



North Carolina Department of Labor
Ad Hoc Amusement Device Advisory Board
June 13, 2007

Attendees: Jonathan Brooks	Elevator & Amusement Device Bureau, DOL
E.C. Toppin	Chowan County Regional Fair
Jamie Gaffney	Carowinds
Les Powers	Powers Great American Midway
Tony Brancazio	Wet N Wild
Bobby Brinkley	Brinkley Entertainment
John Phillips	T.A.R.C.
Jamie Adams	NC Fair Association
Andy Frazier	Standards & Inspections, DOL
Jennifer Haigwood	Governmental Affairs, DOL
Tom Chambers	Elevator & Amusement Device Bureau, DOL
John Baldwin	Chief of Staff, Commissioner's Office, DOL
Art Britt	Director Governmental Affairs, DOL
Nancy Vick	Elevator & Amusement Device Bureau, DOL
Absent: Steve Mains	Hickory American Legion Fair
Joel Rickards	Interactive Playgrounds
Robert Rippy	Jungle Rapids
LouAnn Bowen	Hughie & Louie's Rentals
Clyde Wagner	Wagner Consulting Group

Quorum

Chairman Jonathan Brooks determined the presence of a quorum and called the meeting to order.

Minutes

The minutes of the April 19, 2007 meeting were read and approved as written.

Quests

Chairman Brooks introduced two guests.

They are *Mr. Jamie Adams of the NC Fair Association* and *Mr. John Phillips of T.A.R.C...*

He also introduced two summer interns with the Department of Labor legal and governmental affairs office.

They are Emily Laborde and Liz McCurry.

OABA Criteria

A document was given to all listing the criteria used by the Outdoor Amusement Business Association for rewarding members of excellence. The OABA has only one set of criteria. They all must meet and maintain above board standards to apply. It is up to the Board to create the criteria for “above board” standards. Chairman Brooks would like to have the program ready by next year fair season (2008).

Member Discussion/Questions

The program must be voluntary. Neither the Department of Labor nor the Bureau can mandate participation. It should be by choice of the companies.

Portable carnivals: There should be an audit team, but who would make up this team. Should it be someone not associated with portable carnivals in their case or same with permanent parks? It should be someone not partial to portable carnivals. They should familiarize themselves with amusement companies and requirements by the state. How often should they inspect for maintaining program standards? A year or every 2 years? Who would qualify to participate? Do they or should they all have a safety person to insure maintaining their status at all fairs? All agreed that safety is critical. The exhibits should also be included in criteria for the fairs.

Mr. Britt explained that it was important to see how programs similar to the Star Program were handled in other states or other locations. It should be a voluntary compliance, a partnership and have incentives for those interested. This industry should set the incentives. Unlike the OSH program for manufacturing facilities, this program deals with traveling companies. OSH sat with the facility and looked at their current requirements (OSHA) and set criteria over and above the standard. The company is presented with a trophy and a flag to display. This is something the companies are proud to display and something they can brag on.

Mr. Adams stated that there should be a checklist given to fairs if they want to participate. The Fair Association would like to see a program like this started.

He further stated that it was necessary to include how the carnival looked at time of inspection. The Elevator and Amusement Bureau inspectors could help in looking at the carnivals while they were playing. These people could offer to help in getting inspected up to the standards and criteria.

Mr. Chambers asked who the inspection team would consist of. He suggested someone from the fairs and someone with knowledge of current requirements, such as Bureau inspectors. He thought the criteria should be set first, and then look at who will have the expertise to audit and award.

Mr. Brancazio stated the fairs/carnivals should submit an application if they want to be a part of this and state why.

Chairman Brooks stated that this is new for our industry here in this state, but IAFE (International Association of Fairs and Expeditions) is also trying to come up with something similar to this program. We do need to setup some incentives also for becoming part of this. Logos on fair literature, statements at entrances, use of Star Program to show off award.

Mr. Brinkley stated that the Fair Association could help in pushing this program (and incentives) to those out-of-state companies that play in the state and then move on. There have to be incentives for these people to buy it.

Mr. Powers would like to see each area of amusements come up with their own set of criteria for their business type and then meet to discuss all areas. He just doesn't know enough about the others requirements to set their criteria. Then the Board can compile all information.

Chairman Brooks would like to have each Advisory Board member put together their own set of criteria for their business category. All these lists can be combined by the Bureau and sent out to all members to review. He and Tom Chambers met with OSH to gather information on their program to see if we could do something similar to it for amusements. It all should start here with the Advisory Board and then get it out to others. All entities of the industry are represented by this Board.

Mr. Chambers told others that it may be helpful for them to review the NC General Statutes and Administrative Rules of the Amusement Device Safety Act on inspections of amusement devices in the state. It is on our website (www.nclabor.com/elevator/acts.htm) Members could start there when composing their lists of criteria. These are minimum requirements on the regulatory side and our criteria must go above and beyond these.

Mr. Gaffney had the following suggestions for 3 steps of the program and criteria on the permanent parks program:

1. Submit application for participation in program
 2. Audit criteria
 3. Maintain program
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1. Operator Training – classify in levels (who qualified to run what or have levels of operating) Set training criteria.
 2. Detailed training records. The minimum requirement is to be trained and the training documented. There should be higher level set for the Star Program.
 3. Percent of rider operators with NAARSO or AIMS level I, II, etc.
 4. Certified welder on staff (or have to use anyone)
 5. Maintenance records

Mr. Chambers offered there could also be a designated employee to shadow an Inspector to learn the requirements and criteria we look for during state inspections. This person could do a pre-inspection for quality control before the state inspector is scheduled.

Mr. Brinkley stated that their operators are ambassadors to the public. Their job performance is a good incentive for them. People talk to them about the company and it gives them pride in what they do. Operators can tell people what they do with their rides.

Mr. Brancazio said that once per month they video tape their operators during the day to see what they are doing or not doing. They talk about these videos with their people.

Mr. Baldwin said it would be a good idea to interview and ask questions of employees.
Mr. Toppin agreed and there is a large community of carnival and fair people.

Closing

Chairman Brooks said to keep in mind the things we have in common: inspections, operators, training, etc. He would like to see this program completed by the time the NC Fair Association meets in Raleigh (2009) so it can be presented. It must be presented to Commissioner Berry before that time. A deadline needs to be set by the Board for getting the criteria together. He would like to see the program come out by September, 2008. This will include more Board meetings to discuss and complete this program. He further stated that if everyone would send his criteria to him, he would compile and get back to each member. Please email to him before the next Board meeting and he will bring the combined report to the next meeting.

Mr. Baldwin said that the Commissioner is eager to get this going.

Legislative Update

Mr. Britt stated there was not movement on the bill for the study commission pertaining to rider responsibility act since March. If the bill is approved and passed, it will be finalized as a study commission later at the end of the legislative session. It was sponsored this year, will be studied in 2008 and recommended in 2009. It will likely be finalized in the January, 2009 long session.

He was questioned as to who asked that it be studied. Mr. Britt said the sponsors were Bill Faison, Chatham County; Pricey Harrison, Guilford County; Larry Hall, Durham County; and Melanie Goodwin, Richmond County.

Next Meeting

The members agreed that the next meeting would be held **November 19th 1:00 pm, Labor Building, 4 W. Edenton Street, 2nd Floor Conference Room.**

Chairman Brooks would like to work on a first draft at this meeting.

Ideas mentioned to think about and bring to next meeting:

1. If using state inspector or supervisor for audit team, use an area supervisor that is not normally in company's area. Most inspectors are too familiar with their area grounds. Use parks people to look at fairs and fair people to look at parks. Work with Fair Association to get input from their inspections/audits of the fairs.
2. Spend one year qualifying by the criteria, inspected by the audit team, and then fly the flag the next year. Company can advertise the flag before their fair starts.
3. Track records – add ratio to criteria
4. What length of time award is given – 2 years? Annually? Should it identify year it was given? Put the years and/or company name on the flag?

Decision was to bring each member to bring his industry criteria to the next meeting to discuss and compile into a criteria list. This will result in draft documentation to enable Mr. Brooks to

present at the next Fair Association meeting in Myrtle Beach, SC this year. Meet again in January, 2008.

Absent members will be contacted and minutes sent regarding this meeting and the scheduled date of the next meeting.

Meeting was adjourned.