



March 22, 2009

Snowboarder's family championing safety effort

By Jeff DeLong

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Veteran snowboarder Jessica Gregorie was hiking to reach expert terrain at one Lake Tahoe ski resort. Olga Kozberg, an average skier, steered toward what she thought were heaps of snow while skiing at another.

Neither, family members said, were likely aware they faced any real danger.

But Gregorie, 24, slipped on some ice that fateful winter day in 2006, plummeting to her death down a rocky cliff at Alpine Meadows Ski Resort. Kozberg, 26, smashed into snow-covered rocks Jan. 25, 2008, at Heavenly Mountain Resort, suffering traumatic injuries that would leave her dead within a day.

Now, family members are trying to change California law to adopt safety standards that they say might prevent future tragedies at the state's popular ski areas.

"It really was a profound, profound loss," said Dr. Dan Gregorie, Jessica's father.

"There's nothing worse than losing a child," said Gregorie, 59. "It's a feeling you can't describe, and it never goes away."

Putting grief to purpose following his daughter's death, the Maine physician founded a nonprofit group, the California Ski and Snowboard Safety Organization, to pursue legal changes.

On Feb. 28, California Assemblyman Dave Jones, D-Sacramento, introduced legislation that could end the state's status as one of the few in the country with significant ski industries that don't have a ski safety statute on the books. The bill's first committee hearing is likely in a month or so, Jones said.

As currently drafted, the bill would require ski resorts to file an annual safety report with the state and report any serious injuries or deaths within 24 hours, with that information posted at the resort and available on the Internet.

It also would standardize signs to inform skiers and snowboarders about ski area boundaries and hazards and require a sufficient number of safety signs to warn of hazardous terrain.

A lack of warning signs or safety equipment may have contributed to Jessica Gregorie's Feb. 5, 2006 death and Olga Kozberg's fatal accident last year, relatives testified during an informational hearing before California's Assembly Judiciary Committee Nov. 12.

They hope future accidents can be avoided.

“Obviously, nothing is going to bring her back, but hopefully, we can learn from this and nobody else needs to get hurt,” said Olga’s sister, 31-year-old Julia Kozberg of Concord, Calif. “Things like what happened to my sister might be preventable.”

Gregorie said that while there’s “no question” skiing and snowboarding are inherently dangerous, much more can be done to protect people engaged in the sports.

More than 20 skiing states — among them Colorado, Utah, New Hampshire, Maine, Idaho and Nevada — have some sort of skier safety statute in place, Gregorie said.

Many were enacted in the 1970s and 1980s and were prompted in part by a 1974 accident at a Vermont ski resort that paralyzed a novice skier, said Jim Chalot, a veteran trial lawyer in Colorado who specializes in ski-related litigation. A jury awarded the skier \$1.5 million in damages.

Gregorie and Chalot said most existing ski statutes were sponsored by the ski industry and designed to provide them legal immunity.

The proposed California law, while similar to others in many ways, is a little different, Chalot said.

“I think it rises to another level because it is being advanced by a consumer group and not an industry group,” Chalot said.

Bob Roberts, executive director of the California Ski Industry Association — which represents 23 alpine ski resorts across the state — said his group supports the intent of the proposed legislation but has problems with some details. He declined to discuss those concerns specifically.

“We do not support it in its current form, but we think it has possibilities,” Roberts said. “As it stands now, we have a problem with it.”

Of the 23 alpine resorts, 18 operate on federal land and must submit annual safety plans to the U.S. Forest Service, Roberts said.

“The bottom line is the Forest Service is the active oversight,” he said.

Jones said he is convinced changes are needed.

“What we have learned is there is not standardization of signage at ski resorts, the public does not have access to safety plans and there isn’t data available to the public about injuries and fatalities and would allow them to make informed choices,” Jones said.

Jones said he is hopeful a compromise can be found that all involved will support.

What’s necessary, he said, is “a balance between what’s needed to protect skiers and snowboarders and the importance of the industry to California’s economy.”