ILLINOIS DEPARTMENT OF LABOR

CARNIVAL AND AMUSEMENT RIDE SAFETY DIVISION

TRANSCRIPT OF PUBLIC HEARING HELD ON JULY 30, 2012

Representing the Department

Mr. Ryan Culton, Division Manager

Mr. Angelo Mazzenga, Board Member

Ms. Patty Sullivan, Board Member

Ms. Pam Oller, Administrative Assistant

Members of the Public

Mr. David Ebner, Field Manager, The Fun Ones, Inc.

Mr. Stephen Rhea, Vice President of Sales, AMJ Spectacular Events

Transcribed by: Office Services

920 South Spring St.

Springfield, Illinois 62704

MR. CULTON: Well good afternoon everybody, my name is Ryan Culton. I'm sure most of you know me, but I'm the Division Manager for the Carnival Amusement Safety Ride Division and I'm acting today on behalf of the Director of the Department of Labor and the Chair of the CARSA Board, as their agent, for the purpose of a public hearing to receive comments on the proposed changes to zip line rules. That's part 6000 of the Administrative Code and the Carnival and Amusement Ride Safety Act. Specifically 6000.350 – I do have copies of these for your reference if you need one today. I just also want to note, too, that today's proceedings are recorded. I just want to make sure everybody's signed in to the attendance sheet if you haven't done so. If you desire to submit written comments, I'd ask you to do so at this time. Please just make sure that the name of your organization is indicated on the comments so that we can associate them correctly. So with those opening remarks we can begin the public hearing. The second item here on our agenda is just the purpose of the public hearing that I indicated previously. The Carnival Amusement Ride Safety Act Administrative Code requires that a public hearing be held before any rule can be amended. So today we'll be receiving public comments regarding the proposed rule-making. These will amended – the rules that are in front of you today are amended rules from the emergency zip lines that we adopted on June 1st of 2012, and those rules are to expire on October 28th, 2012 under the Carnival Amusement Ride Safety Act. So that's the purpose. So, just for the record, we'll have a few introductions

here. Of course I introduced myself, but here to my right is Pam Oller. Pam's with the Department of Labor. She's an Administrative Assistant here with the Carnival Division as well as with the Department of Labor overall. Patty Sullivan is a CARSA Board member. She's also the Vice-Chair of the Board. And Angelo Mazzenga here to my left, he's also a board member.

MS. SULLIVAN: He's our engineering board member.

MR. CULTON: That's right, engineering board member. And then Stephen if you want to introduce yourself, and Dave?

MR. RHEA: Stephen Rhea, I own a company called AMJ Spectacular Events and a Moon Jump For You Party rental store.

MR. EBNER: Dave Ebner, I'm the field manager with The Fun Ones.

MR. CULTON: Okay, thank you. And just so you guys know, too, that Patty, myself and Angelo were appointed by the Board and the Chair to be a zip line sub-committee and the three of us – that's, we were tasked with forming the group and getting together information and drafting these emergency rules and the proposed rules that you see in front of you. Okay, so those are the introductions and just a little bit of overview/history – I guess they're actually two separate parts here, but it's kind of one in the same. So at our May 17th board meeting, the Department of Labor proposed a draft of the emergency rules governing and regulating the use of zip lines. It determined that zip lines fell under the definition of the Amusement Ride Act and should therefore be regulated by the Department, per the Act. The

Department also became aware of the increased volume of zip lines that were either being constructed at the time or planned to be constructed or soon to be put into service. The emergency rules were used to protect public safety and welfare until more specific rules could be adopted. The American Society for Testing Materials is a widely-adopted standards criteria and is universally accepted across many industries. It is used and adopted by the Department as further guidelines, including but not limited to the design and operations of amusement rides? As you guys know, however, the ASTM is still under review of their standards for zip lines and will not have official standards published until mid-2013 or 2014, is that right?

MS. SULLIVAN: Mhm. (affirmative)

MR. CULTON: And the factors stated there caused the Department and the Board to take action in order to protect public safety, and thus the need for the previously adopted emergency rules and proposed permit rules in discussion today. So – and just a little bit of overview on the process of the rules going forward – There are, we're in the first public hearing, I guess I want to call it…

MS. SULLIVAN: Phase.

MR. CULTON: Phase, yeah, thank you. And there's two of them. So the first public hearing phase is, by rule you have to have a public hearing – which is what we're having today. And thirty days have passed, because I think we published it in the paper June 28th, is that right?

MS. SULLIVAN: Exactly 30 days, right.

MR. CULTON: And then on July 18th at our last board meeting, the Board consented to the rules as drafted, so what you have in front of you. So that was part of the process. The Board had to consent to the rules before it can be sent on to JCAR – and I'll get to that in a second – so back to the first phase that we're in. It's a phase where the public comments are accepted and reviewed and (inaudible). So after we have this public hearing today, we take the public comments into consideration and then we can submit the rules as written, as adopted or revised, and send it on to JCAR. And JCAR stands for the Joint Committee for Administrative Review. And it's just a Board of legislators and…

MS. SULLIVAN: I believe so.

MR. CULTON: And there's staff that actually review the rules for all of the technicalities of it.

MS. SULLIVAN: (inaudible)

MR. CULTON: Yeah, yeah. Attorneys, and – so that would be the next step. But that is, that is actually the second public review period and there's 45 days where the rules are actually posted with the Illinois register and people can review it and look at it there while JCAR is reviewing the rules themselves. So then after that 45 days, if there aren't any other objections or questions, and JCAR doesn't have any revisions to send back to the Department, then it can technically be on the ballot to become law at the end of that 45 day period, because it has to be voted on by the legislature.

So that's where we are right now. So, just to recap, we are in the first public hearing phase today. Any questions on that? Okay. So that's the overview and history, and now we can begin the public hearing. We'll just go over a few of the rules of the road here. Just a few items here for housekeeping on how we're supposed to administer the public hearing. Please hold your questions or comments until you are recognized by me to provide oral testimony. Each person wishing to make public comments will be allowed three minutes and must identify themselves for the court reporter. If any Board member wishes to make a public comment, they shall be allowed to do so. Anyone wishing to provide oral comments must complete a witness registration form. If you have not completed a witness registration form, you will be not be given the opportunity to provide oral comments. If there is anyone here at this time who wishes to submit a witness registration form and has not done so, please do so. Okay? So who wants to go first? Dave or Stephen?

MR. EBNER: Sure. Dave Ebner with The Fun Ones. Section 6000.350, paragraph D – actually let me go ahead and, yeah – D and then Section B under that. Inspection by third-party inspector shall be conducted annually. And I'm wondering what exactly they will be inspecting?

MR. CULTON: These don't have any page numbers on there, sorry Ed, I apologize so I'm searching. Say the Section again?

MR. EBNER: 6000.350, letter D, Section 1 paragraph B. An inspection by a third-party inspector shall be conducted annually.

MR. CULTON: Right. Okay, can you state your question again?

MR. EBNER: What exactly will they be inspecting?

MR. CULTON: Do you guys want me to try to tackle that one…

MR. MAZZENGA: That's fine.

MR. CULTON: So the, here's the general point behind this section. Really if you distinguish between mobile zip lines and fixed zip lines, this really pertains more to the fixed sites. So that, you know, a fixed site could be two miles of zip lines…

MR. EBNER: Totally understand, yes.

MR. CULTON: And platforms and all kinds of – and from the research that we found – that to do a thorough inspection could take days to do. We also became aware that a lot of the fixed sites, in order to get insurance, also have to have a – I guess what they want to call a third-party inspection. It's an inspection by some qualified person before they can actually even get insurance. So we added that as a – well it really does two things. It helps, I guess, kind of alleviate some of the time commitments and constraints that would have on the Department. Because to have an inspector go some place for two or three days would be very, very difficult, because we only have five inspectors that cover the entire State…

MR. EBNER: Correct.

MR. CULTON: Of Illinois. And while we're gathering knowledge and getting – and you know we haven't had an appropriate level of training on zip lines for

inspectors yet. You know a third-party qualified person could probably perform the inspection a lot faster and more economical than we could.

MR. EBNER: Correct.

MR. CULTON: So they would be doing an inspection on that site. I think that might answer your question if you were a fixed zip line operator.

MR. EBNER: Right, but there is no distinction in the law – at least in this section – between a mobile and fixed site operator, so…

MR. CULTON: You're thinking that there isn't enough distinction?

MR. EBNER: It doesn't say in here for this section, you know, that only fixed sites need to be inspected by a – with the mobile sites there's two major manufacturers of units here in the state currently and there are climbing wall manufacturers as well – and their inspections are generally divided into two sections. The trailer integrity itself, all your welds and everything like that, and then your cable system. Okay, well, as a mobile operator, according to the manufacturer's documentation, I have to replace my cables every year, which is, I would imagine, one of the prime inspecting components for this third party inspector. I mean right now I would have to replace my cables annually and get them inspected that they're brand new cables. So I'm just wondering where the cost-effectiveness of that is.

MS. SULLIVAN: Could I make a comment? There's – a lot of it is not necessarily designed for the person that's going to be responsible and when public safety is at issue it's to be sure that everybody has followed everything and they may even ask to see your invoice for your new cables and I don't if the ends of

the cables have some way to date stamp them, but they'll also look at all the karabiners, all the safety restraints, any kind of equipment, because a third set of eyes is always a good thing. Your own people could go out there and inspect and they may be so used to looking at something they don't catch something.

MR. EBNER: Sure.

MS. SULLIVAN: And also platforms and just – well, and if they're attached to trees or, you know whatever – just, you know, a basic look to be sure that they don't see anything that would appear to be dangerous or something – the tree has started some decay somewhere – and if you're in a, especially in a tour, a canopy tour, there are just so many different things to look at. Plus other trees or branches on the tour but not part of the designed platforms or what's holding the zip lines, to be sure that branches haven't come down and are too close and things like that. Just an overall look at what's there. As well as for portables, they need to be inspected too to be sure they're doing the same things; replacing karabiners or wires or cables, whatever, as often as they're supposed to, and that their set up is actually according to operation. They also would be checking your paperwork to see that all of your operators have been properly trained in timely manners and all those things actually signed off and in order. Just to be sure that everybody's doing what their supposed to do according to what's become basically standard operating procedure in the industry as far as those things, because everything as far as training and those things would apply

to zip lines as well as any other amusement ride. But also, you know, checking invoices to see that things have been changed as often as they're supposed to be changed and actually put on the course.

MR. EBNER: Mhm. (affirmative)

MS. SULLIVAN: So those are some of the things that they would be looking for.

MR. MAZZENGA: Angelo Mazzenga. I think on that paragraph, F, 3, it talks about – its speaks to a site operating manual and documentation, and then you get down to P – it's like 3 P and it says inspection, procedures, standards and follow-up actions, and then examples of forms to be used. So, I think I'm taking this to mean that there will be a site operating manual documentation, even it's a mobile zip line, and the manual will contain inspection criteria.

MR. EBNER: Yeah, it already does from the manufacturer.

MR. MAZZENGA: So that should be some – you know, that should provide some assistance with respect to what's being inspected.

MS. SULLIVAN: As well as the emergency plans…

MR. MAZZENGA: Emergency plans.

MS. SULLIVAN: How do you get these people out if something happens or they just stop in the middle…

MR. CULTON: I'm going to give you another example that might help further the discussion or it may help answer your question. You know one of the examples I know that's going to come up at the State Fair – we have another operator coming in to the State Fair with a mobile zip line, and

we've been working with them and they been asking these questions knowing that they're coming to the site. Asking well what about fencing and clear zone and how far away do you need to be from – and for the most part we're going to follow whatever the manufacturer's guidelines say – but not everything's always covered, and how the system is anchored off and there could be other instances where it comes up. I feel like the mobile zip line units could be adequately inspected by state inspectors every year for initial permits. But I really think that fixed zip lines are where the third-party inspections are going to be of the most use to every body. So is your question why are you having third-party inspection on mobile zip lines?

MR. EBNER: No, my question was primarily I don't necessarily as an operator want to pay for an inspection that's not, I don't want – necessary is not the word I'm looking for – but, for instance, we have a replacement schedule from the manufacturer, just like we do on a mobile climbing wall. The state inspector handles a mobile climbing wall and I just want to call attention that there's a major difference between a fixed zip line and a mobile zip line and I don't know if parts of the law need to be tailored to adjust those two specific, but major, differences.

MR. CULTON: Yeah. Yeah. And you have that written down?

MR. EBNER: I will put it in writing… (laughter)

MR. CULTON: That's a good point. Stephen, your turn.

MR. RHEA: I don't have any questions.

MR. CULTON: Okay.

MR. RHEA: I'm here to observe and listen.

MR. EBNER: Pretty much that's the big question on this.

MR. RHEA: My business partner and I – Stephen Rhea, by the way – you know, we're concerned that, as Dave was pointing out a few minutes ago, there are two major manufacturers in the U.S. I think one of my kids, you know, they use the words do-bes and don't-bes. You want to be like them, you don't want to be like them. You know, I think we lined ourselves up with the – and I know Dave did as well – with the right product for the public. There's the other manufacturer, which, you know, we want to make sure that there's a differentiation between their mobile zip line and the zip line that we own. We really feel that the other product in the market is not a safe product. You know, when you hit an inflatable, that's what stops you, concerns the hell out of me. You know we had to – and I know Dave did as well – we had to spend the extra money to get the right product and the safe product to the public. So my concern, being here today, is making sure that we're not grouped into the same category as the other manufacturer.

MS. SULLIVAN: You're saying that fixed site is not grouped into the same category as the portable, or the…

MR. RHEA: They're both portable.

MS. SULLIVAN: Okay.

MR. RHEA: The stopping mechanism on one is when you either drag the ground or you hit an inflatable, and it's almost like an ACME cartoon, where you have an inflatable, yes an inflatable with a target on it. That when you hit your target that's what stops you. Opposed to what we purchased is your decelerator. I've invited the State out to see the product being used and I took advantage of it so you can understand the disparity between the two units. In one the unit is, it's a braking system. The other one you are the brake. I want to make sure we're not grouped with the don't-bes.

MS. SULLIVAN: (laughter) Well and I'm sure our inspectors will learn more as time goes by and they have lots of other contacts, too, that they can call and ask questions. In my experience, our inspectors are always pretty straightforward in terms of if they see something that's different than another product they've seen, they'll ask. And you'll have a chance to help educate them about what you have and they're, the Illinois state inspectors are, I have to say I think they're very good because they're always willing to learn and they're not like hard and fast that, this is what we've been told and this what…

MR. RHEA: And they're also willing to teach, that – some people, and I have a lot of people in this industry that I know that look at the state inspectors as the IRS. They knock on your door, you run. We look at them as a teaching tool and when you ask them to come in, and certainly when we have received our product, we pick up the phone, we wanted them to

understand, we wanted to learn together. So we had the manufacturer actually fly out from California to work with us.

MS. SULLIVAN: Mhm. (affirmative)

MR. RHEA: So we had a better understanding of it. But once again, going back to the common denominator here, you know, I want to make sure we're not grouped into the wrong category, because the products that we do have or the product that we do have is a safe, comprehensive product.

MR. MAZZENGA: Mr. Rhea, I'm wondering if there's a – either one, either example, either style is in use, you know, anywhere in northern Illinois. I'd like to drive over there and watch one operate. Are you familiar with where I could be able to see a mobile line from, you know, Brand X, Brand Y?

MR. EBNER: Both of us operate the Extreme Engineering zip line, and it's not a problem giving you a site and a location where we're going to be.

MR. MAZZENGA: Yeah, I've said, you know, I've reviewed everything that they have on the Internet, and looked at their videos…

MR. EBNER: I'm operating this Friday and Saturday up in the Chicagoland area.

MR. MAZZENGA: You are.

MR. EBNER: Yeah.

MR. RHEA: I'm also operating this Friday and Saturday at a couple of locations, so I'd be happy to give you that information.

MR. MAZZENGA: Sure, after the meeting and everything…

MR. RHEA: Sure.

MR. EBNER: Sure.

MR. MAZZENGA: You know, I mean, I'd pay my way in, I'd just – I wouldn't mind…

MR. RHEA: It's a free event.

MR. MAZZENGA: Oh, okay. (laughter)

MR. EBNER: Ours are private companies, but it doesn't matter. We can get in there.

MR. MAZZENGA: It may assist in our, you know, developing our understanding of your perspective and our own perspective.

MR. EBNER: The other unit that we're a little concerned with is a Spectrum manufactured model, and right now I don't know if anyone in the state actually owns a Spectrum model, but they do come in from outside the state.

MR. RHEA: They do. That's correct.

MR. EBNER: You know, so, when we went and looked at the different manufacturers at our trade show, we pulled our insurance company out of their booth and said look at these – I think there were four, at least three but there may have been four models at (inaudible) up there – and I said which one of these will you insure? You know, and by far it was the Extreme Engineering model that gets selected. It's a very good unit.

MR. RHEA: The insurance company that we use has also stipulated that they would rather insure an Extreme Engineering zip line opposed to a rock wall.

MR. EBNER: Right.

MR. RHEA: That's how safe it is. I really think it's an engineering marvel they've created. It's really really neat.

MR. MAZZENGA: I believe it's got a platform, a separate platform…

MR. EBNER: You've got your launching platform, but the anchor is a device they call the decelerator. The cables are attached – and don't necessarily even mean attached – go through an arm…

MR. RHEA: That's a picture of it, just to give you an idea.

MR. MAZZENGA: Oh, okay.

MR. EBNER: And the decelerator, this arm hydraulically goes up to about ten feet. So as the people ride down it, even with the sag in the cable, they're feet don't approach the ground. Whereas the Spectrum model, the manufacturer states you should mount to a bumper hitch. Which means your cable is a foot and half off the ground, max, and they're relying on a, effectively and auto-belay to slow down the riders and then an inflatable wall as the back up to that system. So if you don't judge the distance right, your auto-belay isn't stopping you in time and YouTube's got pictures of them where riders are literally dragging on the ground prior to hitting the inflatable wall. Which, you know, is not a safe way to operate if you ask me.

MR. MAZZENGA: We had prohibited zip lines from being attached to vehicle bumpers. We had written it in the – actually still have it written in the emergency rules. It's still on the website, because we just had…

MS. SULLIVAN: Too many concerns.

MR. MAZZENGA: Too many concerns about the vehicle rolling away, someone driving it way, the tension in the line, the strength. You know, the strength factor of

the anchor and we relaxed that rule but then we said that there had to be a design analysis done on the anchor. Okay so you could attach it to a vehicle, but now you have to do a design analysis or provide us with a letter from the vehicle manufacturer saying it's okay to do this. I – we haven't gotten, I haven't, I'm not aware of any feedback on that, but I guess this is, is this new rule issued yet? Is it out on the Internet?

MR. CULTON: This one was out there…

MR. MAZZENGA: Okay, so it's out there and there may be some comments that come in. But we had originally had similar concerns. We weren't looking at the arresting, or the braking system…

MR. EBNER: Sure.

MR. MAZZENGA: But we were looking at the other end of it.

MR. EBNER: You know because every once in a while in your law you also have a statement that says or as specified in the manufacturer's manual. In their manufacturer's manual, on a Spectrum model, does actually diagram connecting to a bumper hitch. So we want to make sure that's done properly or not at all.

MR. CULTON: I think that, going back to Angelo's point, we didn't want to state that they couldn't do something that was already put into their manufacturer's guidelines and manual. So we, as Angelo said, we relaxed that a little bit. We just said well that's fine, but then just make sure that you prove to us or the inspectors on site that how you have it tied off meets the weight class that it says that it needs to be. We just wanted to make sure that was

clear in that particular manufacturer's guidelines. Because there's what it says on paper and then what's actually being done there on site.

MR. RHEA: Let me talk a little bit about the weight distribution. This is set up to where you have the decelerator at one side, the tower at the other. What this is doing is they are trying to pull towards one another. That's the – and our objective, and the manufacturer's objective is to keep those apart, obviously. So there are counterweights. You have 9,000 pounds sitting at the tower. At the decelerator you have 70 50 pound sandbags, which is 3,500 pounds. We keep 80 sandbags, which is 4,000 pounds – we kind of over and above what the manufacturer requires. However, you know when this unit goes out it's a two vehicle operation. We have one vehicle pulling the tower and we have the other vehicle bringing in all the necessary elements that we need to set it up. One of the questions that I want to ask is if the decelerator is at one end and we have a vehicle down there, we have the tower at the other end and we have a vehicle, why couldn't we anchor off on that just as additional insurance. The manufacturer is saying you're okay. The way we tell you to set it up, you're okay. You have a vehicle down there that's 10,000 pounds? Why not hook it up. You have a vehicle at the other end with 10,000 pounds or whatever the weight is, why not hook it up. It's just insurance, and you know I'll be very honest with you. I hook it up. It makes me feel – I sleep better at night knowing that I not only did what I was supposed to do, but I did 110 percent of what I was supposed to do. So that's my

recommendation to the committee here, is that you – there's a fine line, because Spectrum's going to say well you said you can hook it up to vehicles here. They have it hooked up to a trailer hitch. That's where their mechanism goes into. All I want to do is hook a cable from the tower or the decelerator to the vehicle and ratchet it tight. It makes me feel better.

MR. EBNER: And the distinction is…

MR. RHEA: Have you done that?

MR. EBNER: I've done that before in the field too, especially if I can't stake down my decelerator because I'm on asphalt or concrete or something like that.

MR. RHEA: And even though you have the weight on there, you're still doing that.

MR. EBNER: I'm still doing that, yeah.

MS. SULLIVAN: So this is basically a redundancy.

MR. RHEA: It is redundancy.

MR. EBNER: Correct. We're not using a vehicle as an anchor point for the zip lines. What we're doing is we're using the vehicle as another 8 to 10,000 pounds of sandbags.

MR. RHEA: Exactly.

MR. EBNER: You know, I mean it's above and beyond what the manufacturer calls for, most definitely. But I have the vehicles there anyway – might as well use them.

MR. RHEA: Do you go out with two vehicles as well?

MR. EBNER: Yeah, because your towing vehicle is a 10,000 pound unit and now you've got to try to carry 4,000 pounds of gear – between fencing and counterbalance and stuff like that – and then you need a lift gate. There's all kinds of investments that we've made to make sure that the operations out there are safe for the public.

MR. CULTON: Okay.

MR. MAZZENGA: I think we said it was okay to tie off to the vehicle, but we've also said that the vehicle had to be disabled so no one could drive away while you're connected to either end…

MR. RHEA: In our case our vehicles are locked. The keys are in – I, that thing doesn't go out unless I'm on the site. I'm really anal when it comes to safety. But anyway, the keys are out of the vehicle, the vehicle is locked when it's tied off.

MR. MAZZENGA: I'm wondering if that, if we read through this rule, whether that's covered here sufficiently.

MR. CULTON: Yeah, for protection and braking under 2 C; parked vehicles should only be used as tie off points for portable zip lines if the vehicle meets the weight class specified in the manufacturer's engineering. In addition, the vehicle must be physically prevented from being operated by disabling the electric system so that the vehicle cannot be started or by other means outlined in the manufacturer's design specifications.

MR. EBNER: I guess the distinction is that, is the wording in that line, whereas when you say tie off, okay. I think there would be a major distinction between

the termination of a zip line cable versus attaching a vehicle as a back up weight system. Because even when we're hooking vehicles, our cables are still terminating ten feet in the air, you know.

MR. MAZZENGA: That would be – so the vehicle is redundant and it's outside the design requirement.

MR. EBNER: Correct. It's above and beyond.

MR. MAZZENGA: It's above and beyond, so…

MR. RHEA: That's correct.

MR. MAZZENGA: So I – It sounds like…

MS. SULLIVAN: I think that (inaudible).

MR. MAZZENGA: That's voluntary; it sounds like voluntary good practice. And maybe that distinction has to be made, that it's just an additional anchor, pardon me, it's an additional tie off, it's not the primary.

MR. EBNER: Correct. That would be perfect.

MR. CULTON: Right, so maybe the word as primary anchor points or primary tie offs…

MS. SULLIVAN: Tie offs.

MR. EBNER: Sure.

MR. CULTON: Okay.

MR. MAZZENGA: What about disabling the electrical system versus locking the door so no one can get in?

MR. RHEA: That would be removing the keys, I'm assuming. Disabling the electrical system…

MS. SULLIVAN: It's probably disabled.

MR. MAZZENGA: Removing the key is the same, because you know…

MR. RHEA: Right.

MS. SULLIVAN: So in your, say, operating procedure where you train your operators, I would think if you have something written in there about the key will be removed and vehicle locked and the key will not be available until it's time to dismantle – I would think if you have something like that in your operating procedure…

MR. RHEA: Yeah, SOP, yeah.

MS. SULLIVAN: Then I think it would cover it very nicely and that's, you know, once the inspectors understand that this is a secondary weight provision for it and that here's what our procedure is for making sure that vehicle doesn't go anywhere either, that you'd be pretty well covered. Because we're not trying to make it impossible to do this, we just…

MR. EBNER: Correct.

MS. SULLIVAN: You know, trying to be sure that good practices and I'm sure you do too…

MR. RHEA: Absolutely. That's why we're down here, because we want to make sure that…

MS. SULLIVAN: One accident puts a black eye on everybody, because the general public I don't think understands or discerns differences like that.

MR. MAZZENGA: I've got one more question on this and it is when you do the additional tie off to your vehicle, where do you connect to and how do you orient the vehicle – is it nose away and in gear, I mean, do you do anything special there?

MR. EBNER: We've got, well, two different vehicles that we use. We use a big super duty pickup which actually tows the trailer, and that's got towing hooks mounted on the front of it. So for that particular vehicle, we attach to the front of it and the vehicle is backed away and ratcheted with 20,000 pound ratchet straps and that's attached. The other vehicle on the other side generally you have towing chains that are already built into the unit that you can hook right to the safety set up on the vehicle hitch. You know, in addition to ratcheting. But the tower portion is heaver than the decelerator with the counterweight. So I don't mind using a less secure hook up as the back up weight on that, compared to the decelerator, which, if anything's going to move, that's going to move.

MR. RHEA: We do the same thing. We have a heavy duty pickup truck that pulls it out. We will then take – we don't use ratchet straps, we use chains – and we hook it off to the rear of the vehicle where a trailer hitch would be attached. There's areas basically like hooks on the front of the pickup truck that we can anchor off to and then we pull the vehicle forward until the chains are tight and then we disable the vehicle at that point.

MS. SULLIVAN: Is it something like a pintle hook or…?

MR. RHEA: Well, listen to you! Yes, exactly. Yeah.

MS. SULLIVAN: Okay.

MR. MAZZENGA: I've been wondering how you do that. Have either of you considered using water ballast? Or is that an option with that model you have?

MR. RHEA: The manufacturer doesn't recommend it. Getting, having a water source at a specific event is questionable. That you would need – the manufacturer doesn't recommend it. It was addressed, but sandbags is the…

MS. SULLIVAN: Preferred?

MR. RHEA: The preferred choice.

MR. EBNER: The manufacturer only wants what's in their manual to be legal in all 50 states. The manufacturer is based out of California and whenever you put water into any type of a barrel in California; that becomes hazardous waste. Even if it's a brand new barrel and drinking water that you put in there. So therefore California can't adopt that situation so they haven't adopted that situation in their manual.

MR. MAZZENGA: And the sandbags that you use can go right on the…

MS. SULLIVAN: Ground?

MR. RHEA: Would you like to see a picture?

MR. MAZZENGA: Let me see if I've got one real quick.

MR. EBNER: What we've actually done is contacted the manufacturer and got approval and what we've actually done is taken the sandbags and put in them in barrels – fifty gallon drums. Just to make it easier to transport. Nice square sandbags which you can get from the manufacturer stay nice and square for about three jobs and then they're just round, you know, so by actually using 55 gallon drums with the sand in it, it's been working very well for us.

MR. RHEA: We're lugging sandbags. I'm not but…

MS. SULLIVAN: (laughs) Yeah.

MR. RHEA: I don't have a picture of the decelerator with the sandbags on it. I thought maybe I had.

MR. MAZZENGA: I think I've seen them out, but we'll have to make a site visit and get a better look but…

MR. RHEA: Ryan has. Ryan has.

MR. CULTON: Just to be clear too, and Stephen mentioned that, in June I think it was, myself and two other inspectors visited a Moon Jump site and he had the – that was probably taken that day right?

MR. RHEA: Yeah.

MR. CULTON: They invited us up and it was, I think probably one of the first days that they…

MR. MAZZENGA: Those are the bags?

MR. RHEA: Yeah.

MR. CULTON: Had the machine and the manufacturer was there and they opened their facility to us and we had a chance to watch it be put up, they went through their training that day, we were able to ask the manufacturer questions and it was a really good experience. So we did have that opportunity, with both The Fun Ones and the Moon Jump (inaudible) Extreme Engineering model.

MR. MAZZENGA: Excellent.

MR. CULTON: We've had a chance to talk with Spectrum Sports, one of the other manufacturers that we know of that's in the state. Because they're going to be at the State Fair, so we've been working with them about – one of the examples that I mentioned before, like fencing and how they anchor this thing off, so. But they've been accommodating and…

MR. MAZZENGA: Cooperative.

MR. CULTON: They've cooperated.

MR. MAZZENGA: Because they have a tensioner on the bumper, just with the lever?

MR. CULTON: For the…?

MR. MAZZENGA: Spectrum.

MR. CULTON: Oh, I…

MR. MAZZENGA: Maybe now. One of the models had a tensioner mounted on it (inaudible).

MR. RHEA: (inaudible)

MS. SULLIVAN: Now does this – is this all your, are these your tension gauges?

MR. RHEA: That's exactly what it is. For the record, we're just looking at pictures of the unit and that's correct, these are the, this is the tensioning area here. So we have an operator that stays back here and watches the gauge. We will watch how the riders come in, after the initial pressure is obtained, we keep an eye on how the riders come in and we randomly adjust this just to make sure it's keeping the pressure – making sure none of the cables have slipped. In the beginning, as a new unit, everything was stretching and moving and so, you know…

MS. SULLIVAN: Yeah, because cables do.

MR. RHEA: Right, exactly. Now everything is – you know, we've had it out I think 18 times already this year, so it's tight and it's doing a nice job.

MS. SULLIVAN: Okay. Then do these cables roll up at some point?

MR. RHEA: They do. At the end of the day this decelerator arm, this arm will go down, and then right here we have a winch on this side and winch on that side.

MS. SULLIVAN: Mhm. Oh, I see.

MR. RHEA: And then you have controllers, right, then this – primarily the majority of the cable will roll back up into here. And this is your braking system, along here.

MS. SULLIVAN: Okay. Now what is this made of?

MR. RHEA: That is – you know Dave, what's in that thing? Do you know?

MR. EBNER: It's a series of springs that start smaller and get bigger and bigger and bigger in diameter. So it's a passive system, it's the ones where – I mean, if you've ever seen the YouTube ones where they're going across the bays out in the Caribbean – it's all spring systems, because…

MR. RHEA: And then it's just covered with vinyl to protect the springs.

MR. EBNER: Right. Yeah, exactly, so even if one spring were to break, there's 18 more in there, you know, so it's a very secure system that operates 100 percent of the time.

MS. SULLIVAN: Cool.

MR. RHEA: Did you want to see it, or?

MR. MAZZENGA: Yeah I wanted to look – I didn't see the springs.

MR. RHEA: It's in the black vinyl sleeve that goes out what, about 15 feet I guess?

MR. MAZZENGA: These guys?

MR. RHEA: Mhm. (affirmative)

MR. MAZZENGA: It's like leaf springs.

MR. RHEA: Exactly. Well it looks like leaf springs, but it's actual – it's the cable. The cable is passing through it.

MR. MAZZENGA: I have a question on how you get your distance right when you're setting up.

MR. EBNER: There is no distance requirement. You have to have a minimum of 100 feet and then a maximum right now for the unit is 200 feet. There's actually a communication cable that attaches to both ends – the tower and the braking system – this was an idea I suggested to the manufacturer when I was out in California when they were introducing the unit. But the top of the tower has got electronic locks on the doors. So you just press a button, the lock opens, now you can open the door to let the people through. But in order for this system to work the safest, the decelerator arm needs to be in the up position so your cables are ten feet in the air, because that decelerator arm goes down to zero, effectively. So what happens now is they now have a computerized – it's a micro-switch system – where once the decelerator is in its fully raised position, a gravity switch is tripped which activates the locks on top of the tower. So the two ends are communicating to each other. So if the decelerator arm is down, you cannot open the doors.

MR. MAZZENGA: You have a signal interlock (inaudible).

MR. EBNER: Yeah.

MR. RHEA: In our case, we – every operator that's working the product, we have two-way radios with earpieces. They're constantly communicating back and forth. No one's allowed to send anyone of the tower unless call the decelerator and say releasing two. Decelerator's ready, go ahead and open the doors, go ahead and release them. We run with six people. It's overkill and I'm always the supervisor on the spot keeping an eye on things – so I have five guys running it – I am just keeping an eye on things, but we over-communicate. The manufacturer suggests hand signals. It doesn't work. We do two-way radios. That's the right way to do it.

MR. MAZZENGA: Does your system have the interlock also?

MR. RHEA: We have the exact same system.

MR. MAZZENGA: So that's from the manufacturer?

MR. EBNER: Yeah, the manufacturer adopted it.

MR. MAZZENGA: Excellent.

MS. SULLIVAN: Now the interlock, does that require power?

MR. RHEA: It does not. Does it?

MR. EBNER: Yeah.

MR. RHEA: No, the batteries are – that's right, you're right – there is a battery at the tower and there's two batteries at the decelerator. I don't know which battery…

MR. EBNER: The battery off the decelerator is what's powering the system.

MS. SULLIVAN: And what – does it make it that the doors are normally closed then?

MR. EBNER: Correct.

MS. SULLIVAN: When it's open or…

MR. RHEA: They're spring-loaded doors. After they're opened – there's a switch for the operator behind, where they can open up the doors.

MS. SULLIVAN: And they can only be opened if there is power.

MR. RHEA: Correct. If there's a clear signal from the tower to the decelerator…

MR. EBNER: And the decelerator is in its fully raised position.

MR. RHEA: Right.

MS. SULLIVAN: Okay.

MR. RHEA: Once again, there is a level – for lack of a better term – think of your thermostat at home. If it's not level, it's not allowing the doors to open up.

MS. SULLIVAN: Okay.

MR. RHEA: And then the doors are spring-loaded. That slams them shut after the rider has left the top.

MR. MAZZENGA: You have two riders? Do they go at the same time or are they staggered?

MR. EBNER: Correct. They can go at the same time. Whether or not you allow them too is…

MR. RHEA: I stagger them.

MR. EBNER: We'll stagger them if we have a total of 400 pounds of riders going. But if we have two kids, we'll let them go at the same time. The unit's tested at two, 250 pound riders simultaneously.

MR. RHEA: We keep a scale at the beginning, where they're harnessing. I don't care if you're 5 pounds or your 300 pounds, everybody will stand on that scale. The scale doesn't have numbers on it. We took and altered the scale. There is a green area for go, there is a red area for you can't go. From 40 up to 250 pounds is safe in our, in the manufacturer's minds. So some people go I don't want you to see my number – it's your number, you keep it. But you have to stand on my scale so I can see if you're in the green area. That works out real well if you guys haven't created that already. Now we do not allow riders on the stairs if there are two in the tower. Once the tower is cleared, then we'll allow two more riders up the stairs.

MR. MAZZENGA: I like that.

MR. RHEA: We've had – this weekend we were at one location for two days and they wanted to use the slide as an amusement as well. Not only can we go to the top, if you want to zip, go ahead. If you don't you can go up the tower, which is only about 5 feet from the top and you can use the slide and go down. It's the walk of shame or the slide of shame. You get afraid and you get scared and you don't want to go down, I'll have you go down the slide. I'm a slide guy, by the way. (laughter) I'm not a height guy. Nevertheless, we do not allow riders just to go up to use the slide. It's a zip line – and by the way, we have a slide with it too.

MR. MAZZENGA: Have you had any component failures since you've put your units into service? How have they been?

MR. EBNER: Been good. We got one of the first units shipped by the manufacturer and they actually shipped a component installed upside down and it's the switch that controlled the doors. So after troubleshooting that, we just switched the component box upside down and it works fine. But other than that it's been spectacular.

MR. RHEA: I trained on theirs. I think you went to California at one point, didn't you? I think I flew on another trip. We actually went out there and trained with the manufacturer before shipping them here. We wanted to understand – and when I was out there, I told him break it. Break this thing. Let's, what can possibly go wrong? We want to know how to fix to it, and we did. We practiced on yours, and we broke it many times. (laughter) We figured it out, but – sorry about that box thing upside down (laughter) We should have fixed that before. But anyway as far as the components, knock on wood. We've been good. We've been good.

MR. MAZZENGA: How about service bulletins? Have they sent out safety bulletins or service bulletins or are you just a phone call away?

MR. EBNER: Yeah we're just a phone call away. No service bulletins have been issued right now.

MR. RHEA: We have the manufacturer's rep, he's coming over to my home on Tuesday and he's flying in to do an event – something up in Kenosha – but he wants to come in and just check a couple of things on ours, just to make sure we're in good shape. We communicate a lot. We got a care package just the other day. At the top, the operators do need to wear – and I hope

you guys are doing it as well – five point harnesses. There's not anyone in the tower that's not connected. So the operator – it looks like a forklift type of thing – he's anchored in at the top of the wall, or at the top of the tower. When a rider comes to the top, there are two lanyards coming off of him. The first things we do is we attach him to the side of the tower. So you're always connected when you're on the top of the tower. When we are putting them on the cable, there's two lanyards. One lanyard's going up. We fasten it, then we take the other lanyard off the wall at that point and then we hook it to the top. Now he has his safety and he has his primary cable – or lanyard – to go down. But at no time – we had the news come out to our location on Around Town and we had them out there a few weeks ago. Ana scurried up to the top of the tower and I said I don't give a damn who she is, tell her to get off the tower, she's got to have a lanyard on. So she came down and we got her harness on and we put her about the top of the tower and put her back in, but safety is number one.

MR. MAZZENGA: Were you at Swedish Days? In Geneva?

MR. RHEA: No.

MR. EBNER: We were in Geneva, I don't know if it was Swedish Days or not, but…

MR. MAZZENGA: Okay, yeah that was on – I saw that on WGN or in the Tribune.

MR. RHEA: Yeah that wasn't us, must've been you.

MR. MAZZENGA: Okay, okay.

MR. RHEA: We were in Lake Geneva doing an event, but that was a private residence.

MR. CULTON: One thing, and I don't know if you guys want to comment on it in the public hearing, but in your discussions with Extreme Engineering, did they give you a sense of what kind of service after the sale they do for you? Do they come back in a year and train your operators or give you – is that part of the service contract that you have with them, or any, to keep continuing training or maintenance on the machine once you've purchased it? Machine's not the right word – um, ride.

MR. EBNER: It's something you can contract them for. I am actually certified by Extreme Engineering to train operators in stuff like that. And I'm sure Steve is. But there's no real necessity for that.

MS. SULLIVAN: As long as they've trained the trainer.

MR. EBNER: Exactly.

MR. RHEA: And they continue to – once again, there's a gentleman there, he's coming, on the way down here he texted me hey I'm going to be in Tuesday, what's happening, I said come by my home for dinner, he said I'll check out your ride on Wednesday before I go up to my job – this is the first product I've bought from Extreme Engineering, but they have been over and above. If they – there was a little pin that one, I don't know what state it was in, a pin came out. It was for a pulley. Well a few days later I got a pin in the mail saying hey you might want to keep this with your unit, we got a report of one that fell off. It was like a little C-clamp.

MR. EBNER: It came off of our unit.

MR. RHEA: Oh, was it yours? (laughter) Oh, okay, I thought – okay, so.

MR. EBNER: I carry a half a dozen extra of them now. They're used all over. But yeah, it was just a matter of putting the pin back in, so no big deal.

MR. RHEA: But they do communicate that. If there's a problem in the field, here's what we learned, let me share it with you and let's take care of the problem. So they have over-communicated as far as I'm concerned.

MR. CULTON: Well I mean I know right now there's obviously two main manufacturers of these units, but it's only a matter of time until there's probably twice as many. I mean it probably will exponentially go up.

MS. SULLIVAN: Mhm. (affirmative)

MR. CULTON: So we have to be a little conscientious of, you know, that the rules aren't just geared toward two manufacturers, or one, or twelve. And so we appreciate your insight into that, but I think it's one of the things that's our task – of the Board and of the sub-committee – we have be a little careful with that as well.

MS. SULLIVAN: Well in the amusement industry it often happens that if something comes out and it's popular, then people start making them in their garage.

MR. RHEA: Yeah, you're right.

MS. SULLIVAN: And that's what we're hoping to – make the regulations such that that's really – it's going to be very difficult for them to pass all the proper protocols to be able to use those.

MR. RHEA: It may be helpful to contact Extreme Engineering as well and ask for a manual.

MR. CULTON: Yeah, we have.

MR. RHEA: Or have you already? Okay, alright. The gentleman, the engineer that actually created this amusement is the gentleman that also trained us on it – that taught me how to break it and helped me put it back together again. So we've learned from the designer himself. So we feel like we're very educated. We learn something every day, but I do feel we're able to bring out a great product and operate it safely.

MR. CULTON: Okay.

MS. SULLIVAN: Because the general public will show you new ways to break it.

MR. RHEA: Oh my god. (laughter)

MS. SULLIVAN: That is the way in the amusement industry. Any time you deal with the general public it's a challenge.

MR. CULTON: Okay, are there any other comments that you guys want to get on the record?

MR. RHEA: At this point I do not.

MR. EBNER: I'm good.

MR. CULTON: Patty?

MS. SULLIVAN: I'm good. (laughter)

MR. CULTON: Angelo?

MR. MAZZENGA: Oh I have a question Ryan. If anyone had a comment to submit at this point, how would they do it? I mean a written comment.

MR. CULTON: A written comment? Oh. The meeting notice was put in the Breeze Courier – this is the official newspaper of the state – and that's where we post all of our meeting notices. So they had over 30 days to submit a

written comment, if somebody wanted to. Now today, anybody that's here that wants to submit a written comment can just submit it to us and we take it into consideration.

MR. MAZZENGA: Okay, and they'd submit it today.

MR. CULTON: Yeah. They'd need to submit it by today. Now there's still the other 45 day period after we submit to JCAR that there's still an opportunity for – that's the second phase I talked about where people can actually make a public comment as well.

MR. MAZZENGA: Thank you. I might submit a comment.

MR. CULTON: Okay.

MR. CULTON: Alright. Well on behalf of the Department of Labor, I'd like to thank you for your time and consideration today. After today's hearing, the transcript of this hearing will be prepared and it will be posted on the Department's website and provided to the Board. Public comments are then taken into consideration by the Board and the Board's proposal will need to go through the rule-making process that's set forth in the Illinois Administrative Procedure Act. In addition to the publication of the proposal in the Illinois register allowing for written public comment, additional notice is given to JCAR, which is a joint committee made up of legislators. JCAR also reviews the Board's proposal, and may suggest modifications or changes to the rule. JCAR then holds a hearing to consider the proposal. Public comment is not allowed at the JCAR

hearing and only representatives of the state agency may testify at the hearing. Any questions on that – Angelo did that answer your question?

MR. MAZZENGA: Yes.

MR. CULTON: Okay.

MR. MAZZENGA: Thank you.

MR. CULTON: So…

MR. RHEA: Did you say when the hearing would be? Did I just miss it?

MR. CULTON: We won't know yet.

MR. RHEA: We won't know. Okay.

MR. CULTON: But we can put a notice up on our website.

MR. RHEA: That'd be great.

MR. CULTON: So that concludes our meeting. The public hearing is adjourned.