inspection has been completed within
the last year by a qualified challenge course professional
inspector.~~

~~(c) The department shall charge additional inspection fees
of no more than \$100 for additional inspections required as a
result of the condemnation of a device for safety standards
violations and for inspections required as a result of accidents
involving serious or fatal injury.~~

**§ -8 Notice of serious physical injury or fatality;
investigations; records.** (a) An operator shall notify the
department county and state officials of any fatality or
accident that results in death or serious physical injury or
illness in any person that occurred during the person's use or
operation of the zipline or canopy tour.

(b) Notification shall be made not later than twenty-four
hours following the incident and may be made by oral, written,
or electronic means; provided that such notification shall not
delay emergency responses to the incident or limit an operator's
responsibility to notify emergency or law enforcement personnel
as soon as is practicable.

~~-(e) The department shall investigate each safety-related complaint, accident, or fatality about which the department receives notice.~~

~~(d)(c) An operator shall retain a record of each investigation in the operator's records for five years in a form that is readily accessible to the public for inspection at any reasonable time.~~

~~§ -9 Qualified challenge course professional~~

~~inspectors. (a) The department shall certify qualified challenge course professional inspectors for the purpose of inspecting ziplines and canopy tours.~~

~~(b) The department may charge an annual certification fee not to exceed \$50.~~

~~§ -10 Permit, inspection, and certification fees.~~

~~Permit, inspection, and certification fees established under this chapter shall be expended by the director of labor and industrial relations to carry out the purposes of this chapter pursuant to rules adopted in accordance with chapter 91.~~

§ -11 Regulation by counties. Nothing in this chapter shall prevent any county from regulating a zipline or canopy tour; provided that such regulations shall not be related to installation, repair, maintenance, use, operation, or inspection of a zipline or canopy tour. If any ordinance or rule of any county conflicts or is inconsistent with this chapter or with

the rules adopted pursuant thereto, the ordinance or rule shall be void to the extent that it conflicts with this chapter.

§ -12 **Indemnification and hold harmless.** The operator shall indemnify and hold harmless the department, State, and the State's officers, agents excluding qualified challenge course professional inspectors, and employees from and against any and all claims arising out of or resulting from activities carried out or undertaken pursuant to this chapter.

~~§ -13 **Rules.** The department shall adopt rules in accordance with chapter 91 that:~~

~~(1) Ensure the safe installation, repair, maintenance, use, operation, and inspection of ziplines and canopy tours; and~~

~~(2) Require that the issuance of a permit to an operator subject to this chapter shall be contingent upon the certification by a qualified engineer regarding the structural integrity of the design, structures, and anchoring systems of the zipline or canopy tour for which the permit is sought.~~

~~Where applicable, the rules shall be consistent with the challenge course standards."~~

SECTION 3. The legislative auditor shall conduct a sunrise study to determine the state's interest in further regulating this industry including, but not limited to legislation enacted

in other jurisdictions to insure the public's health and safety.

~~This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.~~

SECTION 4. This Act shall take effect on July 1, 2050, ~~+~~ provided that an operator operating in the State on the effective date of this Act shall obtain a permit within one hundred eighty days of the effective date of this Act or such greater time as the director of labor and industrial relations may require to process the permit required under this Act.

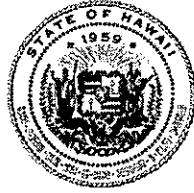
Report Title:

Ziplines; Canopy Tours; Regulations

Description:

Establishes standards and regulations for operators of ziplines and canopy tours. Requires operators to obtain annual inspections and permits from the Department of Labor and Industrial Relations. Effective 07/01/2050. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



LATE TESTIMONY

NEIL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
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KEALI'I S. LOPEZ
DIRECTOR

PRESENTATION OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

TO THE HOUSE COMMITTEE ON
ECONOMIC REVITALIZATION AND BUSINESS
AND
TO THE HOUSE COMMITTEE ON TOURISM

TWENTY-SIXTH LEGISLATURE
Regular Session of 2012

Thursday, March 15, 2012

11:15 a.m.

TESTIMONY ON SENATE BILL NO. 2433, S.D.2, RELATING TO CHALLENGE COURSE TECHNOLOGY.

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:
TO THE HONORABLE TOM BROWER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Jo Ann Uchida, Acting Deputy Director of the Department of
Commerce and Consumer Affairs (DCCA) testifying with regard to Senate Bill No. 2433.

DCCA takes no position on the current draft of S.B. 2433, S.D.2. However,
DCCA has been provided a proposed H.D.1 that would substantially revise the
language of this bill to provide (1) standards of practice for zipline and canopy tour
operators; (2) responsibilities of zipline and canopy tours operators; (3) liability for
zipline and canopy tour operators; (4) insurance requirements for zipline and canopy

tour operators; (5) notice of serious physical injury or fatality to DCCA; (6) authorization for regulation on the county level; (6) indemnity for the DCCA, the state, from any claims arising out of activities carried out pursuant to the chapter; (7) a sunrise analysis; and (8) the requirement that a zipline canopy tour operator obtain a business license within 180 days of the effective date of the act.

DCCA has a number of concerns about the proposed HD1:

The bill requires at page 7 line 5 that DCCA be notified of any fatality or accident that results in serious physical injury. DCCA believes that the notification requirement of a fatality or accident that results in death or serious physical injury is more appropriately placed with an agency equipped to investigate worksite fatalities or accidents that result in death or serious physical injury. DCCA has no division with the subject matter expertise or training that would lend itself to conduct safety investigations, particularly when those investigations result in serious injury or fatality. Placing this responsibility with DCCA, even for the pendency of a sunrise review, when other agencies have the staff and expertise to conduct these investigations, would require the department to unnecessarily expend significant time and resources to train staff for the possibility of a fatality or serious injury at a zipline or canopy tour site. Also DCCA does not have the type of investigative authority necessary to conduct interviews at jobsites that involve fatalities.

DCCA understands that the original language of the proposed draft provided for zipline or canopy tour operators to obtain a business license but that that requirement is no longer included in the proposed draft. DCCA suggests that, consistent with the deletion of the business license requirement, the proposed draft be revised to delete the

Testimony on Senate Bill No. 2433, S.D. 2, Proposed H.D.1
Thursday, March 15, 2012
Page 3

language on page 9 lines 2 to 7 that would require the operator to obtain a business license within a specific time period.

Thank you for the opportunity to testify.