

STATE OF ILLINOIS  
DEPARTMENT OF LABOR  
CARNIVAL AND AMUSEMENT RIDE INSPECTION DIVISION

PUBLIC FORUM MEETING

Hearing held on January 19, 2012 at the Crowne  
Plaza, 3100 South Dirksen Parkway, Plaza F, First Floor,  
Springfield, Illinois, scheduled for the hour of 6:00 P.M.

PRESENT:

MR. DANIEL S. KIRSCHNER,  
Chairman

Ms. Patty Sullivan, Vice Chair

Mr. Dennis E. Smith

Mr. Bill Sparks

Mr. Angelo A. Mazzenga

Board Members

Ms. Cynthia M. Smith, CSR

Cynthia M. Smith, Owner

cindy-m-smith@att.net

217-523-6559

217-971-5295

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APPEARANCES:

MS. KATHERINE ANTHONY  
Chief Legal Counsel  
Illinois Department of Labor  
Michael A. Bilandic Building  
160 North LaSalle Street, Suite C-1300  
Chicago, Illinois 60601

          Appeared on behalf of the Department of Labor.

ALSO PRESENT:

Mr. Doug Rathbun, Manager  
Ms. Sara Meek, Legislative Director  
Ms. Margaret Royer, Inspector  
Mr. Chuck Drager, Inspector  
Mr. Matt Rohman, Inspector  
Mr. Bill Szerletich, Inspector  
Mr. Brian Brown, Inspector

1 MS. ANTHONY: So I think that we will go ahead and  
2 get started everybody.

3 This is the Carnival and Amusement Ride Safety Board  
4 Meeting. Obviously one of which the public is welcome to  
5 attend and participate in.

6 The first thing that I would like for us to do is for  
7 the board sitting before you to introduce themselves.  
8 Since I don't know everybody necessarily that well, I will  
9 let them introduce themselves. And I will start with who  
10 I am.

11 I am Katherine Anthony, General Counsel for the  
12 Illinois Department of Labor. I'm sitting here at  
13 Director Joseph Costigan's stead. He could not be here  
14 today. But my understanding is that he will be here  
15 tomorrow.

16 And, without further ado, let's, I suppose, start  
17 over here on the left with the board members and proceed  
18 to introduce yourself.

19 MR. SPARKS: Bill Sparks.

20 MR. SMITH: Dennis Smith.

21 MS. SULLIVAN: Patty Sullivan.

22 MR. KIRSCHNER: Dan Kirschner.

23 MR. MAZZENGA: Angelo Mazzenga.

24 MS. ANTHONY: Very good.

1           And, without further ado, I will entertain  
2           nominations for chairman of this board.

3           MS. SULLIVAN: I would like to nominate Dan.

4           MR. KIRSCHNER: Okay.

5           MS. ANTHONY: All right.

6           MR. KIRSCHNER: And I will accept the nomination. I  
7           appreciate that.

8           MS. ANTHONY: Are there any objections?

9           MR. SPARKS: No.

10          MS. ANTHONY: Then, Dan, congratulations. You are  
11          chairman of the board. And my job here is done. I'm  
12          still sitting as a board member, but I'm going to turn it  
13          over to our esteemed new chair.

14          MR. KIRSCHNER: One of the first things that I would  
15          like to do as chair is to act on something that we haven't  
16          done in the past which is to expand the officership of  
17          that board. The statute provides for the board to create  
18          other officer positions. I think it would be helpful in  
19          terms of going forward if we have a vice chair to this  
20          board. To that end, I would like to nominate Patty  
21          Sullivan as vice chair.

22          MS. SULLIVAN: Oh.

23          MR. KIRSCHNER: I think her work on this board has  
24          been phenomenal over the years and I think that she

1 would be excellent.

2 MS. SULLIVAN: And I would be happy to serve in that  
3 capacity.

4 MR. KIRSCHNER: Any nays?

5 (No response.)

6 MR. KIRSCHNER: By absence of any nays, we assume  
7 everyone is an aye.

8 Welcome to the board.

9 MS. SULLIVAN: Thank you.

10 MR. KIRSCHNER: The next order of business with  
11 respect to the board meeting for tomorrow morning is that  
12 I would like to go through the agenda so everyone is aware  
13 of what is on the agenda and up for discussion tomorrow.

14 We do have the minutes that will be addressed  
15 tomorrow.

16 There will be any old business that the board wishes  
17 to discuss and bring up.

18 The report of the division manager, Doug Rathbun.  
19 Amongst those are Planned Outreach Activities, the Spring  
20 Press Release, Training, Non-Destructive Test Update, Year  
21 End Statistics, the WOW Balls Update, the Haunted House  
22 Update, Division Activities, 2011 Accident Report and  
23 the 2011 Safety Bulletins.

24 And, in addition, any new business including Section

1           6000.120(b) of the Administrative Rules. Request from  
2           owner to allow attendant to operate more than one  
3           attraction (inflatable) at a time.

4           There will be an opportunity for board discussion  
5           and other business as well as a scheduling of our  
6           summer board meeting.

7           That is the agenda for tomorrow morning's meeting.

8           Moving along, the operational update.

9           MS. ANTHONY: I'm sorry, but in my limited duties,  
10          I managed to omit something that I think would be really,  
11          really helpful here which is for the Department of Labor  
12          staff who are here to introduce themselves.

13          MR. KIRSCHNER: That would be terrific.

14          MS. ANTHONY: Beginning with Doug Rathbun who can  
15          take it from here in introducing the rest of the staff who  
16          is here.

17          MR. RATHBUN: My name is Doug Rathbun. I know most  
18          of ya.

19          This is Sara Meek. Bill Szerletich. Margaret Royer,  
20          Chuck Drager and Brian Brown. And Matt -- I'm sorry,  
21          Matt. And Matt Roman. That's what you get for hiding in  
22          the back in the corner.

23          MR. KIRSCHNER: Thank you very much.

24          The next item on the agenda for this evening is the

1 operational update. Doug.

2 MR. RATHBUN: The operational update. I've got piles  
3 of -- various piles of paper. So I don't want to miss  
4 anything as I'm going through this.

5 So let's start with the None-Destructive Testing.  
6 There was a bulletin out from Borvig that changed their  
7 NDT requirements. I don't -- I haven't seen any ski lift  
8 operators here, but that one came down. We have already  
9 discussed that with the appropriate people.

10 And then the Sea Dragon from Chance had a mast -- a  
11 mast requirement. One of the masts snapped off. It's got  
12 an annual NDT requirement where the NDT had -- where the  
13 two pieces weld together. There had -- had been a  
14 previous one on the base of that. Unless they remove it.  
15 That's the option.

16 So now we will go into the accident report. This  
17 year we had a total of nine accidents. And, as many of  
18 you know, we had one fatality.

19 And we had an -- a Go-Kart -- two Go-Kart incidents.  
20 Those were deemed patron error.

21 We had a stair tread that separated from a riser and  
22 a girl fell and bruised her bottom. And we consider that  
23 a mechanical failure. There was -- it was not attached.  
24 And she basically slid in between it.

1 We had a child slip and fall going up the stairs.

2 We had a person injured when they entered from  
3 outside of the fence where they shouldn't have.

4 We had a person who was injured when he fell over a  
5 control bar while waiting to ride.

6 And then we had another one where it was in a  
7 teacup-type ride where the mother and daughter had gotten  
8 tangled and the child ended up with a broken leg.

9 So are there any questions regarding that?

10 (No response.)

11 MR. RATHBUN: Okay. Regarding our Year End  
12 Statistics, we performed 3,780 inspections this year.  
13 There were 2,576 initial inspections. There were five  
14 stop orders issued. There were 1,085 follow-up  
15 inspections. And -- and that's it.

16 All in all, that was pretty much in keeping with  
17 previous years. Obviously, with the addition of Brian --  
18 Brian was training a lot this year down south working a  
19 lot with Bill. So the inspections may go up a little bit  
20 next year because Brian will be 100 percent by himself.  
21 So for those of you in Brian's area, be nice to him and  
22 help him where you can.

23 Safety bulletins. There were quite a few safety  
24 bulletins this year. I think it was 16 or 17. About half



1 of 'em were related to ski lifts. So I'm not going to go  
2 into that. Like I said, we've talked to the ski lift  
3 people and we have stayed in close communication with  
4 them. And they are aware with regard to those bulletins.

5 I thought that they had been posted to our web site  
6 already, these bulletins. But they hadn't. So I sent  
7 down an e-mail this morning telling them to make sure that  
8 they got 'em posted so everybody will have access to 'em.

9 I will go through them briefly. If you own one of  
10 these rides and haven't got a bulletin, by all means, come  
11 up to me after the meeting and I will get you a copy of  
12 the bulletin or I will certainly get you one by tomorrow.  
13 But I think that you are aware of them if you have got  
14 these specific rides.

15 There is one on the Chance Gondola Wheel.

16 There is one on the Chance Revolution. I don't even  
17 think there is one in the state. So that's kind of a --

18 And then the Sea Dragon. The Sea Dragon again  
19 relates to the mast snapping off and injuring a patron.  
20 And that's why the NDT is required on it.

21 Chance's Falling Star. I don't believe that there  
22 is one in the state.

23 Carabiners -- Photon Climbing Carabiners. These go  
24 with your rock walls. So the inspectors know to look for

1 that brand of -- of Carabiner. And if they are on the  
2 rock wall, take 'em off and be done with it.

3 The big one of those that was big news this year was  
4 the Consumer Products Safety Commission, the safety  
5 warning they put out about the Walk on Water Balls. And  
6 basically they recommended that they not be used. The  
7 State of Illinois adopted that. And maybe we can get into  
8 it tomorrow more or if there is any more questions  
9 tonight, I will entertain them.

10 MS. SULLIVAN: (Indicates.)

11 MR. RATHBUN: Do you have a question, Patty?

12 MS. SULLIVAN: No. I have a comment.

13 I think that we will definitely be getting into that  
14 tomorrow because I really am not in favor of us just  
15 outlawing the WOW Ball, all of them. Because we have  
16 procedures that all operators are supposed to follow. And  
17 if they have training and if they have operational  
18 procedures -- and especially after the -- the nice  
19 demonstration that we got as a board, what, a year and a  
20 half ago or so?

21 MR. RATHBUN: Right.

22 MS. SULLIVAN: I think -- I think that we should do  
23 it on a case-by-case basis. If they are following all of  
24 the rules and we feel like they've got a good operation, I

1 think that we should let them operate. But the instance  
2 of the WOW Ball that led to the CPSC to recommend against  
3 them was a far cry from what we learned in our -- in our  
4 demonstration.

5 And I would like to see us change that ruling and --  
6 and require that if WOW Balls -- if the Walk on Water  
7 Balls want to be in the state, if they follow all of  
8 the -- of the requirements, documentation, training and if  
9 we wanted to decide that each ball in the water needs to  
10 have an attendant, you know, right there, I think that  
11 that's a better idea than just saying no Walk on Water  
12 Balls.

13 MR. RATHBUN: Well --

14 MS. SULLIVAN: But I -- but there again that's a  
15 discussion for tomorrow. But --

16 MR. RATHBUN: Okay. And that's fine.

17 As a point of clarification just so we know we are  
18 comparing apples to apples here, upon subsequent  
19 discussions and decisions by the Consumer Product Safety  
20 Commission, we did release and approve those Walk on Water  
21 Balls which have open air exchanges because that was their  
22 main concern that -- the CPSC -- that there needs to be an  
23 open air exchange. There needs to be a double wall. And  
24 it needs to be in accordance with the manufacturer's

1 specifications.

2 And I know that Zorb -- the Zorb has balls -- and  
3 that's a company name, a brand name. Zorb has those balls  
4 that are designed to walk on water and those that are  
5 designed to be used on land.

6 So after -- like I say, after discussion with CPSC in  
7 writing, you know, the agreement and then the decision  
8 that the department took was if it does have an open air  
9 exchange and has double walls and is approved for water  
10 usage, then we would indeed allow them to operate.

11 So -- and, of course, obviously, at the time when the  
12 CPSC said in a nutshell that these things will kill  
13 people, it was the department's decision to take the  
14 conservative approach until, you know, we had time to  
15 adequately review it, et cetera. So --

16 MS. SULLIVAN: (Nods affirmatively.)

17 MR. RATHBUN: And, like I said, we can talk about  
18 that tonight or tomorrow if there is no more questions  
19 tonight.

20 MR. ROGER SWYEAR: (Indicates.)

21 MR. RATHBUN: Sir.

22 MR. ROGER SWYEAR: Does that mean that it has more  
23 oxygen than a scuba tank like that Zorb water ball like we  
24 talked about?

1 MR. RATHBUN: Say that again, please.

2 MR. ROGER SWYEAR: The water ball has more oxygen  
3 than a scuba tank.

4 MR. RATHBUN: Yes, sir.

5 MR. ROGER SWYEAR: Does the water ball have another  
6 opening?

7 MR. RATHBUN: No. The key phrase is -- one of the  
8 key phrases is that it has to have an open air exchange.  
9 Meaning, like, the cylinders that are open on the end can  
10 be used. If it is a completely enclosed ball, it  
11 currently is not allowed to operate in Illinois.

12 MR. ROGER SWYEAR: Okay.

13 MR. RATHBUN: If it is a completely sealed unit, they  
14 are currently not allowed to operate in Illinois. If they  
15 have an open end or if they are built like some of the  
16 Zorbs have almost what you call spokes and there is a  
17 person inside the chamber, whatever device it is, if it  
18 is a round chamber or tube and if air can flow in from  
19 the outside and be exchanged, then we have approved those.  
20 If it is a completely enclosed ball -- however you want  
21 to word it -- they are not approved.

22 And I made my feelings known when they came out. I  
23 don't see an issue. I've had my daughter in them. And  
24 that's my personal feeling. The department's policy is

1           they were deemed as unsafe by the Consumer Product Safety  
2 Commission. And, as such, the department is going to take  
3 the conservative and most safe approach toward that  
4 attraction. And that's -- that's why the decisions were  
5 made as they were.

6           Does that answer your question?

7           MR. ROGER SWYEAR: No.

8           MR. RATHBUN: No.

9           MR. ROGER SWYEAR: You told me earlier in the spring  
10 that the open end wouldn't work.

11           MR. RATHBUN: And, at the time, that's what we had  
12 discussed until we got back with the CPSC and they  
13 approved it.

14           MR. ROGER SWYEAR: Then that's a change.

15           MR. RATHBUN: Well, you know, is there anything else?

16           MS. SULLIVAN: (Nods head no.)

17           MR. RATHBUN: There was the Reverchon Log Flume  
18 bulletin. That was from an accident I believe in Europe.  
19 At the time, it still had -- the investigation was still  
20 under review. And I hadn't actually heard about that, but  
21 we do have one operating in the state.

22           The J&J Amusement has issued a bulletin about  
23 covering up the drive pulley. Every year there seems to  
24 be if you got a Go-Kart somewhere in the country that some

1 child gets their scalp pulled off because their hair was  
2 not put up and it gets caught in the drive mechanism. And  
3 that seems to be a recurring theme that by now most  
4 Go-Kart owners should aware of and preventing it from  
5 happening.

6 This is an informational bulletin regarding the --  
7 the Moser Spring ride also known as the Freefall. The top  
8 pulley became detached from the cylinder at the top of the  
9 ride. So, you know, there is no mandates to that. It's  
10 just, if you have a freefall, then by all means make sure  
11 that you inspect that area closely. And, obviously, we  
12 pass these on to the inspectors so they will know to look  
13 for those inspection points as well.

14 There was an accident involving a eurobungy that had  
15 been modified. The bottom line is, if you own a  
16 eurobungy, follow your owners manual and stick to what you  
17 are supposed to be doing according to the manual.

18 And that is it for that report. That being said, are  
19 there any other questions?

20 (No response.)

21 MR. RATHBUN: I will turn it over to the Chair then.

22 MR. KIRSCHNER: You know, again, one of the reasons  
23 that we have had these bifurcated meetings is that the  
24 board is going to discuss these issues and other issues in

1 depth tomorrow. And, of course, it's open to all of you.  
2 You are welcome to attend.

3 The purpose of tonight is really the opportunity for  
4 the board to hear from the public so that the public feels  
5 like they have a voice in this process and in what's going  
6 on. So if there are any comments that anyone wants to  
7 make or if there are any issues that people want to put  
8 out there for the board to discuss within the confines  
9 of the agenda, please, feel free to raise your hands  
10 and be recognized.

11 (No response.)

12 MR. KIRSCHNER: Hearing none -- before we adjourn  
13 is there any other business?

14 (No response.)

15 MR. KIRSCHNER: Thank you. The meeting is adjourned.

16 (Which were all of the  
17 proceedings held in this cause  
18 on this date.)

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1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF SANGAMON )

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4 I, CYNTHIA M. SMITH, do hereby certify that I am  
5 a Certified Shorthand Reporter and Notary Public in and  
6 for the County of Sangamon and State of Illinois, and that  
7 I reported in shorthand the proceedings had in connection  
8 with the above-entitled cause on January 19, 2012, and  
9 that the foregoing is a true and accurate translation of  
10 my shorthand notes so taken.

11 Given under my hand and seal this 3rd day of  
12 February, A.D., 2012.

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\_\_\_\_\_  
Certified Shorthand Reporter  
and Notary Public  
CSR #084-003540

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20 My commission expires:

21 June 27, 2014.

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