

**Carnival and Amusement Ride Safety Advisory Board
Minutes of Meeting, September 20, 2018**

Board Members Present:

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

DCA Staff Present:

John Terry, Assistant Director, Division of Codes and Standards
Carrie Battista, Office of State and Local Code Inspections
Paul Lamberti, Office of State and Local Code Inspections
Michael Triplett, Carnival and Amusement Ride Safety Unit
Don VanHouten, Carnival and Amusement Ride Safety Unit

Members of the Public:

Lary Zucker, NJAA
Edward McGlynn, NJAA

A. The meeting was called to order at 11:27 am.

B. Approval of the Minutes of September 21, 2017

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

C. Old Business

There was no Old Business on the agenda.

D. New Business

1. Fireball incident and impact on New Jersey inspections

Mr. John Terry introduced this topic and reminded the board that it was discussed at the last meeting. He explained that ASTM has balloted performance-based revisions which do not specifically address how to deal with incidents like the Fireball in Ohio. Mr. Terry circulated a memo to his staff in March of this year to remind them of the tools available to perform their jobs and ensure public safety. At this point, the rules are sufficient, and the Department does not have to go any further.

Board discussion followed. One board member commented that the Fireball was operating in New Jersey three weeks prior to the incident in Ohio. The board member was concerned that the Department did not do anything to prevent an incident from happening despite having the regulatory authority to do so. The board member indicated that photographs and the report from the incident showed that the ride was rusted and dented, and speculated that it would take more than three weeks to get to

that condition. The board member questioned whether the Department could be sure something like this won't happen again. Mr. Michael Triplett stated that the ride was inspected, and staff did not see such damage. Another board member stated that the ride could have been damaged in those three weeks as it traveled from show to show.

One board member commented that representatives from North Carolina and Florida spoke at the ASTM conference about the pressure they get to open rides. Another member asked whether the Department was pressured to open the Meadowlands fair. Mr. Edward Smith stated that he never received a call to do so. Mr. Paul Lamberti explained that the reason he ensured there was additional inspection staff was because of the number of rides that needed inspections, not because of any pressure to open.

2. Draft rule proposal, Carnivals and fairs electrical systems

Mr. John Terry presented the draft rule and asked that the board members take the proposal back and discuss it with their constituents and other professionals in the industry. The draft proposal would regulate temporary electrical systems for carnivals and fairs, including requirements that the systems be certified.

One board member expressed that it's up to the members to find people who are able to do the work. He stated that the Department is doing what it can for the industry and has been lenient on this issue in the past. The board member then asked how to obtain a certificate. Mr. John Terry explained that certificates can be obtained either from a third party testing agency or a licensed electrical contractor. One board member asked about the difference between a licensed electrician and an electrical contractor. Mr. Terry explained that they are the same thing.

One board member asked if the certification was needed once at the beginning of the season no matter how many times the electrical system is unplugged and moved around. Mr. Terry confirmed that was correct. Another board member asked if an insurance company could send their own inspector to certify electrical work. Mr. Terry stated that the Department would look into it. One board member stated that insurance companies inspect many places, and added that they are in the business of looking, not certifying.

One board member asked if he could buy a generator from the store and have the operator plug it in and use it. Mr. Triplett responded that the correct generator with the correct voltage and amperage would need to be purchased or a licensed electrical contractor would need to certify the electrical aspects of the generator.

Mr. Edward Smith stated that everyone will take the proposal back and return with comments and feedback for the next meeting.

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

Mr. John Terry introduced the draft rule proposal to 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 questioned if the amendments to the ASTM standards were technical in nature. Mr. Terry responded that the amendments are administrative in nature, but there is one technical amendment regarding patron safety restraints. The board member asked about the status of aligning ASTM regulations with New Jersey

regulations. Mr. Michael Triplett responded that the Department has done what it could. Changes have been sent to ASTM based on differing regulations; there are still a few items where there is disagreement. Mr. Triplett confirmed that the ride regulations encompass ASTM as much as possible, except for those regulations where there is disagreement. Mr. Terry stated that ASTM is constantly evolving; the Department's regulations match theirs until they make changes.

One board member asked how trees are related to an aerial course. Mr. Terry explained that trees are often used in the courses, and patrons must unhook their safety restraints to get around the tree. ASTM does not have secondary safety restraints in their regulations. One board member pointed out that, upon adoption of this subchapter, the State should submit its changes to ASTM. The board member asked how the secondary restraint regulations will be applied when there are no guard rails on a path between the areas where patrons must unhook and rehook their safety restraints. Mr. Terry said that the Department will look into that. One board member asked whether ziplines were included in these regulations. Another board member pointed out that ASTM has ziplines in its regulations, and Mr. Triplett confirmed that ziplines are included in this subchapter.

E. Information:

1. Ride Statistics

Mr. Paul Lamberti presented the ride statistics. Mr. Lamberti explained the differences between the 2017 and 2018 report format as a result of different administrative staff. One board member commented that the definition of "serious injury" should be changed. Another board member agreed, saying that in recent years, there has been an increase in transports regardless of the seriousness of the injury. Mr. John Terry agreed that staff would look into amending the definition of "serious injury." One board member suggested checking how it is defined by ASTM.

One board member asked about product failure increases. Mr. Lamberti explained that most injuries are caused by rainfall or bad sensors as opposed to product failures. The board agreed that the statistics should add wording for "product failures causing injuries" to separate serious injuries as a result of product failures from serious injuries from external causes. He then broke down what types of injuries occurred on specific ride types. One board member wanted the statistics to show what rides have what types of serious injuries.

One board member questioned what information is provided when a person requests records through OPRA. Mr. Lamberti explained that, because each request is specific, requestors are provided with the information they request.

Discussion ensued regarding the format of incident reports. Board member asked whether the document could be altered or differentiate between an initial report and a final report. Mr. Lamberti responded that the document could not be altered, but the format could be changed for future seasons. One board member stated that the report should include more detailed descriptions of the incident.

It was decided that staff would reevaluate the statistics reporting to more clearly explain the differences between previous and current statistic reports. The current reporting format appears to show an increase in serious accidents, however, there is not a significant increase from last year's statistics.

F. Public Comment:

Mr. Larry Zucker, NJAA, stated that the ride statistics were misleading and suggested that an asterisk be placed next to transports to show the difference. Mr. Terry stated that the statistics would be amended to better explain the reports.

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 12:48 pm.

H. Next Scheduled Meeting: November 29, 2018