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Lines: The CWA Newsletter

Vol. 3, No. 1

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Welcome

Dear Colleagues,

Happy summer from Lines, the Climbing Wall Association newsletter. You will find articles about the Climbing Wall Summit, a new offering in our insurance program, a new "Legal Matters" column, and other information in this issue. If you would like to see your facility highlighted in the member spotlight section of the newsletter - drop us a line, we'll include your organization next time.

Finally, if you are not a member, please consider joining the CWA today. We are working on your behalf every day — safeguarding climbing industry insurability, lobbying on your behalf, educating state regulators, and watching out for you.

If your membership has lapsed, please take a moment to renew today. Remember, together we're stronger!

Best Regards,

Bill Zimmermann,
Executive Director

Climbing Wall Summit A Huge Success!

This past April the CWA co-hosted the first annual Climbing Wall Summit in Boulder, CO. Over 217 gym owners, managers, manufacturers, industry reps, climbing media, and interested climbers attended creating an unparalleled opportunity for networking, professional development, and rejuvenation. Over 117 organizations from the US, Australia and Canada joined in the conference, making it the largest gathering of climbing professionals in the USA. A date is pending for 2008 and will be announced shortly, so stay tuned to the CWA website.

The Summit boasted 45 workshops over three days with diverse topics ranging from route setting, risk management, building your gym's community, and a wide variety of presentations aimed at enhancing the bottom line for indoor climbing and bouldering facilities. For the majority in attendance, however, the strongest part of the weekend were the numerous networking opportunities that stemmed from some quality social time with so many industry peers. Workshop attendees mingled in the halls of Boulder's Outlook Hotel, swapping stories, business cards, and sharing information.

Beyond the workshops and pre-conference sessions, two memorable parties were hosted by sponsors of the event. The Summit kicked off with a jovial poolside welcome reception hosted by Urban Climber and Climbing Magazine. But it was Chris Sharma and Boone Speed that stole the show with their Friday night presentation "Safe Travels", at the historic Hotel Boulderado in downtown Boulder. "Safe Travels" was generously hosted by Entre Prises Climbing Walls and Rock and Ice Magazine. Amazing images by Boone of Chris and company's exploits in Mallorca, Turkey, Hueco Tanks, and beyond entertained a standing room only crowd. Afterwards, all enjoyed sharing more stories of great climbing experiences and the camaraderie of the event over cold beverages and tapas while lounging in the Boulderado's very cool digs.

This reporter particularly enjoyed the balance of workshops and activities. Yoga for Climbers was hosted early each morning by Shannon Thomman of Trango/Stonewear, and was a refreshing way to begin the day. The Summit had excellent facilities behind it with two world class gyms opening their doors to attendees: The Boulder Rock Club and The Spot hosted numerous workshops and provided free access to attendees. There was ample opportunity to get some great climbing with folks from all over the world... both indoors and outside at some of the excellent sites around Boulder and Eldorado Canyon. It was nothing short of inspiring to spend focused time with so many passionate climbers all looking toward the future of the sport and their businesses.

All in all, it was an historic event. For those of you that attended, tell us your stories about how the 2007 Climbing Wall Summit has impacted you. For those that did not attend, we hope to see you in 2008! Thanks again to our Summit Sponsors: Entre Prises, Nicros, Trango, Black Diamond, Asana, CAMP, Brendle Climbing Walls, Extreme Engineering, Walltopia, Urban Climber, Climbing, Rock and Ice, AMGA, Boulder Rock Club, Total Climbing, The Spot, Stratus Insurance, Petzl, E-Grips. The Summit was organized by the CWA, Focus Communications, and Leahy & Associates.

New CWA Property Insurance Program

Stratus Insurance Services, Inc. now has the ability to write property insurance for climbing facilities and portable climbing walls! The CWA property insurance program is only available to current members of the CWA as a benefit of membership. The primary insurer for the program is an A- rated company (Excellent).

Property insurance provides protection against most risks to property, such as the loss of, loss of use of, or damage to property caused by a covered peril. Examples of perils covered by property insurance might be fire, theft and some weather damage. Property is insured in two ways either "open perils" or "named perils", our program is an "open perils" program. Open perils programs cover all of the causes of loss not specifically excluded in the policy. Portable climbing walls can be covered in this program; fixed facilities can also be underwritten.

If you have any questions about our new insurance program please feel free to contact Cameron Allen at Stratus Insurance Services at 866 395-1308 or allen@stratusins.com. You can find a copy of the property insurance application on our web site [HERE](#).

Nicros Auto Belay Safety System™

Nicros announced a significant development in auto belay device safety systems in April of 2007 with the introduction of the Auto Belay Safety System (ABSS)™. Nicros demonstrated a prototype of the ABSS™ to the public at the Climbing Wall Summit in Boulder. What is ABSS™? Occasionally, people forget to attach themselves to the auto belay rope or cable (yes, it happens)! The folks at Nicros armed with a thorough understanding of the problem and the functioning of auto belay devices devised an elegant system to detect this problem and provide an alarm when it occurs.

The basic design provides a flashing light and an audible alarm. More advanced models incorporating more robust technology will provide additional features such as remote notification (pager, warning at the front desk, or other location in the building). This new device also provides the opportunity for proximity sensing which can also alert you when someone is climbing on the wall when it is closed or unsupervised.

Production of the ABSS™ is slated to begin in 2007. However the base model is available upon request. Nicros also has plans to introduce an advanced model called the SMART SYSTEM™ which will include a CPU to provide additional features. Please note, the ABSS™ device is only a warning device it cannot prevent people from un-belayed climbing. But the light and alarm should be loud enough to get

everyone's attention while the climber is close to the ground. Contact Nicros at www.nicros.com for more information.

Growing Your Climbing Business

Several years ago I was reviewing our product and services that we offered to our customers. We had a laundry list of different types of memberships and services. In fact, I had a hard time sorting it all out. It dawned on me that we were trying to give the customers what they wanted and not what they needed. We did a total review and overhaul of our product line and memberships. Another way of putting it is that we did a major trimming of the bushes, leaving only a few main branches.

One of the biggest changes that we made was a shift to EFT (Electronic Funds Transfer) memberships. We no longer offered paid in full memberships. If a customer happened to ask to pay in full we would accommodate the request, but the staff would not make the offer, nor did we put the option in print. Now we only have one membership product. Customer can still buy a day pass and a one month pass, but the emphasis is on the EFT contract that locked in payments at a minimum of 6 months. The result of this shift was a 30% increase in our membership revenues, no renewal notices, steady cash flow through the year, no deferred liability on the balance sheet and a streamlined membership system that was easier for the staff and the customer to understand.

Sometimes simplicity is the best formula.

Rich Johnston,
Vertical World

Why Do Regulators Regulate?

The CWA has been monitoring efforts in several states to regulate the climbing wall industry, and has taken a very active role in the shaping of a new statute and regulations to govern the industry in Massachusetts - a process that has unfolded over many months. Regulation by government agencies represents a unique new challenge to the climbing industry, and has the potential to cause big changes in the way climbing facilities are funded, operated, and insured.

At worst, these efforts could change essential aspects of the sport of climbing, and/or make the operation of climbing gyms prohibitively expensive. Regulation by government employees who have a poor understanding of the industry is likely to result in regulations that are unwieldy, difficult to comply with, and expensive for the operator. Also, there is the prospect of more government red tape, a prospect most people don't find appealing. For those reasons, the CWA attempts to educate

government agencies about the sport of climbing, and advocates on your behalf for regulations that make sense and are economical in practice. We believe our efforts in Massachusetts and elsewhere are making a positive difference.

But what dynamics are at the root of regulatory efforts? In other words, why do regulators regulate, in the climbing industry or in any other field? There are, I believe, two distinct but related forces that drive government regulation. The first and more obvious trigger is an accident involving a participant in the activity. The more serious and high-profile the event, the greater will be the pressure on the government to "do something about it." Almost everyone in the industry knows about the fatal inflatable-climbing-structure accident in Massachusetts that seems to have put the Department of Public Safety in that state on the fast track to regulation. Other organizations such as Outward Bound have felt the heat of public scrutiny as a result of recent serious adverse incidents.

There is nothing wrong with a state government wanting to protect the health and safety of its citizens. Government employees aren't bad people or professional killjoys. The problem with this kind of reactionary rule making is its potential to be grossly over-inclusive. You may think that an accident on an inflatable climbing structure has little to do with safety on a fixed climbing wall or in an outdoor rock climbing venue, and you would be correct. But government employees who may know little about our sport, who have experience in regulating amusement venues, and who may be under pressure to come up with draft regulations quickly, might take a cursory look at both activities, observe that they both involve climbing, conclude that climbing is only an amusement activity, and begin the process with little additional information.

The second force that drives regulation is public expectations. I have seen a great deal of evidence that we are becoming more risk-averse as a society. Nearly everyone has heard of the elementary school principal in Massachusetts who banned tag and touch football at recess. This is caused in part by fear of litigation, but also by the fact that people seem to be more fearful, period. I read an interesting factoid recently, citing a study that found the average young child's outdoor play area in 2006 was only one-ninth the size that it was in 1960. There were many letters to the editor in support of the tag-banning school principal, mainly from mothers of children who are, or are perceived to be, smaller or weaker than others in their age group.

The climbing industry is not immune from the trend toward risk aversion, despite the fact that people sign informed-consent documents before participating, or allowing their children to participate, in climbing activities. People may have an unrealistic view of the risks associated with climbing, or they may assume that accidents can't happen because they or their children will be instructed properly and will strictly follow all instructions. For those reasons, it is important that your informed-consent documents be as clear as you can make them, and communicated as clearly and consistently as possible.

We can always hope that government agencies will engage in thorough fact finding prior to drafting regulations, and that they will enact regulatory schemes that intrude on the industry's autonomy no

further than is necessary to protect public safety. This was our goal in Massachusetts, and remains our objective in other jurisdictions where regulation of the industry is being contemplated.

Best wishes for the summer season.

Robert Angell, Esq.

CWA Board Member

URL: www.angellawohio.com

E-mail: rangell@columbus.rr.com

Disclaimer: The information provided above is offered for the general guidance of members of the Association and is not intended, and should not be construed, as the provision of legal advice in any pending or anticipated matter. Please consult your legal counsel for advice regarding any such matters.

New General Liability Carrier

Stratus Insurance Services secured a new carrier for the CWA Commercial General Liability Insurance Program for policies with effective dates starting in 2007. The CWA provides general liability insurance coverage through a risk purchasing group organized by Stratus and underwritten by Colony Insurance in Richmond, Virginia. A.M. Best rated our insurance carrier A (Excellent), IX (\$250 to \$500 million or more in statutory surplus and related accounts), with a stable outlook.

Colony is recognized as one of the top 15 Excess & Surplus Lines specialist companies in the U.S. and is approved as a non-admitted insurer in 49 states, the District of Columbia, and the U.S. Virgin Islands. Focusing on small to medium-sized premium accounts, Colony provides commercial liability, commercial property, product liability and environmental liability coverage to commercial enterprises, as well as professional liability coverage for health care providers and other professionals. The general liability insurance program is available only to current members of the CWA as a member benefit.

New Rules Require Businesses to Keep Better Tabs on e-Documents

As an association member, and an insured of the Outdoor and Recreational Insurance Program (ORIP) through Stratus Insurance, many of you maintain your waivers and release forms electronically. Along with that vital information, you may have emails to customers, or inter-office emails regarding your safety practices, policies and procedures, loss control, or other information that may be requested (or required) in the event of a lawsuit.

Under a new rule, which took effect last year, U.S. companies will be required to keep better track of their employees' e-mails, instant messages, and other electronic documents in the event the companies are sued. They are part of amendments to federal rules governing litigation and were approved by the Supreme Court's administrative arm in April, 2006 after a five-year review.

Companies and other parties involved in litigation must now produce "electronically stored information" as part of discovery, the process by which both sides share evidence before a trial. Federal and state courts have increasingly been requiring the production of such evidence in individual cases, and the new rules clarify that the data will be required in federal lawsuits.

Under the new rules, an information technology employee who routinely copies over a backup computer tape could be committing "virtual shredding" once a lawsuit has been filed.

The new rules make it more important for companies to know what electronic information they have and where, especially because of a provision that requires lawyers to provide information much earlier in a lawsuit than before.

Without a better sense of what data you have and where, you may be exposing yourself to unnecessary risks. We have seen some companies settle lawsuits in order to avoid the costs of electronic discovery, which is a poor business practice. Better organization of your data can lower that cost and enable insurance companies to avoid settling unnecessarily.

Member Spotlight — Boulder Rock Club

It has been an eventful year at the Boulder Rock Club (BRC) in Boulder, Colorado. This spring, Mike Alkaitis, the former Executive Director of the AMGA took over as the General Manager, which makes his regular commute to the gym much shorter. The BRC was also a generous venue sponsor for the very successful Climbing Wall Summit in April. The BRC hosted no fewer than six pre and post conference workshops: the Petzl Belay Tech Workshop, Intermediate & Advanced Routesetting, Emergency Response & Rescue for Walls, Basic Movement Instruction, and a pilot Climbing Wall Instructor Certification Program.

John Bicknell, President of the AMGA Board and owner of Total Climbing instructed the pilot program with help from Bill Zimmermann, Executive Director of the Climbing Wall Association, Charlie Boas, and Tony Yao. There were 11 participants from various backgrounds, learning and sharing techniques for instruction, risk management, and programming. The instructors provided what will hopefully become a national certification and instructional program for gyms, university climbing walls, and recreation centers.

The Boulder Rock Club also celebrated the grand opening of its state-of-the-art climbing facility expansion this spring. The expansion includes 8,000 square feet of new climbing terrain, 35 foot tall climbing walls, a 16 foot bouldering top-out area complete with a 34 foot slide for the descent. The facility also boasts newly re-designed meeting rooms on the third floor. Total Climbing's owner John Bicknell states, "We were simply bursting at the seams and needed to expand to handle the continual

growth in all areas of our membership." Assistant Gym Manager, Charlie Boas adds, "When our clientele walks through those doors, they expect the best in route setting, variety of terrain and challenge. This new addition lets us grow while meeting our world-class standards for safety and excellence."

About the Climbing Wall Association, Inc. (CWA). The CWA is a 501(c)(06), non-profit, trade association incorporated in May of 2003 for manufacturers of climbing wall equipment, builders of climbing walls, operators of climbing walls, and others involved in the climbing industry.

The CWA is the only trade association addressing the needs and interests of the climbing wall industry and climbing wall operators. The mission of the Climbing Wall Association is to support the growth, health and independence of the climbing wall industry, and to promote the sport of climbing.