

**Amusement Ride Safety Advisory Board Meeting
May 15, 2019 - 10 a.m.
Days Inn by Wyndham
Ocean City, Maryland 21842**

Board Members Present

Christopher Trimper
Steve Rothenberg
Glenn Fishack, Sr.
Michael H. Jones
Karen Crum Nicklas
Roy Shaw

Board Members Absent

Karen Bond, Chairman
Samantha B LaMell

DLI Staff Present

Matthew Helminiak, Commissioner
David Dearborn, Program Manager, Safety Inspections
James Harper, Amusement Ride Supervisor
Jenny Baker, Assistant Attorney General
Pamela Torres, Amusement Ride Board Coordinator

Public Present

Scott Andrews
Scott Gray
Steve Pastusak
Tim King

In accordance with applicable public notice requirements, a meeting of the Amusement Ride Safety Advisory Board was held on Wednesday, May 15, 2019. Mr. Christopher Trimper, Board Member called the meeting to order at 10:00 a.m.

Mr. Glenn Fishak, Board Member, made a motion to approve the meeting minutes of December 6, 2018. Mr. Steve Rothenberg, Board Member, seconded the motion and remaining Board Members agreed unanimously.

Mr. James Harper, Supervisor of the Amusement Ride Safety Department, provided a program update (please see report attached). Mr. Harper explained the report to the board, sharing he had adjusted the report as previously requested by the board. Mr. Harper went on to explain that out of the 8 complaints on the report 6 of them were insurance violations. Owners had failed to send in an updated certificate of liability insurance and one an inspector was sent to the site to investigate. Mr. Harper shared the other two complaints were both for Six Flags America. The first one was about the attendants not using a height stick for the patrons of the ride, however Six Flags has height signs at the entrance of each of their rides. The second complaint was about mold which the State referred to the Health Department. Mr. Rothenberg inquired about stimulators. Mr. Harper explained the patrons enter the stimulator which has

hydraulics moving the amusement around to whichever theme, stimulating the experience without actually riding the ride. Mr. Harper shared that he had just received a request for a flight simulator, where patrons will fly a 747 airplane with all of the controls and a guide. Mr. Trimper made the point that he noticed the number of strip down inspections the State inspectors perform and stated he can not express how important those strip down inspections are to safety, it is important the inspectors examine the attractions when dismantled.

Mr. Harper opened up the Association for Challenge Course Technology, ACCT, discussion sharing with the board that the feedback received from the Industry was mostly in favor of adopting regulations within the State of Maryland. Mr. Harper shared that some of the concerns from the public are duplicate inspections, ACCT does require their own inspectors to perform inspections. Another concern was over regulation, where regulation would remove human elements. Lastly, focus being on operations such as paper audits and training-maintenance logs. Mr. Harper opened the floor to several of the speakers present from the industry. Mr. Scott Gray, Manager of Genessee Valley, shared his experience as a company that offers zip lines and challenge courses strictly on an educational basis. The locations he manages are not open to the public, businesses have to make appointments to attend their facility. Mr. Gray shared that he and his colleagues agree that the proposed regulations were reasonable and are in favor of the decision. Matthew Helminiak, Commissioner of Department of Labor, Licensing, and Regulation, asked if the insurance companies are inspecting based on ACCT standards. Mr. Gray shared that he did not know the answer to this question. Mr. Scott Andrews the Policy Director for ACCT, shared history and facts about ACCT Standards and that ACCT standard is used worldwide. Mr. Andrews explained the insurance companies do hold companies to the ACCT standards. Michael Jones, Board Member, asked how many incidents have been reported. Mr. Andrew explained that currently there is no comprehensive database to keep track of incidents. Mr. Andrews went on to explain that incidents are reported to insurance companies which refuse to give ACCT the data. Mr. Andrews shared that the industry as a whole is against sharing the incident reports. After much discussion on the lack of incident reporting and how it pertains to effectively keeping the public safe. Mr. Jones asked how the State of Maryland plans to handle incidents on these types of amusements. Mr. Harper responded, the State will require this industry to follow the same laws currently enforced by the State of Maryland. Currently incidents must be reported to the State of Maryland and investigated by a State of Maryland

inspector. Mr. Rothenberg asked Mr. Andrews how extensive the accreditation training would be for the State Inspectors. Mr. Andrews shared the accreditation training is 5,000 hours which is generally a 3 day training. Mr. Trimper asked Mr. Harper to reach out to regulatory departments from other states to see how each state handles incidents. Mr. Harper shared that he can contact the Council for Amusement and Recreational Equipment Safety, CARES, which is a group of regulators from most states. Mr. Trimper explained that we need this information for our inspectors to have a baseline guideline to use during the inspection process. Mr. Trimper continued that his decision for the State of Maryland to adopt the ACCT guidelines is hard because he feels the board doesn't have enough information about the inspection process but on the other hand he believes we need to regulate these types of attractions in order to keep the public safe. Mr. Harper explained that the current regulations were written for carnival and park rides and these attractions do not fit under the current regulations. Mr. Harper went on to explain, that these attractions currently must have an ACCT inspection and he would like that inspection to be a portion of the State's inspection process. Mr. Harper shared that we currently inspect zip lines and we are familiar with the ACCT standard. Mr. Harper suggested the board adopt regulations by ACCT standards. At that point our inspectors will enforce companies to correct any deficiencies found by the ACCT inspector. In addition, watching the organizations in operation and having them show our inspectors their escape plans. Mr. Trimper shared that he was in favor of the State Inspectors following up on the reports done by the ACCT inspectors and also possibly catching anything they missed. Mr. David Dearborn, Program Manager, Safety Inspection Unit, shared that he understands there are unknowns and we need the data from other states but currently these attractions are not being regulated leaving Marylanders are at risk and the State of Maryland is unable to do that without adopting ACCT standards into regulation giving us authority to enforce guidelines. Mrs. Jenny Baker, Assistant Attorney General explains to the board, currently there is nothing in the current regulations for the State Inspectors to enforce standards. If there is a fatality the State Inspectors will not have a guideline to determine fault or deficiencies. Mrs. Baker went on to explain the State is requesting adopting the ACCT standards as a guideline to do inspections.

Mr. Rothenberg made a motion for DLLR to adopt ACCT zipline and challenge course standards for the use of regulation and inspection of

challenge courses and zip lines in the State of Maryland. Mr. Michael Jones, Board Member seconded the motion. Passed without opposition.

In other business, Mr. Rothenberg shared that in the first quarter of the season his industry is experiencing slower than usual business. Commissioner Helminiak asked how the incident at Eastpoint Mall affected the industry. Mr. Roy Shaw, Board Member, shared that it has not hurt his company because they set up on private property such as churches. Mr. Shaw ended with, at no fault of Jolly Shows the incident happened and cannot be avoided when located on public property such as Eastpoint Mall or any mall. Mr. Shaw asked if the State of Maryland was inspecting trampoline parks. Mr. Harper responded that the State has not started inspecting trampoline parks but has started gathering information and plans to begin those inspections in the fall, sharing that we can regulate them under current regulations. Mr. Shaw asked about the manpower to add regulating trampoline parks and the ropes courses/ challenge courses to the current workload. Mr. Harper responded that it may be an issue during the beginning of the season, but shared that the manpower will be there and the attempt to start in the fall would make them due for inspection in the fall.

Roy Shaw made a motion that the board adjourn. Steve Rothenberg seconded the motion and Board members agreed unanimously.

(See attached documents)

The meeting adjourned at 10:46 a.m.