

**Carnival and Amusement Ride Safety Advisory Board
Meeting, December 10, 2015**

Board Members Present:

Edward M Smith, Chairman
William Gehlhaus
Al Belmont
Debbie Henderson
Geoff Rogers
Lary Cohen

DCA Staff Present:

Michael Baier, Chief, Bureau of Code Services
Michael Triplett, Carnival and Amusement Ride Safety Unit
Carrie Battista, Bureau of Code Services
Don VanHouten, Carnival and Amusement Ride Safety Unit

Members of the Public:

Ed McGlynn
Lary Zucker, ACA

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

B. Approval of the Minutes of May 21, 2015 A motion was made by William Gehlhaus seconded by Al Belmont to accept the minutes of the 5/21/15 meeting.

C. Old Business

1. RCMT Sub-committee – Debbie Henderson reported that she felt there was a training gap for inflatable rides. Though there is training in place it is not being offered as a State sponsored ride training course because those working on inflatables do not need an RCMT certification. She stated that there needs to be a forum for this training since safety on inflatables is very dependent on the operator. She also reported that the committee was interested in looking at the training requirements under the RCMT rule. Currently the rule requires 32 hours of training over a two year period. Several Board members stated that they felt that continuing education is necessary. Ms. Henderson stated that the committee will continue to look at the continuing education requirements.

2. Open Gondola Ferris Wheel – the ASTM “supervising companion” provisions were not adopted by the Department because the Department did not feel they were enforceable as rules. The issue before the Board is whether a provision should be added to address the need to have a companion when riding elevated rides without restraints. The Department presented the rider restrictions that it could find for giant

wheels nationally. Very few have a “no single rider” restriction. After some discussion the Board thought that any rider restrictions should be left to the manufacturer. They felt that there were few accidents of this type and further thought that there was no evidence that a second rider would prevent falls. The Chairman called for a vote on the issue. Mr. Rogers abstained. The other members in attendance were all in favor. The motion passed 4 – 0.

3. Classification of Rides – the Board discussed that the practice of classifying rides where adults can accompany children as “adult” rides seems at variance with the rules. The rules state that as long as the ride is “primarily” for children it should be classified as a “kiddie” ride under the rules. The Department reported that it has in fact misclassified some rides. It stated that it would fix the problem prospectively. It will advise those who are reapplying for rides that if they believe that the ride is misclassified they should note it on their application. If the Department agrees, it will change the classification for that ride and all other rides in the system that it knows are identical. Ms. Henderson stated that she still thinks that the fees are not proportional based on ride type. She stated that the time to inspect an inflatable is one to two hours while the time to inspect a large coaster might be several days. While the time to inspect a coaster might be fifteen times longer than the time to inspect an inflatable, the fee is only roughly three times as much. The Department stated that any changes to the fees would have to be revenue neutral since the program operates at a deficit and is supposed to be fee supported. The Board did not express an interest in revising the current fee schedule at this time.

D. New Business

1. Update of standards – staff reported that, similar to what was done with ASTM F2291, there are a number of other standards that are referenced in the rules that need to be updated. The Department will develop a list that prioritizes what needs to be updated. The Board agreed that a working group should be formed for this purpose. Al Belmont expressed an interest in participating as did Geoff Rogers and Bill Gehlhaus. The New Jersey Amusement Association was invited to participate and will provide a list of those interested in being on the working group. The Department will try to schedule a meeting prior to the next Board meeting.

2. Selfie Sticks – there was discussion about whether selfie sticks should be banned on amusement rides. Some Board members felt that the ban is appropriate on some rides but felt that a ban across the board might be too restrictive. There is a possibility that ride designers may start to design rides with selfie sticks in mind. The Board felt that the use of selfie sticks should be treated like other objects that are or can be brought on the ride, and therefore a specific rule that just covered selfie sticks was not appropriate.

E. Information:

1. The ride statistics were presented. Mike Triplett reported that the number of inspections and violations was down compared to the same period last year, mostly due to inspectors being out on medical leaves. All are back. There was a question about the 8 serious injuries. Staff reported that they were mostly broken bones but could provide a more detailed breakdown at the next Board meeting.

2. ASTM F2291 proposal – staff reported that the proposal appeared in the September 8 New Jersey Register. The comment period ended on November 7th. There were no comments. There is no adoption date set yet. Staff expects an adoption in January or February.

E. Public Comment:

1. There was no public comment.

F. Adjournment: The meeting was adjourned at 12:00 pm.

**Carnival and Amusement Ride Safety Advisory Board
Meeting, May 21, 2015**

Board Members Present:

Edward M Smith, Chairman
William Gehlhaus
Al Belmont
Debbie Henderson
Geoff Rogers
Lary Cohen
Christopher Leitner

DCA Staff Present:

Michael Baier, Chief, Bureau of Code Services
Michael Triplett, Carnival and Amusement Ride Safety Unit
Carrie Battista, Bureau of Code Services
Don VanHouten, Carnival and Amusement Ride Safety Unit

Members of the Public:

Lary Zucker, ACA

A. The meeting was called to order at 11:10 am.

B. Approval of the Minutes of March 19, 2015 A motion was made by William Gehlhaus seconded by Al Belmont to accept the minutes of the 3/19/15 meeting.

C. Old Business

1. RCMT Sub-committee – The Board discussed the continuing education requirements for Recognized Certified Maintenance Technicians. There was discussion that much of the NAARSO training is redundant There was discussion that some training is needed but that perhaps the 48 hours required by NAARSO over a three year period was too much. Debbie Henderson stated that the committee will meet on this and other issues, after the ride season is over.

2. Open Gondola Ferris Wheel – the ASTM “supervising companion” provisions were not adopted by the Department because the Department did not feel they were enforceable as rules. The Board discussed whether a provision to address the need to have a companion when riding elevated rides without restraints was needed. The Board directed the Department to find out what the current patron requirements for open gondola Ferris wheels are.

3. Availability of Cars – The Director reported that the Department had ordered cars. No specific date for delivery was given.

New Business

1. Classification of Rides – the Board discussed that the practice of classifying rides where adults can accompany children as “adult” rides seems at variance with the rules. The rules state that as long as the ride is “primarily” for children it should be classified as a “kiddie” ride under the rules. The Department will look at its classification of rides and report back to the Board at the next meeting.
2. Type Certification of Rides – The Board discussed the need to review the ride manual when a type certified ride is purchased. The Department reported that in many cases the manual that was approved under the type certification differs from the manual that was given to the owner when the ride was purchased. Discrepancies that the Department has seen include the height restrictions for riders, the ride controls and the number and placement of operators. At one point as many as 75% of the manuals, the Department received, were different. Currently that number is approximately 30%. The Department only does a cursory review and does not make the applicant wait for weeks while the manual is reviewed.
3. Professional Engineer Equivalent – staff presented a draft rule change that would amend the language in the rules to allow individuals with the credentials that are equivalent to a professional engineer’s license to make submissions for type certification and individual approval applications. Staff explained that this is consistent with the statute and is what the staff is currently doing by policy. A motion was made by Al Belmont seconded by Christopher Leitner to approve the proposal. The motion passed.

E. Information:

1. The ride statistics were presented. Mike Triplett reported that the number of inspections was down compared to the same period last year, but stated that he was unaware of the Department not performing inspections that were requested.

E. Public Comment:

1. Lary Zucker asked about current staffing. The Department reported that there are staffing issues resulting from inspectors out on extended sick leave but that the Department is coping by shifting resources and using overtime. Mr. Zucker also asked what the effective date would be for the use of ASTM F2291 – 14. Staff reported that there was no plan to use an operational date as part of the adoption so that that the rules will become effective on the date that they are published in the New Jersey Register and apply to any new projects that are submitted after that date.

- F. Adjournment:** The meeting was adjourned at 12:55 pm.

**Carnival and Amusement Ride Safety Advisory Board
Meeting, March 19, 2015**

Board Members Present:

William Gehlhaus, Acting Chair
Al Belmont (via telephone)
Debbie Henderson
Nancy Sheridan
Steven Hildner (via telephone)
Len Turtora
Geoff Rogers
Lary Cohen

DCA Staff Present:

Michael Baier, Chief, Bureau of Code Services
Michael Triplett, Carnival and Amusement Ride Safety Unit
Carrie Battista, Bureau of Code Services
Don VanHouten, Carnival and Amusement Ride Safety Unit

Members of the Public:

Lary Zucker, ACA
Ed McGlynn, NJAA
George Henderson

A. The meeting was called to order at 11:10 am.

B. Approval of the Minutes of March 19, 2013 A motion was made by Debbie Henderson, seconded by Len Turtora to accept the minutes of the 9/19/13 meeting.

C. Old Business

1. Harmonization of the regulations with ASTM F2291 - Staff reported that the harmonization was being performed in two ways. The first is the proposal that appeared later in the agenda. The proposal adopts the 2014 edition of ASTM F2291 with as few changes as possible. The second way is, that the changes that are made to ASTM F2291 as part of the proposal, have been submitted to ASTM as proposed changes to the standard. There was discussion about the proposal and the Chair decided to discuss the ASTM F2291-14 proposal under old business. The Board asked why, for items that were sent to ASTM for consideration that Michael Triplett found persuasive, those changes had not been incorporated into the proposal. Staff responded that the process was not complete and that there was no guarantee that what was accepted by Mr. Triplett would ultimately be what was adopted by ASTM. In addition, the work done responding to the ASTM comments, was Mr. Triplett's

opinion not necessarily the Department's position. The Board questioned both the changes to the definition of "service proven practice" and the change to section 6.4.2.2 regarding "supervising companion." The Board felt that these sections should not be modified. A motion was made by Geoff Rogers seconded by Nancy Sheridan to adopt ASTM without the modification to "service proven practice" and without the modifications to "supervising companion" found in section 6.4.2.2. The motion passed.

2. RCMT Sub-committee –Debbie Henderson reported on the trainings that were given this semester. She reported that she thought the training provided on generators was not specifically related to rides. She reiterated her position that people with certifications should not have to leave the State for training.

3. Open Gondola Ferris Wheel – This item continues to be tabled while the Board waits for ASTM to address the issue.

New Business

1 Adoption of ASTM F2291 – 14 – this item was discussed under "Harmonization of ASTM F2291 under old business.

2. Amendments to the rules - Staff reported that during the re-adoption of the rules, many Board members expressed that there need to be changes to the rules. Staff suggested that Board members submit the sections/topics that need to be addressed in the rules to staff. The issues will then be compiled into a list and perhaps a working group can be formed. The Board was in agreement with this approach. Staff will compile a list for the next Board meeting.

3. Staff Cars – the Acting Chair stated that he had heard that the Department has does not have enough cars to accommodate all inspectors and asked what affect that will have on inspections. Staff reported that not all inspectors have cars, but that staff was not told they were guaranteed a car at the time they were hired. The Department is in the process of purchasing additional cars but still cannot guarantee that every inspector will be assigned a vehicle. This should not have any effect on inspections.

4. Supervisors and inspections – The acting chair asked if the field supervisors are also expected to do inspections. Staff reported that they were and that it was part of their job performance evaluation.

E. Information:

1. The ride statistics were presented. Mike Triplett reported that the number of inspections was down compared to the same period last year. But attributed some of the lower numbers to the fact that staff was at training for a two week period during February. A Board member asked about what constituted a serious incident. Staff responded that not every transport to the hospital is a "serious" incident under the

statistics. However, when someone is transported it requires notification by the Department and is included in the incident number.

E. Public Comment:

1. Lary Zucker thanked Mr. Triplett and Mr. VanHouten for their work on the ASTM harmonization. He also expressed interest in having Board meetings more frequently.

F. Adjournment: A motion was made by Al Belmont, seconded by Geoff Rogers to adjourn. The meeting was adjourned at 1:10 pm.

**Carnival and Amusement Ride Safety Advisory Board
Meeting, September 19, 2013**

Board Members Present:

Edward M. Smith, Chair
Al Belmont
Debbie Henderson
Nancy Sheridan
William Gehlhaus
Len Turtora
Geoff Rogers

DCA Staff Present:

Michael Baier, Acting Chief, Bureau of Code Services
Michael Triplett, Carnival and Amusement Ride Safety Unit
Carrie Battista, Bureau of Code Services
Don VanHouten, Carnival and Amusement Ride Safety Unit

Members of the Public:

Anthony Casale, ROAR/The Fun Factory
Lary Zucker, ACA
Ed McGlynn, NJAA

A. The meeting was called to order at 11:05 am.

B. Approval of the Minutes of March 19, 2013 A motion was made by William Gehlhaus seconded by Debbie Henderson to accept the minutes of the 3/19/13 meeting.

C. Old Business

1. Adoption of ASTM F2291 - Staff reported that the Committee had met and is making steady progress through chapter 8 of the standard. The committee will meet again after the Board meeting.

2. RCMT Sub-committee –Debbie Henderson reported that Mike Triplett had provided her with a list of seminars that the Department was providing for Recognized Certified Maintenance Technicians. Staff reported that they believed the cost of the courses is \$75.00 for non-licensed people but would check and let the board know.

3. Open Gondola Ferris Wheel – This item was tabled while the Board waits for ASTM to address the issue.

4. Fees for Rides – Staff reported that they had not had a chance to review the material submitted by Ms. Henderson on ride fees.

E. Information:

1. The ride statistics were presented. Mike Triplett reported that the number of inspections was up but that he believed that was because inspectors were doing a better job of reporting their inspections. He reported that the number of unregistered rides was down considerably from the previous year. There was one serious incident reported for the year it occurred on an inflatable and resulted in a broken arm. A Board member asked if accidents could be broken down by ride type (Inflatable, Water Slide, hard ride etc.). Staff said it would have to be done by hand but that they would prepare a breakdown for the Board.
2. Staff reported that the rule proposal on emergency stop/ disconnects was adopted.
3. The Department stated that the rule proposal on cross training of elevator inspectors and amusement ride inspectors had been adopted.
4. The Department reported that the proposal on serial numbers, acceptance inspections and training certifications was adopted.

E. Public Comment:

1. Lary Zucker stated that he received a call concerning the rule that would allow for the crosstraining of elevator and amusement ride inspectors. Mr. Smith verified for the Board that the rule had been adopted. Two Board members stated that they thought that anyone doing inspections on amusement rides should be NAARSO certified. Staff responded that the elevator inspectors would only be used for operational inspections. A Board member asked what operational inspections consisted of. Staff stated that the inspections involve observing the ride while operating to make sure that seatbelts are being checked, that the proper procedures were being followed for the loading and unloading of rides, that rider heights were being checked and that training certifications were available for the operators. Ms. Henderson stated that the ride unit budget should include an item for NAARSO training and certification.
2. Lary Zucker reported that NJAA would be sponsoring NAARSO training in February of 2014.
3. A Board member asked about the current staffing level for the unit. Staff reported that there are 4 engineers, 3 field supervisors, 3 electrical subcodes and 11 ride

inspectors. Mr. Smith reported that staffing levels were adequate but asked that the industry make an effort to get projects in sooner.

4. A Board member asked how many other States require a type certification. Staff responded that they were not sure but believed that Massachusetts also requires an engineering review of rides. The Board member stated that he did not want to deal with the type certification process. Staff responded that how smoothly the application process goes is dependent on the quality of the submission. A Board member stated that they did not believe that the engineering review was a huge burden but did feel that New Jerseys rules should be aligned with the ASTM F2291 standard to the greatest extent possible. Mr. Gehlhaus requested that that the next Board agenda should include an item for engineering approvals.

F. Adjournment: The meeting was adjourned at 12:20 pm.

**Carnival and Amusement Ride Safety Advisory Board
Meeting, March 19, 2013**

Board Members Present:

Edward M. Smith, Chair
Al Belmont
Debbie Henderson
Nancy Sheridan
William Gehlhaus
Len Turtora
Geoff Rogers

DCA Staff Present:

Michael Baier, Acting Chief, Bureau of Code Services
Michael Triplett, Carnival and Amusement Ride Safety Unit
Carrie Battista, Bureau of Code Services
Don VanHouten, Carnival and Amusement Ride Safety Unit

Members of the Public:

Anthony Casale, ROAR/The Fun Factory
Lary Zucker, ACA
Ed McGlynn, NJAA
Andreas M. Lichter

A. The meeting was called to order at 11:10 am.

B. Approval of the Minutes of September 26, 2012 A motion was made by William Gehlhaus seconded by Debbie Henderson to accept the minutes of the 9/26/12 meeting.

C. Old Business

1. Adoption of ASTM F2291 - Staff reported that the Committee had met and is making steady progress. The committee will meet again after the Board meeting.

2. RCMT Sub-committee – The department reported that due to Superstorm Sandy it was extending the expiration date of the RCMT to 3/31/14. Debbie Henderson reported on the presentations given in Pennsylvania and stated that she was concerned that the Department was contemplating issuing permits for generators. Staff replied that while there was internal discussion about permits for generators there was nothing decided yet and that there is no proposal that is ready to present to the Board. She also expressed concern that people would need to leave the state to fulfill the NAARSO and AIMS training requirements. She also asked about reciprocity between states for RCMT qualifications. She stated that NJ recognizes Pennsylvania

certifications but asked about other States. Staff responded that such reciprocity would be considered on a case by case basis.

3. Open Gondola Ferris Wheel – The Department presented a proposal that would restrict single riders on Ferris Wheels to those that are over 18 years old. A Board member stated that he thought that Ferris Wheel needs to be better defined in the rule. There was discussion about the low frequency from falls on Ferris Wheels citing approximately 6 falls over the past 30 years. It is believed that ASTM is modifying its ride standards and may define Ferris Wheels more precisely. A motion was made by William Gehlhaus seconded by Al Belmont to table the issue until the ASTM standard revisions are made adopted.

D. New Business

1. Fees for Rides – Debbie Henderson presented a handout suggesting that there was a disparity in the fees for smaller rides such as inflatables when compared to larger rides such as a major roller coaster. A board member pointed out that the fee is not just for the initial annual inspection but also covers the cost of performing the setup inspections during the year. The Board member felt that inflatables were not inspected enough and that the fee was justified. Staff reported that the fees for engineering review are justified due to the amount of time it takes to review inflatable projects due to problems with the manual. Staff agreed to review the material presented by Ms. Henderson.

E. Information:

1. The ride statistics were presented. A Board member asked if accidents could be broken down by ride type. Staff said it would have to be done by hand but that they would prepare a breakdown for the Board.

2. Staff reported that there were no comments received on the emergency stop/disconnect proposal.

3. The Department stated that the rule proposal on cross training of elevator inspectors and amusement ride inspectors had not been adopted yet.

4. The Department reported that no comments were received on the proposal on serial numbers, acceptance inspections and training certifications.

5. The Department reported that the proposal to have DCA perform the electrical inspections on portable amusement rides was adopted. Several Board members expressed concern about permitting smaller generators and felt that the inspection fee for the ride should cover the inspection of the generator. Staff responded that the proposal only dealt with the jurisdictional issue and that no decision on permitting of generators had been made yet.

E. Public Comment:

1. Lary Zucker asked the Department what the industry could expect in terms of ride applications. He felt that the next two weeks would be critical for people looking for approvals. He asked if the inspectors would be allowed to work overtime. The Department responded that they would. He also asked about the Federal Funding that the Department received for Sandy recovery and whether that money could be used for the amusement ride program. Director Smith reported that it could and that the Department was looking at hiring two additional engineers and one additional inspector to help with shore ride approvals. The Department also stated that if people knew when they were planning to re-open that would help the Department direct its resources efficiently.

F. Adjournment: A Motion was made by Bill Gehlhaus seconded by Geoff Rogers to adjourn. The meeting was adjourned at 12:30 pm.

**Carnival and Amusement Ride Safety Advisory Board
Meeting, September 26, 2012**

Board Members Present:

Edward M. Smith, Chair
Al Belmont
Debbie Henderson
Nancy Sheridan
William Gehlhaus
Len Turtora

DCA Staff Present:

Michael Baier, Acting Chief, Bureau of Code Services
Michael Triplett, Carnival and Amusement Ride Safety Unit
Carrie Battista, Bureau of Code Services
Andreas M. Lichter, Carnival and Amusement Ride Safety Unit
Don VanHouten, Carnival and Amusement Ride Safety Unit
Ashraf Tahoun, Carnival and Amusement Ride Safety Unit

Members of the Public:

Anthony Casale, ROAR/The Fun Factory
Claudine Leone, ACA
Alicia Smith, NJAA
Ed McGlynn, NJAA

A. The meeting was called to order at 11:13 am.

B. Approval of the Minutes of March 29, 2012 A motion was made by William Gehlhaus seconded by Len Tortola to accept the minutes of the 9/22/11 meeting. Debbie Henderson had two amendments to the minutes regarding the RCMT subcommittee report. She wanted the minutes to reflect that the committee discussed a limited NAARSO license for smaller operators and the fact that NJ would recognize PA ride training. The minutes were approved with those amendments. Amended minutes will be distributed before the next meeting.

C. Old Business:

1. Adoption of ASTM F2291 - Staff reported that the Committee had met with representatives of ASTM and that a draft of the proposed New Jersey amendments to the standard had been prepared. The next step is to have the committee review the draft at a meeting that will be scheduled prior to the next Board meeting.

2. RCMT Sub-committee – Debbie Henderson reported that the RCMT committee continues to look at equivalent training and is concerned whether enough training is available. She also reported that renewals to current NJ RCMTs are being sent.

3. Fire-resistance standards – At the last Board meeting the committee questioned whether fiberglass meets the referenced standards. Staff has researched the issue and it appears that some fiberglass resins meet the ASTM standard and others do not. It has been the Department's experience that when this has been requested of manufacturers they have been able to comply. Staff also reported that the NFPA 701 and 705 standards for fabrics on rides are being retained. These standards would be applicable to canopies over rides. They are the same standards that are required in the building code for tent. Inasmuch as the hazard to occupants under a tent is roughly equivalent to the hazard of people being under a canopy while on amusement ride the Department has decided to retain the provision. A motion was made by William Gehlhaus and seconded by Al Belmont to adopt the proposal.

4. Lead in inflatable rides – the Department presented additional information regarding lead in inflatable rides. The Board members believed that most of the rides manufactured are indeed lead free. Many manufacturers advertise their rides as lead free and in fact some manufacturers such as Cutting Edge have a tag on their rides stating that they meet the California Lead rules. The Board did not think that any action by the Department was necessary.

5. Ferris wheel single rider – At the last meeting the Board was concerned that the proposal presented by the Department would cover Ferris Wheels of all sizes. The revised rule presented to the Board, allows open gondola Ferris Wheels where the operator can see and communicate with patrons, to have a single rider. The Board asked if the rule would prevent adult riders from riding alone in an open gondola Ferris Wheel where the operator could not see and communicate with them. Staff responded that it would. Several Board members questioned whether the provision was needed but said that they would support the proposal if it only applied to children. No vote was taken on the proposal. Staff will consider whether to move forward with the proposal with the Board's suggestion.

D. New Business:

1. Carousel Rings – a Board member submitted an article from New York concerning Carousels with ring dispensers and asked why such an arrangement was not allowed in New Jersey. Staff reported that they do not believe that there are any restrictions on rings within the rules but rather that there simply are no Carousels in New Jersey that have rings.

2. A Board member asked that the Department put an item on the agenda for the next meeting concerning the disparity in fees based on ride type. The fee associated with a multiple day inspection on a large roller coaster is not proportional in cost to the inspection of a typical inflatable ride.

E. Information:

1. The ride statistics were presented. The Board asked for a breakdown of incidents by ride type. Staff stated they would present a breakdown for the next meeting.
2. Rule proposal – Staff reported on the proposal regarding disconnects and emergency stops. The proposal has not yet been forwarded to the Governor’s Office.
3. Rule proposal – Staff reported that the proposal on cross-training elevator and amusement ride inspectors appeared in the May 7, 2012 New Jersey Register. Several Board members reported that AIMS has an operations 1 license and suggested that elevator staff be required to take that training prior to being used for amusement ride inspections. Staff responded that they would take the suggestion under advisement. There was additional discussion about staffing levels for the upcoming season. The industry expressed concern that there be an adequate level of staffing for the 2013 Season.
4. Rule proposal – staff reported that the rule proposals that were passed by the Board at the last meeting including recognition of pool certifications and Pennsylvania inspector certifications under the RCMT rule as well as modifications to the type certification reporting requirements and acceptance inspections for inflatable rides will appear in the October 15, 2012 register as a proposal.
5. Rule Proposal – the proposal that would make electrical inspections associated with travelling shows the jurisdiction of the State appeared in the register on May 7, 2012 and is awaiting adoption. A Board member questioned what role the Local Fire Officials have in amusement ride enforcement. Staff responded that essentially, except for specialty rides that might qualify as a “dark ride” they should be looking for the NJ Permit issued by the Carnival and Amusement Ride Unit.

F. Public Comment:

1. Ed McGlynn asked that staff send him a current list of Board members and their terms. He also thanked the Department for the job it had done over the season.
2. Anthony Casale reported that fire departments at some of the events that he was aware of did inspections of rides rather than just look for ride permits. He also reported on the need for additional RCMT training.

G. Adjournment: The meeting was adjourned at 12:41 pm.

**Carnival and Amusement Ride Safety Advisory Board
Meeting, March 29, 2012**

Board Members Present:

Edward M. Smith , Chair
Al Belmont
Geoff Rogers,
Debbie Henderson
Nancy Sheridan
William Gehlhaus
Christopher Leitner

DCA Staff Present:

Michael Baier, Acting Chief, Bureau of Code Services
Michael Triplett, Carnival and Amusement Ride Safety Unit
Carrie Battista, Bureau of Code Services

Members of the Public:

Lary Zucker, NJAA
Anthony Casale, ROAR

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

B. Approval of the Minutes of September 22, 2011 A motion was made by William Gehlhaus seconded by Geoff Rogers to accept the minutes of the 9/22/11 meeting. The minutes were approved without change.

C. Old Business

1. In Mr. Dauphinee's absence, staff reported that the committee met and discussed a plan of action. The next step is for the Department to prepare a draft adoption of the latest version of ASTM F2291 with the amendments that it wants. The committee will then use that document as the basis of discussions. Mr. Zucker also reported that he is trying to arrange a meeting with a representative of ASTM to discuss if any of the New Jersey changes should be considered on a national level.

2. RCMT Sub-committee – Debbie Henderson reported that the RCMT committee met. They are still concerned about the amount of training and testing that is available in State. A rule proposal was presented that would recognize a Certified Pool Operator and a Certified Aquatic Facilities Operator as qualified to act as an RCMT for water parks. The draft amendment would also allow those with a NAARSO or AIMs certification to transition that to a State certification so that they could avail themselves of additional training. The Board discussed adding the Pennsylvania certifications to the rule. The Department has recognized these

certifications as being equivalent to a New Jersey RCMT. A motion was made by Al Belmont to approve the draft rule with an amendment to include the appropriate Pennsylvania Certifications. All were in favor of the proposed change as amended. The committee also discussed the possibility of a limited RCMT to cover operators who only have simpler less complicated rides. This will be an item for discussion at future Committee meetings. The committee also discussed whether New Jersey would recognize Pennsylvania training. Staff responded that any relevant training in Pennsylvania would be acceptable for maintain their New Jersey issued RCMT.

D. New Business

Manufacturers training certification – A proposal was presented that would eliminate the requirement for manufacturers to train owners of amusement rides when they are used for the first time in the State. The Department stated that the requirement is often a problem for smaller manufacturers who do not have the wherewithal to send an employee to the owners site to do the training. A Board member questioned whether, without the rule, the public would be ensured that the operator knows what he is doing. The rule still requires training for those that will operate the ride. In addition, during the acceptance inspection the owner is required to operate the ride while the inspector is there to show that they are following the proper operating procedures. It was also noted that for larger more complex rides the requirement is self-regulating. Manufacturers routinely provide training for more complex rides because they want to make sure that their customer knows how to operate the ride properly. A motion was made by Geoff Rogers seconded by Al Belmont to approve the proposed amendment. All were in favor.

Manufacturers Type Certification – A draft proposal was presented that would require the manufacturer of a ride to provide the department with the serial numbers of all rides that were manufactured under a type certification. While this is the practice now it is not included in the rules as a requirement of the manufacturer. A motion was made by Geoff Rogers seconded by Chris Leitner to approve the proposed amendment. All were in favor.

Fire-resistance standards – A proposed change was presented that would eliminate the need to comply with NFPA 701/705, and would eliminate the need to meet the requirements of ASTM E84 (class 1 flame spread and class III smoke developed rating) for rides that are not either fully enclosed or sited within a building. The committee questioned whether fiberglass meets the referenced standards, and if it did not, thought that fiberglass should be exempt from the requirement even when rides are located within buildings or when the rider compartment is fully enclosed. The Department will review the Boards concerns and make any necessary changes to the rule prior to the next meeting.

Acceptance Inspections – A proposed amendment was presented that would eliminate the need to do acceptance inspections for inflatable rides. Staff explained that when new rides are first inspected in the State, that the inspection is supposed to verify that

what was delivered to the owner matches the design that was reviewed by the Department. The Department sends staff engineers to do this inspection. The design of inflatables is fairly straight forward and the department believes that such design review inspections are unnecessary for inflatable rides. A motion was made by Al Belmont seconded by William Gehlhaus to approve the draft amendment. All were in favor.

Lead in inflatable rides – the Department presented information regarding lead in inflatable rides. The Board members believed that most of the rides manufactured are indeed lead free. Many manufacturers advertise their rides as lead free. A Board member asked if this were a cleaning issue and whether when rides are properly cleaned if that would solve the lead problem. The Board requested that the Department research the issue and report back at the next meeting.

Ferris wheel single rider – A proposal was presented that would ban single riders from riding in open gondola Ferris wheels. The Board asked if the requirement applied to all ages and heights of patrons. Staff responded that it did. Staff reported that there were several instances where single riders have fallen from Ferris wheels and that they believe that a ban on single riders will reduce the risk of inappropriate behavior or incorrect riding. The Board asked if the rule proposal applied to all sizes of Ferris wheels including smaller wheels intended primarily for small children. Staff reported that as presently drafted the rule applies to all Ferris wheels. The Board discussed that perhaps some differentiation should be made based on the height of the wheel. While a fall from even fairly modest heights can result in injury the Board thought that the fact that smaller wheels afford easier supervision and faster reaction to a problem should be considered in the proposal. Staff will consider the comments and make appropriate amendments to the draft before the next Board meeting. The Board voted to table the proposal.

E. Information:

1. The ride statistics were presented.
2. Rule proposals – Staff reported on the proposal regarding disconnects and emergency stops. The proposal was sent to the Commissioner's Office for consideration after the last Board meeting.
3. Elevator inspections – Staff reported that the Department has drafted a proposal to allow elevator inspectors to perform operation inspections on amusement rides. A staff member stated that there would need to be proper training for elevator inspectors to perform an operation inspection and recommended that they be NAARSO certified.

F. Public Comment:

1. Mr. Zucker stated that there were questions about the need for a certification for moving a ride from one place to another on a pier. Mr. Zucker asked Mr. Triplett if he had a chance to look into the issue. Anthony Casale stated that he was informed by some manufacturers that lead was used as part of the fire retardant treatment of inflatables. Mr. Casale also expressed concern about compliance with the RCMT rule. His concerns include the difficulty that people who are out of compliance may have. He stated that gaining compliance may be very difficult because the lack of third parties who will act as a RCMT as well as the difficulty in complying with the experience and being able to take the NAARSO or AIMs test in a short period of time.

G. Adjournment: A motion was made by William Gehlhaus seconded by Geoff Rogers to adjourn. All were in favor the meeting adjourned at 1:09 pm.

**Carnival and Amusement Ride Safety Advisory Board
Meeting, September 22, 2011**

Board Members Present:

Edward M. Smith, Chair
Geoff Rogers,
Debbie Henderson
Nancy Sheridan
William Gehlhaus

DCA Staff Present:

Michael Baier, Acting Chief, Bureau of Code Services
Michael Triplett, Carnival and Amusement Ride Safety Unit
Andreas Lichter, Carnival and Amusement Ride Safety Unit
Donald VanHouten, Carnival and Amusement Ride Safety Unit
Carrie Battista, Bureau of Code Services

Members of the Public:

Ed McGlynn NJAA
Lary Zucker, NJAA
Anthony Casale, ROAR
Claudine Leone, ACA-NJ
Jason Henderson, Air Castles and Slides

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

B. Approval of the Minutes of May 12, 2011 A motion was made by William Gehlhaus seconded by Debra Henderson to accept the minutes of the 5/12/11 meeting. The minutes were approved without change.

C. Old Business

1. Mr. Dauphinee reported that he was out of the country and that that has delayed the progress of the committee. He anticipated that the project could possibly be completed by the end of the year or at least substantially completed.

2. RCMT Sub-committee – the subcommittee met before the Board meeting, Debbie Henderson recapped the discussion at the sub-committee meeting. The committee is interested in allowing people to choose a state certification if they are NAARSO or AIMS certified so that finding training opportunities would be easier. In addition the subcommittee recommends a change that would recognize the Aquatic Facility Operator and Certified Pool Operator certifications as meeting the RCMT for water parks and water based attractions. Mr. Dauphinee reported that there was training available through PACE at Knoebel's amusement park from 10/31/11 through 11/3/11. A draft rule will be presented to the Board at the next meeting.

D. New Business

No new business was considered by the Board.

E. Information:

1. The ride statistics were presented. A Board member asked whether the category of unregistered owner was a per ride violation or a per event violation. Staff responded that it depends on how the inspector wrote the violation and that they have discretion to write the violation against the ride or the owner. The department went over the serious accidents that it recorded.

2. Rule proposals – Staff reported on the proposal regarding disconnects and emergency stops. After the last meeting Staff reported that they received one comment from a Board member regarding the use of the term “concessions.” Staff explained that the use of the term was in a section that was being modified in the National Electrical Code and that the term was part of the existing text of the NEC. Lary Zucker said that there would be an IAPPA meeting on November 18th and asked, if there were no time pressures to hold the proposal till after that meeting date. The Department agreed to hold it for 30 more days.

E. Public Comment:

1. Anthony Casale stated that he was not happy with the current proposal that the RCMT committee was considering because it is not comprehensive enough. He also wanted a list of RCMT compliance dates and requirements from the Department. Claudine Leone reported that among the camps she did not think that many people were out of compliance. She asked what enforcement action had been taken. Staff reported that people had been issued Notices of Violation for not having an RCMT on staff but had not been issued penalties. Lary Zucker asked that the Department list training opportunities on its website and asked the Department to send him a copy of the RFP that the Department issued soliciting bids for ride training.

F. Adjournment: A motion was made by William Gehlhaus seconded by Edward Smith to adjourn. All were in favor the meeting adjourned at 11:40 pm.

**Carnival and Amusement Ride Safety Advisory Board
Meeting, May 12, 2011**

Board Members Present:

Edward M. Smith, Chair
Geoff Rogers,
Debbie Henderson
Nancy Sheridan
William Gehlhaus
Lawrence Cohen

DCA Staff Present:

Michael Baier, Acting Chief, Bureau of Code Services
Michael Triplett, Carnival and Amusement Ride Safety Unit
Andreas Lichter, Carnival and Amusement Ride Safety Unit
Carrie Battista, Carnival and Amusement Ride Safety Unit

Members of the Public:

Ed McGlynn NJAA
Lary Zucker, NJAA
Anthony Casale, ROAR

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

B. Approval of the Minutes of March 24, 2011 A motion was made by William Zumsteg seconded by Lawrence Cohen to accept the minutes of the 3/24/11 meeting. The minutes were approved without change.

C. Old Business

1. RCMT Sub-committee – the subcommittee met on May 5th there were no reported problems with implementation of the rule. The committee recommended two changes to the rules. The first is that the current rule does not differentiate between mechanical rides and rides at water parks. The Department reported that it has accepted, through the variation process, Aquatic Facility Operator Certifications and Certified Pool Operator Certifications for work at water parks only. Those certifications would not be transferable to amusement parks and would be limited to water parks.

The committee also discussed the grandfathering provisions. The Department clarified at the committee meeting that the intent of the grandfather provision was to allow people who were currently supervising the repair work on rides (at the time of the rule adoption) to maintain their jobs. The Department is interested in having all new applicants for RCMT certification pass a test. The Department has agreed to

accept Pennsylvania Level 2 and General Certifications and has also agreed to consider other tests that might be appropriate like Massachusetts.

Finally, the committee discussed having the option of passing the NAARSO or AIMS test but then having the continuing education for the RCMT administered by the State. The committee felt that would allow people a greater variety of training and would allow them to take training that was more appropriate for the work that they do.

The committee discussed if some smaller simpler rides should be exempt from the RCMT requirement, if they are as simple as essentially detaching the ride trailer with very little set up involved. Staff reported that the only operation that they have interpreted as not requiring an RCMT is the assembly of trackless trains. Staff reported that other, similarly simple operations would have to be considered on a case by case basis.

2. Staff reported that the committee that was formed to reconcile the New Jersey rules with the ASTM F 2291 standard had not met since the last committee meeting. The goal of the committee is, as much as possible, to have the New Jersey rules for the design of amusement rides match the ASTM standards. Mr. Gehlhaus asked if he could be added to the committee.

D. New Business

No new business was considered by the Board.

E. Information:

1. The ride statistics were presented. A Board member asked if it were possible to get a breakdown of the non-serious incidents by ride type. Staff reported that they will try. The Board expressed an interest in comparing New Jersey's statistics to other States. There was discussion that those comparisons are difficult to make due to differences in what is reported, and how diligent the State is in collecting data. The Board requested that New Jersey's statistical report be mailed to them quarterly.

2. Rule proposals – Staff reported that the proposal regarding disconnects and emergency stops has not been forwarded to the Governor's Office for publishing in the New Jersey Register yet but will be shortly. The Board asked that it be redistributed so that they can take a final look at it before it is published. The Board will be given 60 days to review the proposal once it has been sent.

E. Public Comment:

1. Anthony Casale stated that he was happy that the Department had made some progress on the training issues. He stated that the Department needs to continue to look at whether an RCMT makes sense for smaller simpler rides. He also asked

about the need to have a repair procedure from the manufacturer. Staff responded that they would be happy to go over the need to have a repair procedure after the meeting.

F. Adjournment: A motion was made by William Gehlhaus seconded by Edward Smith to adjourn. All were in favor the meeting adjourned at 12:46 pm.

**Carnival and Amusement Ride Safety Advisory Board
Meeting, March 24, 2011**

Board Members Present:

William Dauphinee, Acting Chair
William Zumsteg
Albert Belmont
Debbie Henderson
Christopher Leitner
Lawrence Cohen

DCA Staff Present:

Michael Baier, Acting Chief, Bureau of Code Services
Michael Triplett, Carnival and Amusement Ride Safety Unit
Andreas Lichter, Carnival and Amusement Ride Safety Unit
Donald VanHouten, Carnival and Amusement Ride Safety Unit
Carrie Battista, Bureau of Code Services

Members of the Public:

Claudine Leone NJCGAP/ACA
Lary Zucker, NJAA

A. The meeting was called to order at 11:01 am. Since the Chair and Vice Chair were unable to make the meeting the Board members present elected William Dauphinee as the Chair *Pro Tem*.

B. Approval of the Minutes of October 29, 2009 A motion was made by William Zumsteg seconded by Al Belmont to accept the minutes of the 10/29/09 meeting. The minutes were approved without change.

C. Old Business

1. There was no old business before the Board

D. New Business

1. Staff presented the progress of the working group that had met several times since the last meeting of the Board in October 2009. The working group discussed a number of issues meant to streamline the approval process for rides undergoing engineering review. The issues involved 1. approvals for existing rides, 2. the process to convert Type Certifications to Individual Approvals when manufacturers fail to renew the Type Certification, and 3. wind loads. The Department will provide a summary of what needs to be submitted for changes to ownership or location of rides with an existing New Jersey approval to the New Jersey Amusement Association. The Department will automatically convert existing Type Certifications to Individual Approvals when the manufacturer does

not renew. The Department will review applications for wind loads on existing rides when the location is moved to an area of higher wind speed. The Board was in favor of the results of the working group meetings.

2. ASTM F2291 – The New Jersey Amusement Association has petitioned the Department to look at adopting the latest edition of ASTM F2291 with as few amendments as possible in an effort to make New Jersey consistent with other States. This will help manufacturers market and sell their products in New Jersey. The Department requested that a committee of the Board be formed to look at the standard. A committee consisting of Al Belmont, William Zumsteg, Debbie Henderson, Bill Dauphinee, and Geoff Rogers was formed. Mr. Dauphinee will invite Jim Seay and Len Morrissey from the ASTM committee to participate.

3. Recognized certified Maintenance Technician – Several Board members commented that they thought that the RCMT rule needed revision. Among the issues that the Board would like to discuss is the need to have tiered certifications to match the complexity of the work that is being supervised and, the need to tailor continuing education to the type of work that the person supervises. A committee was formed to review the current RCMT requirements and recommend any needed changes. The committee consists of Lary Zucker, Claudine Leone, Al Belmont, Ed McGlynn, Scott Simpson, Mark Zeintek, Anthony Casale and William Zumsteg with Debbie Henderson as the Chair. Several Board members asked how the rule was being enforced. Staff responded that after April 6th if work was done without the supervision of a RCMT an notice of violation would be issued giving 30 days to either have an employee certified or contract with a 3rd party to perform the supervision. If after 30 days, there was no compliance fines would be issued. The Board emphasized a need to have a consistent approach in the field. Staff reported that they will be meeting with the inspection staff on the issue.

4. Meeting Dates for 2011 – Acting Chair Dauphinee noted that the July meeting is routinely cancelled. The Board was in agreement not to schedule a July meeting. The Board requested that there be meetings scheduled for January, March, May, September and November. The Board also requested that the Board meetings be rescheduled rather than cancelled. Staff will provide a list of proposed dates for the remainder of the year at the next meeting. Staff will poll the members to determine a meeting date in May.

E. Information:

1. The ride statistics were presented. A Board member asked if it were possible to get a breakdown of the non-serious incidents by ride type. Staff reported that they will try. The Board expressed an interest in comparing New Jersey's statistics to other States. There was discussion that those comparisons are difficult to make due to differences in what is reported, and how diligent the State is in collecting data. The Board requested that New Jersey's statistical report be mailed to them quarterly.

2. Rule proposals – Staff reported that the rule proposal exempting gravity propelled rides located at day camps that have a certificate approval from the Department of Health has appeared in the New Jersey Register. Staff will send a copy of the proposal to the Board members. Staff also reported that the proposal regarding disconnects and emergency stops has not been forwarded to the Governor’s Office for publishing in the New Jersey Register yet but will be shortly.

E. Public Comment:

1. Lary Zucker commented that a comparison of New Jersey’s stats to other States would not be a good idea because of the incompatibility of data between States. He felt a better measure of the progress New Jersey is making would be comparing New Jersey’s statistics from year to year. Mr. Cohen agreed that a better approach was to focus on New Jersey. Staff agreed to provide the Board with the IAAPA statistics as information with the recognition that they would be of limited value for evaluating New Jersey’s statistics.

F. Adjournment: A motion was made by Christopher Leitner seconded by Al Belmont to adjourn. All were in favor the meeting adjourned at 12:46 pm.

**Carnival and Amusement Ride Safety Advisory Board
Meeting, October 29, 2009**

Board Members Present:

Cynthia Wilk, Chair
William Gehlhaus
William Zumsteg
Albert Belmont
Debbie Henderson
Christopher Leitner

DCA Staff Present:

Michael Baier, Acting Chief, Bureau of Code Services
Michael Triplett, Carnival and Amusement Ride Safety Unit
Andreas Lichter, Carnival and Amusement Ride Safety Unit
Donald VanHouten, Carnival and Amusement Ride Safety Unit
Carrie Battista, Carnival and Amusement Ride Safety Unit

Members of the Public:

Anthony Casale, Funfactory Amusements/ROAR
Kim Samarele, NJAA
Lary Zucker, NJAA
Ed McGlynn, NJAA

A. The meeting was called to order at 10:15 am.

B. Approval of the Minutes of June 4, 2009 A motion was made by William Gehlhaus seconded by Al Belmont to accept the minutes of the 6/4/09 meeting. The minutes were approved without change.

C. Old Business

1. Rides at Youth Day Camps – Staff reported that the committee met on October 21, 2009. A draft rule proposal was presented to the Board. The proposal would allow the substitution of the inspections currently performed by the Department of Health for inspections by the Department of Community Affairs Carnival and Amusement Ride Safety Unit for all gravity propelled rides at a Youth Day Camp that is licensed by Health. A motion was made by William Gehlhaus seconded by William Zumsteg to approve the draft proposal. The motion passed.

2. Electrical Disconnects and Emergency Stops – Staff reported that the committee established by the Board to review the proposed changes by the Department met on October 16, 2009. A draft rule proposal that was approved by the committee was presented for Board action. The proposal uses NFPA 79 and the National Electrical Code article 525 to establish the requirements for disconnects. The proposal no

longer contains a requirement for emergency switching off means as earlier versions did. Finally, the proposal clarifies the requirements for emergency stops by establishing a set of criteria for new stops and establishing separate more relaxed requirements for existing stops. William Gehlhaus made a motion to approve the proposal, William Zumsteg seconded the motion. The motion passed.

D. New Business

1. Tentative schedule for 2010 – the Board members present approved the tentative schedule presented but requested that the meeting start times be changed from 10:00 am to 11:00 am because of traffic concerns. The dates for 2010 are

January 28, 2010

March 25, 2010

May 20, 2010

July 22, 2010

October 2, 2010

E. Information:

1. The ride statistics were presented. There were no questions

E. Public Comment:

1. Lary Zucker announced that two indoor water parks in New Jersey, Sahara Sam's and Break Water Beach received awards for their design and innovation at the World Water Park Meeting

2. A Board member asked if the ride statistics could be made available to the public. Staff reported that they will be provided to the public in the future.

3. A member of the public asked if a breakdown of failures and injuries based on rider misconduct or error could be included in the statistics. Staff does not believe that the data base tracks information this way but will see if it possible.

4. A Board member thought there should be more inspections of inflatable rides. There was a suggestion that when the Department issues the letter to municipalities advising them that amusement rides need permits that it should offer to do inspections. The Department responded that it tries to do a proportional number of inspections on both mechanical and inflatable rides and that it must operate within the limits of its manpower.

F. Adjournment: A motion was made by William Gehlhaus seconded by Al Belmont to adjourn. All were in favor the meeting adjourned at 11:30 am.

Carnival and Amusement Ride Safety Advisory Board

June 4, 2009

Board Members Present: Cynthia Wilk, Chair; Lucy Murphy; William Gehlhaus; William Zumsteg; Albert Belmont; Nancy Sheridan; Debbie Henderson; Christopher Leitner

DCA Staff Present: Michael Baier, Acting Chief, Bureau of Code Services; Michael Triplett, Carnival and Amusement Ride Safety Unit; Andreas Lichter, Carnival and Amusement Ride Safety Unit; Donald VanHouten, Carnival and Amusement Ride Safety Unit; Carrie Battista, Bureau of Code Services

Members of the Public: Anthony Casale, Funfactory Amusements/ROAR; Kim Samarelli, NJAA; Lary Zucker, NJAA; Ed McGlynn, NJAA

The meeting was called to order at 10:05 am.

Approval of the Minutes of March 26, 2009

A motion was made by Lucy Murphy seconded by William Gehlhaus to accept the minutes of the 3/26/09 meeting. The following changes to the minutes were suggested. Under new business item 1 in the minutes it was suggested that the word “drain” should be included before the word entrapment on line 2. Under new business item 3, in line three, “gravity propelled ride” was suggested to be changed to “gravity propelled rides.” The minutes were approved unanimously with the changes listed above. A motion was made by Lucy Murphy seconded by Nancy Sheridan to approve the minutes with the changes. All were in favor.

Old Business

1. Electrical Disconnects and Emergency Stops – There is a standing committee that was formed by the Board to discuss these issues. Staff reported that the group had met and had agreed in principle to the disconnect requirements for amusement rides. Essentially the agreement was that NFPA 79 would apply to disconnects at fixed parks. The requirements of NFPA 70 Article 525 would apply to portable rides. Staff reported that the committee was scheduled to meet the afternoon of June 4th to discuss emergency stops and emergency switching off means. There is no action to be taken by the Board at this time.

2. Virginia Graeme Baker Act – Staff distributed a guidance document that was put on the DCA website. The guidance document was published jointly with the Department of Health. The Document makes it clear that responsibility for enforcement of the Virginia Graeme Baker Act lies with the Consumer Product Safety Commission. Therefore both agencies have agreed not to shut down pools for non-compliance with the Act but will

report cases where people are not making a good faith effort to comply with the Act to the consumer product safety commission.

3. Rides at Youth Day Camps - Staff reported that a meeting had taken place with the committee that was formed by the Board. The committee is concerned with the inspection of gravity propelled rides at youth day camps. The current statutory definition of a ride includes gravity or passenger propelled rides when they are located with other traditional mechanical rides. Gravity and passenger propelled rides are not well defined in the rules and can be read to include such things as soft play equipment, smaller pool slides and playground equipment. The committee was interested in finding out if current Department of Health oversight of Youth Day camps includes and inspection of Gravity/Passenger propelled rides and in addition, if a dividing line between regulated gravity rides and non-regulated rides can be established.

D. Information:

1. The ride statistics were presented. There were no questions
2. A board member asked how the Department felt that the NAARSO training that was offered by NJAA went. Staff responded that the Department did not attend the NAARSO training but elected to do the AIMS online training to meet its CEU requirement to maintain the inspectors NAARSO Certification. Someone questioned whether this could be done by others. The Department responded that as long as the training is recognized by NAARSO, which AIMS currently is, it is acceptable.

E. Public Comment:

1. A member of the public asked if a permit was required for rental rides intended for use at single family dwellings. Staff responded yes but that an itinerary is not required to be submitted for “backyard” events. A follow up question on training was asked. Staff responded that someone must be trained as an operator (it could be the homeowner) at a backyard event.
2. A member of the public asked if people performing maintenance on amusement rides have to be an RCMT now. Staff responded that they have time to comply, and that the requirement does not become effective until 2 years after the date it was published.
3. Lary Zucker announced that the NJAA had celebrated its 50 th anniversary.
4. A member of the public asked if the mechanical deficiency form could be renamed since it has a negative connotation as evidence of a risk to the public in litigation. It was suggested that something similar to a “fix it memo” like the Federal Aviation Administration uses should be used.
5. Lary Zucker followed up on the previous discussion on the RCMT rule noting that the Department will ask people to comply with the rule now but will do it in the context of

educating people on the rule. He reported that the NJAA would be available to assist the Department in educating the public on the rule.

6. A member of the public asked if there were any adverse affects from the Department's furlough on May 26 th. The Director reported that there was an incident over the Memorial Day weekend involving an injury to a rider but that there were no incidents on the Tuesday after Memorial Day which was a furlough day for the Department. The Director responded that the ride unit had not been designated as essential and therefore there was no-one allowed to work that day. Therefore, the normal hotline coverage was not available and the only calls that would be taken would be cases of a fatality or very serious injury. If there was a mechanical malfunction there would be no one available to handle that type of call. A Board member asked how many calls were made to the hotline. The Department responded that those numbers are not part of the statistical report that the Department normally runs. A Board member asked if the calls to the hotline are normally legitimate hotline issues, and whether all of the patron accidents on the statistical report would have been reported through the hotline. Staff reported that at one time many of the calls received through the hotline were not legitimate calls but that has changed and now nearly all of the calls are to report incidents that require a call. Staff also responded that all of the injuries that are reported on the statistical report were reported through the hotline.

F. Adjournment

Motion was made by William Zumsteg seconded by Al Belmont to adjourn. All were in favor the meeting adjourned at 11:17 am.

Carnival and Amusement Ride Safety Advisory Board

March 26, 2009

Board Members Present: Cynthia Wilk, Chair; Lucy Murphy; Geoffrey Rogers; William Zumsteg; Albert Belmont; Nancy Sheridan; William Dauphinee

DCA Staff Present: Michael Baier, Acting Chief, Bureau of Code Services; Michael Triplett, Carnival and Amusement Ride Safety Unit; Andreas Lichter, Carnival and Amusement Ride Safety Unit; Donald VanHouten, Carnival and Amusement Ride Safety Unit; Suzanne Borek, Code Assistance and Development Unit

Members of the Public: Anthony Casale, Fun Factory Amusements/ROAR; Kim Samarelli, NJAA; Lary Zucker, NJAA; Ed McGlynn, NJAA

The meeting was called to order at 10:05 am.

Staff introduced two people who are prospective members of the Board. Christian Leitner and Debbie Henderson have been approved by the Governor's Office and are awaiting action by the Senate. Staff reported that they expect them, along with a third person, Adam Wallach, to be appointed before the next board meeting. Mr. Leitner is a public member, while Ms. Henderson is a ride operator who specializes in inflatable rides.

Approval of the Minutes of October 16, 2008.

A motion was made by Geoff Rogers seconded by Lucy Murphy to accept the minutes of the 10/26/08 meeting. The minutes were approved without change.

Old Business

1. Meeting Schedule – The Board discussed the date for the next meeting. There were concerns about having the meeting the week before Memorial Day. A motion was made by William Zumsteg seconded by Geoff Rogers and the Board voted to change the date of the next meeting to May 28 th.

2. Electrical Disconnects and Emergency Stops – Staff reported that the committee had met recently. At the meeting the Department presented its proposal. The purpose of the proposal is to provide clear requirements on the type of shutoff needed as well as the number and location of disconnects needed. The committee is reviewing the proposal and is scheduled to meet again shortly. There is no action to be taken at this time on this item.

3. RCMT Rule – A Board member asked if the grandfathering provision that was discussed by the Board would appear in the Recognized Certified Maintenance Technician rule adoption. The concern is that there is a significant number of maintenance people who are employed now and are competent that might not be able to pass the test. Staff responded that the grandfathering provision for training in lieu of the

test would be part of the adopted rule. The Department also acknowledged the need for training and noted that training would be provided after the rule is adopted, during the two year phase in time for the rule. A Board member also suggested that the name of the person in the rule, recognized certified maintenance technician, did not accurately reflect the responsibilities of the person and suggested a simpler more descriptive title be used.

D. New Business

1. Virginia Graeme Baker – The Department reported that there are new Federal rules regarding entrapment in public pools. The rules are enforced by the Consumer Product Safety Commission. The rules are intended to eliminate drain entrapment hazards in public pools and went into effect on December 18, 2008. Therefore, any pool that does not comply with the Federal requirements is not supposed to open. The Department has been discussing the issue with the State Department of Health. Both Departments recognize that they have no enforcement responsibility under the Federal Law. However, both Departments also recognize that there is a need to provide guidance to the inspectors and the industry on the Federal Law. The Departments are working on a joint guidance document for building inspectors, ride inspectors and health inspectors. The guidance will make it clear that the Departments will not be shutting pools down that do not comply with the Virginia Graeme Baker Act provided that the pool or spa meets the current State requirements. In cases where the pool does not comply with the Virginia Graeme Baker Act the Departments will be advising inspectors to notify the CPSC under certain circumstances.

2. Updated Membership List – An updated membership list with the names of the pending members discussed above was distributed. Members were asked to submit any changes that they had to their contact information to the staff.

3. Day Camps – Staff reported that they were interested in opening discussions on the applicability of the rules to day camps. The problem that the Department is interested in discussing stems from the definition of gravity propelled rides in the Carnival-Amusement Ride Safety Act. As defined in the Act, gravity propelled rides are only regulated by the code when they are sited with mechanical amusement rides. However, placing a mechanical ride in a day camp then extends the regulations to all “gravity propelled” rides at the day camp. That means that all of the soft play structures and perhaps much of the playground equipment would be subject to the Carnival-Amusement Ride Safety regulations. The Department is interested in providing reasonable guidance for what is and is not subject to the Carnival-Amusement Ride Regulations in a day camp. A Committee consisting of: Al Belmont, Debbie Henderson, William Zumsteg, Lary Zucker and Claudine Leone, was established to begin discussion. Staff will distribute material and schedule a meeting before the next Board meeting to begin work.

4. Revisions to application forms – Staff presented changes to the application forms that were made in response to discussions that the Department had with the New Jersey Amusement Association. The changes to the form included an additional line for other interested parties to be copied on correspondence. This will allow ride owners to be kept

aware of the status of the project as the ride manufacturer and the Department move through the approval process. The other change was to include a list of those items most frequently missed. Lucy Murphy commented that the standard that the Department uses to verify flame resistance (ASTM E84) may not be the most appropriate standard and suggested that the Department look at ASTM E162 as a better option. The Board also asked if the newer form was on the web-site. The Department will look at the proposed standard, and if warranted include the standard as part of an upcoming rule change. The Department will also ensure that the new form is on the Department's website.

E. Information

1. Ride Statistics – There were two questions on the ride statistics that were distributed. One board member questioned what the nature of the product failures were. Staff responded that they did not have specifics but that the recollection was that the product failures were fairly simple things that did not have a big impact on safety. Another Board member questioned why the numbers presented as part of the ride breakdown by type did not match numbers listed above specifically with respect to the number of permits. It was explained that while numbers at the top of the sheet were for a limited part of the year the numbers at the bottom were end of year numbers. The Department acknowledged that this should be clarified on the form and will also try to present the data in the same manner from year to year so a meaningful comparison can be made.

2. Rule Making Activity – Staff gave the status of the various proposals and adoptions that have been passed by the Board. A member of the public asked about the proposal to increase fees. The Department indicated that the fee proposal had been adopted in March and that people who applied after March would be charged the higher fee. A Board member questioned the fairness of that and suggested that the fee increase should be applied during the next cycle of permitting.

3. Application & time frame for approvals this year – Mr. Triplett reported that the Department has 30 days from the time of a complete application to review an application and approve or deny it. He reported that currently the review is being completed in less time, perhaps two to three weeks. He also reported that the fee increase actually prompted a significant number of people to apply early and that has helped distribute the workload.

Public Comment

1. A member of the public reiterated the concern about the grandfathering of people under the RCMT. A member of the public noted that Pennsylvania had been working on training material for inspectors and that it might be worthwhile for New Jersey to look at the Pennsylvania material.

G. Adjournment

Geoff Rogers made a motion to adjourn, Al Belmont seconded. All were in favor. The meeting was adjourned at 11:45 pm

Carnival and Amusement Ride Safety Advisory Board Meeting

Meeting, October 16, 2008

Board Members Present: Cynthia Wilk, Chair; Lucy Murphy; Geoffrey Rogers; Ernest Niles; Albert Belmont; Nancy Sheridan; William Gehlhaus

DCA Staff Present: Michael Baier, Acting Chief, Bureau of Code Services; Michael Triplett, Carnival and Amusement Ride Safety Unit; Carrie Battista, Bureau of Code Services; Andreas Lichter, Carnival and Amusement Ride Safety Unit; Donald VanHouten, Carnival and Amusement Ride Safety Unit

Members of the Public: Anthony Casale, Fun Factory Amusements/ROAR; Kim Samarele, NJAA; Mark Zeintek, NJ Partyworks/ROAR; Lary Zucker, NJAA; Ed McGlynn, NJAA; Claudine Leone, ACA

The meeting was called to order at 10:15 am.

Approval of the Minutes of January 31, 2008.

A motion was made by William Gehlhaus seconded by Mr. Ernest Niles to accept the minutes of the 1/31/08 meeting.

Old Business

1. Electrical Disconnects and Emergency Stops – Staff reported that the past discussion on this issue focused on two things. The first was the treatment of existing rides that do not comply with the disconnect requirement because of either location, number of devices or the operation of the devices. The Staff reiterated that it had, as a policy, agreed to proceed slowly on these issues allowing compliance times that would not disrupt the operation of the ride during the season unless it was an immediate hazard. The second part of the issue was the revision of the rules to clarify the standards for disconnects and means of emergency shutting off. Geoff Rogers reported that because of the difficulty holding meetings during the ride season that the committee had only one meeting thus far and the meeting was essentially to frame the issue rather than work on changes. Staff agreed to help facilitate the process by making the meeting arrangements for the committee. Staff will try to arrange a meeting of the committee before the next Board meeting.

2. Portable verses fixed rides – the Department staff reported that the Board had asked the Department to hold the adoption of the portable verses fixed ride rule until the Department could meet with several members of the industry that had concerns with the wiring methods prescribed in the rules. The Department in the proposal had stated that the wiring that is used for travelling shows was not appropriate for use within a fixed amusement park. The Department met with the affected parties on several occasions. It was agreed by all parties that the rule should be consistent with the intent of the National

Electrical Code. An interpretation from the NEC staff indicated that the wiring method in the NEC for traveling shows was not appropriate for fixed parks. No change was made to the proposal and it is now being processed for adoption. A question about the applicability of the rule to existing parks was asked. Staff responded that the rule was prospective and that as long as the local Electrical Subcode Official determines that the installation is not unsafe it can remain. Another question about the ability to relocate rides within the fixed park was asked. Staff responded that the allowance for 20 feet of flexible wiring beyond the ride perimeter to the ride was retained in the adoption.

D. New Business

1. Rock Walls Climbing Lane Widths – The Department reported that it had received complaints from rock wall owners regarding the climbing widths that were established in the recently passed rules on rock walls. The rule called for a five foot separation between climbers. The Department conducted a survey of the existing rock walls that were permitted. The results were distributed to the Board. The results showed that almost none of the existing rock walls have a five foot separation. The Department presented a proposal that would eliminate the climbing width requirement in all cases because the standard that the width is based on is no longer in circulation and because, in spite of the fact that almost none of the existing rock walls meet the width requirement, there have been no substantiated safety issues related to separation of climbers. The proposal would also clarify that a written checklist would not need to be filled out by the operator prior to each climb. A motion was made by William Gehlhaus seconded by Albert Belmont to move forward with the proposal. The Department will submit the proposal to the New Jersey Register.

2. Worker Safety – The Board discussed the accident that involved the Star Jet Roller Coaster. The incident involved a worker entering a restricted area to retrieve a patron's hat while the ride was operating. The Department reported that because the incident involved a worker rather than a member of the riding public that OSHA was leading the investigation. The Department also reported that they were unaware of the status of OSHA's investigation. The Department noted that the employee had been trained and was familiar with the operating procedures for the ride. The Board concluded that the matter appeared to be a case of poor judgment on the part of the employee and that no changes to the rule or enforcement of the existing rules would reasonably be expected to prevent such an incident. No action is proposed at this time.

3. Provisional Approval to Operate – The Board discussed whether a provisional approval to operate could be issued before engineering review if the Department had a reasonable assurance that the design of the ride was acceptable. Reciprocity with other states was suggested; however, New Jersey is the only state in the area that does a thorough engineering review prior to approval so other State approvals do not meet the standard of equivalency that would allow for reciprocity. The Board discussed that without actually performing a review the Department could not reasonably say that a ride was safe and therefore such a provisional approval could not be considered. There was discussion that other efforts to streamline the approval process were being investigated,

such as including the prospective owner on correspondence between the Department and the manufacturer. No action is proposed at this time.

4. Board meeting schedule for 2009 – The Board reviewed the proposed Board meeting dates for 2009. It was noted that the scheduled May 28th date was the week before Memorial Day. The Board suggested that May 21st would be a better date. The Department will circulate a revised schedule at the next Board meeting.

E. Information

1. Ride Statistics – Year end statistics for 2008 were presented. Mr. Triplett went over the six serious accidents that happened in 2008. There was discussion regarding one of the serious incidents that was reported. A ride patron suffered a heart attack while riding on a water slide. Board members discussed whether this should be reported in the serious incident category since the accident had nothing to do with the safety of the ride or with the proper operation of the ride. The Department noted that when the statistics are requested, a detail of the serious incidents is usually provided so the information can be accurately portrayed. How the statistics are portrayed is ultimately up to the group presenting them, but the past experience has been that they have been presented fairly.

2. Rule Proposals – Staff gave the status of the various proposals that have been passed by the Board but have not been adopted yet. A member of the public asked about the proposal to increase fees. The Department indicated that there was a fee proposal to increase all of the Departments fees that would result in a 26% increase in the fees associated with amusement rides.

Public Comment

1. RCMT Training – Mr. Zucker reported that the NJAA would be holding NAARSO training sometime in February and invited the Department to send its staff members. Anthony Casale expressed concern about the RCMT rule concerning the provision that would grandfather in existing employees without having to take the test. Staff responded that they would meet with Mr. Casale after the meeting to review his concerns.

William Gehlhaus made a motion to adjourn, Geoff Rogers seconded. All were in favor. The meeting was adjourned at 12:10 pm.

Carnival and Amusement Ride Safety Advisory Board Meeting

January 31, 2008

Board Members Present: Cynthia Wilk, Chair; William Dauphinee; Lucy Murphy; Geoffrey Rogers; Ernest Niles; Albert Belmont; William Zumsteg; Nancy Sheridan

DCA Staff Present: Michael Baier, Acting Chief, Bureau of Code Services; Michael Triplett, Carnival and Amusement Ride Safety Unit; Carrie Battista, Bureau of Code Services; Andreas Lichter, Carnival and Amusement Ride Safety Unit; Donald VanHouten, Carnival and Amusement Ride Safety Unit

Members of the Public: Anthony Casale, Funfactory Amusements/ROAR; Kim Samarele, NJAA; Ed Zakar, Six Flags; Mark Zeintek, NJ Partyworks/ROAR; Lary Zucker, NJAA; Dennis Schifter, Aardvark Amusements/ROAR; Ed McGlynn, NJAA; Claudine Leone, ACA- NJ

The meeting was called to order at 10:05 am.

Approval of the Minutes of October 18, 2007.

A motion was made by Mr. Niles seconded by Mr. Zumsteg to accept the minutes of the 10/18/07 meeting. Mr. Baier reported that the word "Board" in the first full sentence at the top of page two should have been "Department." The minutes were approved with that change.

Old Business

1. Certified Maintenance Technician – At the October meeting Board members requested that action on the proposal be tabled pending additional comment. A meeting was held between the Department and members of the industry to further refine the proposal. Director Wilk outlined the changes that were made to the proposal as a result of that meeting. There was a memo distributed to the Board from the working group recommending that ROAR training be accepted on a limited basis. Department Staff responded that they would like to continue discussions on the ROAR training but that it hoped those discussions could take place while the rule proposal moved forward. The Staff reported that the existing language in the rule allows enough flexibility to accept ROAR if it is deemed equivalent to NAARSO or AIMS. The Board also discussed whether existing maintenance supervisors should be grandfathered. Several Board members expressed concern that the test could disqualify some mechanics who had been performing adequately for a number of years. Staff responded that the intent of the proposal was to elevate the knowledge of those performing maintenance so that there was some assurance that they had the knowledge and skills to perform the work that they were assigned. The Department proposed that rather than a test for people who apply at

the time the rule is enacted, that 5 years of supervisory experience and enrollment in a suitable training program be accepted in lieu of the test. A motion was made by Mr. Dauphinee seconded by Mr. Rogers to move the proposal forward with the grandfathering and training provision. The motion passed unanimously.

D. New Business

1. Temporary Approval of Rides - Staff presented a draft rule proposal that would allow the Department to approve rides where there are outstanding items that are not related to ensuring the safety of the ride. A motion was made by Mr. Niles seconded by Mr. Zumsteg. The motion passed unanimously.

2. Electrical Disconnects and Emergency Stops – The Staff discussed changes that had occurred over the past several years to the disconnect and stop requirements for rides. The staff reported to the Board that in some cases what was required by the rules was not provided when rides were approved. The Staff explained its plan to review rides during the upcoming season and where there was an omission that is a life safety issue, to require a change. Staff reported that the two most common problems will be portable rides approved after 1998 that do not have the disconnect within 6 feet of the operator as required in the National Electrical Code and fixed rides approved after 2002 that where the emergency stop control does not remove all power to the ride after the ride is stopped. Staff reported that the analysis will be on a case by case basis and discussed how ride operators should proceed. Ride operators should not make modifications until the Department has looked at their individual situation. Ride operators would be given adequate compliance time. Director Wilk pointed out that the Department would like to change the rule in the future in an effort to make the requirements for disconnects and stops clearer to all involved. A Board member asked if corrections to existing rides would need a major modification approval. Staff responded that it might in some cases, depending on what the proposed fix was. The Board expressed its desire to proceed slowly. The Department reiterated that it would be reasonable. A working group of Mr. Rogers, Ms. Murphy, Mr. Belmont and Mr. Zumsteg was established to review the rule proposal that would clarify the disconnect and emergency stop provisions.

3. Updated Board Member List – an updated list of Board members and their contact information was distributed. Board members who wished to change their information were told to contact the Department Staff.

E. Information

1. Ride Statistics – Year end statistics for 2007 were presented. Staff reported that there were some positive trends in the statistics. Staff reported that the number of inspections was up and the number of violations was down. Mr. Triplett went over the four serious accidents that happened in 2007 noting that most of the serious accidents that took place were falls on inflatables that could not be avoided because they were the result of people falling oddly. Mr. Belmont asked if a breakdown of injuries could be given by ride type.

Director Wilk responded that the Staff could do a breakdown for serious injuries but could not for other injuries.

2. Rule Proposals – Staff gave the status of the various proposals that have been passed by the Board but have not been adopted yet. There was discussion about the rule proposal for portable and fixed rides. The Board asked that the Department delay going forward with the adoption of the rule to allow more time for discussion about the implications of the rule. The Department agreed to have a meeting with Board members to discuss the proposal before going forward with the adoption. The Staff will meet with Mr. Belmont, Mr. Rogers, Ms. Murphy and Mr. Gehlhaus to review concerns with the proposal.

4. Meeting with the New Jersey Amusement Association – Staff reported that the Department staff met with the New Jersey Amusement Association. Items that were discussed were: common problems with the ride approval checklist; changing the application process so that the ride owner can be kept aware of how the application is progressing; and, the Department's change in policy change such that relocating a ride does not require a new engineering approval but requires a new permit.

Public Comment

1. RCMT Training – Anthony Casale expressed his concern that relocating a ride and requiring significant changes to wiring could present a hardship and asked that the Department consider variations in such cases. He also expressed his desire to continue to work on ROAR as an alternative certification program to NAARSO or AIMS. Mr. Zucker thought that the committees that are dealing with the portable/fixed ride issue and the electrical disconnect and emergency stop issue should be combined. Director Wilk stated that the two issues should be kept separate for simplicity sake but said the meetings could be held on the same day one after the other.

Adjournment: Mr. Rogers made a motion to adjourn, Mr. Belmont seconded. All were in favor. The meeting was adjourned at 11:17 am

Carnival and Amusement Ride Safety Advisory Board Meeting

May 17, 2007

Board Members Present: William M. Connolly, Chair; William Dauphinee; William Gehlhaus; Lucy Murphy; Geoffrey Rogers; Ernest Niles; Albert Belmont; Nancy Sheridan; William Zumsteg; Carol Kaplan

DCA Staff Present: Cynthia Wilk, Deputy Director; Michael Baier, Acting Chief, Bureau of Code Services; Michael Triplett, Carnival and Amusement Ride Safety Unit; Carrie Battista, Bureau of Code Services; Andreas Lichter, Carnival and Amusement Ride Safety Unit; Donald VanHouten, Carnival and Amusement Ride Safety Unit

Members of the Public: Robert Hoban, NJAA; Mark Zeintek, NJ Partyworks; Lary Zucker, NJAA

The meeting was called to order at 10:15 am. Mr. Belmont was introduced as the replacement for Mr. Skelly. He was welcomed by the Board. There was discussion about the status of Judy Mullins. Chairman Connolly reported that Ms. Mullins indicated her desire to resign from the Board though Mr. Connolly was not aware if the Department received her formal letter of resignation. It was also reported later in the meeting that Mr. Dauphinee had left the Philadelphia Toboggan Company and was starting a new ride manufacturing company under the name "Be a Kid Amusements." Therefore, no change to his Board member status has occurred.

Approval of the Minutes of March 15, 2007.

A motion was made by William Gehlhaus seconded by William Zumsteg to accept the minutes of the 3/15/07 meeting. The minutes were approved without change.

C. Old Business

1. Water Park Ride Rule Progress Report – Mr. Rogers reported that the water park subcommittee had completed its work on the draft water park rules. The rules were distributed to the Board for their review and comment at the next Board meeting.

2. Certified Maintenance Technician – Staff reported on the changes that had been made to the proposal as a result of the last Board meeting and the review that was performed by the working group. Staff also reported that they had reviewed the ROAR training material that was submitted and at this time do not feel that it is equivalent to NAARSO or AIMS. It was discussed that the working group preferred to have the requirements for a RCMT for maintenance, testing and inspection all in one section. Staff responded that there are existing sections in the rules for these activities and that the RCMT requirement was fitted into these existing sections.

There was a question about the ability of a company to have a grace period to allow for the replacement of a RCMT in case they unexpectedly left employment. It was decided that this was a reasonable request, since without such a provision the RCMT could have the ride owner in a precarious position if they threatened to quit. In addition if the RCMT became ill or was unable to work for some other reason it would also be disruptive to the ride owners business. The Board agreed that there should be a 60 day period where a ride owner could operate without a RCMT while a replacement was sought.

There was discussion about alternate methods of approving RCMT's rather than the AIMS or NAARSO tests. The committee discussed developing a State test that might be more practicum based. Mr. Connolly responded that this could raise equivalency issues and that such a test would have to be carefully developed and that it would likely be expensive.

There was additional discussion about the need to have an AIMS or NAARSO certification for ride operators who primarily operate and maintain inflatables and simple mechanical rides. Staff reported that one of the difficulties with this was identifying which rides could be covered by this limited training. It was reported that PA has two classes of license. Class 1 is for minor rides and PA has a list or definition that identifies what rides can be looked at by someone with that class of license. There was a question about whether the ROAR training that was submitted is equivalent to the PA class 1 license. The Board suggested that a working committee made up of Mr. Dauphinee, Mr. Gehlhaus and Mr. Belmont and any other interested Board member be formed to review the issues raised about alternatives to the AIMS or NAARSO training. There was no action on the proposal. The working group will submit its recommendations at the next Board meeting.

3. Portable and fixed rides – Staff presented the changes to the proposal that were made after the last Board meeting. These included an allowance that ride wiring and the associated disconnect that distinguishes it from service wiring may extend 20 feet from the ride perimeter rather than the 6 feet included in the original rule proposal. In addition, it was agreed that rather than specifying what wiring method can be used between the service panel and the ride disconnect that the NEC would be referenced. A Board member noted that the definition of “amusement park” used in the proposal was different than the definition contained in the Statute. Staff verified this and agreed that it should be consistent. A Board member discussed that the term “readily racked” in the definition of a “Mobile ride” should be changed to “readily disassembled.” In addition a Board member noted that for a ride to be considered a “Mobile Ride,” the manufacturer would have to consider it as such. Finally, a Board member was concerned that the provision that a permanent facility or park operated for more than 30 days in a 90 day period was too restrictive. The Board member reported that in some cases facilities choose to have events that last a month or perhaps a little longer. The Board agreed to change the proposal to say that a permanent facility is one that is used for more than 60 days in a 90 day period. A motion was made by William Gehlhaus seconded by William Dauphinee to move the amended proposal forward. The committee voted that the proposal be sent to the New Jersey Register with the aforementioned changes.

D. New Business

1. Bonding Certificate – A Board member asked if it was the Department’s policy to withhold other inspections when the bonding certificate inspection for water amusement rides has not been performed for the season. Staff reported that it was not and that it would conduct any necessary inspections that it could but that approval cannot be granted without the certificate.

2. Ride Approvals – a Board member asked if a white sticker could be applied to a new ride before the Certificate of Fabrication and Certificate of Erection were received by the Department. Staff clarified that a white sticker is issued when the ride is able to be registered in the state and is eligible for an annual permit. The Department will issue a white sticker with a faxed copy of the Certificate of Fabrication or the Certificate of Erection. A green sticker signifies that the ride is able to be used. A green sticker cannot be issued until the actual Certificate of Fabrication and Certificate of Erection are received.

3. Welding procedures – A Board member noted that the Department has likely amassed a large number of welding procedures related to the repair of amusement rides. The Board member questioned whether the Department would share this information with those performing ride repairs or maintenance. The Staff responded that this information would likely have little value since the welding procedures are drafted to address a specific problem with a specific ride and would vary depending on a number of details including for example, the size and orientation of the crack that was being repaired.

4. Rock Wall Rule Proposal – A Board member asked about the status of the Department’s efforts to regulate rock walls. Staff reported that the proposal had been submitted to the Office of Administrative Law to be published. As submitted it would regulate Rock Walls as gravity propelled rides. That means they would only be regulated when operated where other amusement devices are located. A Board member expressed concern that the industry as a whole should be regulated because of the inherent dangers associated with rock walls. Mr. Connolly stated that the Department would draft legislation if the Board felt that Rock Walls should be regulated in all cases. The Board voted to have the Department draft legislation.

E. Information

1. Ride Statistics – Statistics for the period January 1, 2007 through April 30, 2007 were provided for the Board. The Board asked if patron accidents could be broken down by ride type. The Staff reported that it could and would do so in the future. A Board member asked why the number of inspections and the number of permits validated went down this year compared to last. Staff responded that that may be a case of data entry delays because of the time it takes to get data from the field staff and then enter it into the system. A Board member asked what mechanical deficiencies were. Staff reported that they are the equivalent of an ES-3 violation notice, but are issued before the ride is set up. They essentially mean that on the initial inspection that the ride was not ready for

operation. They are not administrative in nature and would be mechanical or electrical problems with the ride.

Public Comment

1. RCMT Training – Lary Zucker stated that it would be beneficial to have outreach and training sessions for the industry on the Recognized Certified Maintenance Technician available.

2. Mr. Zucker asked if there were difficulties complying with the ASTM A46 process. Under the standards there are testing and performance requirements that must be performed on new rides. The purpose of the test is to ensure that the ride as manufactured complies with the standards that were used in its manufacture. The New Jersey Amusement Association was concerned that manufacturers were fulfilling this obligation. Staff reported that they were requiring them as part of the approval process and have been getting them. In some cases they are simply a letter from the manufacturer signed by the manufacturer's representative.

3. A member of the public asked whether people who are caught using unregistered rides are accountable for deficiencies in the same manner that people who operate registered rides are. Staff responded that the fact that the ride is unregistered does not prevent the Department from issuing fines and penalties.

The meeting was adjourned at 12:33 pm.

Carnival and Amusement Ride Safety Advisory Board Meeting

March 15, 2007

Board Members Present: William M. Connolly, Chair; Judith Mullins, Vice Chair; William Dauphinee; William Gehlhaus; Lucy Murphy; Geoffrey Rogers; Ernest Niles; Michael Skelly; Nancy Sheridan; William Zumsteg

DCA Staff Present: Cynthia Wilk, Div. of Codes and Standards; Michael Baier, Acting Chief, Bureau of Code Services; Michael Triplett, Carnival and Amusement Ride Safety Unit; Carrie Battista, Bureau of Code Services; Andreas Lichter, Carnival and Amusement Ride Safety Unit; Donald VanHouten, Carnival and Amusement Ride Safety Unit

Members of the Public: Robert Hoban, NJAA; Ed McGlynn, NJAA; Kim Samarelli, NJAA; Ed Zakar, NJAA; Anthony Casale, Fun Party Amusements; Mark Zeintek, NJ Partyworks; Lary Zucker, NJAA; Claudine Leone, NJ American Camp Assn.

The meeting was called to order at 10:15 am.

Approval of the Minutes of January 25, 2007.

A motion was made by William Gehlhaus seconded by William Dauphinee to accept the minutes of the 1/25/07 meeting. The minutes were approved without change.

C. Old Business

1. Rockwall rule proposal - The Department staff reported that action on the proposal was tabled at the last meeting so that the New Jersey Amusement Association could review the proposal. There were no changes made to the proposal since the last meeting and therefore the Department reported that the proposal was ready for action from the Board. William Gehlhaus reported that the New Jersey Amusement Association reviewed the proposal and had no objection. Judy Mullins made a motion to approve the proposal, Mr. Gehlhaus seconded the motion. The motion passed.

2. Water Park Ride Rule Progress Report – Mr. Rogers reported that the water park subcommittee had continued to meet since the last Board meeting and continues to make progress. It was estimated that the committee could have a document that was ready for the Board to review after one or two more meetings.

3. Certified Maintenance Technician – Staff reported that the proposal had been given to a working committee chaired by William Dauphinee. The Department took the work of the working committee and summarized what could be done by a CMT in section 2.17. Since the Department will not be issuing certifications it changed the title of the position

to Chief Maintenance Technician. Mr. Dauphinee confirmed that the new section 2.17 simply restated who may do what type of work which the working group agreed on. A Board member asked how long the NAARSO and AIMS certifications were good for. The certifications must be renewed every 2 years and the appropriate continuing education must be taken. A board member asked who decides what other programs are recognized. The Department is given the right to recognize other equivalent programs in the proposal. A board member asked if New Jersey would recognize Pennsylvania certifications since NAARSO and AIMS do. Staff responded that if NAARSO and AIMS recognize it, then we do too but that we are not contemplating adding the Pennsylvania certification to the list. A board member asked if the item that allows a manufacturer's employee working on would also extend to a subcontractor of that manufacturer. Staff reported that it does and will add this to the proposal. A board member noted that in the proposal there are now 3 levels of personnel, a CMT, a maintenance technician and a qualified person and questioned whether three levels were needed. Mr. Dauphinee responded that the working group felt that they were. It was noted that the word "to" should be added in 2.18(b) between the words "permitted" and "perform." A member of the public asked how the rule would affect the installation of a new roller coaster. Staff reported that this would most likely be covered by the provision that lets a manufacturer or their subcontractor act as a CMT. Another member of the public voiced a concern that the term Chief Maintenance Technician is already used by many parks as a job title and may lead to confusion. The board agreed to use the term "Recognized Certified Maintenance Technician (RCMT)." A board member questioned the use of the term "existing state" under the definition of "maintenance" in the proposed rule. Staff responded that the definition was taken from Webster's dictionary because there does not seem to be a definition in any of the referenced standards used in the rules. There was substantial discussion on a suitable alternative to the term existing state. The board agreed that rides are to be kept in their specified approved state. A member of the public asked if painting should be included in the definition of the term maintenance. Staff reported that it should include painting because that is a type of maintenance. A question about whether repair should be included in the definition of maintenance was raised. Because repairs require a higher level of competency, they need to be defined separate from maintenance. A board member thought that the requirement that minor repairs have a procedure in the maintenance manual could be a problem by unduly limiting what can be done as a minor repair. A member of the public asked if a RCMT was needed for preassembled rides. Staff responded that it is not. A Board member asked if there should be a way of dealing with small rental fixed rides without a RCMT. Staff responded that it thought that the dividing line for hard rides was too hard to define. A member of the public asked if ROAR training would be acceptable for inflatables and smaller rental rides. Staff reported that it had not seen the material and therefore could not say. Mr. Dauphinee suggested that the working group reconvene in the next three weeks to address the issues discussed at this meeting. It was agreed that the committee would meet, it was also agreed that those people interested in having the ROAR training approved would submit it in the same time frame.

4. Advertising – Staff reported that two changes had been made to the proposal based on the discussion at the last board meeting. The first is that it is now clear in the proposal

that promotional materials do not constitute advertising for use. The second is that it is allowable for a manufacturer to sell a ride if type certification is pending. A board member asked how the rule would affect general advertisements of rides in trade magazines. Staff responded that as long as the ads did not purport that the rides were approved in NJ when they in fact were not, the ads were not affected by the rule. A board member noted that the term “that ride” should be changed to “a ride” in section 5:14A – 4.2(d). There was additional discussion about the ability of owners to enter into contracts with manufacturers before approval is granted. It was agreed that they may if there is a contingency that allows the purchaser out of the contract if the manufacturer fails to obtain approval. This will be added to the proposal. It was agreed that the staff would make the changes discussed and submit the proposal to the New Jersey Register.

5. Portable and fixed rides – Staff presented a proposal on the setup of portable rides at amusement parks. The rule addresses how the connections are made when a portable ride is located at a fixed park and addresses how the ride will withstand environmental loads. The proposal requires fixed wiring to within six feet of the ride perimeter and allows environmental loads to be addressed in one of three ways. Either the ride must be taken down, must be partially taken down or must be designed to withstand the environmental loads. Staff clarified that the method used (anchoring, partial or full takedown) and when it must be done is up to the manufacturer. There were some concerns about the current definitions of fixed and portable rides. William Dauphinee suggested that the issue be referred to the working group and be brought back at the next meeting. The board agreed. A revised proposal will be presented at the next board meeting.

D. New Business

1. Business address in New Jersey – The Board was made aware of concerns that were prompted after the Bureau sent a letter concerning the need to have an office in the State of New Jersey. The Department was sent a letter saying that under the Hague Convention there is established a central office in foreign countries that would meet the intent of the rule. Therefore foreign manufacturers should be able to use that system for receiving official correspondence. Mr. Connolly reported that if it was in accordance with a treaty that the US was a party to that would be fine. A Board member asked if corporations in other states would be offered similar relief. Mr. Connolly said that they would not necessarily be offered the same accommodation, since the exception made was pursuant to a federal agreement. A board member asked what would happen to their permit if a manufacturer did not get a new type certification because they don't comply with the office requirement. Staff replied that they would give the ride owner 30 days to get an individual approval. The type certification is a condition of the permit so when the type certification lapses the permit is invalid. A board member asked if the proposed rule has any affect on the need to pay income taxes because they have a registered agent in New Jersey. Mr. Connolly replied that there were laws that establish that but that this requirement is independent of and has no affect on that requirement. It was reported that many businesses do not want to have to be registered to do business in NJ because of the tax implications. The January 31 st letter sent by the Department uses the term “registered office” and some people thought that might be the cause of the confusion. Mr.

Connolly stated that the Department would send out a letter clarifying that the requirement is separate and distinct from the requirement to have a registered agent in the state and will amend the language in the rule to say that an address to “send official correspondence” is needed.

E. Information

1. Ride Statistics – Statistics were not provided to the board but staff had them available if there were any questions. A board member asked how many permits had been issued so far this year compared to last. Staff reported that 1,462 permits had been issued so far this year, compared to 1,274 at this time last year.

Public Comment

There was no public comment.

The meeting was adjourned at 12:33 pm.

Carnival and Amusement Ride Safety Advisory Board Meeting

January 25, 2007

Board Members Present: Cynthia Wilk (representing William M. Connolly), Chair; William Dauphinee; William Gehlhaus; Lucy Murphy; Geoffrey Rogers; Ernest Niles; Michael Skelly; Nancy Sheridan; William Zumsteg

DCA Staff Present: Michael Baier, Acting Chief, Bureau of Code Services; Michael Triplett, Carnival and Amusement Ride Safety Unit; Carrie Battista, Bureau of Code Services; Andreas Lichter, Carnival and Amusement Ride Safety Unit; Donald VanHouten, Carnival and Amusement Ride Safety Unit; Paul F. Mulherin, Carnival and Amusement Ride Safety Unit; Richard Gallagher, Carnival and Amusement Ride Safety Unit; Robert Latham, Carnival and Amusement Ride Safety Unit; Chris Frankowski, Carnival and Amusement Ride Safety Unit; Thomas Murtha, Carnival and Amusement Ride Safety Unit; Daniel Troy, Carnival and Amusement Ride Safety Unit; Arthur L'Hommedieu, Carnival and Amusement Ride Safety Unit; Gina DeCosta, Carnival and Amusement Ride Safety Unit

Members of the Public: Anthony Casale, Fun Party Amusements; Mr. Zientek, NJ Partyworks; Kimberle Samaneli, NJAA; Lary Zucker, NJAA

The meeting was called to order at 10:15 am.

Approval of the Minutes of October 19, 2006.

A motion was made by William Gehlhaus seconded by William Dauphinee to accept the minutes of the 10/19/06 meeting. The minutes were approved without change.

C. Old Business

1 Rockwall rule proposal - The Department staff reported that there was a court decision after the last meeting of the Board that has lead the Department to alter the scope of the proposal. The court felt that rock walls do not really fit the definition of mechanical devices that propel passengers over a fixed course for the purpose of amusement, thrills or enjoyment. The Department has regulated rock walls because the belay system is a mechanical device. The court felt that the belay device was not the primary thing that gave the passengers the thrills and excitement and opined that the belay device was a safety device. The court felt that the Department was reading the Statute too broadly and that things like the golf carts could be defined as amusement rides if the Department was going to read the statute that broadly. The direction from the court was that the Department would be consistent with the statute if it regulated rock walls as gravity propelled rides. If regulated as a gravity or passenger propelled device it would mean that they would only require a permit when they were located with other rides that would require a permit on their own. A Board member thought that the definition of

amusement ride in the statute is flawed and that rock walls should be regulated even when not located with other rides. A Board member asked how the Department viewed rock walls located with another ride that needs a permit. For example, if there was a rock wall at one end of a Mall and a regulated ride at the other would a permit be required for the rock wall. Staff responded that if the rock wall were on the same property as another ride it would require a permit. Even in the case of a Mall where there is a generous amount of separation between the two, both would be regulated because they are on the same site.

Staff reported that it believed the rule was ripe for action. Some Board members asked for additional time to review the proposal and time to share it with the New Jersey Amusement Association. Staff reported that the current proposal has been before the Board for about 4 months with few substantive changes. A motion was made by William Gehlhaus seconded by Geoff Rogers to table action on the proposal for one meeting.

2. Water Park Ride Rule Progress Report – Mr. Rogers reported that the water park subcommittee had met four times since the last Board meeting and had made good progress. It was estimated that the committee could have a document that was ready for the Board to review in the next month to month and a half.

3. Certified Maintenance Technician – Staff reported on three major changes that were made in response to comments at the last Board meeting. The first was to allow programs that the Department deems equivalent to NAARSO or AIMS to be used as the basis for Certification. The second change was a reduction in the amount of time that records must be kept from five years to three years. The third change was to better define the scope of the rule. The assembly, disassembly, set-up and major repair of a ride would require supervision by a Certified Maintenance Technician. A Board member questioned whether everyone working on the ride would need to be trained. Some of the people responsible for the set-up of kiddie rides are simply there for manpower and may not need training. Some board members thought that they needed additional time to review the proposal and analyze what impact it will have on staffing at parks. A member asked what the genesis was for the proposal. Staff responded that the incident where several operators were shocked and a maintenance worker was ultimately electrocuted because of faulty maintenance caused the Department to push for better control of maintenance. A Board member questioned whether all like for like replacements could be done without a CMT. Staff responded that, for electrical, there was limited replacement work that can be done without a CMT, such as changing bulbs and fuses. Replacing transformers and other work that requires some expertise would have to be supervised by a CMT. Staff stated that the purpose of the rules is to put more of the responsibility for ensuring that rides are maintained and repaired correctly on the owner since the Department does not have the staff to do an inspection on all work that is done to the ride. A Board member felt that a working group to discuss the proposal was needed. A Board member asked how direct supervision was interpreted. Staff responded that direct supervision means that the CMT exercises control over the maintenance process to a degree that ensures that the work is being done properly. For example the qualified person may have to stop at some critical point in the process so that the CMT can see what was done and authorize going on to the

next step. A Board member suggested that the critical points be established by rule. Staff responded that based on the sheer number of different activities that take place that it is impossible to establish all of the critical points. The CMT is responsible for establishing the critical points where work should be looked at before going on to the next step. A Board member asked if a CMT could exercise supervision over the phone by “walking” the qualified person through the process. Staff responded that they would have to be on site. A motion was made by Geoff Rogers seconded by Ms. Murphy to table action on the proposal and to establish a working group to discuss the proposal. The motion passed. A working group of Mr. Skelly, Mr. Gehlhaus, Mr. Rogers, Ms. Murphy, Mr. Zumsteg chaired by Mr. Dauphinee was established.

4. Advertising - A Board member asked why DCA was interested in advertising. Staff reported that it is often difficult for the Department to catch rides that are operating illegally especially inflatables, because often they are only set up for a short period of time. It is much easier to try to regulate un-permitted inflatables and other short term use rides by taking action when they advertise. A Board member questioned whether this would have an effect on promotional material for rides such as Kingda Ka. The Board also asked if this would prevent ride manufacturers from advertising rides in Trade magazines that had not been approved in NJ yet. Staff responded that the intent was to prohibit people from advertising that their rides were approved for use in New Jersey when they aren't. Staff also commented that they would not consider someone advertising a coming attraction as offering it for use. The Board suggested that rather than saying “sell” it should say “enter into a contractual obligation” in 5:14A-5.2 since once the contract is signed the owner will be obligated to buy a ride that is not approved for use in the state. Under the penalties section the Board thought that if there was a pending application at the time of sale that a penalty would not be appropriate since it is assumed that the manufacturer is making a good faith effort to have the ride approved for use. Staff agreed to make those changes and ensure that the rule will not prevent promotional material for rides that are planned for the future. This proposal will be brought back to the board for review.

5. Stop work order - A Board member asked what the purpose of the rule was. Staff responded that the purpose of the rule was to allow the Department to stop work on an amusement ride that may be progressing in a manner that could endanger the public. A motion was made by Mr. Niles to approve the proposal seconded by Ms. Sheridan. The proposal was approved by the Board.

D. New Business

1. Portable verses fixed rides – Staff reported that at the time of the adoption of ASTM F2291 there was a comment from the public asking the Department to clarify the definitions and requirements for portable verses fixed rides. There are two primary issues that need to be clarified. The first is how the connections (electrical and plumbing) are made to the ride. The second is how the applicable environmental loads on the ride are dealt with. A Board member felt that as long as the operator was running and maintaining the ride in accordance with the manufacturer's requirements, then the rules didn't need to

go any further. Staff responded that they agreed in concept but that there needs to be a plan for how the ride will be secured in the event of an impending storm. A Board member stated that it was the manufacturer's responsibility to establish both operating and non operating wind conditions for the ride. The Staff will prepare a proposal for a future meeting.

E. Information

1. Ride Statistics – Staff provided the Board with additional information on the three serious incidents that occurred during the 2006 ride season.

2. Service proven ride proposal – Staff reported that the Department will not be going forward with the rule proposal on Time Tested rides that was previously approved by the Board. The proposal sought to require that the ride be made to comply with the codes in effect at the time of manufacture. Because the definition is statutory, the change could not be made.

Public Comment

Lary Zucker encouraged the use of working groups to craft rule proposals. He indicated that NJAA would be meeting with the Department to discuss some of the issues on the Board's agenda. He also commented that though the inflatable industry does not always get the best press that they should have a member on the Board. Finally, Mr. Zucker thought that there may be a legislative solution to a number of issues where the scope of the Act is not clear, such as the rock wall issue.

Art L'Hommedieu stated that based on his inspection experience there was a need for the CMT rule.

Mr. Zientek asked if rental rides fell under the proposed CMT rule. Staff reported that a number of what would be described as rental rides have also been involved in incidents that resulted in injury due to improper maintenance. Mr. Zientek stated that he agreed that maintenance was an issue but felt that assembly of the smaller rental rides did not need a CMT.

The Department asked the Board if there was an objection to putting the Board minutes on the DCA website. There were none.

The meeting was adjourned at 12:00 pm.