



The following framework is provided as an educational courtesy and should not be relied upon as legal advice. We make no representations or warranties as to the information provided below.

**ANALYTICAL FRAMEWORK FOR AMGA MEMBERS -  
MITIGATION OF LEGAL RISKS PRESENTED BY COVID19 PANDEMIC**

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<b>PART I: <i>Considering scope of operations, cuts or modifications to programs.</i></b>
<b>PART II: <i>Limiting liability associated with clients.</i></b>
<b>PART III: <i>Employment risk management.</i></b>

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<b>PART I: <i>Scope of Operations</i></b>	
Is the liability associated with each aspect of your programs manageable, and within your risk tolerance? Consider major modifications to programs, particular those with large group sizes or where close contact is required and frequent.	
What are the financial ramifications of an adverse outcome?	Do you have a properly organized and operated separate legal entity?
	Are you properly insured? Are there any exclusions in your commercial liability policy that may apply relative to a claim for exposure to coronavirus?
	Are you comfortable that your waiver/assumption of risk form is enforceable and well-drafted?
	Do you have sufficient well-trained staff to implement the planning described below?

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<b>PART II: <i>Client Exposure and Liability</i></b>	
1. Create a COVID operations plan addressing mitigation of risk to guests/clients.	
<b>Possible Operations Plan Elements:</b>	Updated screening procedures/requirements

<ul style="list-style-type: none"> <li>✓ <i>Any plan should comport with current state law, permitting agency regulations, local regulations, and CDC guidance.</i></li> <li>✓ <i>Any plan should comport with current state law, permitting agency regulations, local regulations, and CDC guidance.</i></li> <li>✓ <i>You should discuss your plan with industry peers and collaborate on solutions to common problems</i></li> <li>✓ <i>You should consult any available guidance from industry groups, local health agencies, etc.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Update medical intake</li> <li>• Screening pre-trip or on arrival <ul style="list-style-type: none"> <li>▪ <i>i.e.: Self screen</i></li> <li>▪ <i>Temperature</i></li> <li>▪ <i>Testing (if available)</i></li> <li>▪ <i>Pulse Oximeter</i></li> </ul> </li> </ul>
	<p><b>Observing social distancing protocols</b></p> <ul style="list-style-type: none"> <li>• Transportation to/from climbing area</li> <li>• While climbing</li> <li>• On overnight trips</li> </ul>
	<p><b>Implementing PPE requirement for clients</b></p>
	<p><b>Increased sanitation protocols</b></p> <ul style="list-style-type: none"> <li>• On day climbs</li> <li>• On overnights</li> </ul>
	<p><b>Gear management and cleaning protocols</b></p> <ul style="list-style-type: none"> <li>• Additional gear requirements – i.e.: masks, personal tents, sleeping bags, etc.</li> </ul>
	<p><b>Food protocols</b></p> <ul style="list-style-type: none"> <li>• On day climbs</li> <li>• On overnights</li> </ul>
<p><b>First aid protocols</b></p> <ul style="list-style-type: none"> <li>• Exposure, isolation, evacuation procedures of sick client and/or guide</li> </ul>	

<p><b>Updates to Waiver and/or Acknowledgement of Risk Form:</b></p>	<p><b>Revision language in release forms</b></p> <ul style="list-style-type: none"> <li>• Consider listing exposure to airborne illness and/or infectious disease (including COVID19) as an inherent risk in waiver/acknowledgement of risk form.</li> </ul>
	<ul style="list-style-type: none"> <li>• If this isn't an option, consider drafting a "COVID acknowledgement" seeking your client's signed agreement as to the presence of the inherent risk of contracting COVID19 and that such risk cannot be eliminated</li> </ul>



<b>Communicating With Clients:</b>	<b>Provide updated pre-trip information, including changes in operation to mitigate COVID risks.</b>
	<b>Communication of nature of inherent risk of COVID contraction and updated protocols</b> <ul style="list-style-type: none"> <li>• This is likely done multiple times before a trip, in increasing levels of specificity. Communications should be very general until specificity is necessary.</li> </ul>
	<b>Review and consider updating cancellation policy</b> <ul style="list-style-type: none"> <li>• Is there “<i>force majeure</i>” language in the cancellation policy?</li> <li>• Are you allowing clients to cancel or reschedule due to illness or fear of contracting COVID?</li> </ul>

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<b>PART III: <i>Employee Exposure and Liability</i></b>	
<b>Identify Worker Risk Level:</b> <a href="https://www.osha.gov/Publications/OSHA3993.pdf">https://www.osha.gov/Publications/OSHA3993.pdf</a>	
Identify if and when an employee would move from one risk level to another and if additional PPE is necessary at that time. (i.e. A guide needing to administer first aid to a client)	
<b><i>Apply the OSHA hierarchy to eliminate the risk, mitigate the risk, or utilize appropriate PPE. This is a hierarchy. Eliminate what risk you can, mitigate what risk you can, utilize PPE as the last resort. Address these hierarchical needs and consider some or all of the following:</i></b>	
<b>Consider Elimination of Risk as to Each Employee:</b>	Can office staff work from home? (Elimination of risk will probably not be possible for guides)
<b>Consider Possible Mitigation Measures:</b>  <i>**Mitigation Examples are given as guidance for building this part of the framework – all operations must make their own informed, well-researched decisions as to appropriate mitigation**</i>	<b>Engineering controls in the workplace.</b> Engineering controls involve isolating employees from work-related hazards. Engineering controls for Covid 19 include: <ul style="list-style-type: none"> <li>• Installing physical barriers, such as clear plastic sneeze guards.</li> <li>• In higher risk environments, Installing high-efficiency air filters.</li> <li>• Increasing ventilation rates in the work environment.</li> <li>• Engineering controls for guides may be unavailable</li> </ul>
	<b>Administrative and work practice controls in the workplace.</b> Typically, administrative controls are changes in work policy or procedures to reduce or

	<p>minimize exposure to a hazard. Examples of administrative controls for SARS-CoV-2 include:</p> <ul style="list-style-type: none"> <li>• Encouraging sick workers to stay at home.</li> <li>• Minimizing contact among workers, guides and clients by replacing face-to-face meetings with virtual communications and telework if feasible.</li> <li>• Establishing alternating days or extra shifts that reduce the total number of employees in a facility at a given time, allowing them to maintain distance from one another while maintaining a full onsite work week.</li> </ul>
	<p><b>Field work administrative practices to consider establishing may include:</b></p> <ul style="list-style-type: none"> <li>• Updated client and staff screening</li> <li>• Social distancing protocols</li> <li>• Increased sanitation protocols</li> <li>• Gear management and cleaning protocols</li> <li>• Food protocols</li> <li>• Exposure, isolation, evacuation procedures</li> <li>• First aid protocols</li> </ul>
	<p><b>Consider utilizing PPE.</b></p> <ul style="list-style-type: none"> <li>• Do your non-field staff need to use PPE? Do your guides need to use PPE? What PPE do they need to use? When?</li> <li>• PPE might include: gloves, facemask, face shield, goggles/eye protection, gown.</li> </ul>
	<p><b>What does this look like in the field?</b></p> <ul style="list-style-type: none"> <li>• PPE should be properly fitted</li> <li>• PPE should be worn when: at all times? when in contact with others?</li> <li>• PPE should be regularly inspected, maintained, and replaced if necessary</li> <li>• PPE should be properly removed, cleaned, stored or disposed of</li> </ul>
	<p><b>Prepare a written Infectious Disease Response Plan.</b>  <i>Consider including some or all of the following:</i></p> <ul style="list-style-type: none"> <li>• Sources of infection &amp; exposure determination</li> <li>• SOPs for infection control</li> </ul>

	<ul style="list-style-type: none"> <li>• Use of risk elimination, mitigation, PPE</li> <li>• Decontamination, handling and disposal of contaminated material</li> <li>• Investigation of exposure incidents</li> </ul>
<p><b>Employee Training:</b> <b>(Keep a training log of all employee training.)</b></p>	<p><b>PPE and COVID 19 TRAINING might include:</b></p> <ul style="list-style-type: none"> <li>• PPE Definition – what does your company define as PPE (gloves, gown, eye protection, face mask, etc.)</li> <li>• If PPE is being used, explain why it is being used. Educate and train workers about protective clothing and equipment appropriate to their duties</li> <li>• If PPE is being use, instruct staff on the correct fit of PPE, i.e. masks, and have everyone do a fit test.</li> <li>• If there are times when additional PPE is required, instruct staff on these times and what additional PPE is required.</li> <li>• Explain how to use basic hygiene (<i>e.g.</i>, hand washing, covering mouth and nose with a tissue when coughing or sneezing) and social distancing precautions that will be implemented and why they are effective.</li> <li>• What to do in case of a possible exposure</li> <li>• Decontamination</li> <li>• Disposal of contaminated materials</li> <li>• Evacuation of a sick guest or guide – procedures and protocols</li> </ul>