

TO: Heather Johnson, Commissioner, Maine DECD  
FROM: Crossfit Yarmouth-John Rooks, Kate Rooks, Kevin Haley, Karen Jordan-Principal Owners  
RE: Request for Re-opening permission  
Date: May 26, 2019

## Introduction

The purpose of this submission is to demonstrate that Crossfit Yarmouth is capable of safely opening and operating inside of our building immediately.

This conclusion is driven by the specific physical characteristics of the Crossfit Yarmouth space and by the implementation of specific procedures designed to protect our members and eliminate any risk of transmission of COVID 19 from person to person while present in our space. A brief video focusing on ventilation and social distancing strategies is located at <https://youtu.be/k3JYkyWITLo>.

CF Yarmouth officially opened in its current space on March 1, 2020. Seventeen days later, on March 18, per the Governor's order, we closed down. CF Yarmouth has been conducting outdoor classes since May 11 as permitted by the State's subsequent guidance.

## Crossfit as a Fitness Model

Crossfit, or functional fitness as it is sometimes generically called, is a particular method of physical training. It involves structured group classes occurring on a fixed schedule. Even in normal times, Crossfit classes at CF Yarmouth are only open to those who pay a monthly fee to be members of the gym. At present, CF Yarmouth has about 60 members and coaches in its community. In the pre-COVID era, athletes visiting from out of town with Crossfit experience would be welcome to pay a drop-in fee to attend while in town, but since the pandemic began, we have voluntarily suspended access for non-members.

Crossfit workouts themselves feature a strength component-often using a barbell to perform one or more weightlifting exercises. After strength training, athletes will complete a metabolic conditioning workout-which may include calisthenics, additional weightlifting, rowing, running or a wide variety of other body weight exercises, followed by a warm-down stretching period.

Classes in normal times last 1 hour. Currently, classes are geared to last only 45 minutes in order to allow additional time for members to disinfect equipment and to eliminate any overlap between classes.

Members, even in normal times, must reserve a spot in class remotely using an app that is designed for that (and for other purposes). There is no need for any in person check in at the gym at the time of class. No money changes hands at the gym itself. Members are billed monthly by automatic debit.

During the forced closure, we conducted online classes, provided "do at home" programming, as well as equipped programming for members with their own equipment at home. We nevertheless lost about 25% of our membership. As a startup small business venture, this has presented a difficult burden. We were surprised and disheartened by the Governor's recent decision to postpone our ability to return to our facility more or less indefinitely. More to the point, we do not believe that the present state of the

science requires this outcome for Crossfit Yarmouth, and that the prolonged closure inflicts severe harm to our business in an arbitrary and unnecessary manner.<sup>1</sup>

#### The S. Korean Zumba Study

In the release announcing the removal of gyms and fitness centers from the Phase 2, July 1 opening, the Governor cited a study from a S. Korean medical journal.<sup>2</sup> The study reported on outbreaks of COVID 19 linked to Zumba studios in that country.

The fitness experience described in the study could not be more different than the experience at Crossfit Yarmouth. The study observes that the factors likely leading to transmission in the impacted Zumba studios included large class sizes, poor air circulation, and small spaces. Classes from which secondary COVID-19 cases were identified included up to 22 students in a room  $\approx 60 \text{ m}^2$  (645 sq. feet) during 50 minutes of intense exercise. With 22 athletes in a 645 square foot space, each athlete would have a mere 29 square feet of space. Notably, the study observes that NO instance of transmission occurred when participants had 160 square feet of space per participant or more.

#### Air Flow

The CrossFit Yarmouth re-opening proposal is a world away from the S. Korean Zumba studios. First, the physical characteristics of our space permit us to replicate a near-outdoors setting. CF Yarmouth is equipped with two large bay doors at opposite ends of the space. One door is 15'x15' and the other is 10'x10'. The workout floor is 3500 square feet, with a ceiling height of approximately 20 ft., equating to total volume of about 70,000 cubic feet. We are equipped with 2 commercial grade directional fans, which exchange 19,000 cubic feet of air per minute each. Positioned at each of the bay doors, these fans completely turn over the air volume in the gym in less than two minutes.

CDC publishes guidelines for air exchange frequency in connection with health care facilities. The most stringent CDC requirement dictates a minimum of 15 total air exchanges per hour in operating rooms and trauma rooms.

<https://www.cdc.gov/infectioncontrol/guidelines/environmental/appendix/air.html#tableb2> By comparison, at the rates described above, we are able to achieve 30 total air exchanges per hour, twice the rate of hourly air exchange recommended by CDC for the most sensitive areas of health care facilities.

Other states, notably New Hampshire, have focused on the importance of air exchange and ventilation as a factor in safely operating during the COVID 19 pandemic.

Because we have access to an ample supply of fresh air, the risk associated with airborne droplets is significantly reduced.

#### Social Distancing

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<sup>1</sup> We note that a group of gym owners in the state is organizing to file a lawsuit to challenge the continued closure. We are not involved in that effort. In our view, lawsuits are the most expensive and least effective way to achieve an outcome. We rely instead on the State's expressed interest in following the science and common sense. However, we reserve all our rights, including the right to appeal from a negative agency action on this request.

<sup>2</sup> The Governor's release refers to "studies" however the link includes only the S. Korean study.

In addition to our ability to maintain a constant supply of fresh air, we are also able to achieve a spacious and socially distanced workout environment. Common images of gyms include many rows of treadmills and weight machines, practically touching, and shared by all comers. That is not the CrossFit Yarmouth model. As is apparent from the video, we have configured our workout space to provide for 7 individual workout zones within our 3500 square foot open workout floor. Each zone consists of 200 square feet. The zones are clearly marked with tape. Classes will be scheduled in such a way so as to eliminate any congregation of athletes between classes, or any instances in which more than 10 individuals, including coaches, will be on the workout floor simultaneously.

### **Additional Operational Parameters**

The foregoing discussion is designed to highlight the manner in which we are able to address the two most important aspects of safe operation of a fitness facility in the COVID era: social distancing and fresh air. We believe that any fair-minded analysis of the plan would result in the conclusion that our business is able to operate completely safely under those circumstances.

There is a litany of other operational rules that we propose to implement. Those guidelines appear below, which are very closely adapted from the State of New Hampshire rules for fitness facilities. As the agency is no doubt aware, the State of New Hampshire is permitting group fitness classes to return on June 1-just as Maine previously intended to do. The complete New Hampshire guidelines are located for reference at <https://www.covidguidance.nh.gov/sites/g/files/ehbemt381/files/inline-documents/2020-05/guidance-health-fitness.pdf> .

The complete list of our operational guidelines appears below:

#### **Staff Protection:**

1. All staff and members must wear a reusable/washable cloth face coverings over their nose and mouth when in the facility and not actively engaged in workout where a face covering may make it difficult to breathe (e.g. sitting on bench, listening to instructions, resting, talking with others in work-out/fitness room, etc.).
2. Staff will be trained on proper use of cloth face coverings based on CDC guidance for Use of Cloth Face Coverings.
3. Alcohol-based hand sanitizer with at least 60% alcohol will be made readily available to staff and members at entrances and exits to the facility.
4. Commonly touched surfaces and areas should be frequently cleaned and disinfected according to CDC guidance throughout the day by staff. Shared equipment must be cleaned and disinfected between use by members and staff (if not cleaned by a member). Cleaning supplies must be made readily available for easy access and cleaning by members.
5. Staff, members, and other attendees within the facility should be reminded to maintain a distance of at least 6 feet from others (note further distances outlined below in certain circumstances).
6. Require all staff to report any symptoms of COVID-19 or close contact to a person with COVID-19 to ownership. Staff and members should not be present in the facility if they feel sick.
7. Staff should be screened on arrival asking if the individual: a. Has any symptoms of COVID-19 (see Universal Guidelines for list of potential symptoms) or fever of 100.4 degrees F or higher. b.

Has had any close contact with someone who is suspected or confirmed to have COVID-19 in the past 14 days. c. Traveled in the past 14 days either: i. Internationally (outside the U.S.), ii. By cruise ship, or iii. Domestically (within the U.S.) outside of NH, VT, or ME on public transportation (e.g., bus, train, plane, etc.).

8. Person(s) with any COVID-19 symptoms, those who report close contact with someone suspected or confirmed with COVID-19, or those reporting travel risk factors should not be allowed into the fitness class/training session: a. Symptomatic persons should be instructed to contact their health care provider to be tested for COVID-19 and self-isolate at home following the instructions below. b. Asymptomatic persons reporting close contact with someone suspected or confirmed with COVID-19, or who report one of the traveled-related risk factors should self-quarantine for 14 days from their last exposure or return from travel.
9. Person(s) with suspect or confirmed COVID-19 must stay home until symptom based criteria are met for discontinuation of isolation: a. At least 10 days have passed since symptoms first appeared AND b. At least 3 days (72 hours) have passed since recovery (recovery is defined as resolution of fever off any fever reducing medications plus improvement in other symptoms).

#### **Member Protection:**

1. Members must be informed of new policies and procedures and provided instructions on hand hygiene, cloth face covering use, social distancing, sanitation (cleaning and disinfection policies), and illness policies.
2. Members must stay at least 6 feet apart from other members and staff at all times.
3. Signage must be prominently posted in all entry areas to the facility and fitness rooms to inform customers that if any of the following apply, they should not enter the facility and put other members and staff at risk: a. Any symptoms of COVID-19 (see Universal Guidelines for list of potential symptoms) or fever of 100.4 degrees F or higher. b. Close contact with someone who is suspected or confirmed to have COVID-19 in the past 14 days. c. Traveled in the past 14 days either: i. Internationally (outside the U.S.), ii. By cruise ship, or iii. Domestically (within the U.S.) outside of NH, VT, or ME on public transportation (e.g., bus, train, plane, etc.).
4. Members will be asked to review information and signage at each check-in to the facility.

#### **Business Process Adaptations:**

1. Capacity, Spacing, and Social Distancing Requirements: 1. Classes will be limited to 7 members per class.
2. All staff and members should be clearly instructed to maintain a minimum of 6 feet or more between other people at all times while in the facility or work-out rooms.
3. Equipment should be exclusively used by one individual until appropriately disinfected and re-arranged to allow more than 6 feet of space between machines and work-out spaces.
4. No sporting or competition events are allowed.
5. Physical distances during class should be marked using tape or decals on the floor or walls to denote where members should stand to ensure appropriate distancing.
6. Attendance at classes should be by appointment only and scheduled prior to the class.
7. Fitness instructors should be tasked with ensuring appropriate physical distancing.

8. Indoor communal or common areas, including kitchen, lounge, and restrooms are closed to member use.
9. Classes should be scheduled and spaced out so that so that one group is not exiting one class at the same time another group is attempting to enter.
10. Instructors will direct members to gather equipment and return equipment one by one to avoid grouping near the equipment storage space.
11. Both bay doors must be open at all times when the facility is in use for Crossfit classes or one on one training.
12. Floor should be cleaned and disinfected after everybody has exited and before next class.
13. No use of faucets by Members. Members and staff should be encouraged to bring their own water bottles.
14. Members who do not comply with requirements should be asked to leave the facility. Repeat offenders should not have access the facility or classes until facility has returned to normal operations after COVID-19 has decreased to low levels of community transmission.

**General Cleaning and Disinfection:**

1. Class participants are required to thoroughly clean and disinfect used equipment (machines, benches, bars, dumbbells, weights, sporting equipment, etc.) after each use.
2. Only clean equipment should be put away to be ready for the next use.
3. Cleaning and disinfecting materials will be provided and made readily available with instructions on use.
4. Floor should be cleaned and disinfected after everybody has exited and before next class.
5. Door handles and music displays will be cleaned and disinfected by the instructor at the end of each class.
6. Members are required to clean all equipment and weights used in class with disinfectant provided.