



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

Director's Order #50C: Public Risk Management Program

Approved: Janatha D. Jarvin
Director

Effective Date: 5-7-2010

Duration: This order will remain in effect until amended or rescinded

This is the third in a set of four Director's Orders that focus on employee safety, public safety, and risk management. The others are 50A (Workers Compensation Case Management), 50B (Occupational Safety and Health), and 50D (Smoking Policy). The subject of how the National Park Service will ensure compliance with prescribed public health policies, practices and procedures is covered in Director's Order #83 (Public Health). Additional Director's Orders with implications for employee and public safety, health, and risk management are cross-referenced throughout this Order. This Order and its accompanying reference manual (RM-50C) supplement section 8.2.5.1 of *Management Policies 2006* and supersede corresponding sections of NPS-50 and any other guidance documents that may offer conflicting information. NPS-50 will henceforth be considered obsolete.

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1. BACKGROUND AND PURPOSE

1.1 Background

It is the intent of the National Park Service that all visitors have an injury-free park experience. However, each year, thousands of visitors to national parks are involved in preventable incidents that result in serious injuries or fatalities. Because of the wide range of activities visitors engage in, the diverse type, origin, and experience level of park visitors, and the inherent risks that cannot be managed or transferred away, visitor risk management in the national parks continues to be a difficult challenge. The National Park Service's mission is to conserve park natural and cultural resources and processes unimpaired, and provide opportunities for the public to enjoy them. In doing so, the NPS must strive to prevent visitor injuries and fatalities within the limits of available resources. Within this context, visitor risk management does not mean eliminating all dangers, nor can the NPS guarantee visitor safety or be responsible for acts and decisions made by visitors that may result in their injury or illness.

Furthermore, injury prevention is a shared responsibility between the park staff, park partners, and park visitors. On the one hand, it is the responsibility of park superintendents and their partners (e.g., concessioners, contractors, and permittees) to make a reasonable effort to assess risks in their respective parks, to eliminate or mitigate the risks when reasonable and appropriate, and/or to communicate risks to the public within the limits of available resources as determined by park managers. On the other hand, visitors must take responsibility to plan adequately by preparing for their park visit, seeking and heeding the information, advice, and warnings provided by park staff, educating themselves to possible risks associated with a particular park environment and activity in which they engage, understanding their physical and mental limits, taking reasonable precautions during their visit, and using reasonable judgment to avoid risks in general. Because of this shared responsibility, a successful risk management program requires that all parties coordinate efforts to identify and understand the nature of park resources, the risks to public safety that are present, and steps that can be taken to reduce unsafe conditions and practices.

The means by which public safety concerns are to be addressed in each park falls under the discretion of the park's superintendent. Park superintendents will seek to identify risks within their jurisdiction and to mitigate these risks within the limits of available resources without compromising the integrity of the environments they are charged to protect. "Mitigation measures" that might be appropriate for some park environments would not be for others. Lighting, paving, fences, guardrails, and water purification systems, for example, might be appropriate in some settings while not in backcountry campsites, trails, and similar pristine settings, or even in some urban locations. Superintendents must make discretionary decisions that balance public recreation and safety with preservation of the protected natural, historic, or cultural setting. While the NPS will strive to minimize the frequency and severity of visitor mishaps along with the associated pain, suffering, and financial expense, ultimately, visitors are responsible for their own safety.

1.2 Purpose

The purpose of this Director's Order is to set a new Servicewide direction, with increased emphasis on the prevention of visitor incidents. While the NPS has historically been concerned about *responding* to the safety needs of park visitors, this policy is intended to provide standards or guidelines that enhance park efforts to improve overall injury *prevention* in parks. This Order supplements Section 8.2.5 of *Management Policies 2006* by providing guidelines for establishing a risk management process that focuses on the prevention of visitor injuries, illnesses, and fatalities in national parks, while preserving natural and cultural resources and providing visitors with an enjoyable experience consistent with the conservation of those resources.

2. POLICY AND AUTHORITY

2.1 Policy

Section 8.2.5.1 of *Management Policies 2006* says: "The saving of human life will take precedence over all other management actions as the Park Service strives to protect human life and provide for injury-free visits. The Service will do this within the constraints of the 1916 Organic Act." Fulfilling the terms of that Act may often restrict the NPS's ability to eliminate hazards, but it is NPS policy to charge park managers with the responsibility to seek reasonable measures, within available resources, to mitigate those hazards, protect human life, and promote an injury-free visit. In addition to NPS policy, NPS performance goals mandated under the Government Performance and Results Act include the requirement that NPS work toward achieving the following goal: "Visitors safely enjoy and are satisfied with the availability, accessibility, diversity and quality of park facilities, services and appropriate recreational opportunities." This goal includes two targeted objectives that directly relate to visitor safety: (1) reduce the number of visitor serious injuries, and (2) reduce the number of fatalities in parks.

The NPS and its concessioners, commercial use authorization holders, lessees, special use permittees, cooperating associations, and contractors will strive to meet or exceed the requirements of all applicable laws and NPS policies relating to public safety, health, and the environment within areas of the National Park System.

2.2 Authority

The authority to issue this Order and its related Reference Manual (RM) is contained in 16 U.S.C. 1 through 4 (the National Park Service Organic Act) and the delegations of authority contained in Parts 245 and 485 of the Department of the Interior Manual. The Organic Act requires the NPS to provide the opportunity for the public enjoyment of parks while conserving the scenery and natural and historic objects and wild life therein "in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (16 U.S.C. 1).

This Order is intended to improve the internal management of the NPS and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law

or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

3. ROLES AND RESPONSIBILITIES

The primary responsibility for developing public risk management policy lies with the NPS Public Risk Management Program (PRMP). However, responsibilities are broadly shared throughout the NPS as outlined below.

3.1 Associate Director, Visitor and Resource Protection (VRP)

The VRP associateship includes several program activities with significant implications for public risk management. These include: Law Enforcement, Emergency Medical Services, Search and Rescue, Public Health, Public Risk Management, Structural Fire, and Wildland Fire. While the primary role of the **NPS Law Enforcement Program** is visitor and resource protection, law enforcement officers are positioned to play a pivotal role in visitor injury prevention. In addition to their authority to enforce park regulations, they are expected to advise visitors regarding unsafe behavior and conditions, and interact with them to inform and educate. (Reference: DO-9.)

Through **Emergency Medical Services**, the National Park Service will make reasonable efforts, within the limits of available resources, to provide appropriate response for persons who become ill or injured. An emergency medical services program will be maintained to provide transportation of the sick and injured, and emergency pre-hospital care, which may range from minor first aid to advanced life support in various environmental settings. (Reference: DO-51 and RM-51.)

Through the **Search and Rescue Program**, NPS managers will provide land and marine search and rescue services in parks to minimize the number of fatalities and the extent of injuries of people who are lost or in distress, within the limits of available resources. (Reference: DO-59.)

Director's Order #83 establishes policies and procedures to protect public health on lands under NPS jurisdiction. The **Public Health Program** and **Public Risk Management Program** will identify opportunities to collaborate in risk mitigation and risk communication when appropriate, and when advantageous for respective programs and to the public.

All NPS sites and offices will have structural fire prevention, response, and suppression plans to minimize the potential for a structural fire and for fire-related injury and property damage. (Reference: DO-58.) Within the limits of available resources, the **Structural Fire Management** and the **Wildland Fire Programs** will be designed and managed to meet resource management objectives for the various areas of the parks and to protect park structures, firefighters, public safety, and property to the extent possible. (Reference: DO-18 and DO-58.)

Other specific responsibilities for the Associate Director, VRP are to:

- a) Take all appropriate steps to ensure implementation of this Order.
- b) Establish a Public Risk Management Steering Committee (a sub-committee to the Safety Leadership Council). The committee will include representatives from a range of NPS programs with a stake in visitor safety. The committee will provide advice and assistance to the NPS Safety Leadership Council, NPS Risk Management Program Office, and the NPS Designated Agency Safety and Health Official (DASHO) on policy, programs, and concerns that are national in scope.
- c) Authorize periodic evaluations of regional public risk management programs.
- d) Issue and update Reference Manual 50C.

3.2 Associate Director, Natural Resource Stewardship and Science (NRSS)

Consultation at all levels with natural resource management staff will allow for better understanding of risks posed by natural components of ecosystems, such as wildlife, waters, geologic features, and air quality. Further, collaboration will ensure that risk reduction interventions are considered in the context of the Organic Act and avoid impairment of resources. Whenever feasible and appropriate, public risk management decisions should be made in collaboration and consultation with the Natural Resources Program Center to ensure that decisions about risk reduction affecting or affected by natural resources are based on interdisciplinary and scientifically sound information. (Reference: DO-77.)

A specific responsibility of the Associate Director, NRSS, is to develop Servicewide policy guidance and procedures for NPS compliance with Executive Order 11988 (Floodplain Management) and Director's Order #77-2 (Floodplain Management) to preserve floodplain values and minimize potentially hazardous conditions associated with occupation and use of floodplains. In addition, the Associate Director will provide assistance in identifying and avoiding risks associated with other geologically hazardous areas.

3.3 Associate Director, Park, Planning, Facilities and Lands (PPFL)

The Associate Director, PPFL, will strive to develop and maintain facility design standards that (1) comply with current industry standards and best practices to promote safe facility construction and operations for the visiting public, and (2) are in concert with the mission of the NPS to preserve and protect mission critical resources. The goal will be to locate, design, build, operate, and maintain facilities to minimize natural and man-made hazards, taking into account the NPS mission of protecting the natural, cultural, and historic resources surrounding the facilities and within the limits of available resources as determined by park managers. Park facilities will be designed, constructed, and maintained to meet appropriate fire protection codes.

All visitor facilities will be inspected per life safety codes and other State and national safety standards to identify unsafe conditions and mitigate hazards. This will be done in accordance with the NPS policy regarding balance between visitor safety and resource

protection. Management decisions in these cases need to be inclusive, systematic, and well documented. Where specific policy direction exists, for example DO-77-2 (Floodplain Management), that direction will be factored into the planning and design process. (Reference Management Policies section 9.1.1.5.)

3.4 Associate Director, Partnerships and Visitor Experience (PVE)

Through its various program activities, the Associate Director, PVE has a critical role in informing and educating the public about risks in parks. For example, the **Interpretation and Education Program** in many parks provides the initial and sometimes only direct contact with visitors; therefore, they are key partners in informing the visiting public of safety related concerns in the park. (Reference: DO-6.) In an effort to enhance understanding, appreciation, and awareness of risk related issues in outdoor recreational environments for youth between 18-30 years of age, the Risk Management Division will work collaboratively with the **Youth Programs Office** to identify youth employment and educational opportunities in the areas of risk management. (Reference: DO-26.)

The Risk Management Division will also work collaboratively with the **Office of Tourism** in the areas of park visitation, visitor orientation, education and interpretation, and the use of new technology. Parks should continue to routinely engage with their tourism partners in gateway communities to develop cooperative message projects targeting park visitors and prospective park visitors. Joint messages should highlight, when appropriate, responsible safe use practices and behaviors. Safe use should also be part of national message campaigns the Office of Tourism crafts with national partners including Federal and State land managers. These collaborative efforts should better inform and educate a diverse visiting public about recreational opportunities in parks to encourage safer visits and improve visitor experience in parks.

In their critical leadership role working with partners, youth, volunteers, and users to promote and foster conservation of national parks, the PVE program managers will identify opportunities to reinforce the importance of visitor responsibility for safety, and provide education and increased understanding among the public of risks associated with recreating on public lands.

3.5 Associate Director, Cultural Resources (CR)

Consultation with cultural resources management staff must be pursued to allow for better understanding of the areas of cultural sites that may pose risks to the visiting public, such as unlevel surfaces where people walk, high overlooks with no guard rails, and other culturally sensitive physical features. Further, collaboration will ensure that risk reduction interventions are considered in the context of the Organic Act and avoid impairment of cultural resources. When feasible and appropriate, public risk management decisions should be made in collaboration and consultation with the CR program to ensure that decisions about risk reduction affecting or affected by cultural resources are based on interdisciplinary and scientifically sound information. (Reference: DO-28.)

3.6 Chief, Risk Management Division, Washington Support Office

The Chief, Risk Management Division, will:

- a) Designate, within the constraints of available resources, adequate resources to support program efforts under this Order.
- b) As a member of key internal and external safety councils and committees (e.g., NPS Safety Leadership Council, Department of Interior bureau committees), identify opportunities to integrate and promote public risk management priorities. Develop general policy guidance for, and oversight of, the Public Risk Management Program.
- c) Oversee the evaluation of regional public risk management programs.
- d) Forward injury and fatality reports to appropriate directorates, depending on nature of incident and impact on resource, for distribution to program areas for assessment and corrective action to policy, guidance, or design standards, as necessary (e.g., incidents impacting public facilities to PPFL, incidents impacting natural resources to NRSS, issues impacting education/communication to PVE, or incidents impact cultural sites to CR).

3.7 Public Risk Management Program Director, Washington Support Office

The Public Risk Management Program Director will:

- a) Advise the Chief, Risk Management Division and the Associate Director, VRP in the development of Servicewide public risk management policy, direction, and goals.
- b) Provide professional public risk management program support to parks in injury prevention efforts, including science-based risk control strategies.
- c) Manage resources in support of Servicewide policies and programs.
- d) Periodically conduct and report injury analyses from the Visitor Injury Notification System and support park efforts to manage and analyze park level data. (Reference: RM-50C Part 1.)
- e) Provide scientific oversight for injury surveillance and epidemiologic research on injury in parks to enhance park efforts for injury prevention. Manage and maintain records, data, and scientific research according to NPS policy. (Reference: DO-19.)
- f) Conduct, as appropriate, periodic review of regional and/or park-level PRMPs.
- g) Serve on the Safety Leadership Council to represent public risk management issues.
- h) Represent NPS public safety interests on the Department's Bureau Safety Manager's Council, and other relevant external agencies, as required.
- i) Establish collaborative relationships with internal and external partners to further program objectives.
- j) Maintain an accessible library of resources for public risk management, including examples of successful programs.
- k) Develop and deliver Servicewide training to enhance risk management and visitor injury prevention efforts and reduce tort liability.
- l) Identify opportunities for engaging and involving the public in assessing and managing risks, and mechanisms to inform and educate the visiting public that they are responsible for their own safety while visiting parks.
- m) Maintain this Order to ensure that information is current and accurate.

3.8 Regional Directors

As key members of the NPS leadership, regional directors will:

- a) Designate, as appropriate, a Regional PRMP Coordinator to oversee the implementation of this Order.
- b) As appropriate, hold park managers accountable for establishing and maintaining an active and appropriate public risk management program.
- c) Develop and implement a system to conduct public risk management program reviews of NPS regions in accordance with program elements in this Order at least once every 5 years.
- d) Recognize and reward public safety achievements at least annually. (RM-50B 1.10.)
- e) Provide leadership and support for injury prevention initiatives as needed, including visitor fatality investigations, safety campaigns, educational programs, formative, and summative evaluations, etc.
- f) Identify opportunities to solicit public input and to inform and educate the visiting public that they are responsible for their own safety while visiting parks.

3.9 Regional Public Risk Management Coordinator

The Regional Public Risk Management Coordinator will:

- a) Serve as an advisor/consultant to the regional director, regional department heads, and park managers on Public Risk Management issues.
- b) Advise the regional director on the status of park PRMP efforts.
- c) Periodically evaluate park programs to determine progress/status in accordance with program elements in this Order.
- d) Provide advice and consultation to individual field managers on mitigation strategies for public safety issues.
- e) Identify mechanisms to inform and educate the visiting public that they are responsible for their own safety while visiting parks.

3.10 Superintendents

Having the most direct responsibility for addressing risks to visitor safety, superintendents will:

- a) Exercise good judgment and discretion to promote a safe and enjoyable park visit while achieving the mandate of the NPS Organic Act.
- b) Ensure that this Order and associated local procedures are implemented and enforced.
- c) Where appropriate, appoint a Public Risk Management Coordinator to facilitate implementation of this Order at the local level.
- d) Advise employees of their role regarding how this Order is to be implemented locally.
- e) Where appropriate, appoint a Tort Claims Officer to manage tort claims and provide assistance to the DOI Solicitor's Office.
- f) Strive to minimize the frequency and severity of preventable visitor incidents.

- g) Develop, implement, and keep current written, site-specific public risk management work plans, as necessary.
- h) Maintain a written record of decisions affecting public safety and the policy, financial, or other reasons for those decisions.
- i) Periodically conduct self-audits of public risk management programs. When risks are identified, develop, and implement strategies to mitigate the risk or provide information to the public where possible and needed, consistent with the NPS mission and authorities.
- j) Provide training and orientation on public risk management as appropriate.
- k) Investigate visitor fatalities. (Reference: RM-50B Part 1.6 and RM-50C Part 3.)
- l) Support efforts in the park to identify means for collecting and analyzing visitor injuries.
- m) Establish an award recognition system for public safety achievement. (Reference: RM-50B 1.10.)
- n) Incorporate public risk management elements in performance standards and competencies for employees at all levels of NPS individual parks, as appropriate.
- o) Ensure that risk reduction decisions that affect or are affected by natural or cultural resource considerations are based on interdisciplinary and scientifically sound information.
- p) Ensure that concessioners, commercial use authorization holders, lessees, special use permittees, cooperating associations, and contractors are compliant with their contract or other legal document provisions relating to visitor risk management.
- q) As appropriate, identify methods (e.g. websites, wayside exhibits, brochures, interpretation programs, podcasts, GPS-based programs) to inform and educate members of the visiting public about park risks and to inform them of their responsibility for their own safety while visiting parks.

3.11 Park Public Risk Management Coordinator

The Park Public Risk Management Coordinator will:

- a) Serve as a point of contact and coordinating body for public risk management and injury prevention programs at the park level and assist in the implementation of this Order.
- b) Develop site-specific public risk management work plans for the superintendent's review and approval.
- c) Coordinate the risk assessments (RM-50C Part 2).
- d) Provide support for coordinating and carrying out Board of Reviews for visitor fatalities.
- e) Advise the park's manager of all serious visitor incidents and ensure that visitor fatalities are reported and recorded.

3.12 Chief, Commercial Services Program

Because of their provision of transportation, recreation, marina, lodging, and other visitor services, concessioners and commercial use authorization (CUA) holders are uniquely positioned to promote safety, identify hazards, mitigate risks, and sometimes be the initial

and perhaps only source of safety information to park visitors. The NPS Commercial Services Program Chief must therefore take appropriate steps to ensure that concessioners and CUA holders are made aware of their important role as partners in preventing, responding to, and reporting visitor injuries. (Reference: Management Policies section 10.2.4.8; DO-48A and B.)

To implement this policy, the Chief, Commercial Services Program will also:

- a) Develop and oversee programs that comply with the requirements of the NPS Concession Risk Management Program, including the requirement that concessioners develop their own documented risk management program, including program provisions that address public safety through education, acknowledgement of risk forms or other information to advise visitors of risks associated with the commercial activity, as appropriate to the nature of the services provided.
- b) Develop and oversee programs to confirm that concessioners have structural fire plans to protect guests, employees, and assets.
- c) Develop and oversee programs to confirm that concessioners, CUA holders, and lessees carry at least the minimum liability insurance coverage designated by the NPS, as appropriate to the nature of the services provided.

3.13 Tort Claims Officer

The Tort Claims Officer will:

- a) In consultation with the DOI Solicitor's Office and any appropriate policy/regulatory specialists within the NPS, analyze tort claims resulting from injuries and fatalities to park visitors to:
 - Identify lessons learned;
 - Identify patterns/trends; and
 - Provide input into park mitigation plans to minimize visitor risk and reduce the source/cause of these claims.
- b) As feasible and appropriate, establish and preserve a file with pertinent information related to park visitor fatalities and serious injuries in anticipation of a tort claim filed against a park.
- c) Carry out other duties of a Tort Claims Officer in accordance with Department of the Interior Manual Part 451 Chapter 1, including serving as a resource for the DOI Solicitor's Office.

3.14 Solicitor's Office

Although not within the NPS, the DOI Solicitor's Office, with its role in managing tort claim cases by NPS visitors, will be called on to provide advice on managing liability issues and to provide data on injuries that may help reduce future potential liability against the park.

4. OPERATIONAL POLICIES AND PROCEDURES

4.1 Management and Incident Reduction

NPS superintendents will use their discretion to determine the level of program resources and the types of programs needed to manage visitor risk within their park. This will depend on the resources, values, park-specific mission, feasibility of various program levels, activities offered at the park, nature of the park visits, degree of risks to visitors at the park, the history of visitor injury in the park, and available resources. The superintendent will designate a Public Risk Management Coordinator where appropriate.

Superintendents should strive to minimize the frequency and severity of visitor incidents by developing a range of appropriate prevention strategies and implementing risk reduction mitigation plans. Examples of strategies include:

- conducting periodic risk assessments to identify and appropriately mitigate hazards;
- analyzing park injury data to scope the burden of injuries and target interventions;
- where appropriate, feasible, and consistent with the park mission, providing warnings about dangerous conditions (e.g. weather, construction areas) that may cause serious risk to visitors;
- communicating and educating visitors on risk, as appropriate;
- integrating safety measures into the design and maintenance of park facilities, as appropriate, feasible, and consistent with NPS and park mandates; and
- reporting and investigating incidents.

4.2 Injury Data Collection and Notification

The Service will use the collection and analysis of injury and fatality data as a foundation for injury prevention because it is critical for—

- identifying and evaluating hazards,
- assessing injury trends over time, and
- monitoring the impact of interventions.

In addition to reporting requirements imposed by State law as well those stipulated in the Code of Federal Regulations, all visitor fatalities, except natural causes, must be reported to the Law Enforcement, Security, and Emergency Services (LESES) division through the Serious Incident Notification System within three working days of the fatality (DO-55, DO-9, RM-9). Fatality notifications can be entered directly from InsideNPS <http://inside.nps.gov/leses/incidents/loginform.cfm>, or may be reported by calling the NPS EICC at 540-999-3412 or 888-246-4335, or by emailing NPS_EICC@nps.gov.

All serious visitor injuries¹ should be entered into the Serious Visitor Injury Notification System within five days of the injury at <http://devinside.nps.gov/visitorInjury/> or emailed

¹ **Serious Injury:** An injury that results in one or more of the following conditions:

- Requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received,
- Results in a fracture of any bone (except simple fractures of fingers, toes, or nose),
- Involves lacerations that cause severe hemorrhages, nerve, muscle, or tendon damage,
- Involves injury to any internal organ, or

to Risk_Management@nps.gov. The data collected will be used to identify clusters of similar injuries and hazards, identify technical strategies to eliminate or reduce the hazard, target reduction strategies, and monitor injury trends both to evaluate the impact of interventions and to identify areas of concern.

In the absence of a Servicewide visitor injury electronic data collection system, parks can use the spreadsheet available in RM-50C Part 1 as an example for collecting and analyzing data at the park level.

4.3 Risk Assessment

Risk Assessment is a systematic process of evaluating various risk levels of specific hazards identified with a particular activity. Parks will create a safety audit process that will incorporate a strategic approach to risk management evaluation. Parks should conduct periodic risk assessments as necessary within the park to identify hazards, set priorities, allocate resources, implement action plans, and reassess effectiveness of risk reduction activities; as appropriate, feasible, and consistent with NPS mandates (See RM-50C Part 2). NPS employees will report to appropriate park officials unsafe conditions that may affect visitors.

4.4 Communication and Education

Communicating risk to the public is an important risk management strategy. While the elimination of hazards through engineering solutions may be most effective to prevent injury, engineering solutions are not always feasible, given the mission of the NPS to preserve and maintain the natural, cultural, and historic integrity of the park resources. Park staff may need to rely on administrative and operational controls as well as communication and education techniques to inform the public about risks. When feasible, park managers will offer education and communication programs to assist park users in selecting and planning activities that match their levels of physical fitness, technical ability, and preparation. These programs will enable visitors to recognize and assess risks and determine what skills and experience are needed to participate in activities safely.

These efforts will be coordinated with the park's concessioners, commercial use authorization holders, lessees, special use permittees, cooperating associations, and contractors. When feasible, park managers will engage these and other partners and solicit ideas from the public to identify risks and reduce injuries. Park managers should send lessons learned, best practices, and intervention strategies to the Division of Risk Management (Risk_Management@nps.gov) so that these can be shared with other parks to enhance the NPS's ability to more effectively manage risk.

• Involves second or third degree burns, or any burns affecting more than five percent of the body surface.

4.5 Recreational Activity Assessment

In accordance with sections 1.5 and 8.2 of *Management Policies 2006*, park managers will assess and monitor new and ongoing recreational activities so they do not negatively affect park resources or values, interfere with other visitors' enjoyment of the park, or create a hazardous condition for visitors or employees.

4.6 Tort Liability Prevention

Pursuant to the Federal Tort Claims Act, the United States may be liable for claims alleging personal injury, including death, and/or property damage arising from the negligent or wrongful acts or omissions of Government employees acting within the scope of their employment. The liability of the United States with respect to such tort claims is the same as a private individual under like circumstances with certain exceptions. The following measures will help parks to prevent or limit liability:

- a) Periodically assess risks to park visitors, prioritize risks, and when appropriate and feasible, eliminate or reduce hazards to visitors.
- b) Establish and maintain records of decisions regarding management of hazardous conditions that impact public safety.
- c) Thoroughly investigate visitor incidents that could result in a claim for property damage, personal injury, or death and retain these investigative records, as dictated for the type of incident, under the Records Disposition Schedule found in DO-19. Such Incident Reports should include the names and contact information on the injured party and all witnesses, and if possible a signed statement by the injured party and witnesses describing how the injury occurred. Witness statements and an accurate description of the accident location by an NPS employee, including photos, can be invaluable in determining the actual circumstances surrounding a claim. Too often claims are adjudicated based solely on the plaintiff's description of the incident.

4.7 Board of Review

Investigations into all fatalities will begin as soon as possible following line-management notification of the event. In the event that the person/position responsible for leading this investigation is not available (e.g., on vacation, travel, vacant), management will appoint someone else to assume this responsibility. Board of Review processes should convene as soon as possible after the completion of the incident investigation, but not later than 30 days after the incident. Although not all necessary reports (e.g., toxicology, lab, etc) may be available within 30 days, the Board of Review, should, at minimum, convene an initial meeting to plan the review process within 30 days of the completion of the incident investigation. The park manager must approve exceptions to this timeline. The purpose of the investigation is to determine the root cause(s) and contributing factors and to determine the park's response, if any. Park superintendents should send all Board of Review reports of fatal injuries to their regional offices and to the Division of Risk Management in WASO (Risk_Management@nps.gov) within 72 hours of the completion of the report. (See also DO-50B 3.4.)

Park superintendents should develop an action plan following a fatal injury to implement correctable opportunities and to track progress to ensure completion. While a Board of Review may provide lessons learned, not all fatal injuries will have correctable opportunities for the park because visitors will make risk choices that exceed their ability to manage that risk. (Reference: RM-50C Part 2.) In addition to enhancing our ability to prevent recurrence of serious incidents, a thorough investigation of all pertinent facts is essential to support a defense in the event a claim is filed against the Government.

5. FOR FURTHER REFERENCE

DIRECTOR'S ORDER #6: INTERPRETATION AND EDUCATION
DIRECTOR'S ORDER #7: VOLUNTEERS IN PARKS
DIRECTOR'S ORDER #9: LAW ENFORCEMENT PROGRAM
DIRECTOR'S ORDER #17: NATIONAL PARK SERVICE TOURISM
DIRECTOR'S ORDER #18: WILDLAND FIRE MANAGEMENT
DIRECTOR'S ORDER #19 RECORDS MANAGEMENT
DIRECTOR'S ORDER #26 YOUTH PROGRAMS
DIRECTOR'S ORDER #28 CULTURAL RESOURCES MANAGEMENT
DIRECTOR'S ORDER #40: DAM SAFETY PROGRAM
DIRECTOR'S ORDER #41: WILDERNESS PRESERVATION AND MANAGEMENT
DIRECTOR'S ORDER #42: ACCESSIBILITY FOR VISITORS WITH DISABILITIES
IN NATIONAL PARK SERVICE PROGRAMS AND SERVICES
DIRECTOR'S ORDER #48A: CONCESSIONS MANAGEMENT
DIRECTOR'S ORDER #50B: OCCUPATIONAL AND SAFETY HEALTH PROGRAM
DIRECTOR'S ORDER #51: EMERGENCY MEDICAL SERVICES
DIRECTOR'S ORDER #52C: PARK SIGNS
DIRECTOR'S ORDER #53: SPECIAL PARK USES
DIRECTOR'S ORDER #55: INCIDENT MANAGEMENT PROGRAM
DIRECTOR'S ORDER #58: STRUCTURAL FIRE MANAGEMENT
DIRECTOR'S ORDER #59: SEARCH AND RESCUE
DIRECTOR'S ORDER #77: NATURAL RESOURCE PROTECTION
DIRECTOR'S ORDER #77-2: FLOODPLAIN MANAGEMENT
DIRECTOR'S ORDER #77-7: INTEGRATED PEST MANAGEMENT
DIRECTOR'S ORDER #78: SOCIAL SCIENCE
DIRECTOR'S ORDER #80: REAL PROPERTY ASSET MANAGEMENT
DIRECTOR'S ORDER #83: PUBLIC HEALTH

-----*End of Director's Order*-----