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For questions, call (615) 268-1244 or send an email to nangeorge@stoneandgeorge.com
1. The above-styled cause came on for hearing
2. on this the 3rd day of December, 2015, before
3. Robbie Fox, Commissioner of Tennessee Department
4. of Labor and Workforce Development, at 220 French
5. Landing Drive, TOSHA Hearing Room, 1st Floor,
6. Nashville, Tennessee, when and where the following
7. proceedings were had, to wit:
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1. AGENDA
2. I. Call Meeting to Order
3. II. Introductions
4. III. Pledge
5. IV. Announcements
6. V. Annual Conflict of Interest Policy
7. Acknowledgement and Disclosure
8. VI. Elevator Unit's Report
9. * Amusement Device Unit's Report
10. VII. Old Business
11. * None
12. VIII. New Business
13. * 15-05
14. * 15-06
15. * 15-07
16. * 15-08
17. * 15-09
18. IX. Discussion Items
19. * Set proposed quarterly Board meeting
dates for 2016. (Tuesday, March 8, 2016
tentatively set per item C "Announcement of
Next Meeting" below)
20. * Type of amusement device information
collected in Ecmats database.
21. X. Announcement of Next Meeting - The next
22. regularly scheduled meeting of the Elevator
23. & Amusement Device Safety Board meeting
24. will be held in the first floor TOSHA
25. Hearing Room at 9:00 a.m. (CT) on Tuesday,
1. March 1, 2016 at the State of Tennessee, Department of Labor and Workforce Development building, located at 220 French Landing Drive, Nashville, Tennessee.

XI. Adjournment

P R O C E E D I N G S

* * * * * * *

CHAIRMAN FOX: Folks, we will bring the State of Tennessee Elevator & Amusement Device Safety Board to order for the - it would be December the 3rd, 2015 at 9:00 a.m. central standard time.

If we could, let's start the introductions and, Carlene, I'll let you start.

first and then do we need to --

CHAIRMAN FOX: -- include them?

MR. FARMER: Yeah.

CHAIRMAN FOX: Okay. You will take care of that. Carlene?

MS. BENNETT: I'm Carlene Bennett, Board Secretary.

MR. FARMER: Chris Farmer, the Elevator Assistant Supervisor. And the few people on the phone, would one of you -- we need both of you to introduce yourself and who you're with.

Can you hear me?

MR. WALL: I can. This is Corey Wall with Crown's Design Innovations.

MR. FARMER: Is it Mary or --

Liaison for the Department.

MR. FISHER: Paul Fisher with United Elevator Services.

MR. NELLIST: Larry Nellist with EDGIE Designs.

MS. RHODES: Anita Rhodes with the Elevator and Amusement Device Units.

MR. STAMPS: Ken Stamps with Navitat.

MR. BURT: Dylan Burt with Navitat.

MR. BARKER: Mike Parker with the Professional Ropes Course Association.

MR. WEAVER: Bill Weaver with the Association for Challenge Course Technology.

CHAIRMAN FOX: Okay. With that, if I asked you all to stand, please, and let's do the Pledge of Allegiance. Burch?

(Pledge of Allegiance recited by all.)

CHAIRMAN FOX: The announcement says: In the event of an emergency or natural disaster, security personnel will take attendees to a safe place in the building or direct them to exit building on the Rosa Parks side.

Which one would that be? This side over here? Okay. All right. Very good.
1. Item Number 5. I think you all have
2. a Conflict of Interest sheet somewhere in your
3. packet. If we could, let's make sure that we sign
4. all of those and get those to Ms. Bennett.
5. MS. BENNETT: Perry, it's right at
6. the top here.
7. MR. BURCH: Here, right?
8. MS. BENNETT: No, at the top.
9. MR. RADER: Right -- here.
10. MS. BENNETT: It should be in
11. there.
12. MR. RADER: You sent the -- you get
13. it.
14. MR. BURCH: I'll get it.
15. CHAIRMAN FOX: Are we still hooked
16. up?
17. MR. FARMER: Well, when the second
18. person called in, it put the other one on hold, so
19. we only have one.
20. CHAIRMAN FOX: Okay. You just got
21. to love technology.
22. MR. FARMER: Like I said, if I had
23. a little more time, I probably could have --
24. CHAIRMAN FOX: Can we get those to
25. you at the end of the meeting so that we can

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1. proceed on? I mean, is it --
2. MS. BENNETT: That'd be fine. Just
3. make sure both documents, that that two pages are
4. completed.
5. CHAIRMAN FOX: Pass those over.
6. MS. BENNETT: Could you send this
7. form back around and you need to sign that one,
8. too.
9. MR. RADER: Who is it?
10. CHAIRMAN FOX: Whose is that?
11. Perry?
12. MS. BENNETT: Perry.
13. MR. BURCH: What did I do?
14. MS. BENNETT: Would you fill the
15. last one out, too?
16. MR. BURCH: Oh, I didn't see that.
17. MS. BENNETT: Thank you.
18. MR. FARMER: I apologize for this.
19. It was something I should have taken care of.
20. MR. RADER: How are you to be
21. psychic? None of this --
22. MR. FARMER: Yeah.
23. MS. JEFFERSON: Okay. It appears
24. we need a bridge line.
25. MR. FARMER: Yes.
CHAIRMAN FOX: Okay. All right.

Farmer, I think you're doing the Elevator Unit report.

MR. FARMER: Yes. It's been a busy three months. I did give you all a packet today. It's got these numbers that I'm giving you; that way, you don't have to write them down. There on your left-hand side, I believe. The permits that we've issued so far this year is -- I'm sorry, all of last year, was 459. This year, so far, we've still got a month to go. We've got 494, so we've seen quite an increase in permits.

Broken down to authorization permits is about 146 and the new installs is 348. So that's actually additional elevators added to our list instead of just remodels. The number of active elevator units we have in the state is about 13,422 and we've performed about 20,110 inspections so far this year. We're down to 24 inspectors, including myself. We did have an inspector resign last month -- or I'm sorry, a
couple days ago. Jay Lyles was with us about 14 years and he's accepted a job in L.A.'s industry. I guess, making more money, so we wish him all the luck in the world.

So we have set our dates for our QEI recertification. It's going to be April 4th through the 8th. Location's not been determined yet, but we're going to do it, so -- and I believe that's it.

CHAIRMAN FOX: Okay.

MS. JEFFERSON: Okay. The Amusement Device Unit's report: Last week, we received two applications -- permit applications from companies. The fiscal year-to-date total for permit applications is 107. Last week, we permitted -- or provided permits to three companies and the year-to-date totals are 119.

Last week, two payments were made. Our year-to-date total is 103. Last week, we received revenue in the amount of $2,275. Our year-to-date total is $74,425. Last week, the number of amusement devices at companies where permits are issued was 20. The year-to-date total is 1,169. Last week, there were no accident. Our

year-to-date total was three. Last week, the number of noncompliant companies referred to the proper County Sheriff's office were zero. Our year-to-date total is five. And that concludes our report.

CHAIRMAN FOX: Okay. Thank you very much. Item Number 7, Old Business. None at this time.

Item Number 7 (sic), New Business. Under that, 15-05, Mr. Mike Barker, VP Board of Directors, Professional Ropes Course Association. It says: Wishes to discuss the importance of the use and referencing of ANSI 1.0-.3-2014 American National Safety Standards for challenge courses, aerial adventure parks, zip lines, and canopy tours. I'll recognize you, Mr. Barker.


Just to give everyone a rough idea of who I am, I'm Mike Barker, I'm the vice-president of the Professional Multiple Association Board of the Directors. I'm also a member of ACCT and have been for many years. I'm also a member of the American Society of Safety Engineers, NAARSO, the international fall protection society and probably a few other groups also.

I've got a background in law enforcement, some investigative background. I've been a risk manager for a major city in New Haven, Connecticut -- up in Connecticut. And so I've been involved with safety and safety aspects and investigations for many, many years.

A few years ago, I think it was about eight years ago now, or seven years ago now, I became involved with the PRCA only because they were starting to develop the American National Standard for this industry. I've been involved in the industry since the '70s, building courses, facilitating courses, training and so forth. And this was before the big boom with the commercial courses. This was basically the challenge courses at campuses, camps, and so forth. That's what we were building at that time, and zip lines.

Recognized that there were a lot of issues going on with the standards. First of all, there was no American National Standard for the industry. None existed. And ANSI, for those of you that don't know, is the American National Standard Institute and they come up with parameters for groups to develop standards with,
1. And you follow those parameters. If you follow all the procedures and parameters, they will designate your standard. Well, in 2014, the proposed standard -- or the American National Standard was designated by ANSI as an American National Safety Standard for challenge courses, canopy tours, zip lines, aerial adventure parks, and so forth.

9. Some of the really important things with this standard and getting it recognized, I gave -- I handed out several documents there, one of which is an Excel spreadsheet. And I just want to go over a couple of things within the spreadsheet to give you an idea of how this differs from ASTM, from ACCT and other standards that are out there.

17. ASTM standards, for anyone that's familiar with them, are pretty generalized standards. They're very general in nature; all right? A lot of the stuff that occurs on these courses is rather important and needs to be recognized all across the board, one of which -- I mean, I just -- I looked through the document from ACCT and there's a statement in there that PRCA, on the other hand, takes a strong -- the US-based perspective. This an American National Standard. It needs to take the US-based perspective. It's for America. It's for the U.S.

5. requirements for anchorages and cables and so forth really doesn't fit, because their requirements are lower than the U.S. requirements. We need to meet what's here in the U.S. The standard is starting to be recognized around the country already. We had one case in Tennessee where the compliance officers and the TOSHA office actually used the American National Standard for a compliant citation. And I'll get into that a little bit here in a moment. But if you look at just the first page there of that document, the left side is participants, the right side is employees on all these charts. On the bottom of the right side, you'll see the bottom on there is Tennessee. All right? And this involves the -- a situation that occurred at a zip line here in Tennessee. All right? OSHA cited them and when OSHA cited them, they cited them for having improper connectors. All right? This was a situation of what they call "rollout" where the rope actually detached from the carabiner, allowing the person to fall. All right?

15. One of the problems with standards and taking standards and throwing a standard out there that says, this is the stuff that relates specifically to our little area of the standard, without reinforcing and harmonizing with the regulations in the U.S., the OSHA and so forth and fall protection codes and so forth without -- bless you -- without actually pulling that all in together. That means we're handing some operator a standard that says, your employees don't have to be protected at height unless you know all the OSHA requirements. Does anyone know any operators that know all the OSHA requirements? You don't count, Rob. Most likely not.

5. In this same situation, we have OSHA requirements that say anybody working a height -- any employees working a height must be protected and must be attached at all times. That's not referenced anywhere in the ACCT standards. ACCT does not address employee standards at all, or employee regulations. The ACCT standards don't. ASTM does to a limited degree. The American National Safety Standard is very specific. You're working at height; you must be attached either to travel restriction, fall protection, or fall arrest. It must all be in place.

16. وأن تلتزم بقواعد الفصل. إذا تلتزم بتتميم القواعد والخصائص، فإنك ستتولى منصب. 2014، فإن المعايير المقترحة - أو المعيارRoboto American National Standard - تم تعيينها بواسطة ANSI كمعيار American National Standard على المستوى الوطني للمشاريع القيادية، المغلفات، حلقات الهبوط، الحوزات الهوائية، عوالم الأدغال، بطن الحمام، والغابات الجوية. 9. بعض الحقائق الضرورية، وال죠ور. أولاً، أعطيتكم نسخة من الملف الجداولية. إذ أريد أن أعدكوا على الجداولية، من ASTM، من ACCT ومعايير أخرى التي توجد بالفعل في البلاد. 17. المعايير الأمريكية، بالنسبة لجميع الأشخاص الذين يعترفون بها، هم مواقف عامة. هناك الكثير من الشؤون التي تحدث على هذه الدروس، وهي مهمة جداً وتحتاج إلى الاعتراف بها على مستوى البلاد. 5. القواعد للمدعومات والأواني والرسومات الأخرى لا تتناسب معها، لأن القواعد更低-than the U.S. requirements. نحن بحاجة إلى التبادل مع ما يأتي في الولايات المتحدة. المعيار هو جاهز للانتشار في البلاد. لدينا حالة في تينيسي حيث أستخدمت المع pleas المتفق عليه في الولايات المتحدة، مع التحقق من المعالي. 15. أحد المشاكل مع المعايير واتخاذ المعايير واستخدامها في البلاد دون تعميقها واندماجها مع القواعد في الولايات المتحدة، والهيئة الأمريكية للترف، والمعايير التالية بدون -- حسنًا - دون بالتالي الاتصال معاً. ما معناه أننا نعطي بعض الموردين معايير، حيث يقولها، أنهم لا يحتكرون العاملين في الارتفاع. 16. وأن تلتزم بقواعد الفصل. إذا تلتزم بتتميم القواعد والخصوصية، فإنك ستتولى منصب.
1. do. The American National Safety Standards says
2. they do. The ACCT standards has no -- doesn't
3. address it at all. All right?
4. So these are issues that, being a
5. member of ACCT and the PRCA, I'm not into the
6. politics crap. I'm into what's safe here, what
7. the safety issue is. And the safety issue is
8. being attached at height. So allowing people to
9. know that they need to be attached at height and
10. making sure that the operators know that they need
11. to be attached at height is an important proponent
12. of this.
13. I build courses. So if I go in and
14. build a course for you and I don't bother telling
15. you that everybody has to be attached up at height
16. and you don't have any document to look at to tell
17. you that, do you know? You have no idea. And
18. that's where a lot of this stuff comes into play.
19. I got three particular ones here that
20. I want to look at just briefly and I'll leave the
21. rest of the documents with you to look at. But
22. that first one there in Tennessee -- like I said,
23. that was a rollout situation. If you look at the
24. photos you have, you've got one photo that looks
25. like this. This is basically the anatomy of a

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1. rollout on a carabiner. All right? That one
2. particularly is a twist-lock carabiner.
3. So on that first page, here in
4. Tennessee, we have that one with the employee
5. accident. On the second page on the top, we
6. have -- that's the separate one. I'll hit that
7. last. The bottom one, Alabama, once again, a
8. rollout accident. On the third page, you have
10. These are all in this year. We've
11. had two serious injuries and one fatality related
12. to a simple change in connector. The American
13. National Standard calls for triple auto locks and
14. I actually figured I'd play a little show and
15. tell. These are the types of carabiners right now
16. that are permitted under the ACCT standards but
17. are not covered or not permitted under the
18. American National Safety Standard unless they're
19. doubled, which actually goes in accordance with
20. the manufacturer's specs.
21. When you look at manufacturer specs
22. on the climbing and the sport -- which is the
23. sport area, climbing is a sport area. If you look
24. at the sport area, the manufacturers tell you if
25. you're attaching to a rope with device -- with

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1. these devices, that you have to have two of them
2. in place with opposite gates -- gates opposed at
3. opposite. All right?
4. I have seen very few situations out
5. here in this industry where anyone's using two of
6. these opposed. So people still have a huge supply
7. of these. There is a mechanism in the American
8. National Standard for them to use these until they
9. can get the triple auto locks.
10. The way a rollout occurs, pretty
11. simply, we'll use a twist lock which requires you
12. to twist it and then push it in. All right? So
13. the way a rollout would occur -- and this is
14. exactly what did occur out in Michigan, that I
15. know of. All right? The laniard grabs the tube,
16. turns it, pulls it, and then when the weight's on
17. it, it's out. This has resulted in one fatality
18. and two serious injuries this year.
19. Both of the camps I'm talking about,
20. the camp in Michigan and the location here in
21. Tennessee had recently been inspected. They'd
22. been inspected to the ACCT standards. They passed
23. the ACCT standards. The inspectors didn't do
24. anything wrong. The inspectors looked at it and
25. said, here's these standards and the standards say

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1. you can use this. So they used it. Nothing wrong
2. with that. Did it meet the American National
4. If they had been inspecting to that,
5. they would have said, okay. Wait. We have to use
6. a triple auto lock. And I'll pass these around so
7. you can see the difference.
8. Triple auto lock requires three
9. different movements; up, over, in, and then over.
10. All right? Can this still be -- if everything was
11. absolutely perfect, could this still wind up
12. pulling and then turning and opening in a perfect
13. scenario? Yes, it could. Is it far more
14. protective than this? A lot more. And that's one
15. of the ideas behind this is that you want to
16. create the safest you possibly can.
17. The ANSI Fall Protection Codes say
18. they're not related to sports equipment. Sports
19. equipment is climbing. Sports equipment is not
20. commercial operations of these programs that
21. basically are amusement rides, basically. They
22. fall into that category. They start falling in
23. there. They're in that little gray area that
24. we've got.
25. So the Fall Protection Codes should
1. be required out there. They've already addressed
2. the American National Safety Standards, harmonized
3. with those. It's harmonized with OSHA. So when
4. you read that standard, you go by that standard;
5. this is what you're using, not this. Not simple
6. screw gates and not like what happened out in
7. Alabama where this was the only thing you were
8. using to attach a person.
9. And in the Alabama case, the person
10. that was attached to this said something didn't
11. feel right the whole time. The rope was actually
12. trapped right there to begin with. When she
13. stepped off, it just yanked right out. Now that
14. was at a course that had not been inspected by
15. anyone. It was a little holiday place and they
16. actually just put up the course and ran the zip
17. line without any formal inspection or anything.
18. All right?
19. So I'll pass these little guys around
20. and you can take a look at these. The ones on
21. this side here are the ones that meet the American
22. National Standard. The ones on the opposite side
23. do not. So you can see how easily they do open
24. and what's been resulting in our fatalities and
25. injuries. Give you something to play with.

1. But the general concept is once this
2. is clipped on, this can't be opened. If you don't
3. teach your participants to go like that, they
4. don't know that. All they know is they're clipped
5. on, they're here, and they have to clip the other
6. one on. And that becomes operational as you --
7. how you train them to go through the course.
8. The big thing here is you'll notice
9. this very long extension. This is what the
10. manufacturer says to use -- you would use with
11. these. It actually gets girth hitched, which
12. means it passes back through itself. So I'm going
13. to shorten it up a little bit here. It passes
14. through itself and gets attached to the harness.
15. Everyone see where the Y is on that? How far down
16. that is. All right? There's no way for me to get
17. a head entrapment here if I fall unless I'm an
18. absolute contortionist and I can bend down and
19. kiss my knees. It's not going to happen.
20. What happened in that situation was a
21. longer laniard piece down here was put on. All
22. right? And that allowed this to ride up to this
23. point where when the person fell, it could catch
24. the throat.
25. Manufacturer specifications have to

1. The other situation we had in
2. Tennessee was right after commissioning the
3. course, a participant -- I guess, the autopsy
4. found that the cause of death was heart condition
5. and heart attack. Whether the fall actually
6. contributed to it or not, there's some feeling,
7. I'd guess, the fall did contribute to it. Yes,
8. the entrapment that occurred did contribute to
9. starting the heart attack or whatever. All right?
10. We'll never know the full story on that. Never.
11. There's no way to actually sit there and pinpoint
12. the exact time of when this hit here, did that
13. start the guy's heart attack? That's impossible
14. to do. I don't care how good your coroner is,
15. we're not going to figure that one out.
16. The big thing there was that -- these
17. are called smart blades. It's a different system
18. from what they were using there. The concept
19. behind these is when one's open and clipped
20. onto -- the other one can't be opened. When it's
21. clipped onto the cable, then the other one can be
22. opened and clipped onto the cable, too. All
23. right? Can these still be defeated? Yes.
24. There's a lot of systems out there that can still
25. be defeated.
1. find out there that can be used that will do the
2. same thing, allow the vendor to put it in easily,
3. even better, we wanted one that can actually be
4. removed so the full cable can be inspected, every
5. inch of the cable can be retensioned and
6. everything else.
7. We worked with a company called
8. Ripple. We did extensive testing, they did
9. extensive testing, and we came up with this device
10. called the Ripple, which is in the American
11. National Standards and is permitted. And this
12. device here is 96 percent of the cable strength.
13. So when this is in place, this is better than any
14. clamps and better than any swage fitting at this
15. point. And this is a factory swage. Factory
16. swage is good for a whole 100 percent. Regular
17. swage fitting, hand swage fitting are good for
18. about 90 percent.
19. The bolts come in here and lock this
20. in place. And I'll pass this little prototype
21. around, which -- the only thing I got from the
22. Ripple company after I worked with them through
23. all their stuff was this stupid little prototype
24. where the -- I had to argue with the CEO about
25. because I wanted it and he wanted to keep it. And

1. all the way around. If we follow manufacturer
2. specs, we're great.
3. We've got some issues out there --
4. and I don't know about the courses here in
5. Tennessee. I haven't actually toured the courses
6. to see if they're out there. But there's a
7. dead-end device that's normally used for guy
8. cables on utility poles. Cone-shaped device about
9. this long. I'm sorry, I don't have a picture of
10. it. Cone-shaped device about this long has a bale
11. wire that comes off the end. And that gets
12. attached and the cable gets passed through it.
13. And if it's an easy way for -- it's an easy way for a
14. vendor to set up the cable and tension the cables,
15. what it really boils down to. It makes it easy on
16. the vendor.
17. The original manufacturer of those is
18. Strand Vice. Strand Vice company came out years
19. ago and said -- sent out a safety advisory to men
20. that they all be removed courses. Wanted
21. them out of there; didn't want them out there at
22. all.
23. At the PRCA, when we heard about
24. that, we went out to manufacturers and started
25. searching, is there another device that we can

1. I was like, look, I'm not taking a dime. Give me
2. the stupid thing. And that'll show you how it
3. goes in here.
4. The problem with these other devices
5. are, when that first came out about Strand Vices,
6. the ACCT standards allowed and ACCT standards
7. still allow for the use of those dead-end devices
8. which is the just that bale wire.
9. Under OSHA, under the ANSI Fall
10. Protection Codes, under the American National
11. Safety Standards, there's standard language for
12. failure of an anchorage. If an anchorage is
13. loaded with proof loading and there's any
14. permanent deformation, displacement or failure,
15. it's a failure of the anchor.
16. As soon as you start weighting these
17. dead-end devices, that bale wire crushes it, pulls
18. it. I mean, it has to. If you're pulling this
19. way, it's going to have to pull that in. When it
20. pulls it in, it does not go back to its original
22. That's the reason we started using these.
23. The current ACCT standard still
24. allows those dead-end devices in there. They have
25. failed in the past. There's been tests in

1. Australia where they had one actually fail when a
2. person was zip lining and when they -- independent
3. tester came in and tried to test these devices,
4. they couldn't even put a number on the strength,
5. because they were all breaking at different
6. strengths. They're made for guy-wires for utility
7. poles. They're not made for life support. And
8. the current ACCT standards and the past ACCT
9. standards, they're there as life support. It's
10. not something you can have.
11. So we got the manufacturer to agree
12. to this and the manufacturer actually signed off
13. on this as -- for ropes courses. So we worked
14. with a manufacturer and actually got them to
15. approve something specific for the ropes courses
16. and everything. It's stronger, it's better, and
17. we can actually remove it. This is the type of
18. stuff you should be doing with standards; moving
19. ahead, not trying to cover a back.
20. The idea that the American National
21. Safety Standard addresses U.S. issues and doesn't
22. address the strengths in the European issues and
23. so forth -- Europe has its own recognized European
24. ropes course standards. It has them. And they
25. meet European requirements. They didn't bother
1. trying to address American requirements.
2. This is American National Safety
3. Standard. You're supposed to be addressing
4. American standards. This standard is being looked
5. at extensively around the word. We have Hong
6. Kong, Malaysia, Thailand, Australia, and New
7. Zealand all looking at the American National
8. Safety Standards. Canada typically adopts what
9. comes out from the American National Safety
10. Standards with whatever tweaks they need for their
11. regulations. But it's just to give you an idea.
12. So these are the main things here.
13. If you look at that last photo, this is the setup
14. that the man in the fatality in Michigan had on
15. him at the time. And once again, those are just
16. those twist-lock carabiners like I passed around.
17. There's only two potentials for what
18. occurred out in that fatality. One; an
19. experienced facilitator, who's been doing this
20. stuff for years, either totally forgot to clip
21. somebody on and sent him off, or because of the
22. dog leash that helps pull the thing, when it went
23. to get clipped in, it didn't get clipped in all
24. the way or it got clipped in at the wrong angle.
25. Or the dog leash, which is also incorporated in

1. that carabiner, blocked the thing and held it in a
2. position where the rollout occurred. There's only
3. two possible causes out there. And we know the
4. rollout was related up in Tennessee here.
5. The American National Safety Standard
6. isn't trying to take away from ACCT. It's not
7. trying to promote the PRCA. This standard is
8. actually managed by an independent -- a committee
9. of independent representatives of industry
10. associations.
11. The PRCA has one voice on it. One.
12. All the rest of the voices on this committee are
13. insurance companies, other industry associations.
14. ACCT has been invited. They haven't joined with
15. it yet. But ACCT has been invited. These are the
16. people that are actually maintaining that
17. standard. So ideally, this is the perfect
18. standard. Operators can be involved in it.
19. Everybody can be involved in it.
20. And they're the ones that actually
21. control it at this point. The standard management
22. committee can turn around tomorrow and decide, we
23. don't like the training that's in there. Let's
24. remove all the training. And it's their call.
25. Nothing to do with PRCA, nothing to do with ACCT,

1. all the politics are gone. It's an American
3. designed as so that nobody has control anywhere.
4. When you read through this thing,
5. you're going to see a lot of situations where yes,
6. the ACCT standard would have addressed the issue
7. also. All right? Some of these issues with
8. training. Training is an important component to
9. any amusement device or any recreational device
10. like that; knowing the staff is properly trained.
11. Well, having a standard that says
12. your staff has to be trained doesn't tell you a
13. lot. Having a standard has a national training
14. scheme, which is based on what Australia's been
15. doing for years successfully. You go into there
16. and it says, the applicable parts of this and it
17. has layouts of, this is the stuff they need to
18. have in their training. This is what needs to be
19. covered.
20. When it comes to rescue, the only
21. people that can train rescue are people that have
22. been formally trained in rescue themselves. We're
23. doing rescue of high-angled rescue. We're
24. basically lowering people down off cables and so
25. forth. That's an important issue. We've had
1. shows where these standards could have prevented many, many of these accidents. Can any standard prevent -- totally prevent all accidents? No, of course not. Of course not. However, if we arm our operators with enough information that they can be using the proper safety equipment, we could have eliminated almost every single one of these, and that's a lot.

2. I think our final tally -- now this is just based on what has been found on the Internet. So these are basically severe injuries that made it into the press. All right? But between 2011 and 2015, you've had six fatalities and 19 serious injuries on users. You've had four fatalities for employees and 10 serious injuries for employees.

3. Those numbers are ridiculous. I mean, we could sit there and say we have millions of people using the courses, and we can say, okay, so the six and 19 may not be that bad. We don't have millions employed. We're killing our employees off left and right. Not a good thing. All right? I think that's about it -- I have, unless anyone has any questions.

4. CHAIRMAN FOX: May I ask you a question?

5. MR. BARKER: Yeah.

6. CHAIRMAN FOX: Has ASTM adopted this ANSI standard?

7. MR. BARKER: ASTM has not adopted it. I'm the PRCA representative to the ASTM Amusement Device Committee. We had someone that was in there involved with them originally and they were actually referencing numerous parts of the American National Safety Standard within the ASTM requirements. And without talking to anybody else, he went ahead and said, well, you guys can't do this. That's copyrighted stuff, you didn't ask about it. So they pulled it.

8. So he's no longer the representative.

9. I'm now the representative and we're trying to get ASTM to, yes, bring some of these issues in to reference it, yes.

10. CHAIRMAN FOX: ASTM meets -- is it the 10th of this month or --

11. MR. BARKER: Yeah. We have a vote going on --

12. CHAIRMAN FOX: Yeah.


14. CHAIRMAN FOX: I did not see that come up. Do you know if it is coming up to vote on --

15. MR. BARKER: I don't know if it's been put on there yet. This is a fairly recent jump here with them. One of the problems with the ASTM standards is they are very general whereas this actually provides the operators with a lot more information that they need. All right? I've found over the years that if you leave too much hanging open for somebody and don't provide enough guidance, that you're going to get exactly what you're asking for.

16. CHAIRMAN FOX: I would agree with that statement except I know from reading the ASTM material, which is always exciting --

17. MR. BARKER: Uh-huh.

18. CHAIRMAN FOX: -- and say, this is part of our adoption --

19. MR. BARKER: Yeah.

20. MR. MOORER: -- and say, this is part of our adoption --

21. MR. BARKER: Yeah.

22. CHAIRMAN FOX: -- and with that adoption, then those standards are brought into the --

23. MR. BARKER: They come into both --


25. MR. BARKER: Yeah.

26. CHAIRMAN FOX: So --

27. MR. BARKER: That's something we're working on with them right now. Yeah.

28. CHAIRMAN FOX: Okay.

29. MR. BARKER: It is an important thing. I mean, we -- when you go through our standard, you'll see ASTM standards referenced left and right through there.

30. CHAIRMAN FOX: Okay.

31. MR. BARKER: All right? We have to. I mean, there's no sense in redoing all the hardness testing and everything else. Just reference, you know, the appropriate ones.

32. CHAIRMAN FOX: Okay.

33. MR. BARKER: And that's what was done in that standard.

34. CHAIRMAN FOX: One other question, if I may. Are you involved in the investigation of the incident in Knoxville? Are you consulting on that injury or accident?

35. MR. BARKER: Which -- in -- which was the one in Knoxville?
1. CHAIRMAN FOX: The one you referenced earlier.
2. MR. BURCH: Page one.
3. MR. MOORER: I don't think it was --
4. MR. BURCH: The zip line one?
5. MR. MOORER: -- wadded.
6. CHAIRMAN FOX: Yes.
7. MR. BARKER: The zip line one. I wasn't involved in investigation. What I did do was I contacted the TOSHA office and said, here's a copy of the American National Standard if you want to look at it for referencing and so forth.
8. The enforcement -- the woman who was working on the enforcement aspects called me up and asked me some questions about the standard and how things related. And I offered, you know, the information, I mean, specifically relating to the connectors. She was questioning the connectors, some aluminum connectors that were in halfway through and that should be steel on steel, this compatibility stuff within the American National Safety Standard. So there were issues like that, yes. And that's probably what came back and reflected into that.

1. CHAIRMAN FOX: The one you out and helped the Sheriff's Department make the determination of what occurred there.
2. MR. BURCH: Page one.
3. CHAIRMAN FOX: Okay.
4. MR. BARKER: And in that particular case -- I'm also an expert witness on a lot of -- on six different cases around the country right now. But in the Michigan case, I can't be an expert witness. Once I've helped the initial investigation, I refuse -- expunge as an expert witness, so --
5. CHAIRMAN FOX: Okay. All right.
6. MR. BAILEY: Chairman Fox.
7. CHAIRMAN FOX: Sir.
8. MR. BAILEY: I knew this would be discussed today so I pulled the TOSHA file on this case, and what TOSHA cited was a TOSHA standard for personal protective equipment that was not of safe design and construction. And in the compliance officer's worksheet where she's explaining why she felt it was not of safe design, there she does reference the ANSI and PRCA --
9. MR. BARKER: Right.
10. MR. BAILEY: -- 1.0-.3 and that the snap hooks -- the carabiner --

1. MS. HALVERSON: I just wanted to comment on the ASTM standard that it is -- it has -- it is definitely referencing other standards and it's been detailed out and about to go to ballot. So what has been general is about to be balloted very general and specific to ropes course, challenge course, zip lines.
2. CHAIRMAN FOX: Ma'am, may I have your name, please?
4. MR. BURCH: Jennifer --
5. MS. HALVERSON: Jennifer Halverson.
6. CHAIRMAN FOX: Spell it. I can't hear you, ma'am. I'm --
9. And what company are you with?
10. MR. MOORER: I'm with Adventure Works and I am on the ASTM committee.
11. CHAIRMAN FOX: Okay.
12. MS. HALVERSON: And so I was just supposed.
13. CHAIRMAN FOX: All right. Any
1. other questions about this topic? Okay.
2. Mr. Barker, thank you very much, sir.
3. MR. RADER: Good information.
4. CHAIRMAN FOX: Next item on the
5. agenda is 15-06, review the current law to
6. determine if any existing portions of the law need
7. to be changed. If I understand it, there's the
8. LULU or LULA --
9. MR. FARMER: LULA.
10. CHAIRMAN FOX: -- that you want to
talk to us about.
11. MR. FARMER: Yeah. First, do you
12. want to get this last minute variance?
13. CHAIRMAN FOX: Okay.
14. MR. FARMER: And I have a feeling
15. this rule thing is going to go on for awhile.
16. CHAIRMAN FOX: Okay. This should
17. be the e-mail that everybody has in their packet
18. and from --
19. MR. FARMER: It's Paul --
20. CHAIRMAN FOX: -- Paul Fisher. Is
21. Mr. Fisher here?
22. MR. FISHER: I'm Paul Fisher. I'm
23. with United Elevator Services. I'm just coming to
24. ask for a variance to install a LULA elevator down
25. in Manchester at the First National Bank down
there.
1. in a little bit late from the deadline, but I
2. think Paul was under the impression that we was
3. going to change the rules in this board meeting,
4. and I don't think it's going to happen that quick.
5. So he asked if it could be added to this agenda
6. and I -- and I mean, it's up to y'all's
7. discretion, if y'all allow it or not but --
8. CHAIRMAN FOX: Well, with that
9. being said, let me ask the Board; does anybody
10. have an objection to hearing this now and making a
11. ruling on it?
12. MR. RADER: No.
13. CHAIRMAN FOX: Okay. Let's -- I'm
14. sorry. Yes?
15. MS. BENNETT: Could we designate it
16. as item 15-09 for the record?
17. CHAIRMAN FOX: Yes.
18. MS. BENNETT: Okay. Thank you.
19. MR. FARMER: I have reviewed the
20. plans and I actually put it in everybody's packet
21. if they ever want to look at the LULA plans.
1. the red --
2. CHAIRMAN FOX: Oh.
3. MS. BENNETT: Behind the red page.
4. MR. BURCH: In the notebook.
5. MR. FARMER: It's in a notebook.
6. MR. FARMER: I gave you way too
7. much stuff.
8. CHAIRMAN FOX: I didn't listen to
9. her.
10. MS. BENNETT: There's a red sheet
11. of paper, Robbie. It's right behind it.
12. CHAIRMAN FOX: Okay. Here we go.
13. MS. BENNETT: Yeah.
14. CHAIRMAN FOX: All right.
15. MR. FARMER: Okay. If you turn to
16. page three, this is where it -- so when we adopt
17. codes, we adopt them to their entirety and then we
18. go in and delete certain parts that we don't cover
19. in the state, like private residence elevators,
20. LULA lifts. So I feel like if we want to pass
21. where they don't have to come for variances for
22. the LULA lifts, all we have to do is actually not
23. include the Limited Use Limited Access or
24. application elevators. It's Section 5.2 and the
25. requirements for the maintenance of, which is

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| 1. **8.6.7.2.** If you look on C and N, that would be
2. the two that we'd want to leave out.
3. MR. BURCH: I thought we were
4. bringing them back in so that --
5. MR. FARMER: We are. Well, this is
6. actually the list of stuff that we don't inspect.
7. MR. BURCH: Okay.
8. MR. FARMER: So to have them where
9. we do inspect them and they do fall under our
10. jurisdiction, all we have to do is not put them on
11. this --
12. MR. BURCH: Okay.
13. MR. FARMER: -- on this page in the
14. rules. So we would actually just be deleting them
15. off of this --
16. MR. BURCH: And getting --
17. MR. FARMER: -- where they're
18. actually -- because of --
19. MR. BURCH: -- rid of all this --
20. MR. FARMER: Yeah.
21. MR. BURCH: -- variances every
22. time.
23. MR. FARMER: Yeah. Because it
24. actually tells you at the top on 13, it tells you
25. that we adopted this code, the 2010 code, except

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| 1. for what follows. So if we just leave them off
2. the list, that means that we will inspect them and
3. don't have to do the variance process. Okay?
4. CHAIRMAN FOX: So in other words,
5. we don't have to give a variance every time.
6. MR. FARMER: Yes.
7. MR. RADER: For a LULA lift.
8. MR. FARMER: For a LULA lift.
9. CHAIRMAN FOX: For every time
10. somebody walks in --
11. MR. FARMER: Exactly.
12. CHAIRMAN FOX: -- you all handle it
13. administratively.
14. MR. FARMER: We'll handle it. They
15. will actually send me the plans like they do now.
16. I'll make sure they fall under the guidelines of
17. the 2010 code, and I will issue them a permit to
18. install. And it'll just be like every other
19. elevator.
20. CHAIRMAN FOX: Okay. So --
21. MR. RADER: You need a motion for
22. that?
23. CHAIRMAN FOX: You need a motion,
24. right?
25. MR. FARMER: That's -- we'll

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| 1. probably ask Dan about that, how exactly this --
2. the two that we'd want to leave out.
3. MR. BURCH: I thought we were
4. bringing them back in so that --
5. MR. FARMER: We are. Well, this is
6. actually the list of stuff that we don't inspect.
7. MR. BURCH: Okay.
8. MR. FARMER: So to have them where
9. we do inspect them and they do fall under our
10. jurisdiction, all we have to do is not put them on
11. this --
12. MR. BURCH: Okay.
13. MR. FARMER: -- on this page in the
14. rules. So we would actually just be deleting them
15. off of this --
16. MR. BURCH: And getting --
17. MR. FARMER: -- where they're
18. actually -- because of --
19. MR. BURCH: -- rid of all this --
20. MR. FARMER: Yeah.
21. MR. BURCH: -- variances every
22. time.
23. MR. FARMER: Yeah. Because it
24. actually tells you at the top on 13, it tells you
25. that we adopted this code, the 2010 code, except

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1. CHAIRMAN FOX: Okay. So we'll entertain a motion to delete C and --
2. MR. FARMER: And N.
3. CHAIRMAN FOX: -- N on 13, right?
4. MR. FARMER: Yes.
5. CHAIRMAN FOX: Of Rule 0800-03-04-.02.
6. MR. FARMER: Yes.
7. MR. BURCH: My understanding of what he's saying is deleting paragraph --
8. CHAIRMAN FOX: C and M would address the LULA --
9. MR. FARMER: N in Nancy.
10. MR. BURCH: -- N; is that right? I mean --
11. MR. FARMER: I'm thinking they're two different things.
12. MR. BURCH: They're two --
13. MR. FARMER: Two --
14. MR. BURCH: Well, if you don't have --
15. MR. FARMER: If you don't have one, you don't have the other one.
16. MR. BURCH: That's what I'm saying.
17. MR. FARMER: Yeah. Yeah. You're correct about that.
18. MR. FARMER: But it is written in here. I wouldn't want to leave that written in here, and I don't really know if it would be or wouldn't be. But I'm thinking to be safe, you would want to delete both of them.
20. I'll make a motion that we delete Item C and Item N from the Rule 0800-03-04-.02 as listed before us. That's all I --
21. MS. JEFFERSON: And just to clarify, that citation is 0800-03-04-.02 13 paragraph --
22. MR. BURCH: Thirteen.
23. MS. JEFFERSON: -- C and sub paragraph N.
24. MR. BURCH: So -- okay.
25. CHAIRMAN FOX: We have a motion and a second. Any discussion? All in favor of the motion, let it be known by saying aye.
27. MR. FARMER: Aye.
29. MR. MOORE: Aye.
30. MR. RADER: Aye.
31. CHAIRMAN FOX: All opposed, like sign. Motion passes.
32. MR. FINKS: And just to clarify, that citation is 0800-03-04-.02 13 sub paragraph --
33. MR. BURCH: Thirteen.
34. CHAIRMAN FOX: C and N.
35. MR. FINKS: -- C and sub paragraph N.
36. MR. BURCH: Okay. So we're ready for the next one, right? I have a few issues in the current code that we have that I would love to review and I gave y'all stuff in your folders to look at.
37. The first part, just for y'all's information, the LULA code I have actually -- the one with the big X on the front of it is actually...
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<tr>
<td>1. the LULA code on the bottom if y'all ever want to</td>
<td>1. firefighter's emergency operations shall be</td>
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<td>2. take a look at it, have any questions about it.</td>
<td>2. subjected to a monthly, authorized personnel to a</td>
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<td>3. But moving on to this one with the</td>
<td>3. phase one recall made use of a key switch at a</td>
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<td>4. highlighted section on it. Under -- this is the</td>
<td>4. minimum of one or more operation. And phase two,</td>
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<td>5. A17.1-2010 code. This is what we're currently</td>
<td>5. accepting jurisdiction in enforcing the NBC, which</td>
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<td>6. under. And under --</td>
<td>6. is the National Building Code, which we are not</td>
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<td>7. MR. BURCH: You're at 8.6.7.</td>
<td>7. under: Efficiency shall be corrected and recorded</td>
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<td>8. MR. FARMER: .1.7, periodic test.</td>
<td>8. and the findings shall be available to elevator</td>
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<td>9. CHAIRMAN FOX: So we're looking at one.</td>
<td>9. personnel and Authority Having Jurisdiction.</td>
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<td>10. CHAIRMAN FOX: Okay. You have to lead us through this.</td>
<td>10. I would love to change this. It's</td>
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<td>11. MR. FARMER: Yeah. I didn't want to bring y'all an old code book, so I just printed off the pages I wanted you to see.</td>
<td>11. calling for a monthly test of the firefighter's</td>
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<td>12. CHAIRMAN FOX: Oh, okay. We're looking at the right -- I'm looking at this one, then.</td>
<td>12. emergency operation, and this is a huge cost to</td>
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<td>13. MR. FARMER: Okay. So this is the current code we're under. Under 8.6.1.7 is:</td>
<td>13. owners and it's redundant and it don't need to be in there.</td>
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<td>14. Frequency of Periodic tests shall be established by Authority Having Jurisdiction and as required</td>
<td>14.</td>
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<td>15. by 8.11.1.3, which is the next page. And it also states there: The frequency of periodic inspections and tests shall be established by Authority Having Jurisdiction.</td>
<td>15.</td>
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<td>16. CHAIRMAN FOX: Here's where he went from the second --</td>
<td>16.</td>
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<td>17. MR. MOORER: We're on 319.</td>
<td>17.</td>
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<td>22. MR. BURCH: Page -- what was the --</td>
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<td>23. CHAIRMAN FOX: Right here.</td>
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<td>25. CHAIRMAN FOX: 8, 6, 11, 1.</td>
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<td>27. MR. FARMER: Okay. If you'll read the Firefighter Emergency Operations --</td>
<td>27.</td>
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<td>28. MR. BURCH: 11, 1. Right here.</td>
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<td>29. MR. FARMER: -- it says, all elevators --</td>
<td>29.</td>
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<td>30. CHAIRMAN FOX: Right. One more page.</td>
<td>30.</td>
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<td>31. MR. FARMER: -- provided with</td>
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<tr>
<td>1. states there: The frequency of periodic inspections and tests shall be established by Authority Having Jurisdiction.</td>
<td>1. elevators tons of money.</td>
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<td>2. And on the next page under Special Provisions -- do y'all see that?</td>
<td>2. And these codes are built for a national standard for every different kind of AHJ.</td>
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<td>3. Every jurisdiction is</td>
<td>3. We have an exceptional one with state inspectors that follow up every six months. This code was built for somebody that may not be inspected but every two years, may not be inspected at all. So I think in our state, with our staff, this is redundant, and it's going to cost a lot of money to people that own elevators.</td>
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1. different, but the State of Tennessee is under
3. CHAIRMAN FOX: Okay. So the IBC --
4. does it supercede the NBC?
5. MR. FARMER: Well, it's -- every
6. county and every jurisdiction can adopt whatever
7. part of the code they want. So currently, we're
8. under 2006 code, International Building Code, here
9. in Davidson County. Where Franklin's under 2012
10. International Building Code. So each jurisdiction
11. can pick what code they want to be under.
12. And as state inspectors, we have to
13. inspect to whatever the lowest -- local
14. jurisdiction has adopted.
15. CHAIRMAN FOX: I understand that.
16. And that's the reason I was asking the question.
17. I probably wasn't clear. I'm sure that's what it
18. is. But the State --
19. MR. FARMER: Yes.
20. CHAIRMAN FOX: -- they run -- they
21. would adopt and inspect to the IBC level.
22. MR. FARMER: Yes.
23. CHAIRMAN FOX: Okay.
24. MR. FARMER: Well, we -- like I
25. said, we inspect to whatever local jurisdiction

1. is.
2. CHAIRMAN FOX: I understand that.
3. MR. FARMER: Okay. But --
4. CHAIRMAN FOX: It's just like at
5. home, we have four cities in Sevier County. And I
6. think each one of them have a different year that
7. they've adopted, so --
8. MR. FARMER: Yes. Each
9. jurisdiction, they pick and choose what they want
10. to do, and we have to follow their guidelines on
11. the building code.
12. Now, as far as elevator codes, we are
13. the jurisdiction. So the A17-1, which is what
14. we're currently under at 2010; they have to follow
15. our guidelines on it, but we follow their
16. guidelines on plumbing codes, building codes, fire
17. alarm codes, any other codes other than elevator
18. related codes.
19. CHAIRMAN FOX: Okay. What is
20. happening presently with the firefighter emergency
21. operation? What is the standard out there now?
22. MR. FARMER: Well, the standard
23. right now is not one, because we were holding off
24. until we can figure out what we want to do on
25. this. I have inspectors that check it every six

1. months when they come in. That's what we're doing
2. right now. But we've not -- the only written
3. procedure we have is on our inspection sheets
4. their self. And this is actually put into -- this
5. code is written more for a third party, like an
6. elevator company doing it or a security company
7. doing it or an alarm company doing it. It's not
8. really built for us to do it.
9. CHAIRMAN FOX: Okay. So what
10. you're proposing, then, is that the State of
11. Tennessee's inspector inspect it twice each -- two
12. times a year --
13. MR. FARMER: Yes.
14. CHAIRMAN FOX: All right. And you
15. would perform this function.
16. MR. FARMER: No, they would perform
17. this function. We would verify that they have
18. written procedures or a record -- findings for us
19. to review while we're there.
20. CHAIRMAN FOX: Okay.
21. MR. RADER: It's been inspected
22. annually rather than monthly.
23. MR. FARMER: Yes.
24. MR. BURCH: Right now, I guess
25. what -- I'd ask the question; where have you

1. gotten your feedback as far as all the costs
2. that's going to be incurred in it?
3. MR. FARMER: I've had several calls
4. from people in Franklin saying that the elevator
5. company's going to charge them up to $3,000 to
6. come out every month to check this. And that's
7. with four to five elevators in a building.
8. MR. RADER: My understanding is
9. that this is not specifically for the elevator
10. inspectors to do or -- this is for the owner to
11. do --
12. MR. FARMER: Yes owner or --
13. MR. BURCH: -- and he can provide
14. that function however he wishes by his own
15. people --
16. MR. FARMER: Well, they have to --
17. MR. BURCH: -- if he's the
18. designated person --
19. MR. FARMER: Yes, sir.
20. MR. BURCH: -- he can do that.
21. MR. FARMER: Yes. You see --
22. MR. BURCH: And that's what --
23. MR. FARMER: -- he's considered
24. a -- if he's considered an elevator personnel or
25. I'm sorry, a --
MR. BURCH: As a designated --

MR. FARMER: An authorized person.

MR. BURCH: Right. That's right.

Now -- and we do the -- two of us, two guys and another person do the elevator inspections for the office buildings in the state of Tennessee. Right now, JLL is performing those functions under this --

MR. FARMER: Yes, sir.

MR. BURCH: -- right here. And they do it every month.

MR. FARMER: Okay.

MR. BURCH: They come in and they do the fire test as part of their duty. Now, if there's problems, we get calls and we --

MR. FARMER: Exactly.

MR. BURCH: So I'm just -- I'm not absolutely sure that it's going to be as costly as what, you know, it might -- in other words, it seems to me that maybe we change it to three months or six months or something, not monthly --

MR. FARMER: Uh-huh.

MR. BURCH: And they come in there and do it every month, they know every month that those elevators are functioning per fire code. And I can see why they would want to do that. But you might want to use your language, "a minimum of," you know, and they may -- could still do it on a monthly --

MR. FARMER: Yeah.

MR. BURCH: -- monthly --

MR. FARMER: Well, I don't think it will restrict anybody from doing it monthly if they would like to.

MR. BURCH: That's what I'm saying.

Yeah.

MR. FARMER: You know. I know a lot of alarm companies have yearly tests, so I figured they could roll it in with doing the yearly tests of the whole building's alarms would be the -- because most of them I've talked to have yearly contracts where they come in once a year and check all the alarms in the building, all the pull stations. And it could be just part of the test; you know, as they're doing it, they can test the elevators.

But I just think monthly, it's just over -- too much. It's a task that a lot of --

MR. BURCH: I tend to agree with that, but I still think the building manager or the building owner, I mean, this is written for his -- something that he has to do and for his people to be able to do that --

MR. FARMER: Uh-huh.

MR. BURCH: -- is a good thing.

MR. FARMER: If --

CHAIRMAN FOX: If they -- I mean --

MR. FARMER: If they have --

MR. BURCH: Frequency is a --

MR. FARMER: -- the people there, you know.

MR. BURCH: But it's a good thing for his people to know how to do the fire --

MR. FARMER: Yes, I agree. I agree.

MR. BURCH: In his building.

MR. FARMER: Uh-huh.

MR. BURCH: And I just -- but --

MR. MOORER: Chris, let me understand. This standard says, "is to be inspected monthly." Right now, you're doing it every six months and you want to extend that to twelve months.

MR. BURCH: That's what I'm looking for.

MR. FARMER: Every six months.

MR. BURCH: -- every six months or twelve months. You know, right --

MR. FARMER: Yeah.

MR. BURCH: -- now. But that's the only -- what I'm getting at, that's not his responsibility. That's the owner's responsibility --


MR. BURCH: -- to comply with that.

MR. FARMER: But we -- as AHJs, we're the ones having to --

MR. BURCH: Make sure it works.

MR. FARMER: -- make sure it is done.

MR. BURCH: Yeah.

MR. FARMER: So --

CHAIRMAN FOX: So what you're saying is, you would like to see a minimum of two
1. times a year or once every six months, however
2. you'd want to deem that?
3. MR. FARMER: Well, I -- firstly, I
4. would like it annually. I think every six months
5. would be a good compromise. I think it would
6. limit the cost for the owners a lot and I think
7. it's -- being monthly, as we've done it, I think
8. six months or a year would be fine. Annually is
9. what I originally thought, because most -- like I
10. said, most businesses have a fire alarm company
11. they have a contract with and they come in --
12. And I've asked a bunch of people like
13. that, too, while they're there and they can make
14. documentation of it and will have it available for
15. us when we're there.
16. CHAIRMAN FOX: Okay.
17. MR. BAILEY: Chris, with what
18. you're proposing, would it conflict with the
19. statute requirement for periodic inspections every
20. six months?
21. MR. FARMER: Well, the only thing
22. is, the AHJ is available to set the frequency of
23. periodic tests. So we are the AHJ. We could set
24. the periodic tests to whatever we want them to be
25. if you -- it was on the first page that I gave
26. you.
27. MR. BAILEY: I don't have what
28. you -- I don't have that. I guess, what I'm
29. getting at is, the statute requires periodic
30. inspections and an inspection every six months.
31. Does this --
32. MR. FARMER: Well --
33. MR. BAILEY: Does this conflict
34. with that?
35. MR. FARMER: No. The periodic
36. inspections is something we do. This is actually
37. for the building owners.
38. MR. BURCH: Chris, do y'all -- I
39. mean, if you go out specifically to do a fire
40. test, do you charge -- does your -- do your group
41. charge the customer to do that or do you just --
42. MR. FARMER: Are you talking on a
43. new one or an existing one?
44. MR. BURCH: On existing. On
45. this --
46. MR. BURCH: Right, right.
47. MR. FARMER: Yes.
48. MR. BURCH: I understand that. But
49. I mean, if you're just going out to a customer and
50. checking the fire service --
51. MR. FARMER: But we wouldn't do
52. that just randomly. We would do it under our
53. biannual inspections.
54. MR. BURCH: But I mean, that's
55. covered under your routine --
56. MR. FARMER: Biannual inspection
57. days.
58. MR. BURCH: That's what I was
59. asking.
60. MR. FARMER: Yeah.
61. MR. BURCH: You don't actually
62. charge them a special --
63. MR. FARMER: No.
64. MR. BURCH: -- fee.
65. MR. FARMER: No.
66. MR. BURCH: Okay.
67. MR. FARMER: No, we do not.
68. To get back -- Dan, you're reading
69. about the periodic inspections or periodic tests?
70. MR. BAILEY: In the statute, it
1. says, "periodic inspections".
2. MR. FARMER: That's what we do.
3. It's set in stone every six months. We inspect
4. every elevator in the state of Tennessee --
5. MR. BAILEY: Okay.
6. MR. FARMER: -- excluding minis.
7. MR. BAILEY: So what you're
8. proposing here would not affect that.
9. MR. FARMER: No. It would not --
10. MR. BAILEY: Okay. All right.
11. MR. FARMER: -- affect that. No,
12. this is actually records that would be left on the
13. premises for us to review.
14. MR. BAILEY: So the employer makes
15. the inspection or has it inspected.
16. MR. FARMER: Yeah, has it
17. inspected.
18. MR. BAILEY: All right. Okay.
19. MR. FARMER: To move on just a
20. little bit --
21. CHAIRMAN FOX: Well, let -- do you
22. want us to make a ruling on this or do you want us
23. to -- do you need a motion on this?
24. MR. FARMER: I would like to get
25. this in a motion.

1. we're not going to limit them to twice a year,
2. just a minimum.
3. CHAIRMAN FOX: Okay. So we would
4. entertain a motion?
5. MR. BURCH: I'll make a motion to
6. change the ruling. If you'd call it 86.1 --
7. 86.7.1, firefighter's emergency operation to
8. every -- a minimum of every six months to coincide
9. with your inspection.
10. MR. FARMER: Biannual inspections.
11. MR. BURCH: Yeah.
12. MR. MOORE: Second.
13. CHAIRMAN FOX: We have a motion and
14. a second. Any further discussion?
15. MR. MOORE: One quick question. In
16. interpreting this, when it says "authorized
17. personnel", does that mean the building owner, the
18. elevator owner, can assign who that authorized
19. personnel --
20. MR. FARMER: Yes.
21. MR. MOORE: -- is?
22. MR. FARMER: Yes.
23. MR. MOORE: So basically, if it's a
24. hotel owner, they could assign a maid to check
25. that on the way up to --

1. CHAIRMAN FOX: Okay. And are we
2. talking annually or talking once every six months?
3. MR. FARMER: I guess, if we do
4. inspections biannually, I think every six months
5. would be a good compromise for everybody. I think
6. every six months would be what we'd ask for.
7. CHAIRMAN FOX: Okay.
8. MR. RADER: Because I think you're
9. right. I think most motel owners or building
10. owners that have an elevator, they'll have a
11. service agreement with KONE or --
12. MR. FARMER: Yeah.
13. MR. RADER: -- every three months
14. or something like that, so --
15. MR. FARMER: Or alarm companies.
16. MR. RADER: Yeah. Or alarm
17. companies.
18. CHAIRMAN FOX: So you'd say, at a
19. minimum, twice each year.
20. MR. FARMER: Yes.
21. CHAIRMAN FOX: But not -- if they
22. want to have it more, that's --
23. MR. RADER: Right.
24. MR. FARMER: If they want to do it
25. monthly, that's on them. They -- we think --

1. MR. FARMER: I would think that it
2. would be at their discretion who they --
3. MR. MOORE: Okay. So it doesn't
4. have to be an elevator company or --
5. MR. FARMER: No.
6. MR. MOORE: -- security company or
7. anyone --
8. MR. BURCH: Oh, no. I mean, it
9. could be a member of the --
10. MR. FARMER: But they have the --
11. MR. MOORE: They do have to keep
12. the record.
13. MR. FARMER: -- on the written
14. record of it of what they checked and any
15. discrepancies they find in the test, so --
16. MR. MOORE: It has to be
17. available --
18. MR. FARMER: So I would think that
19. a maid, not knowing anything about fire service,
20. wouldn't know how to write it up and --
21. MR. MOORE: Right.
22. MR. FARMER: -- the state inspector
23. would check -- would catch that, you know, if
24. they --
25. MR. BURCH: The maintenance
1. personnel would probably be a more --
2. MR. RADER: Uh-huh.
3. MR. FARMER: Yeah. Maintenance
4. personnel.
5. MR. BURCH: -- likable --
6. MR. FARMER: But as a -- authorized
7. personnel is, I guess, whoever is authorized
8. people would be authorized personnel.
9. MR. MOORE: Okay.
10. MR. FARMER: You know.
11. CHAIRMAN FOX: Kind of like OSHA,
12. right?
13. CHAIRMAN FOX: A competent person.
14. MR. FARMER: Yeah.
15. CHAIRMAN FOX: A competent person
16. who'd be able to write it up --
17. MR. FARMER: Yeah.
18. MR. BURCH: -- and record it.
19. CHAIRMAN FOX: Okay. Any further
20. discussion?
21. MR. MOORE: So it is -- we're
22. proposing it to be every six months inspected,
23. now. Okay.
24. CHAIRMAN FOX: Uh-huh.
25. MR. BURCH: To coincide with

1. routine inspection.
2. MR. MOORE: Yeah.
3. MR. FARMER: Yeah.
4. CHAIRMAN FOX: Any further
5. discussion? We have a motion and a second. All
6. in favor of the motion, let it be know by saying
7. aye.
8. MR. BURCH: Aye.
10. MR. MOORE: Aye.
11. CHAIRMAN FOX: All opposed, like
12. sign -- or all opposed. Okay. Next.
13. MR. FARMER: I do have another one.
14. It's actually right below it under special -- the
15. two-way communication means. I'm not going to
16. read the whole code unless you'd like me to. It
17. basically says the same thing as the fire -- it
18. needs to be checked annually under this and I
19. would like to change it to monthly. Because --
20. Let me just read it: The two-way
21. communication means shall be checked annually by
22. authorized personnel in accordance to the
23. following: Two-way communications shall be
24. checked to verify a two-way communication is

1. established or all elevators installed under A17-1
2. 2002 and the CSA B44-00 update one and later
3. editions shall have a two-way communication means
4. by check -- by pressing the help button in the car
5. to verify that the visual indicator is functioning
6. and all answering authorized personnel can receive
7. the building location and elevator number. And
8. where communications from the building in the
9. elevator is provided, check the two-way
10. communications means of each car.
11. Right now, it's mandated that they
12. check it once a year and keep a record of it. I
13. would like to change it to monthly. I think it's
14. a very easy procedure. It's one of the -- it's
15. probably the most citations we write are on phones
16. not -- emergency phones not working in elevators,
17. and I think if they checked it monthly, it would
18. keep that citation down a little bit. Maybe it
19. would keep every elevator -- the phones working on
20. it.
21. And it's -- unlike the firefighter
22. emergency, this is no more than going in and
23. pushing the phone button inside the elevator and
24. making sure that it's calling somebody. It's a
25. very easy procedure for them to do.

1. MR. RADER: And again, you're
2. talking about the building owner?
3. MR. FARMER: The building owner. I
4. know a lot of the elevator companies and Perry
5. would probably say this. They do it now.
6. MR. BURCH: Every month.
7. MR. FARMER: They go -- when they
8. do their monthly checks on the elevators, they
9. check the phone. All that we're asking for is
10. they keep a written record of it.
11. MR. MOORE: Okay. But then --
12. MR. BURCH: But a phone --
13. MR. MOORE: -- there's nowhere here
14. that mentions a written record --
15. MR. FARMER: Well, I would like to
16. add that to it.
17. MR. MOORE: Okay.
18. CHAIRMAN FOX: So all I've got to
19. say is, if I go up and punch the button in my
20. elevator and it dials to someone --
21. MR. FARMER: Yes.
22. CHAIRMAN FOX: -- all I would do is
23. write that down and say on 12/3/2015, I checked
24. it.
25. MR. FARMER: Yes.
1. MR. RADER: All right.
2. CHAIRMAN FOX: And I don't have to
3. be an authorized person --
4.  
5. MR. FARMER: No.
6. CHAIRMAN FOX: -- I can be --
7. MR. FARMER: You could be --
8. CHAIRMAN FOX: -- the mechanic or
9. the ride inspector --
10. MR. FARMER: Security guards.
11. CHAIRMAN FOX: -- or security guard or
12. MR. BURCH: Somebody
13. representing --
14. MR. FARMER: I know some places --
15. MR. BURCH: -- the owner. You or
16. somebody representing --
17. MR. FARMER: -- the security checks
18. it daily, which that's a little overkill but it's
19. better than not at all.
20. CHAIRMAN FOX: So you're asking
21. this board to do that or pass this that says,
22. someone will check it once a month and that they
23. will record that, for lack of a better term,
24. inspection?
25. MR. FARMER: Yes.

1. CHAIRMAN FOX: Okay.
2. MR. BURCH: Again, I'll make that
3. motion. I think that's a good --
4. CHAIRMAN FOX: We have a motion.
5. MR. MOORE: And this is only going
6. to affect elevators installed after 2002?
7. MR. FARMER: No. It will actually
8. be every one. The ones that were installed after
10. MR. MOORE: Okay.
11. MR. FARMER: The 2002 -- in the --
12. actually, in the 2002 codes, when they were
13. required not to have a handheld phone anymore,
14. they have the help button.
15. MR. BURCH: You have to go in and
16. push the button. And another thing, interesting,
17. you've got to wait for it to go through its
18. procedure. It doesn't just happen, boom, I pushed
19. the button and somebody talks to me.
20. MR. FARMER: Yeah.
21. MR. BURCH: It has to go through
22. the procedure and identify the elevator, all the
23. things it has to go through. Then you get someone
24. talking to you.
25. MR. FARMER: Yeah.

1. MR. BURCH: And we just say,
2. elevator man checking the telephone. Is it --
3. load and clear. Load and clear. And we just go
4. on about our business, you know, but --
5. CHAIRMAN FOX: We do the same
6. thing. We --
7. MR. FARMER: On the back page of
8. that handout, I actually rewrote this one. It's
9. worded the same way other than the "annually" is
10. changed to "monthly" and there's an Item D added
11. to it; deficiencies shall be corrected. All -- a
12. record of all findings shall be available for
13. elevator personnel and authorized -- an Authority
15. CHAIRMAN FOX: Does this occur now?
16. Well, wait a minute, we have a motion on the
17. floor. Do we have a second?
18. MR. MOORE: Second.
19. CHAIRMAN FOX: We have a second.
20. Okay. Any further discussion? Let me ask a
21. question. Is this occurring presently? Is there
22. a -- do you have to document that you checked this
23. now?
24. MR. FARMER: No.
25. CHAIRMAN FOX: Okay. So the only

1. change is, we have to check it monthly and
2. document it?
3. MR. FARMER: Yes.
4. CHAIRMAN FOX: Okay.
5. MR. FARMER: And deficiencies shall
6. be corrected.
7. CHAIRMAN FOX: And if we don't,
8. then you issue a citation.
9. MR. FARMER: Exactly.
10. MR. MOORE: The question I have is,
11. how are we going to make this aware to these
12. elevator owners that --
13. MR. FARMER: That would be my
14. inspector's job.
15. MR. MOORE: Okay.
16. MR. BURCH: I will actually write
17. out a document for them to hand out to all their
18. owners.
19. MR. BURCH: Chris, I think it is
20. happening now. If your inspector goes on a job
21. and he finds a phone not working, he issues an
22. order --
23. MR. FARMER: A citation.
24. MR. RADER: A citation. That is
25. happening right now.
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<tbody>
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<td>1. MR. FARMER: It is happening now.</td>
<td>1. MR. BURCH: Aye.</td>
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<td>2. But my guys are only there every six months --</td>
<td>2. MR. MOORER: Aye.</td>
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<tr>
<td>3. MR. BURCH: But it's not happening monthly, but is happening now.</td>
<td>3. MR. RADER: Aye.</td>
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<td>4. MR. FARMER: Yeah. It is happening every six months. But I find phones -- like I said, this is the number one citation we write is for two-way communication. I think the monthly check would keep all phones working more.</td>
<td>4. MR. MOORE: Aye.</td>
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<td>5. CHAIRMAN FOX: All opposed, like sign. Motion passes.</td>
<td>6. MR. FARMER: Thank you, sir.</td>
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<td>6. CHAIRMAN FOX: Next.</td>
<td>7. MR. FARMER: I believe that's it for me.</td>
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<td>7. CHAIRMAN FOX: Okay.</td>
<td>8. MS. JEFFERSON: Mr. Chair. So would the elevator inspectors check these --</td>
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<td>8. MR. FARMER: They would check the phone --</td>
<td>9. CHAIRMAN FOX: Okay.</td>
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<td>9. MS. JEFFERSON: -- during --</td>
<td>10. MR. MOORE: Are you talking for elevators?</td>
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<td>10. MR. FARMER: -- and they would also check the --</td>
<td>11. CHAIRMAN FOX: No, no. For amusement rides.</td>
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<td>11. CHAIRMAN FOX: Document.</td>
<td>12. MS. JEFFERSON: For amusement devices, we leave it up to the third-party inspectors, whatever their standards are, because we don't -- we're not inspecting anymore. Our unit is not inspecting amusement devices. What we're requiring is that these companies --</td>
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<tr>
<td>12. MR. FARMER: -- records.</td>
<td>13. MR. MOORER: amusement device companies, they hire third-party inspectors and the third-party inspectors have their own standards that they follow. So when they submit their inspection reports to us, they identify their standards and they basically tell us whether or not the device is safe and operable.</td>
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<td>13. MS. JEFFERSON: Okay. Right. When would they check them?</td>
<td>14. CHAIRMAN FOX: I understand. But when I read the rules the other day, it said that we inspect or we would require them to inspect up through 2010 ASE 10 rules and regulations.</td>
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<td>14. MR. FARMER: When they're on their periodic inspection or their biannual inspection.</td>
<td>15. MS. JEFFERSON: That could be correct. I'm not familiar with that.</td>
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<td>15. MS. JEFFERSON: Okay. So they wouldn't necessarily check every month. So they would be looking at a --</td>
<td>16. CHAIRMAN FOX: Okay. Any further discussion? We have a motion and a second. Any further discussion? There being none, all in favor of the motion, let it be known by saying &quot;aye&quot;.</td>
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<td>16. MR. FARMER: No.</td>
<td>17. MS. JEFFERSON: So I'll just say I'm not familiar with it.</td>
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<td>17. MS. JEFFERSON: A log.</td>
<td>18. CHAIRMAN FOX: Okay. Because a lot of things have changed in the last year --</td>
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<td>18. MS. JEFFERSON: To show that it's been --</td>
<td>19. CHAIRMAN FOX: Okay.</td>
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<td>19. MR. FARMER: That the authorized personnel has been checking it monthly.</td>
<td>20. CHAIRMAN FOX: Thank you, sir.</td>
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<td>20. MS. JEFFERSON: Okay.</td>
<td>21. MR. FARMER: I believe that's it for me.</td>
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<td>24. MR. FARMER: I believe that's it for me.</td>
<td>25. MS. JEFFERSON: For amusement devices, we leave it up to the third-party inspectors, whatever their standards are, because we don't -- we're not inspecting anymore. Our unit is not inspecting amusement devices. What we're requiring is that these companies -- amusement device companies, they hire third-party inspectors and the third-party inspectors have their own standards that they follow. So when they submit their inspection reports to us, they identify their standards and they basically tell us whether or not the device is safe and operable. So we don't really -- we haven't really gotten into that. That's pretty much left up to the third-party inspectors.</td>
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<td>25. CHAIRMAN FOX: I understand. But when I read the rules the other day, it said that we inspect or we would require them to inspect up through 2010 ASE 10 rules and regulations.</td>
<td>26. MS. JEFFERSON: That could be correct. I'm not familiar with that.</td>
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<td>26. CHAIRMAN FOX: Okay. Any further discussion? We have a motion and a second. Any further discussion? There being none, all in favor of the motion, let it be known by saying &quot;aye&quot;.</td>
<td>27. CHAIRMAN FOX: Next.</td>
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<td>27. MS. JEFFERSON: So I'll just say I'm not familiar with it.</td>
<td>28. CHAIRMAN FOX: Okay. Because a lot of things have changed in the last year --</td>
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1. MS. JEFFERSON: Uh-huh.
2. CHAIRMAN FOX: -- with ASEM. They
3. brought in a lot of new things about amusement
4. rides and attractions. So I just want to know, is
5. that the minimum we're going to request or do we
6. need to request to go up to 12 or 14?
7. MS. JEFFERSON: The minimum of
8. what? I'm sorry.
10. MR. MOORE: Okay. We would have
11. to -- actually, I will have to have a talk with
12. Dan, both Dan and Mark, because I need to take a
13. look at the law to see what you're referring to.
14. I'm not familiar with that. And then we would be
15. in a better position to talk about that. But I'm
16. not really familiar with that. Like I said, our
17. focus hasn't been on it since we've been utilizing
18. those third-party inspectors. We've been
19. basically leaving that up to them. But I
20. understand what you're saying. I just don't have
21. that in front of me today.
22. CHAIRMAN FOX: Okay. All right.
23. So when would we know that, because -- well, if we
24. wanted to change or if we wanted to make that
25. change in the rules and/or the law. Again, I

1. don't know which one we have to do.
2. MS. JEFFERSON: We --
3. CHAIRMAN FOX: When would we need
4. to make a recommendation to -- when would this
5. Board need to make a recommendation to someone to
6. get that --
7. MS. JEFFERSON: To change --
8. CHAIRMAN FOX: -- changed,
9. initiated, or started?
10. MS. JEFFERSON: We would just need
11. to take a look after the meeting. We'll be able
12. to take a look, put our heads together, and see
13. which standard the code identifies. And then we
14. can provide you that in the form of an e-mail
15. after the meeting.
16. CHAIRMAN FOX: Okay.
17. MS. JEFFERSON: If not today, it'll
18. be within the next few days --
19. CHAIRMAN FOX: Well, I understand.
20. MS. JEFFERSON: -- because this
21. is --
22. CHAIRMAN FOX: I'll give you at
23. least 30 minutes. I mean, I think that's ample
24. time.
25. MR. BURCH: Could I ask a question?

1. You say, we don't inspect rides.
2. MS. JEFFERSON: Uh-huh.
3. MR. BURCH: What -- we were --
4. MS. JEFFERSON: The unit.
5. MR. BURCH: -- at one time.
6. What --
7. MS. JEFFERSON: Right.
8. MR. BURCH: So --
9. MS. JEFFERSON: Right. The
10. amusement device unit.
11. MR. BURCH: -- evidently, we were
12. doing it to some standard.
13. MS. JEFFERSON: Exactly.
14. MR. BURCH: But --
15. MS. JEFFERSON: I mean, that's
16. true. I just don't have that information in front
17. of me. I'm not very versed today as far as that's
18. concerned, but what we're going to do is to look
19. at the code and then we'll provide that
20. information to you. We'll answer your question.
21. CHAIRMAN FOX: Okay. But with all
22. that being said, then, if we do want to make a
23. change, when would this Board have to reconvene in
24. order for us to make that proposal so that we can
25. get it on the next legislative agenda?

1. MS. JEFFERSON: Well, the next
2. meeting -- the next board meeting isn't until --
3. MR. BURCH: March.
4. MS. JEFFERSON: -- what, March?
5. CHAIRMAN FOX: March.
6. MS. BENNETT: March.
7. MS. JEFFERSON: So if you all -- I
8. guess, we would have to take a look at the
9. standard, and we need to take a look to see how
10. long it's going to take for us to revise. We're
11. working on the boiler rules now, and we've been
12. working on those for about six months. But there
13. were a lot more changes as far as the boiler board
14. is concerned. Because there are relatively few
15. changes here, it shouldn't take that long. But we
16. still need to work on it and then we have to
17. present the changes to the board.
18. And it just takes time, because we
19. generally go back and forth to do that. So I'm
20. thinking --
21. MR. RADER: Next meeting.
22. MS. JEFFERSON: -- sometime after
23. March. I don't think we -- you all have to have
24. an emergency meeting before March. I think that
25. we can probably have you all something drafted and
1. we can also send information back and forth before
2. March. It doesn't have to -- we don't have to
3. wait until March to send you our first draft.
4. So we can -- based on what you all
5. tell us, we can provide information throughout the
6. coming months. And maybe finalize it. Hopefully,
7. maybe finalize this since there are relatively few
8. in March.
9. CHAIRMAN FOX: Okay. But if we
10. have to change the law or if we request a change
11. in the law --
12. MS. JEFFERSON: It's not going to
13. happen any time soon is what I'm saying.
14. MR. FINKS: If you have to ever
15. request a change in the law, that would have to go
16. through the legislature, not the --
17. MS. JEFFERSON: But we're not
18. trying to change the law. These are rules.
19. CHAIRMAN FOX: I get that. But if
20. we wanted to ask for a change in the law, what
21. steps do we need to take to make a recommendation
22. to the legislature?
23. MS. DURM: Can --
24. MS. JEFFERSON: Right.
25. MS. DURM: -- Chairman, may I be --

1. request a change in the law and we of this Board
2. voted to do that, how would we take -- first of
3. all, when? And then how would we help initiate
4. that or move that along?
5. MS. DURM: As far as the
6. administration, the -- we would start researching
7. and drafting legislation at the end of next
8. session to be carried in '17.
9. CHAIRMAN FOX: Okay.
10. MS. DURM: The Governor has
11. already -- has been reviewing his administration
12. bills. Those have been selected for this year.
13. They haven't been introduced at this point, so
14. they're not even public to the General Assembly.
15. His package, that'll be introduced at the first
16. session.
17. But no sooner the session ends, we
18. start researching and prioritizing what needs to
19. be addressed by the department. That's
20. recommended to the Governor and that is -- he has
21. the final determination as to what is carried and
22. what is not.
23. CHAIRMAN FOX: Okay. Fine.
24. MS. DURM: And that -- and we
25. usually pitch a legislative package to him in

1. CHAIRMAN FOX: Please.
2. MS. DURM: -- may I interject?
3. MS. JEFFERSON: Introduce yourself.
4. MS. DURM: Again, I'm Leanne Durm.
5. I'm legislative liaison for the Department. Sir,
6. as far as rules, if it was via code, that would
7. have to be done during a session and of course --
8. but as far as rules, the Government Affairs
9. Committee meets -- or the Government Operations
10. Committee meets throughout the year even when
11. they're not in session to review rules. Once the
12. language would be drafted and approved, it would
13. be submitted to the AG's office. That typically
14. is about a three-month process. Once they approve
15. it, then it's referred to the Government
16. Operations Committee and scheduled for review. So
17. essentially, it's not a very quick process, but
18. it's several months to have them approved.
19. CHAIRMAN FOX: But that's a rule.
20. MS. DURM: That's for a rule. Yes,
21. sir.
22. CHAIRMAN FOX: Right. But if --
23. MS. DURM: Those standards would be
24. rules.
25. CHAIRMAN FOX: If we wanted to

1. August or September and then we're notified that
2. fall of what he selects or what is carried in his
3. package.
4. CHAIRMAN FOX: Okay. All right.
5. Thank you very much.
6. MS. DURM: You're welcome.
7. CHAIRMAN FOX: Chris, I guess 15-07
8. is -- we've already answered that question about
9. the rules. 1508 or 15-08: Official request the
10. Commissioners of Labor to hire three NAARSO/AIMS
11. certified inspectors, persons with the ability --
12. or persons with the ability to be certified by
13. NAARSO or AIMS as inspectors per NAARSO and/or
14. AIMS standards.
15. I just think we need to -- if that's
16. what we want to do, then I think we need to go on
17. record. It's not a challenge; it's just keeping
18. it out there, keeping it in the forefront.
19. MS. JEFFERSON: Okay. And just to
20. let you all know, the Commissioner did attend a
21. budget meeting on -- yesterday.
22. CHAIRMAN FOX: Uh-huh.
23. MS. JEFFERSON: And at that time,
24. he requested eight personnel for the amusement
25. device unit, because as you all know, we have an
1. unfunded mandate, which means we don't receive any
2. moneys. So he requested moneys to fund -- as far
3. as personnel's concerned, we're requesting one
4. position, supervisor, one administrative support
5. person, and six safety consultants. We're
6. requesting two for each grant division.
7. CHAIRMAN FOX: That's great.
8. MS. JEFFERSON: Uh-huh. And
9. Commissioner understands that, you know, there are
10. administrative costs associated with issuing
11. permits, so we talked about that. And there are
12. other costs and considerations, because we have to
13. update our computer program. So those things have
14. been addressed and he wanted me to let you all
15. know that.
16. CHAIRMAN FOX: I sincerely
17. appreciate that. That's good. What do we think
18. the chances of it passing through are?
19. MS. JEFFERSON: We just never know.
20. We just have to wait and see. We have to wait --
21. I think that it was well received. And Leanne can
22. speak on that. But we just never know what's
23. going to happen. You know, either it's approved
24. or it's not. But I think that we prepared and we
25. went up, and we did the best we could to request

1. six safety consultants. Those people will
2. basically oversee the third-party inspectors.
3. MR. BURCH: Okay. That's what I --
4. so you're really -- they didn't propose any new
5. inspectors, someone to oversee --
6. MS. JEFFERSON: To oversee,
7. because --
8. MR. BURCH: -- the third-party
9. inspector.
10. MS. JEFFERSON: Right. Because the
11. issue was the extra layer of oversight to serve as
12. division representatives, locate companies who are
13. doing business, which don't respond to us and are
14. uncooperative. If a company fails to obtain a
15. permit, serve the cease and desist letters and
16. ensure that remedial action is actually performed.
17. But the reason for that is, again,
18. even six folks -- six inspectors, they couldn't
19. inspect the entire state of Tennessee.
20. MR. BURCH: That's right. I agree.
21. MS. JEFFERSON: And since we have
22. all of these third-party inspectors -- we have a
23. representative here today from ACCT and I know
24. that he informed me this morning that they have 90
25. inspectors for that organization. And all these

1. funding for the program.
2. MS. DURM: And I'll say we are
3. optimistic, sir. But with that said, we won't
4. know what will be included in the Governor's
5. budget until he announces it at a cabinet meeting
6. in -- starting at the first of the year before he
7. announces -- addresses his budget. That's when we
8. will know if it's been approved or not.
9. And at that point, we won't be able
10. to address it again, budgetwise, if it's not
11. included by chance until -- again, until the next
12. year. And we would probably ask for it again.
13. So -- but we won't know until he announces what
14. he's carrying in his budget until the first of the
15. year.
16. MR. BURCH: I didn't understand the
17. exact number that you had proposed or you -- that
18. they said they would take a look at. I may --
19. MR. RADER: Eight.
20. MS. JEFFERSON: It's a total of
21. eight.
22. MR. BURCH: Eight?
23. MS. JEFFERSON: One supervisor, one
24. administrative support person, because we need
25. someone to administratively issue the permits, and

1. other organizations -- NAARSO, they have a certain
2. number, as well as AIMS. And they have more, a
3. lot more than the state would have. So it just
4. makes more sense. And this way we can still get
5. the job done. I think your concern was basically
6. that extra level of -- or extra layer, and we
7. would get that done by having these folks to
8. oversee the inspection process.
9. CHAIRMAN FOX: And would these
10. folks who have been requested -- they would meet
11. the inspection requirements from NAARSO and AIMS.
12. MS. JEFFERSON: Yes.
13. CHAIRMAN FOX: And in the event of
14. an accident, they would be dispatched to
15. investigate.
16. MS. JEFFERSON: That's exactly
17. right.
18. CHAIRMAN FOX: Okay. All right.
19. All right.
20. MS. JEFFERSON: And that's what you
21. were wanting.
22. CHAIRMAN FOX: That's what --
23. MR. RADER: Yes.
24. CHAIRMAN FOX: -- we were wanting.
1. CHAIRMAN FOX: We're -- it's -- I think it's important to the safety of the people in the state of Tennessee to have somebody out there, looking out after them in that regard.
2. You've heard my passionate pleas before.
3. MS. JEFFERSON: Yes, sir.
4. CHAIRMAN FOX: I don't want to do another one today.
5. MS. JEFFERSON: Yes. Yes. Well, we actually pleaded and we were just waiting now to see if it's approved. And as soon as we know something, we'll let you all know.
6. CHAIRMAN FOX: I would appreciate that. Okay. Item number 9. I'm sorry. Was there any other comments or questions on that issue?
7. Item number 9. Set proposed quarterly board meeting, Tuesday, March 8th, tentatively. Let me ask you this: Would the 1st Monday of March, June, September, and December work? And that would be -- the 1st Tuesday would be -- is it the 1st or the 8th?
8. MS. BENNETT: Are you -- the Tuesday or --
9. MR. BURCH: The 8th is, what, the day is --
10. MS. BENNETT: -- would be Tuesday.
11. MR. BURCH: It's a Tuesday.
12. MS. BENNETT: Tuesday.
13. MR. FARMER: So it would be -- the 1st would be a Tuesday, too, wouldn't it? The 1st would be a Tuesday, too, wouldn't it?
14. MS. BENNETT: Uh-huh. The 1st is Tuesday.
15. CHAIRMAN FOX: I don't know what we would have ever done without iPads and iPods and --
16. MR. RADER: The 1st --
17. CHAIRMAN FOX: The 1st is --
18. MR. RADER: -- Tuesday in March --
19. CHAIRMAN FOX: Is the 1st.
20. MR. RADER: -- is the 1st.
21. CHAIRMAN FOX: June the 7th, September the 6th.
22. MS. BENNETT: Uh.
23. CHAIRMAN FOX: That -- is that --
24. MS. BENNETT: That's the day after Labor Day --
25. CHAIRMAN FOX: Uh-huh.
26. MS. BENNETT: -- and typically, there's a lot of people vacationing, so I didn't know if you might want to do the next week or the next day after something, because our office is closed that Monday the 5th in order to set up for the meeting. If we were to have it on the 6th, it would be --
27. CHAIRMAN FOX: Well, on the 5th, y'all would come to Dollywood.
28. MS. BENNETT: Yes, sir.
29. MR. RADER: That's not happening.
30. CHAIRMAN FOX: Okay. So you want to move it to the 13th.
31. MR. MOORE: Either that or the 7th, even. Just not the day after the holiday since our office will be closed on Monday. It wouldn't allow me time to set up.
32. CHAIRMAN FOX: Okay. Does anybody have heartburn with moving it to September the 7th?
33. MR. MOORE: I would prefer to do that on a Tuesday unless that just conflicts with everyone else.
34. MS. BENNETT: So the 13th --
35. MR. MOORE: Thirteenth.
36. CHAIRMAN FOX: The 13th.
37. MS. BENNETT: -- would work better for you?
38. MR. MOORE: It's that -- yeah.
39. Unless that's a problem for anyone else. That would -- it just works better for me on that particular day.
40. CHAIRMAN FOX: Actually, it does me, as well, because I have a standing meeting on that morning.
41. MS. BENNETT: Uh-huh.
42. CHAIRMAN FOX: Okay. So say you one, so say you all? The 13th?
43. MR. RADER: That's fine.
44. CHAIRMAN FOX: Okay. And December the 6th. Okay. If y'all want to check your calendar just to make sure all those four dates are good.
45. MR. BURCH: They are all Tuesdays again, aren't they?
46. CHAIRMAN FOX: With the exception of September, yes. Well, it is Tuesday, as well.
47. MR. BURCH: Yes. Oh, okay.
48. CHAIRMAN FOX: It's the second -- yeah. All hearts and minds are clear and we're good on those days?
1. MS. BENNETT: Can we just restate the days just to be sure. It's March 1st, June the 7th, September 13th, and December the 6th.
2. CHAIRMAN FOX: Yes.
3. MS. BENNETT: Is that what you have? Okay.
4. CHAIRMAN FOX: Okay. We're good to go. All right. And that -- with that being said -- wait a minute. Type of amusement device information collected in Ecmats database. Do we have a, like a snapshot of the information we're collecting in that?
5. MS. JEFFERSON: Yes.
6. CHAIRMAN FOX: Okay.
7. MR. MOORE: We can provide a snapshot. Actually, what I understand, we utilize the elevator's computer system to create an amusement device system. That's why we requested additional funding.
8. CHAIRMAN FOX: Uh-huh.
9. MS. JEFFERSON: So we can have a new amusement device system created. It doesn't have very much and the current system is very bare-boned, because at the time, I think there -- within the last year or so, we've come up with various categories that we're tracking that aren't necessarily in that system and that's why we have that statistics that I read to you earlier.
10. But we can provide you with a copy of what we currently track, if that's what you're asking.
11. CHAIRMAN FOX: Yes. If you would send that to all the Board members just so --
12. MS. JEFFERSON: Carlene will take care of that.
13. CHAIRMAN FOX: Oh, Carlene can do it. Okay. All right.
14. Now, moving to Item Number 10. Announcement of the next meeting. The next regularly scheduled meeting of the Elevator & Amusement Device Safety Board will be held in the first room of the TOSHA Hearing Room at 9:00 a.m. on Tuesday, March --
15. MS. BENNETT: First.
16. CHAIRMAN FOX: -- 1st, 2016, at the State of Tennessee Department of Labor and Workforce Development, located at 220 French Landing, Nashville, Tennessee. Do I have a motion to adjourn?

1. MR. RADER: So moved.
2. CHAIRMAN FOX: We are adjourned.
3. END OF PROCEEDINGS.