



STATE OF TENNESSEE
ELEVATOR & AMUSEMENT DEVICE SAFETY BOARD
JUNE 5, 2012 9:00 A.M. (CT)
TOSHA HEARING ROOM - 1ST FLOOR
220 FRENCH LANDING DRIVE
NASHVILLE, TENNESSEE

MINUTES

I. **CALL MEETING TO ORDER** – (18) – Chairperson Dawkins called the meeting to order at 9:00 a.m. (CT). A moment of silence was observed in commemoration of Memorial Day. Afterwards, Robbie Fox led the assembly in the pledge of allegiance to the flag.

II. **INTRODUCTIONS AND ANNOUNCEMENTS** – Board members present: Jane Dawkins; Perry Burch; Robbie Fox; David Hale; and Charles Edens. Tennessee Department of Labor & Workforce Development employees present: Arthur Franklin, Jr.; Gary W. Cookston; Sydné Ewell; Ron Sidler; Lee Bentley; and Carlene T. Bennett. Guests present: Adam Crews; Larry Moore; and Alan Jensen.

(37) – Assistant Administrator Cookston announced that in the event of an emergency or natural disaster, security personnel would take attendees to a safe place in the building or direct them to exit the building on the Rosa Park side.

House Bill 2778, Elevator Licensing Bill, was pulled by the bill sponsors.

III. **APPROVAL OF THE DECEMBER 6, 2011 AND THE MARCH 6, 2012 ELEVATOR & AMUSEMENT DEVICE SAFETY BOARD MEETING MINUTES** – (45) – A motion was made by Charles Edens to approve the December 6, 2011 and the March 6, 2012 minutes as written. The motion was seconded by Perry Burch. The vote was taken and the motion carried.

IV. **CHIEF INSPECTORS REPORT** – (56) – Chief Ron Sidler gave the following report:

- One-hundred-thirteen (113) permits were issued this past quarter.
- As of last week, all Elevator Inspector positions are filled.
- Effective July 2nd a new Elevator Inspector, Jose Martinez, from Florida will begin work. He has fifteen (15) years of elevator experience and is QEI certified.

(ii) Any portable tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device, except hay rides, those used solely for transporting patrons to and from parking areas, or those used for guided or educational tours, but that do not necessarily follow a fixed or restricted course; and

(C) "Amusement device" does not include the following:

(xii) Go karts;

- **T.C.A. 68-121-103(d) – Duties and powers of board – Rules and regulations.**

(2) To adopt a code of rules and regulations governing the owner's duty of reasonable care for the installation, assembly, disassembly, repair, maintenance, use, testing, operation, and inspection of amusement devices. The board shall have the power to adopt a safety code only for those types of amusement devices defined in § 68-121-101. In promulgating the amusement device safety code the board may consider any existing or future American Society for Testing and Materials (ASTM) safety standards affecting amusement devices, or any other nationally acceptable standard;

- Chief Sidler said the proposed rule could be drafted and submitted by the next meeting to add the Association for Challenge Course Technology (ACCT) code for the inspection of ziplines to the current rules and regulations.
- David Hale said the Board would need to add go-karts added by seeking a sponsor in the legislature. He would also like to see some level of compliance added for inflatable devices; at least that they are carrying insurance to protect the patrons. In the fiscal note additional inspectors should be requested to help carry out these inspections.
- Chairperson Dawkins said she would gladly write a letter to the Commissioner indicating the Board's support for additional amusement device inspection staff to perform safety inspections.
- David Hale said he is in almost daily contact with individuals in the amusement device business and that Lee Bentley, and Ron Sidler have a very good reputation for being firm, fair and professional. They are a credit to the State and how the Board wants to be represented.

Robbie Fox made a motion the Board draft a letter to the Commissioner in support of hiring additional amusement device inspectors and that the Department move toward inspecting ziplines; Zorb balls; and climbing walls. David Hale seconded the motion. The vote was taken and the motion carried.

V. OLD BUSINESS

None

VI. NEW BUSINESS

12-01 – (739) - Eastman Chemical Company, Kingsport, Tennessee request two (2) new elevators located in its B-51 building be added to an existing variance granted by the Board on September 18, 2001 for exception from "Firefighters' Service" requirements. This variance approval was confirmed and documented in a letter to Eastman Chemical Company from Chairman David Crews dated March 12, 2002. Larry Moore presented this item to the Board. No Board member verbally expressed a conflict of interest with this agenda item.

- Chief Sidler said Chairman Crew's 2002 letter to Eastman Chemical Company outlined the conditional variance granted to Eastman. The letter stated that the Board should be informed "of any changes, *additions*, or deletions from the list of existing elevators at Eastman Chemical Company that are not included under Eastman's exception request." Chief Sidler said there had not been any problems with the existing variance and that he agreed with the Board's decision to grant it due to Eastman's unique situation. The fact that these two (2) elevators are new is the reason they are being presented to the Board for approval.

Perry Burch made a motion to approve the variance. Robbie Fox seconded the motion. The vote was taken and the motion carried.

12-02 – (803) - Proposed Rule 0800-03-04-.02 to replace the existing A17.1 2004, Seventeenth Edition code with the 2010/CSA B44-10, Nineteenth Edition code.

David Hale made a motion to approve the proposed rule. Robbie Fox seconded the motion. A roll call vote was taken and the motion carried.

- Jane Dawkins – Aye
- Perry Burch – Aye
- Jesse Cragwall – Absent
- John Downing – Absent
- Charles Edens – Aye
- Robbie Fox – Aye
- David Hale – Aye
- Lewis Moorer, Jr. - Absent

VII. ANNOUNCEMENT OF NEXT MEETING – (1038) - The next regularly scheduled meeting of the Elevator & Amusement Device Safety Board meeting will be held in the first floor TOSHA Hearing Room at 9:00 a.m. (CT) on Thursday, September 13, 2012 at the State of Tennessee, Department of Labor and Workforce Development building, located at 220 French Landing Drive, Nashville, Tennessee.

VIII. ADJOURNMENT – (1118) – Perry Burch made a motion to adjourn. Robbie Fox seconded the motion. The vote was taken and the motion carried.