



14 September 2005

Mark Mooney, Assistant Chief of Inspections
Massachusetts Department of Public Safety
1 Ashburton Place, Room 1301
Boston, MA 02108

Dear Mr. Mooney:

I am writing on behalf of the Climbing Wall Association, Inc (CWA). The CWA is a non-profit industry trade association for manufacturers of climbing wall equipment, builders of climbing walls, operators of climbing walls, and others involved in the climbing industry. Our mission involves providing services, standards, support, and advocacy for our members. The CWA was incorporated as a 501(c)(06) in May of 2003 to promote standards for, and self-regulation of, the climbing wall industry.

The CWA publishes standards for the operation of climbing walls, entitled ***Industry Practices: A Sourcebook for the Operation of Manufactured Climbing Walls***. The CWA also coordinates the industry's insurance program, provides risk management consulting, and standards-based instruction for operators of climbing walls. Furthermore, CWA's members are active in the development of standards for the design and engineering of climbing walls (CWIG draft standards, ASTM WK 472).

The State of Massachusetts proposes to regulate artificial climbing walls; regardless of type, location, or context; as amusement rides or devices (given the recent number of revisions of 520 CMR). It is the position of the Climbing Wall Association that regulating a climbing facility, such as a non-portable climbing wall or climbing gym, as an amusement ride or device is inappropriate for a number of reasons:

1. The State of Massachusetts regulations are inadequate for the inspection and licensure of facilities such as artificial climbing walls or climbing gyms, and are silent on a number of pertinent issues regarding the design and operation of these facilities;
2. The mission, goals, and purposes of these types of facilities are to provide members with avenues for: learning or practicing climbing skills, improving fitness, education, and recreation – not thrills or amusement;
3. The contexts in which these facilities operate are substantially different than amusement parks, county fairs, carnivals, or other amusement contexts. As a rule, there is no free and open public access to these types of facilities. These types of facilities are generally accessible to members only after a process of registration, orientation, training, and evaluation of skills. Otherwise these types of facilities are secured and access is limited;
4. Participants personally acknowledge and assume the inherent risks of climbing by signing an acknowledgement of risk and release of liability document;

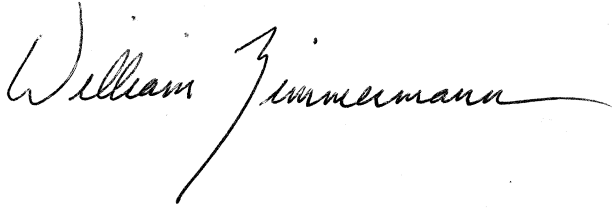
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5. Participants in the sport of climbing are actively and personally engaged in the activity. Climbers are not passive participants on a ride (“riders”), climbers climb and belay for one another. In short, artificial wall climbing is a human-powered recreational activity, a *sport* which has more in common with other adventure sports such as rock climbing, canoeing, kayaking, and whitewater rafting. The sport of climbing is not an amusement ride – but a sport in its own right requiring knowledge, dexterity, and skill.

We assert that climbing walls and climbing gyms should not be subject to regulation, inspection, or permitting as an amusement device because these facilities are not intended to be, designed as, or used as amusement devices. (Where walls are used as or located with amusement devices is another matter entirely). Thank you very much for your consideration of this letter. I have enclosed a copy of our standards for your reference. If you have any questions about the CWA, our position on this issue, or our standards, I would be happy to discuss them with you. I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "William Zimmermann". The signature is written in a cursive style with a long, sweeping underline.

William Zimmermann,
Executive Director

cc: Thomas Gatzunis, DPS Commissioner
Sylvia Dresser, Executive Director, ACCT
Rich Johnston, CWA Board Chair