



**STATE OF TENNESSEE  
ELEVATOR & AMUSEMENT DEVICE SAFETY BOARD  
JUNE 5, 2012 9:00 A.M. (CT)  
TOSHA HEARING ROOM - 1ST FLOOR  
220 FRENCH LANDING DRIVE  
NASHVILLE, TENNESSEE**

## **MINUTES**

- I. CALL MEETING TO ORDER** – (18) – Chairperson Dawkins called the meeting to order at 9:00 a.m. (CT). A moment of silence was observed in commemoration of Memorial Day. Afterwards, Robbie Fox led the assembly in the pledge of allegiance to the flag.
- II. INTRODUCTIONS AND ANNOUNCEMENTS** – Board members present: Jane Dawkins; Perry Burch; Robbie Fox; David Hale; and Charles Edens. Tennessee Department of Labor & Workforce Development employees present: Arthur Franklin, Jr.; Gary W. Cookston; Sydné Ewell; Ron Sidler; Lee Bentley; and Carlene T. Bennett. Guests present: Adam Crews; Larry Moore; and Alan Jensen.
- (37) – Assistant Administrator Cookston announced that in the event of an emergency or natural disaster, security personnel would take attendees to a safe place in the building or direct them to exit the building on the Rosa Park side.
- House Bill 2778, Elevator Licensing Bill, was pulled by the bill sponsors.
- III. APPROVAL OF THE DECEMBER 6, 2011 AND THE MARCH 6, 2012 ELEVATOR & AMUSEMENT DEVICE SAFETY BOARD MEETING MINUTES** – (45) – A motion was made by Charles Edens to approve the December 6, 2011 and the March 6, 2012 minutes as written. The motion was seconded by Perry Burch. The vote was taken and the motion carried.
- IV. CHIEF INSPECTORS REPORT** – (56) – Chief Ron Sidler gave the following report:
- One-hundred-thirteen (113) permits were issued this past quarter.
  - As of last week, all Elevator Inspector positions are filled.
  - Effective July 2<sup>nd</sup> a new Elevator Inspector, Jose Martinez, from Florida will begin work. He has fifteen (15) years of elevator experience and is QEI certified.

- On April 24<sup>th</sup>, Jerry Jenkins of Nashville was hired as an Elevator Inspector. He has thirty (30) years of elevator experience.
- All Elevator Inspectors completed their continuing education in March. They are taking the recertification test this month.
- A permit has been issued and construction is nearing completion on a sky lift in Wears Valley.

Lee Bentley, Amusement Device Manager, gave the following report:

- He stated that this is the busiest time of year for amusement device inspections. As the only full-time inspector, he is finding it hard to keep up with the demands placed on him. He respectfully requested the Board's assistance in securing another full-time inspector position. Some of the larger facilities he inspects should take a couple of weeks to inspect but right now he is finding it hard to devote that kind of time with so many other inspections needing to be performed. Shawn Holcomb, Assistant Chief Elevator Inspector, became National Association of Amusement Ride Safety Officials (NAARSO) certified and has been a great help inspecting but he has other job responsibilities that limit his participation.
- Robbie Fox asked about the status of the Amusement Device database mentioned at the December, 2011 meeting. Lee Bentley reported that the system is similar to the one that the Elevator Inspectors use. All of his notes concerning an inspection are maintained in the system so other inspectors can know the history. Once entities are in the system it automatically populates their information instead of having to repeatedly type it on permits and other documents. Also, the system will print reports as needed.
- Perry Burch commented that the request for additional inspectors didn't normally come through the Board. Chief Sidler said there were certain ways the Board could facilitate Mr. Bentley's request. For instance, someone could present changes to the law to allow for the inspection of go-carts and other devices which would generate additional revenue to fund an inspector position.
- Assistant Administrator Cookston said that the Boiler, Elevator & Amusement Device (BE&A) Division will have to provide proof to the Tennessee Department of Labor & Workforce Development (TDLWD) Human Resource Division; State of Tennessee Human Resource Department; and TDLWD Fiscal Services Division that their budget can support the reoccurring cost of the salary and operating expense of a newly created position. TDLWD Fiscal Services would then have to prove that to the Department of Finance & Administration (F&A). Once F&A gives their approval then BE&A will be given permission to fill the position. When the Amusement Device legislation was passed, there was not enough money appropriated to pay Lee Bentley's salary. His salary is being paid from the Boiler and Elevator budget. In the original fiscal note the Division asked for money to fund the Amusement Device program but there was very little appropriated. He urged Board members to support legislation that would add additional revenue generating

inspections now that the Division has a firm grasp on the scope of services needed in the State to protect the riding public.

- Robbie Fox inquired if a bill currently existed that a sponsor could introduce. Chief Sidler said there was a bill introduced at one time that could be used but thought that ziplines needed to be added if it is reintroduced.
- Chairperson Dawkins asked about the zipline issue in the State. Chief Sidler said Lee Bentley had come to him some time back asking about the inspection of ziplines but there was no code written for the inspection of ziplines. The Canadian government and the Association for Challenge Course Technology (ACCT) now have rules and regulations covering these devices. Lee Bentley met the men who wrote these rules and regulations when he attended his yearly NAARSO training. He also met a gentleman who is heading up the task of getting the rules and regulations written into the American Society for Testing and Materials (ASTM). Any ziplines Lee Bentley inspects, he is using the ACCT rules. Chief Sidler said ziplines are springing up everywhere and by definition they are an amusement device. Now that there is a standard to go by, then they will inspect all that they can, given the manpower available. Robbie Fox said Sevierville has twelve (12) ziplines. Lee Bentley said there are twelve (12) businesses but some of them have twenty-seven (27) zipline runs. The only way to inspect a zipline is to actually go into the trees, so it is an enormous task and takes more time than inspecting a carnival amusement ride device.
- Sydné Ewell said a recommendation should be presented to the Commissioner voicing the Board's safety concerns about the inspection of ziplines. Then, a rule can be drafted and submitted to the Attorney General specifying the code they will be inspected under. Robbie Fox asked if go-karts could be added and the answer was "no" because they are specifically excluded in the law. Sydné Ewell said her interpretation is based on:
  - T.C.A. 68-121-103(d) – **Duties and powers of board - Rules and regulations.**
    - (3) To make recommendations to the commissioner concerning the board's findings on safety issues related to amusement devices.
  - T.C.A. 68-121-101(3) - **Chapter definitions.**
    - (A) Any mechanical or structural device that carries or conveys a person, or that permits a person to walk along, around or over a fixed or restricted route or course or within a defined area, including the entrances and exits to the device, for the purpose of giving persons amusement, pleasure, thrills or excitement. "Amusement device" includes, but is not limited to, roller coaster, Ferris wheels, merry-go-rounds, glasshouses, and walk-through dark houses;
    - (B) "Amusement device" also includes:
      - (i) Any dry slide over twenty feet (20') in height excluding water slides;
      - and

(ii) Any portable tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device, except hay rides, those used solely for transporting patrons to and from parking areas, or those used for guided or educational tours, but that do not necessarily follow a fixed or restricted course; and

(C) "Amusement device" does not include the following:

(xii) Go karts;

- T.C.A. 68-121-103(d) – **Duties and powers of board – Rules and regulations.**

(2) To adopt a code of rules and regulations governing the owner's duty of reasonable care for the installation, assembly, disassembly, repair, maintenance, use, testing, operation, and inspection of amusement devices. The board shall have the power to adopt a safety code only for those types of amusement devices defined in § 68-121-101. In promulgating the amusement device safety code the board may consider any existing or future American Society for Testing and Materials (ASTM) safety standards affecting amusement devices, or any other nationally acceptable standard;

- Chief Sidler said the proposed rule could be drafted and submitted by the next meeting to add the Association for Challenge Course Technology (ACCT) code for the inspection of ziplines to the current rules and regulations.
- David Hale said the Board would need to add go-karts added by seeking a sponsor in the legislature. He would also like to see some level of compliance added for inflatable devices; at least that they are carrying insurance to protect the patrons. In the fiscal note additional inspectors should be requested to help carry out these inspections.
- Chairperson Dawkins said she would gladly write a letter to the Commissioner indicating the Board's support for additional amusement device inspection staff to perform safety inspections.
- David Hale said he is in almost daily contact with individuals in the amusement device business and that Lee Bentley, and Ron Sidler have a very good reputation for being firm, fair and professional. They are a credit to the State and how the Board wants to be represented.

Robbie Fox made a motion the Board draft a letter to the Commissioner in support of hiring additional amusement device inspectors and that the Department move toward inspecting ziplines; Zorb balls; and climbing walls. David Hale seconded the motion. The vote was taken and the motion carried.

## **V. OLD BUSINESS**

None

## **VI. NEW BUSINESS**

**12-01 – (739)** - Eastman Chemical Company, Kingsport, Tennessee request two (2) new elevators located in its B-51 building be added to an existing variance granted by the Board on September 18, 2001 for exception from “Firefighters’ Service” requirements. This variance approval was confirmed and documented in a letter to Eastman Chemical Company from Chairman David Crews dated March 12, 2002. Larry Moore presented this item to the Board. No Board member verbally expressed a conflict of interest with this agenda item.

- Chief Sidler said Chairman Crew’s 2002 letter to Eastman Chemical Company outlined the conditional variance granted to Eastman. The letter stated that the Board should be informed “of any changes, *additions*, or deletions from the list of existing elevators at Eastman Chemical Company that are not included under Eastman’s exception request.” Chief Sidler said there had not been any problems with the existing variance and that he agreed with the Board’s decision to grant it due to Eastman’s unique situation. The fact that these two (2) elevators are new is the reason they are being presented to the Board for approval.

Perry Burch made a motion to approve the variance. Robbie Fox seconded the motion. The vote was taken and the motion carried.

**12-02 – (803)** - Proposed Rule 0800-03-04-.02 to replace the existing A17.1 2004, Seventeenth Edition code with the 2010/CSA B44-10, Nineteenth Edition code.

David Hale made a motion to approve the proposed rule. Robbie Fox seconded the motion. A roll call vote was taken and the motion carried.

- Jane Dawkins – Aye
- Perry Burch – Aye
- Jesse Cragwall – Absent
- John Downing – Absent
- Charles Edens – Aye
- Robbie Fox – Aye
- David Hale – Aye
- Lewis Moorers, Jr. - Absent

**VII. ANNOUNCEMENT OF NEXT MEETING – (1038)** - The next regularly scheduled meeting of the Elevator & Amusement Device Safety Board meeting will be held in the first floor TOSHA Hearing Room at 9:00 a.m. (CT) on Thursday, September 13, 2012 at the State of Tennessee, Department of Labor and Workforce Development building, located at 220 French Landing Drive, Nashville, Tennessee.

**VIII. ADJOURNMENT** – (1118) – Perry Burch made a motion to adjourn. Robbie Fox seconded the motion. The vote was taken and the motion carried.