

**Carnival and Amusement Ride Safety Advisory Board
Meeting, March 14, 2019**

Board Members Present:

Edward M. Smith, **Chairman**
Albert Belmont
Lawrence Cohen
William Gehlhaus
Debbie Henderson
Geoff Rogers
Len Turtora

DCA Staff Present:

John Terry, Assistant Director, Division of Codes and Standards
Marie Daniels, Code Development Unit
Paul Lamberti, Office of State and Local Code Inspections
Michael Triplett, Carnival and Amusement Ride Safety Unit

Members of the Public:

Lary Zucker, NJAA

A. The meeting was called to order at 11:00 am.

B. Approval of the Minutes of September 20, 2018

Mr. William Gehlhaus made a motion, which was seconded by Mr. Len Turtora, to approve the minutes without change. The motion carried unanimously.

C. Old Business

1. Draft rule proposal, Carnivals and fairs electrical systems

Mr. John Terry presented the draft rule proposal, which was introduced as new business in the September 20, 2018 meeting. Mr. Terry noted that the Uniform Construction Code Advisory Board reviewed this rule and approved it as written. The draft proposal would regulate temporary electrical systems for carnivals and fairs by requiring a certification for the system at the beginning of the season. Certificates can be obtained either from a third party testing agency or a licensed electrical contractor.

One board member asked if an electrical contractor from another state could certify the system. Mr. Terry stated that in almost all cases, the contractor must be licensed in the State of New Jersey and confirmed he would review the law.

One board member stated that amusement workers believe this will be impossible, and mentioned how these systems are regulated in other states. The board member was concerned that independent electrical contractors would be unfamiliar with the systems and stated that the State's electrical subcode officials currently inspecting the systems is adequate.

One board member asked if there was a specific problem this rule is intended to solve. Mr. Terry framed the current issue for the Board. Electrical systems in carnivals are set up by employees. This creates a situation where electrical subcode officials, who are meant to inspect work that is performed by a licensed electrical contractor, are inspecting electrical systems set up by carnival employees. Rather than requiring a licensed electrical contractor to set up the electrical systems each time, which could be prohibitively expensive, this draft rule ensures further protection of patrons by requiring a certification from a licensed electrical contractor at the beginning of the season; electrical subcode officials would be inspecting to ensure that what they see complies with what was certified.

One board member stated that each piece of the system complies with the National Electrical Code (NEC). Mr. Terry stated that the issue is whether the system as a whole is compliant with the NEC. One board member stated that there has never been an issue with these systems, and this proposal would create an unnecessary expense. Mr. Michael Triplett explained that over half of the violations that are written are for electrical issues.

One board member asked whether the root of this issue was rooted in the Carnival-Amusement Rides Regulations (N.J.A.C. 5:14A). Mr. Terry explained that it is also an issue in the Uniform Construction Code Regulations (N.J.A.C. 5:23) because subcode officials are inspecting work for which there is no permit. One board member stated that the installation of the electrical system is not electrical work and suggested the Department provide a list of contractors who will perform the certification.

One board member asked what the contractor is looking at the first time a carnival comes to the State. Mr. Triplett explained that they will be looking at the system as a whole: the generator, the distribution panel, and any wiring, to ensure that everything is appropriate.

One board member asked what records there have been of serious electrical problems and stated his belief that there were none. The board member stated that inspectors write up everything, even if it's a minor issue, and stated that a number of carnivals have left the State due to financial reasons. Another board member commented it is important that inspectors write up all violations. Mr. Triplett added that there have been no major accidents because of the work of the electrical subcode officials inspecting these systems. This draft proposal would provide an increased level of assurance that all electrical systems are in compliance with the code.

One board member pointed out that the draft rule also allows a recognized electrical testing agency to issue the certification. One board member asked whether any such agency existed. Mr. Terry confirmed that there are numerous agencies worldwide who can perform this work, and cited Underwriters Laboratory as an example.

One board member asked whether there were discussions with electrical contractors to see if they would issue the certification. The board member noted that he understood the merit of having these systems looked at. Mr. Terry stated that he has not reached out regarding this. Another board member stated that he had spoken with a few contractors, who have stated that the work would not be covered by their insurance, so they would not issue the certification. The board member stated that the

Department should accept certification from the manufacturer that the pieces of equipment comply with the NEC. Mr. Terry stated that the concern is whether the system is compliant with NEC. The board member stated that an inspection isn't needed to plug something in. Mr. Terry stated that when something is being wired to anything else to provide service, an inspection is required.

One board member asked if this rule would affect inflatables. Mr. Terry responded that it would not because inflatables do not utilize a distribution system.

One board member pointed out that for permanent rides, all work is done by an electrical contractor and inspected by an electrical subcode official. He then stated that carnival rides aren't new rides, they're rides being reconnected at each stop. He asked if the concern is that reconnection changes the system. Mr. Terry explained that the intent of this draft is to ensure on day one of operation that the system is adequate for its intended purpose. The board member compared this process to electrical issues at a fixed location; these issues must be fixed by a licensed electrical contractor.

One board member stated that on day one, if a contractor looks at the electrical system or sets it up, the contractor will know it works. Mr. Terry confirmed that was the intent of the rule. One board member pointed out that if a contractor sets the system up, then the contractor's insurance would cover the work under professional liability. One board member pointed out that insurance companies insist on an annual inspection and asked whether the insurance company could certify the system. Another board member responded that insurance companies don't issue certificates.

One board member asked if an electrical contractor could set up the electrical system and then certify it. Mr. Terry responded that as long as a certification is issued by an electrical contractor, it does not matter who sets up the system. One board member asked whether certification from another State could be valid in New Jersey. Mr. Terry responded that another State's certification would not be valid.

One board member asked what the process would be if the carnival operator were to change the wires in the system. Mr. Terry explained that the draft rule requires any components not included in the initial certification to have a certificate on site. One board member asked if there was a specific outline for the certificate. Mr. Terry stated that the format of the certificate is up to the contractor.

As a final comment, one board member noted that there will always be an opportunity to amend a rule should any unintended consequences arise.

Mr. William Gehlhaus made a motion, which was seconded by Mr. Len Turtora, to approve the draft rule without change. The motion carried with five votes in support and one vote in opposition.

2. Draft rule proposal, Subchapter 15, Aerial Adventure Courses

Mr. John Terry presented the draft rule proposal, which was introduced as New Business on September 20, 2018. The proposal would create a new subchapter in N.J.A.C. 5:14A to address Aerial Adventure Courses. Mr. Terry stated that until this point, the Department has used other regulations and means to enforce Aerial Adventure Courses, but a new subchapter is needed to regulate them.

One board member asked what the patron safety restraint requirements meant. Another board member explained that there are mechanical systems that will not let a patron unhook from one restraint until the next one is hooked. Mr. Terry explained that though there are not currently codified regulations, and the patron safety restraint provisions are not included in the referenced ASTM standards, the Department asked manufacturers how they keep patrons from falling, and they confirmed that safety restraint systems were used. The Department has required these systems in all aerial adventure courses. This rule proposal would simply codify current enforcement policies.

One board member noted that this amendment should be made through the ASTM amendment process, which includes thousands of reviewers. The board member stated he supported the change, but would prefer if it was submitted to ASTM. One board member suggested approving the draft proposal without the patron safety restraint requirement, pending submission to and adoption through ASTM. Mr. Terry pointed out that this would make prevent the enforcement of necessary life-safety requirements, and reminded board members that if the referenced standard is updated to include these requirements, the amendment will no longer be necessary in the regulations.

One board member asked if there were any other substantive changes. Mr. Terry confirmed there were not.

Mr. William Gehlhaus made a motion, which was seconded by Mr. Albert Belmont, to approve the draft rule. The motion carried unanimously.

D. New Business

1. Revised Definitions of Types of Injuries for Reporting

Mr. John Terry introduced the draft rule proposal, which would revise the definitions used for incident reporting. The definitions were taken directly from ASTM F770-18. One board member stated that the draft looked good upon a quick review.

Board members agreed to review this item for action at the next meeting.

2. Draft Rule Proposal, Subchapter 11, Go Kart Operations

Mr. John Terry introduced the draft rule proposal, which would amend the regulations for Go-Kart Operations. This draft would updatere the referenced standard, ASTM 42007 from the 2000 edition and the 2018 edition. Mr. Terry explained that it is his intention to continue updating the ASTM standards referenced within the regulations. One board member noted that in the past, subcode committees have been formed to undertake some of these reviews. Another board member stated his support of that idea in the future.

Board members agreed to review this item for action at the next meeting.

E. Information:

1. Ride Statistics

Mr. Paul Lamberti presented the ride statistics.

F. Public Comment:

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G. Adjournment:

Mr. William Gehlhaus made a motion, which was seconded by Mr. Geoff Rogers, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 12:35 pm.

H. Next Scheduled Meeting: May 9, 2018