

Amusement Ride and Attraction Safety Board 2023-09-14-10-00-28

0:00

Hi everyone. I am here. This is Dave Bennett. Can you hear me OK? Yes, great. Just want to check that, test that.

0:53

1:33

Okay.

2:19

I think we're down to just, is it Michael Sutton and Andy Pervin that we're waiting on. I have not heard from either of them and Andy, I do not know what's up with him Okay. Well, should we go ahead and get started then? Any opposition to that?

2:55

Well, barring any opposition, I just want to make sure real quick, Chris, we are recording, correct? Yes, we are. We're ready to go. OK, sounds good. Then I'll go ahead and start just with a real quick introduction. My name is Brian Fox and I'm the new Carnival Division manager. I started on June 30th of this year.

3:16

And it has been a very exciting 2 1/2 months. I come from the private sector in Iowa, but so far I've greatly enjoyed my time here and getting to know everyone both in the department and some of the people that we regulate as well. I've learned a pretty incredible amount in that short time and have a long ways to go still of learning, so I look forward to that.

3:37

Outside of that, this is probably going to be our last virtual meeting. To comply with the Open Meetings Act, we need to move these two in person. But since this had already been announced as a virtual meeting, legal counsel for the Department of Labor discussed it and decided that we could go ahead with a virtual meeting for this. So again, moving forward, we will be in person to ensure that we're in compliance with the Open Meetings Act.

4:06

But for today, we're fine. So Ganapathi is on the call and he can certainly correct me if I messed any of that up. But outside of that, I have spent a lot of time reading minutes of these past meetings. And at the January meeting we introduced Inspector Zole Jones as a new inspector for the Chicago area.

4:31

He has turned into a great asset for the department as all of our inspectors are, and a great inspector and that brings up some exciting news. We have just come to terms to hire a new inspector for the Rockford area. He's going to be starting on November 1st, so we're excited to get him up in training

and have an additional inspector here. So with that being said, we can probably go ahead and call the meeting to order if Mr. Bennett would like to do so.

5:01

Yes, I would. Thank you. Thanks, Brian again. Yeah, this is David Bennett, the Chairman of the amusement ride and attraction safety boards. We can call the meeting to order and we'll follow the agenda that we have. I think next would be a roll call, make sure we have a quorum. Does someone want to call the roll? Yes, I can do that. Mary Pierce. Thanks. Director Flanagan.

5:30

Had to double unmute. I'm sorry, what was that? Can you hear me? Yes, I can hear you now. OK. OK. Thank you. Weston, Sparks, Michael Sutton, Dave Bennett.

5:59

Here Andy Pervin, Joseph Kagan present. Thank you. Michael Clark here. Thank you. So is there a quorum?

6:33

Dave, just moving forward on the quorum thing, we were just doing roll call as a matter of business, no, technically we do not have a quorum but we don't need it for this meeting. Okay. Great. Let's move on. Thank you. Thank you, Mary. So next on the agenda, new member and division manager introduction. So Brian, thank you for that introduction.

7:02

I don't think we have. We don't have any other new members of the board. Yeah, we do. We do Joe Kagan if he wants to do a quick sure thank you to all members present council. My name is Joe Kagan. I am employed by Sky Zone Trampoline Parks. I manage the Joliet and the Aurora locations.

7:30

Have interest obviously in numerous facets that the amusement ride and safety attraction statutes have since their inception now placed on the trampoline parks. So I'm looking forward to using this opportunity to talk to other board members as well as members of the staff regarding specific trampoline issues where again I understand that these original.

7:56

You know statutes were designed again for carnival operations. They'll be future questions that I want to bring back to the board in how we can adjust them to better serve the trampoline park because there's again some differences in direction and thought that again I'll, I'll take an opportunity in the future to discuss with everybody. Good. Also we have a new member Michael Clark.

8:28

Good morning, everybody. Thank you for the honor of being a part of the board. Just a little background about myself, I've about 20 years of experience in the industry and have transitioned over the last few years to third party.

8:43

Inspections for amusement rides, water parks, trampoline parks throughout the country as well as some safety consulting. So happy to be a part of the board and happy to help in any way possible.

Good. Thank you. I don't think there's anyone else. Is there anyone else, Tom? Let me know. That's all. No, we make one that there's currently 3 openings that are.

9:13

Need to be filled. I take that back. There's only two openings that need to be filled and they do have to be specific members. One is an insurance representative and the other is a carnival operator member. So that's just to let everybody know that those two positions are open.

9:41

And one thing that I just want to jump in with real quick is that we do not have a quorum. So we can't conduct official business during this, but we we can proceed with the meeting. So I just wanted to be really clear about what can and can't happen. I don't think we can take any votes. We can't pass anything or approve any regulations or whatnot. So okay.

10:07

Then next on the agenda is the approval of the agenda. I think if everyone has the agenda, I mean just because we can take a vote if we need to, but any discussion about that, any comments or discussion about today's agenda hearing. Now let's move on to the approval of the minutes. We should approve that to the minutes from last meeting back in January, January 19th of this year 2023. Is there a motion to approve?

10:37

The minutes from the last meeting. Sorry, Kagan. I'm sorry. I just kind of put you around so many legal counsel. There's no quorum, even though it's for choice. We can approve minutes. OK. All right. So we'll just come back to approving those at the next meeting. Yep. That's fine. OK. We could.

11:02

Probably no. Just should I ask you any discussion about the meeting minutes or we couldn't just pass that to the next meeting we could do discussions Fine. We just can't we can't officially approve it as board, Board action. OK, can I see. Well I'll ask that any if anyone's reviewed the minutes any discussion comments about it even though we won't vote on them to approve them hearing none and we'll move on then to.

11:32

Old business then we'll go down to that section of the agenda. The old business, Tom, do you want to talk about that or Brian, well this is relatively simple. The old business, is that the only thing listed on there? And we'll get into a little bit more of that in the slide show with a couple other things. But the trampoline court updates just that we've started to regulate trampoline courts as of the start of 2022.

12:02

Obviously it was a learning process for both the division and for the trampoline courts themselves and I think both parties have come a long way since then and we're we're just working on getting everybody into compliance and keeping everybody as safe as possible. So we'll keep that a little bit simple and then move into it a little bit more in detail during the slideshow. Great. OK. And then move to new business, the department update PowerPoint.

12:31

Yep. Tom, you want to take over? Well, I'm actually going to be doing the PowerPoint today. So.

So for the PowerPoint, let's get into it. The old business. First up would be the fee structure for the inflatables for large inflatables. There was a change of that at the last meeting. So that went from \$55 to \$130.00 if an inflatable is over 1500 square feet.

12:59

The idea being that there were just some huge inflatables that was taken pretty significant amount of time to inspect. So we just kind of did a tweak on that. Then the clarification of slides just had to get tightened up because of the way it was written, it was vague enough that potentially we could have been forced into regulating playground equipment and I don't think anybody wanted that. So that got cleaned up.

13:24

The ride operator annual training requirement. In the past, if you were in continuous employment instead of seasonal, you did not have to be retrained every year. We updated that rule just to say that everyone has to show current training on all rides that they're going to operate, just makes it a little bit cleaner and makes sense. And then trampoline court rules, so that again, we started regulating the trampoline courts at the start of 2022.

13:55

There had been a certain amount of grace around those rules as we learn to work with the trampoline courts and as they learn to work with us. But I think everybody's, please excuse the train going by if you can hear that. But as we've become more comfortable with the trampoline parks and I think they're more comfortable with us, we're having a lot of luck bringing them in, a lot more luck bringing everybody into compliance, so.

14:22

That's still obviously a bit of a learning curve for the division and for the courts, but we are working on it and it's going pretty well. I would say. Outside of that, the Adventure course rules for 2021, same as the trampoline Parks in 2022. The Adventure Parks came into our division in 2021. We really haven't been seeing too much of an issue with them since.

14:50

Getting them into the fold, obviously something that's very sensible for us to regulate. And then the updated ASTM standards we in 2022, we updated from the 2013 version of ASTM. That's something that ASTM updates every three years. And then our division just periodically decides when we're going to bring the new ASTM standards into what we regulate, so.

15:19

In 2022, that was done. Astm's obviously in the process of writing their new regulations now for what's going to be updated in the future. And when that happens, we're going to take a look at what they update, how they update it to decide what we want to bring in so.

15:39

As far as the rule changes that come into effect this coming January, I apologize for the slide there. That's January 1st, 2024 that these new rules will be affected. So it's the new rules coming in. I'm going to have Anna Koeppel talk about that. She is the legislative liaison for the department and we're going to go through that right after the slideshow, so.

16:05

We we do have some some things that are minor tweaks and some things that are a little bit bigger, but we're going to hit that pretty hard after the slide show. So just a couple real quick highlights on those. All operators are going to have to have a first aid CPR provider on site. Volunteers have to be background checked. That's always been the case for employees. We're just updating that so everybody dealing with the public needs background check.

16:33

There's some new fine structures and like I said, Anna's gonna hit all of that. So moving on to that last little bit, we've got some statistics, some updates of how things have gone for the last year, how regulations have been going, how accident reports have been going. So let's just jump right into how our inspection numbers are looking.

16:59

This is 2023 obviously and we've got one thing that I'm very proud of and very happy with is that we've been able to increase our number of follow up inspections. That means we're getting out and we're seeing these carnivals and everyone else a little bit more often. So it's not just get everybody permitted at the start of the year and they they go from there, but we've been able to increase the number of touches we're getting to them every year.

17:25

Our inspections are up a little bit over last year and that's a very good thing as well, something that we've been able to do by bringing Inspector Jones in outside of that. One thing that I'll highlight by bringing in an additional inspector is that there have been a number of times that we've been able to have multiple inspectors on site at inspections.

17:46

So despite the fact that it only shows as a single inspection, we've been able to take a much closer look at some of these things, which I think has been a positive thing and has given us the chance to really inspect some places in depth in a way that we're truly getting into the nuts and bolts of everything in a way that is a little bit more difficult when an inspector's by themselves, you know, every inspector has a different.

18:11

View in a different specialty a little bit. So this allows some collaboration that I'm very proud of. So that's our inspection numbers right here. And then moving on to accident report comparisons for the 2023 calendar year, we're at 17 so far. So we're relatively close to on track with last year. You can take a quick look at that and then I'll start moving into the breakdown of that.

18:39

This is how we classify the different accidents by patron, issue. We'll say operator issue or mechanical issue just depending on how our division decides to classify an individual accident. So up first we divide out the accident report based on.

19:01

Two different things. One, is it a trampoline park and two, is it not a trampoline park? We see a lot of the accidents coming in from trampoline park, so that'll be on the next slide. But just right here you've got the first set of accidents or incidents and as you can see we've got 345678 different incidents over the course of 2023 that are from.

19:28

Carnivals, fix parks, anything like that. Luckily, a lot of these are pretty minor. We've had one major incident, but a lot of the incidents so far have been pretty minor. Moving on to the trampoline injuries, As you can see, these are also a lot of relatively minor incidents, but it is something that we are keeping an eye on because we do have a lot of lot of injuries there.

19:57

Outside of that, one thing that I want to say is we are always concerned about underreporting of accidents to us from both trampoline parks and fixed parks, carnivals, everybody. I just want to take the opportunity to remind everyone that there is a \$1000 fine per incident for any unreported accidents. So make sure that if you do have a part in any of these.

20:26

Any of these parks, any of these regulated industries that you are filling out your accident reports as they're supposed to be filled out and submitting them to us. So right here, this is a little bit about the.

20:42

Ndt's There is one specific one I want to draw the attention to for everyone. The Chance Rides Pharaohs Fury, manufactured between 1994 and 2000 just within the last month set out new NDT Retire new NDT requirement that the stub towers have to be inspected.

21:03

We already, I think we only have six of these in the state, but we are going to be requiring that NDT before anyone operates that ride next year. So make sure that Ndt's are being gotten and specifically on that Pharaoh's Fury. So I'm sorry, go ahead. Can I cut in just here for a second please on the NDT reports?

21:30

We've added some specific requirements that the reports have to contain. This makes it a whole lot easier for us to understand and it actually is good practice. 99% of the paperwork that we get is perfectly fine, but there are some outliers that need.

21:59

To read that information on our website and actually include that in the reports, it's just too difficult for us to specifically go to the provider and get corrections made. It's the back and forth is just unbelievable. So that's something that we're going to start hitting on.

22:26

And I try to send friendly reminders to the companies when I see it come in. That's it. Thank you very much, Tom. I appreciate that. That's very good guidance.

22:42

Outside of that, just a reminder to everyone, applications do have to be in 30 days prior to your first spot, your first location or opening for the year. Otherwise you will be on the hook for expedited inspection fees. That's something that we do just to kind of protect the department and make sure that we are getting to.

23:05

Everybody that we possibly can in the most timely manner and when we get those applications 30 days prior, we've got the best shot to get everybody inspected. And then also a reminder that if you have a chance to zipper ride, you must complete the Department of Labor compliance statement every year before we get a permit out to you. So anybody with a chance to zipper, that's a good reminder for you.

23:32

So now we're going to be moving on to some of the new business of the department of the division. And one thing that I am very, very excited about is that we are going to have a new web-based application. So the PDFs that we've been having everybody do for all of the applications for carnivals, trampoline, parks and everything else that we regulate, that's going to be no more. We're simplifying the system.

24:01

Like I said, it's going to be web-based. I was just speaking with the person who's designing that and building it. He's doing a great job and we're gonna get it rolled out as fast as possible in a workable way. So we're not gonna rush this or anything, but we are very eager to get it out there. It's definitely time and I think everybody's gonna be a pretty big fan of it.

24:24

The second bullet point there is going to be important to a lot of people. I think that there is auto history retrieval with document upload. So that should save everybody a lot of time when they're filling out their applications and it should save the office a lot of time in processing those applications. So everyone that is going to be applying going forward is going to have to have an account on the state's portal.

24:49

To get into that web-based application, it's gonna be a relatively simple thing. I don't think anybody's gonna have a problem with it. Obviously if you do have an issue you can always reach out to us and we can probably help you out with that, but it should be a big time saver for everyone and just streamline the whole process. So definitely something to be very excited about.

25:10

And finally, we are going to have our next board meeting in person. That's going to be Thursday, January 11th. That is a tentative date, let me be clear. But it will be in person Thursday, January 11th of 2024 from 4 until seven at Crowne Plaza here in Springfield. So just want to say thank you very much. If you have questions or comments, always reach out by phone, by e-mail or anything else and we are happy to talk to you so.

25:39

With that, I think I'm going to pass it along to Anna to give the update on the legislative statute that is effective on January 1st. Thanks, Brian. I'm going to share my screen.

26:08

Can everyone see the the PowerPoint? Yes, yes, yes. There we go. So good morning members. As Brian said, my name is Anna Koeppel. I am the Legislative and policy Director here at the Department of Labor. I also serve as rules coordinator and we will be discussing.

26:41

Both sides of my role here today, so wanted to share with the board legislative and rules update. So just to set some context, I know we have a couple of new folks on the board. So when we say statute, we're returning to the referring to the amusement ride and Attraction Safety Act which is the law that the Illinois General Assembly passes that's the legislative branch, they passed the law.

27:11

And then the Department of Labor adopts administrative rules, which we also refer to as regulations that interpret, implement and clarify the statute that was passed by the General Assembly. So when it comes to the amusement rights statute, the Amusement Right and Attraction Safety Act this year, the General Assembly, the House and the Senate passed House Bill 3097.

27:41

It passed both the House and the Senate unanimously, was signed by Governor Pritzker on June 30th of this year, becoming Public Act 103-0177 and as Brian said, it will take effect January 1 of 2024. I believe that Mary, when she sent the calendar invitation for this meeting attached a PDF of a summary of the law.

28:11

And I'm going to share a few highlights, but if anyone has reviewed that PDF and has other questions about you know any of the other bullet points, be happy to address those. And I can also share a link to the actual law if anyone would like that. So Brian mentioned a couple of these highlights already, I'll just review them again. These new changes require all owners and operators to have a first aid and CPR provider on site at all times.

28:39

The bill eliminates the exemption from drug testing and background checks for volunteers. The bill establishes that continuing to operate a ride or attraction in violation of a STOP order is a Class A misdemeanor. This allows the department to seek law enforcement assistance with enforcement if necessary. This bill established a sign of up to \$1000 for any violation of the Act.

29:06

And I want to clarify that current practice is that if there's a violation of the act, the only power, the only tool that the department would have had would have been to revoke or suspend the permit. So this monetary penalty of up to \$1000 is actually we see as a less severe tool than revoking or suspending a permit if revocation or suspension is not warranted. And then the bill also codifies.

29:36

Formalizes the current practice of the owner operator, rather than the client being responsible for notifying DOL of their contracted events. That refers mainly to those traveling carnivals that go around to park districts, county fairs, those types of things the operator is responsible for telling DOL when they have an event scheduled. I'll pause here. Are there any?

30:02

Questions about this slide or any of the bullet points on the summary okay. So then when it comes to the amusement ride rules regulations which are the same thing as I mentioned, the Department of Labor has the responsibility to.

30:30

Adopt administrative rules to implement, interpret, and clarify the statute. So, due to this bill, House Bill 3097, taking effect to this coming January 1, this fall, department staff will be preparing a draft of proposed changes to that rule. We anticipate a fairly straightforward rulemaking.

30:54

To when it comes to implementing the statutory changes, but of course the public, and this includes any member of the board, is welcome to send us recommendation You'll make recommendations for if there are certain provisions that you feel should be interpreted a certain way or if there are other changes to the rule that you would recommend and you can send those to Brian.

31:19

And he will pass them along to me and we, we will review them together as part of the regulatory process. Does anyone have any questions for me about this process Okay I think.

31:47

If there are no questions, I will end my presentation. Thank you. Thank you very much. Anna very appreciated. She does a phenomenal job. So I just wanted to mention one other thing before we move on to public comments and that is that as of now, this board does not have bylaws, at least not any that we were aware of or could find.

32:12

So our legal department has drawn up some prospective bylaws. We're going to be sending that out to everyone after the meeting for you guys to review and take a look at before the next meeting on January 11th. One last reminder as well to make sure that all board members take their ethics and open meetings act trainings on one net. Our ethics officer and Rosie are going from the Chicago office.

32:39

They're going to be reaching out with e-mail reminders and the links to make sure to get those trainings done. So with that, I believe we can move on to public comments.

33:09

Well, barring any public comments, if anyone else had anything that they'd like to say and now would be the time. And if not, then it would be up to Mr. Bennett to call for an adjournment. Brian, I just have a question about the PowerPoint, please. Dave Bennett, I don't think I received the PowerPoint. Usually we received it before. Is that something can be sent out to us or I apologize, I'll make sure that that's sent out right after the meeting.

33:37

Yeah, I'd love to receive that, especially with the new legislation. Go to everyone I I thought it already had. That's my mistake. It might have. I didn't see it, especially with the new regulations rules. Yep. Advised. I'll just have that with the bylaws and everything else. Great. That'd be excellent. Perfect. OK, Well, then we're best for any comments. We don't hear any, any other discussions, anything else.

34:06

Any questions at all before we adjourn, Brian, one thing I may just suggest in regards to the scheduling for the next meeting, I believe that date is during the Ames safety Seminar. So I didn't

know if there was any flexibility in that date in case there's some attendees that may be attending that industry safety seminar that week or virtual option in addition to the in person option.

34:35

Yes, that is during the Ames conference. However, I know that in the past that's been done because it overlaps with a conference in Springfield. I'm, I'm gonna ask Tom here, but it overlaps with something in Springfield that has allowed a lot more of the operators to be in town in Springfield so that they can be in person for the meeting. Tom, is that accurate or do you?

35:02

I'm not sure that we have, Tom. So what I'm going to do is I'll talk to him over here, Brian and I will see what we can do about, oh, I'm sorry, Tom, go ahead. That's in conjunction with the Illinois Agricultural Affairs Association, which generally speaking most of the Illinois operators are present.

35:26

During that time. And yeah, there has been talk about virtual attendance in that meeting. We're working the details out on that. So we're going to have some discussion about that and we will get back to you as soon as possible if that works. Thank you for that clarification. Appreciate it.

35:57

Right, Okay. Anything else? Any other questions? Well, hearing none. Well, thank you, Brian. It's informative and I won't call for a motion to adjourn. I guess we will officially adjourn this meeting and I look forward to seeing everyone in person next next January. So I'll officially adjourn the meeting. Thank you very much.