

FOR THE CASE OF  
State of Tennessee Elevator & Amusement  
Device Safety Board

TRANSCRIPT OF

None

December 3, 2015

*Stone & George*

COURT REPORTING

2020 Fieldstone Pkwy

Suite 900 - PMB 234

Franklin, TN 37069

(615) 268-1244

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1. STATE OF TENNESSEE  
 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
 2. WORKER'S COMPENSATION DIVISION  
 3.  
 4.  
 5.  
 6.  
 7.  
 8.  
 9. TRANSCRIPT OF PROCEEDINGS  
 10. OF  
 11. ELEVATOR & AMUSEMENT DEVICE SAFETY BOARD  
 12. December 3, 2015  
 13. BEFORE: Robbie Fox, Commissioner  
 14.  
 15.  
 16.  
 17.  
 18.  
 19.  
 20.  
 21.  
 22. -----  
 23. DOMINIQUE A. DUBOIS, LCR# 686  
 STONE & GEORGE COURT REPORTING  
 2020 Fieldstone Parkway  
 Suite 900 - PMB 234  
 Franklin, Tennessee 37069  
 25. (615) 221-1089

1. The above-styled cause came on for hearing  
 2. on this the 3rd day of December, 2015, before  
 3. Robbie Fox, Commissioner of Tennessee Department  
 4. of Labor and Workforce Development, at 220 French  
 5. Landing Drive, TOSHA Hearing Room, 1st Floor,  
 6. Nashville, Tennessee, when and where the following  
 7. proceedings were had, to wit:  
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1. A P P E A R A N C E S  
 2.  
 3.  
 4. Commissioner Robbie Fox, Chairman  
 5. Commissioner R. Perry Burch, Manufacturer  
 Representative  
 6.  
 7. Commissioner Lewis Mooror, Jr., Public at Large  
 Representative  
 8. Commissioner Mitch H. Rader, Insurance Company  
 Representative  
 9.  
 10. Commissioner Larry R. Moore, II, Owner and Lessees  
 Representative  
 11. Chris Farmer, Assistant Chief Elevator Inspector  
 12. Dan Bailey, Esq., Legal Counsel  
 13. Kim Y. Jefferson, Esq., Administrator  
 14. Mark Finks, Assistant Administrator  
 15. Carlene T. Bennett, Board Secretary  
 16. Melinda Kelsey, Commissioner's Office  
 17. Leanne Durm, Legal Liaison  
 18. Paul Fisher, United Elevator  
 19. Larry Nellist, EDGIE Designs  
 20. Anita Rhodes, State of Tennessee  
 21. Dylan Burt, Navitat  
 22. Ken Stamps, Navitat  
 23. Michael Barker, Professional Ropes Course  
 Association  
 24. Bill Weaver, ACCT  
 25. Jennifer Halverson, Adventureworks

1. A G E N D A  
 2. I. Call Meeting to Order  
 3. II. Introductions  
 4. III. Pledge  
 5. IV. Announcements  
 6. V. Annual Conflict of Interest Policy  
 Acknowledgement and Disclosure  
 7. VI. Elevator Unit's Report  
 8. \* Amusement Device Unit's Report  
 9. VII. Old Business  
 10. \* None  
 11. VIII. New Business  
 12. \* 15-05  
 13. \* 15-06  
 14. \* 15-07  
 15. \* 15-08  
 16. \* 15-09  
 17. IX. Discussion Items:  
 18. \* Set proposed quarterly Board meeting  
 19. dates for 2016. (Tuesday, March 8, 2016  
 20. tentatively set per item C "Announcement of  
 21. Next Meeting" below)  
 22. \*Type of amusement device information  
 collected in Ecmats database.  
 23. X. Announcement of Next Meeting - The next  
 24. regularly scheduled meeting of the Elevator  
 & Amusement Device Safety Board meeting  
 25. will be held in the first floor TOSHA  
 Hearing Room at 9:00 a.m. (CT) on Tuesday,

<p style="text-align: right;">Page 5</p> <p>1. March 1, 2016 at the State of Tennessee, Department of Labor and Workforce 2. Development building, located at 220 French Landing Drive, Nashville, Tennessee. 3. 4. XI. Adjournment 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25.</p>	<p style="text-align: right;">Page 7</p> <p>1. MR. WALL: I'm Corey. C-O-R-E-Y. 2. MR. FARMER: Corey? Okay. And the 3. other person on the phone, can you hear me? The 4. lady? 5. (No response from phone connection.) 6. MR. FARMER: Just go ahead. 7. MR. MOORE: I'm Larry Moore, an 8. Owner Representative. 9. CHAIRMAN FOX: Robbie Fox, Fixed 10. Parks Representative. 11. MR. BURCH: I'm Perry Burch, 12. Manufacturer's Representative -- 13. MR. MOORER: I'm Lewis Moorer, 14. Member at Large. 15. MR. RADER: Mitch Rader, Insurance 16. Company Representative. 17. MS. JEFFERSON: Kim Jefferson, 18. Administrator for the Division. 19. MR. FINKS: I'm Mark Finks, the 20. Assistant Administrator for the Division. 21. MR. BAILEY: Dan Bailey, Legal 22. Counsel. 23. MS. KELSEY: Melinda Kelsey, 24. Commissioner's Office, Government Relations. 25. MS. DURM: Leanne Durm, Legislative</p>
<p style="text-align: right;">Page 6</p> <p>1. 2. PROCEEDINGS 3. * * * * * 4. CHAIRMAN FOX: Folks, we will bring 5. the State of Tennessee Elevator &amp; Amusement Device 6. Safety Board to order for the -- it'd be December 7. the 3rd, 2015 at 9:00 a.m. central standard time. 8. If we could, let's start the 9. introductions and, Carlene, I'll let you start 10. first and then do we need to -- 11. MR. FARMER: I'll -- 12. CHAIRMAN FOX: -- include them? 13. MR. FARMER: Yeah. 14. CHAIRMAN FOX: Okay. You will take 15. care of that. Carlene? 16. MS. BENNETT: I'm Carlene Bennett, 17. Board Secretary. 18. MR. FARMER: Chris Farmer, the 19. Elevator Assistant Supervisor. And the few people 20. on the phone, would one of you -- we need both of 21. you to introduce yourself and who you're with. 22. Can you hear me? 23. MR. WALL: I can. This is Corey 24. Wall with Crown's Design Innovations. 25. MR. FARMER: Is it Mary or --</p>	<p style="text-align: right;">Page 8</p> <p>1. Liaison for the Department. 2. MR. FISHER: Paul Fisher with 3. United Elevator Services. 4. MR. NELLIST: Larry Nellist with 5. EDGIE Designs. 6. MS. RHODES: Anita Rhodes with the 7. Elevator and Amusement Device Units. 8. MR. STAMPS: Ken Stamps with 9. Navitat. 10. MR. BURT: Dylan Burt with Navitat. 11. MR. BARKER: Mike Parker with the 12. Professional Ropes Course Association. 13. MR. WEAVER: Bill Weaver with the 14. Association for Challenge Course Technology. 15. CHAIRMAN FOX: Okay. With that, if 16. I asked you all to stand, please, and let's do the 17. Pledge of Allegiance. Burch? 18. (Pledge of Allegiance recited by all.) 19. CHAIRMAN FOX: The announcement 20. says: In the event of an emergency or natural 21. disaster, security personnel will take attendees 22. to a safe place in the building or direct them to 23. exit building on the Rosa Parks side. 24. Which one would that be? This side 25. over here? Okay. All right. Very good.</p>

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1. Item Number 5. I think you all have  
2. a Conflict of Interest sheet somewhere in your  
3. packet. If we could, let's make sure that we sign  
4. all of those and get those to Ms. Bennett.  
5. MS. BENNETT: Perry, it's right at  
6. the top here.  
7. MR. BURCH: Here, right?  
8. MS. BENNETT: No, at the top.  
9. MR. RADER: Right -- here.  
10. MS. BENNETT: It should be in  
11. there.  
12. MR. RADER: You sent the -- you get  
13. it.  
14. MR. BURCH: I'll get it.  
15. CHAIRMAN FOX: Are we still hooked  
16. up?  
17. MR. FARMER: Well, when the second  
18. person called in, it put the other one on hold, so  
19. we only have one.  
20. CHAIRMAN FOX: Okay. You just got  
21. to love technology.  
22. MR. FARMER: Like I said, if I had  
23. a little more time, I probably could have --  
24. CHAIRMAN FOX: Can we get those to  
25. you at the end of the meeting so that we can

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1. proceed on? I mean, is it --  
2. MS. BENNETT: That'd be fine. Just  
3. make sure both documents, that that two pages are  
4. completed.  
5. CHAIRMAN FOX: Pass those over.  
6. MS. BENNETT: Could you send this  
7. form back around and you need to sign that one,  
8. too.  
9. MR. RADER: Who is it?  
10. CHAIRMAN FOX: Whose is that?  
11. Perry?  
12. MS. BENNETT: Perry.  
13. MR. BURCH: What did I do?  
14. MS. BENNETT: Would you fill the  
15. last one out, too?  
16. MR. BURCH: Oh, I didn't see that.  
17. MS. BENNETT: Thank you.  
18. MR. FARMER: I apologize for this.  
19. It was something I should have taken care of.  
20. MR. RADER: How are you to be  
21. psychic? None of this --  
22. MR. FARMER: Yeah.  
23. MS. JEFFERSON: Okay. It appears  
24. we need a bridge line.  
25. MR. FARMER: Yes.

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1. MS. JEFFERSON: Because we need one  
2. line for everybody to call in on.  
3. MR. FARMER: Uh-huh.  
4. MS. JEFFERSON: We didn't realize  
5. that we needed one before the meeting. Had we  
6. known, then we could have had someone set that up  
7. for us. So I've asked Anita to go and see if we  
8. can get that done.  
9. MR. FARMER: I'm thinking that's  
10. probably what it is. There's one in our  
11. conference room. It's a joint line, right? It's  
12. a bridge line --  
13. MS. JEFFERSON: It's a bridge line.  
14. MR. FARMER: -- that everybody  
15. called in to join in.  
16. MS. JEFFERSON: Yes.  
17. MR. FARMER: This isn't working.  
18. CHAIRMAN FOX: Have we heard from  
19. Mr. Hale or Ms. Connor?  
20. MS. BENNETT: No.  
21. MR. BURCH: Sort of the way I felt  
22. when I woke up this morning.  
23. CHAIRMAN FOX: Ms. Jefferson --  
24. MR. FARMER: Well, another thing,  
25. we can't --

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1. MS. BENNETT: Would you pass that  
2. to Mr. Moorer? He needs to sign that last page  
3. also.  
4. MR. MOORER: Half of these get  
5. overlooked.  
6. CHAIRMAN FOX: Do we need --  
7. Ms. Jefferson, do we need to wait until we get  
8. this resolved before we move forward or --  
9. MR. FINKS: I don't think so.  
10. MS. JEFFERSON: I mean, they want  
11. to -- you may just want to record it. I know --  
12. MR. MOORER: Do I need to this,  
13. Carlene?  
14. MS. JEFFERSON: -- you had  
15. suggested before for us to record it, because only  
16. one person -- that is only set up for one line.  
17. And the other people are on hold or trying to call  
18. in, so that's not working. So it depends on if  
19. you just want to record this, which we're  
20. transcribing it anyway, and move forward?  
21. CHAIRMAN FOX: Well, she's  
22. recording it here, correct?  
23. MS. JEFFERSON: Okay. Right.  
24. MR. FARMER: So what do you  
25. suggest? Just unplug it?

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1. MS. JEFFERSON: Yes.  
2. MR. FARMER: Well, I can do it.  
3. I'm more than happy.  
4. CHAIRMAN FOX: Okay. All right.  
5. Let's move on.  
6. Farmer, I think you're doing the  
7. Elevator Unit report.  
8. MR. FARMER: Yes. It's been a busy  
9. three months. I did give you all a packet today.  
10. It's got these numbers that I'm giving you; that  
11. way, you don't have to write them down. There on  
12. your left-hand side, I believe. The permits that  
13. we've issued so far this year is -- I'm sorry, all  
14. of last year, was 459. This year, so far, we've  
15. still got a month to go. We've got 494, so we've  
16. seen quite an increase in permits.  
17. Broken down to authorization permits  
18. is about 146 and the new installs is 348. So  
19. that's actually additional elevators added to our  
20. list instead of just remodels. The number of  
21. active elevator units we have in the state is  
22. about 13,422 and we've performed about 20,110  
23. inspections so far this year. We're down to 24  
24. inspectors, including myself. We did have an  
25. inspector resign last month -- or I'm sorry, a

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1. couple days ago. Jay Lyles was with us about 14  
2. years and he's accepted a job in L.A. industry. I  
3. guess, making more money, so we wish him all the  
4. luck in the world.  
5. So we have set our dates for our QEI  
6. recertification. It's going to be April 4th  
7. through the 8th. Location's not been determined  
8. yet, but we're going to do it, so -- and I believe  
9. that's it.  
10. CHAIRMAN FOX: Okay.  
11. Ms. Jefferson?  
12. MS. JEFFERSON: Okay. The  
13. Amusement Device Unit's report: Last week, we  
14. received two applications -- permit applications  
15. from companies. The fiscal year-to-date total for  
16. permit applications are 107. Last week, we  
17. permitted -- or provided permits to three  
18. companies and the year-to-date totals are 119.  
19. Last week, two payments were made.  
20. Our year-to-date total is 103. Last week, we  
21. received revenue in the amount of \$2,275. Our  
22. year-to-date total is \$74,425. Last week, the  
23. number of amusement devices at companies where  
24. permits are issued was 20. The year-to-date total  
25. is 1,169. Last week, there were no accident. Our

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1. year-to-date total was three. Last week, the  
2. number of noncompliant companies referred to  
3. proper County Sheriff's office were zero. Our  
4. year-to-date total is five. And that concludes  
5. our report.  
6. CHAIRMAN FOX: Okay. Thank you  
7. very much. Item Number 7, Old Business. None at  
8. this time.  
9. Item Number 7 (sic), New Business.  
10. Under that, 15-05, Mr. Mike Barker, VP Board of  
11. Directors, Professional Ropes Course Association.  
12. It says: Wishes to discuss the importance of the  
13. use and referencing of ANSI 1.0-.3-2014 American  
14. National Safety Standards for challenge courses,  
15. aerial adventure parks, zip lines, and canopy  
16. tours. I'll recognize you, Mr. Barker.  
17. MR. BARKER: Thank you. Just  
18. dropped my chair. Not a good thing.  
19. Just to give everyone a rough idea of  
20. who I am, I'm Mike Barker, I'm the vice-president  
21. of the Professional Multiple Association Board of  
22. the Directors. I'm also a member of ACCT and have  
23. been for many years. I'm also a member of the  
24. American Society of Safety Engineers, NAARSO, the  
25. international fall protection society and probably

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1. about five other groups also.  
2. I've got a background in law  
3. enforcement, some investigative background. I've  
4. been a risk manager for a major city in New Haven,  
5. Connecticut -- up in Connecticut. And so I've  
6. been involved with safety and safety aspects and  
7. investigations for many, many years.  
8. A few years ago, I think it was about  
9. eight years ago now, or seven years ago now, I  
10. became involved with the PRCA only because they  
11. were starting to develop the American National  
12. Standard for this industry. I've been involved in  
13. the industry since the '70s, building courses,  
14. facilitating courses, training and so forth. And  
15. this was before the big boom with the commercial  
16. courses. This was basically the challenge courses  
17. at campuses, camps, and so forth. That's what we  
18. were building at that time, and zip lines.  
19. Recognized that there were a lot of  
20. issues going on with the standards. First of all,  
21. there was no American National Standard for the  
22. industry. None existed. And ANSI, for those of  
23. you that don't know, is the American National  
24. Standard Institute and they come up with  
25. parameters for groups to develop standards with.

1. And you follow those parameters. If you follow  
 2. all the procedures and parameters, they will  
 3. designate your standard. Well, in 2014, the  
 4. proposed standard -- or the American National  
 5. Standard was designated by ANSI as an American  
 6. National Safety Standard for challenge courses,  
 7. canopy tours, zip lines, aerial adventure parks,  
 8. and so forth.

9. Some of the really important things  
 10. with this standard and getting it recognized, I  
 11. gave -- I handed out several documents there, one  
 12. of which is an Excel spreadsheet. And I just want  
 13. to go over a couple of things within the  
 14. spreadsheet to give you an idea of how this  
 15. differs from ASTM, from ACCT and other standards  
 16. that are out there.

17. ASTM standards, for anyone that's  
 18. familiar with them, are pretty generalized  
 19. standards. They're very general in nature; all  
 20. right? A lot of the stuff that occurs on these  
 21. courses is rather important and needs to be  
 22. recognized all across the board, one of which -- I  
 23. mean, I just -- I looked through the document from  
 24. ACCT and there's a statement in there that PRCA,  
 25. on the other hand, takes a strong -- the US-based

1. perspective. This an American National Standard.  
 2. It needs to take the US-based perspective. It's  
 3. for America. It's for the U.S.

4. So citing European strength  
 5. requirements for anchorages and cables and so  
 6. forth really doesn't fit, because their  
 7. requirements are lower than the U.S. requirements.  
 8. We need to meet what's here in the U.S.

9. The standard is starting to be  
 10. recognized around the country already. We had one  
 11. case in Tennessee where the compliance officers  
 12. and the TOSHA office actually used the American  
 13. National Standard for a compliant citation. And  
 14. I'll get into that a little bit here in a moment.

15. But if you look at just the first  
 16. page there of that document, the left side is  
 17. participants, the right side is employees on all  
 18. these charts. On the bottom of the right side,  
 19. you'll see the bottom on there is Tennessee. All  
 20. right? And this involves the -- a situation that  
 21. occurred at a zip line here in Tennessee. All  
 22. right? OSHA cited them and when OSHA cited them,  
 23. they cited them for having improper connectors.  
 24. All right? This was a situation of what they call  
 25. "rollout" where the rope actually detached from

1. the carabiner, allowing the person to fall. All  
 2. right?

3. In this same situation, we have OSHA  
 4. requirements that say anybody working a height --  
 5. any employees working a height must be protected  
 6. and must be attached at all times. That's not  
 7. referenced anywhere in the ACCT standards. ACCT  
 8. does not address employee standards at all, or  
 9. employee regulations. The ACCT standards don't.  
 10. ASTM does to a limited degree.

11. The American National Safety Standard  
 12. is very specific. You're working at height; you  
 13. must be attached either to travel restriction,  
 14. fall protection, or fall arrest. It must all be  
 15. in place.

16. One of the problems with standards  
 17. and taking standards and throwing a standard out  
 18. there that says, this is the stuff that relates  
 19. specifically to our little area of the standard,  
 20. without reinforcing and harmonizing with the  
 21. regulations in the U.S., the OSHA and so forth and  
 22. fall protection codes and so forth without --  
 23. bless you -- without actually pulling that all in  
 24. together. That means we're handing some operator  
 25. a standard that says, your employees don't have to

1. be protected at height unless you know all the  
 2. OSHA requirements. Does anyone know any operators  
 3. that know all the OSHA requirements? You don't  
 4. count, Rob. Most likely not.

5. So harmonizing this stuff into one  
 6. document allows them to address this -- these  
 7. issues. It allows them to look at things and say,  
 8. okay. Wait a minute. I don't have this. I  
 9. should be having this.

10. We had a lot of situations in the  
 11. last year where we've had employees buying their  
 12. own equipment, which is outside the OSHA  
 13. regulations. They can't buy their own personal  
 14. protective equipment. It has to be provided for  
 15. them at the cost of the operator.

16. MR. BAILEY: Provided and  
 17. maintained.

18. MR. BARKER: Provided and  
 19. maintained. Yes. Inspected on a regular basis.  
 20. All right?

21. We have people working at height  
 22. where they've been told -- like in the case in  
 23. Hawaii where they were told they didn't have to  
 24. wear -- they didn't have to stay attached if they  
 25. didn't want to. Well, the regulations say they

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1. do. The American National Safety Standards says  
2. they do. The ACCT standards has no -- doesn't  
3. address it at all. All right?  
4.       So these are issues that, being a  
5. member of ACCT and the PRCA, I'm not into the  
6. politics crap. I'm into what's safe here, what  
7. the safety issue is. And the safety issue is  
8. being attached at height. So allowing people to  
9. know that they need to be attached at height and  
10. making sure that the operators know that they need  
11. to be attached at height is an important proponent  
12. of this.  
13.       I build courses. So if I go in and  
14. build a course for you and I don't bother telling  
15. you that everybody has to be attached up at height  
16. and you don't have any document to look at to tell  
17. you that, do you know? You have no idea. And  
18. that's where a lot of this stuff comes into play.  
19.       I got three particular ones here that  
20. I want to look at just briefly and I'll leave the  
21. rest of the documents with you to look at. But  
22. that first one there in Tennessee -- like I said,  
23. that was a rollout situation. If you look at the  
24. photos you have, you've got one photo that looks  
25. like this. This is basically the anatomy of a

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1. rollout on a carabiner. All right? That one  
2. particularly is a twist-lock carabiner.  
3.       So on that first page, here in  
4. Tennessee, we have that one with the employee  
5. accident. On the second page on the top, we  
6. have -- that's the separate one. I'll hit that  
7. last. The bottom one, Alabama, once again, a  
8. rollout accident. On the third page, you have  
9. Michigan. Once again, a rollout accident.  
10.       These are all in this year. We've  
11. had two serious injuries and one fatality related  
12. to a simple change in connector. The American  
13. National Standard calls for triple auto locks and  
14. I actually figured I'd play a little show and  
15. tell. These are the types of carabiners right now  
16. that are permitted under the ACCT standards but  
17. are not covered or not permitted under the  
18. American National Safety Standard unless they're  
19. doubled, which actually goes in accordance with  
20. the manufacturer's specs.  
21.       When you look at manufacturer specs  
22. on the climbing and the sport -- which is the  
23. sport area, climbing is a sport area. If you look  
24. at the sport area, the manufacturers tell you if  
25. you're attaching to a rope with device -- with

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1. these devices, that you have to have two of them  
2. in place with opposite gates -- gates opposed at  
3. opposite. All right?  
4.       I have seen very few situations out  
5. here in this industry where anyone's using two of  
6. these opposed. So people still have a huge supply  
7. of these. There is a mechanism in the American  
8. National Standard for them to use these until they  
9. can get the triple auto locks.  
10.       The way a rollout occurs, pretty  
11. simply, we'll use a twist lock which requires you  
12. to twist it and then push it in. All right? So  
13. the way a rollout would occur -- and this is  
14. exactly what did occur out in Michigan, that I  
15. know of. All right? The lanyard grabs the tube,  
16. turns it, pulls it, and then when the weight's on  
17. it, it's out. This has resulted in one fatality  
18. and two serious injuries this year.  
19.       Both of the camps I'm talking about,  
20. the camp in Michigan and the location here in  
21. Tennessee had recently been inspected. They'd  
22. been inspected to the ACCT standards. They passed  
23. the ACCT standards. The inspectors didn't do  
24. anything wrong. The inspectors looked at it and  
25. said, here's these standards and the standards say

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1. you can use this. So they used it. Nothing wrong  
2. with that. Did it meet the American National  
3. Safety Standard? No.  
4.       If they had been inspecting to that,  
5. they would have said, okay. Wait. We have to use  
6. a triple auto lock. And I'll pass these around so  
7. you can see the difference.  
8.       Triple auto lock requires three  
9. different movements; up, over, in, and then over.  
10. All right? Can this still be -- if everything was  
11. absolutely perfect, could this still wind up  
12. pulling and then turning and opening in a perfect  
13. scenario? Yes, it could. Is it far more  
14. protective than this? A lot more. And that's one  
15. of the ideas behind this is that you want to  
16. create the safest you possibly can.  
17.       The ANSI Fall Protection Codes say  
18. they're not related to sports equipment. Sports  
19. equipment is climbing. Sports equipment is not  
20. commercial operations of these programs that  
21. basically are amusement rides, basically. They  
22. fall into that category. They start falling in  
23. there. They're in that little gray area that  
24. we've got.  
25.       So the Fall Protection Codes should



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1. be required out there. They've already addressed  
2. the American National Safety Standards, harmonized  
3. with those. It's harmonized with OSHA. So when  
4. you read that standard, you go by that standard;  
5. this is what you're using, not this. Not simple  
6. screw gates and not like what happened out in  
7. Alabama where this was the only thing you were  
8. using to attach a person.  
9. And in the Alabama case, the person  
10. that was attached to this said something didn't  
11. feel right the whole time. The rope was actually  
12. trapped right there to begin with. When she  
13. stepped off, it just yanked right out. Now that  
14. was at a course that had not been inspected by  
15. anyone. It was a little holiday place and they  
16. actually just put up the course and ran the zip  
17. line without any formal inspection or anything.  
18. All right?  
19. So I'll pass these little guys around  
20. and you can take a look at these. The ones on  
21. this side here are the ones that meet the American  
22. National Standard. The ones on the opposite side  
23. do not. So you can see how easily they do open  
24. and what's been resulting in our fatalities and  
25. injuries. Give you something to play with.

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1. The other situation we had in  
2. Tennessee was right after commissioning the  
3. course, a participant -- I guess, the autopsy  
4. found that the cause of death was heart condition  
5. and heart attack. Whether the fall actually  
6. contributed to it or not, there's some feeling,  
7. I'd guess, the fall did contribute to it. Yes,  
8. the entrapment that occurred did contribute to  
9. starting the heart attack or whatever. All right?  
10. We'll never know the full story on that. Never.  
11. There's no way to actually sit there and pinpoint  
12. the exact time of when this hit here, did that  
13. start the guy's heart attack? That's impossible  
14. to do. I don't care how good your coroner is,  
15. we're not going to figure that one out.  
16. The big thing there was that -- these  
17. are called smart blades. It's a different system  
18. from what they were using there. The concept  
19. behind these is when one's open and clipped  
20. onto -- the other one can't be opened. When it's  
21. clipped onto the cable, then the other one can be  
22. opened and clipped onto the cable, too. All  
23. right? Can these still be defeated? Yes.  
24. There's a lot of systems out there that can still  
25. be defeated.

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1. But the general concept is once this  
2. is clipped on, this can't be opened. If you don't  
3. teach your participants to go like that, they  
4. don't know that. All they know is they're clipped  
5. on, they're here, and they have to clip the other  
6. one on. And that becomes operational as you --  
7. how you train them to go through the course.  
8. The big thing here is you'll notice  
9. this very long extension. This is what the  
10. manufacturer says to use -- you would use with  
11. these. It actually gets girth hitched, which  
12. means it passes back through itself. So I'm going  
13. to shorten it up a little bit here. It passes  
14. through itself and gets attached to the harness.  
15. Everyone see where the Y is on that? How far down  
16. that is. All right? There's no way for me to get  
17. a head entrapment here if I fall unless I'm an  
18. absolute contortionist and I can bend down and  
19. kiss my knees. It's not going to happen.  
20. What happened in that situation was a  
21. longer lanyard piece down here was put on. All  
22. right? And that allowed this to ride up to this  
23. point where when the person fell, it could catch  
24. the throat.  
25. Manufacturer specifications have to

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1. be followed. You're with a -- you represent  
2. manufacturers. How do you feel about --  
3. MR. BURCH: Elevator manufacturer.  
4. MR. BARKER: How do you -- yeah.  
5. But how do you feel about anyone overriding  
6. manufacturer specs?  
7. MR. BURCH: Well, you're taking a  
8. chance. I mean, you just -- you -- and you're  
9. opening yourself for a terrible lawsuit.  
10. MR. BARKER: Right.  
11. MR. BURCH: But you're --  
12. MR. BARKER: The ACCT standard  
13. allows for vendors and qualified persons to  
14. override manufacturer specs. The American  
15. National Safety Standard also allows for that.  
16. However, in order to override the manufacturer  
17. specs in the American National Safety Standards,  
18. there has to be something in writing from the  
19. manufacturer allowing that use or in writing  
20. showing testing from an engineer, a licensed  
21. engineer in that state.  
22. Those are the only two ways you're  
23. allowed to override manufacturer specs. Those are  
24. the ways to protect the operator, protect the  
25. builders, protect the vendors, protect everybody

1. all the way around. If we follow manufacturer  
 2. specs, we're great.  
 3. We've got some issues out there --  
 4. and I don't know about the courses here in  
 5. Tennessee. I haven't actually toured the courses  
 6. to see if they're out there. But there's a  
 7. dead-end device that's normally used for guy  
 8. cables on utility poles. Cone-shaped device about  
 9. this long. I'm sorry, I don't have a picture of  
 10. it. Cone-shaped device about this long has a bale  
 11. wire that comes off the end. And that gets  
 12. attached and the cable gets passed through it.  
 13. And it's an easy way for -- it's an easy way for a  
 14. vendor to set up the cable and tension the cables,  
 15. what it really boils down to. It makes it easy on  
 16. the vendor.  
 17. The original manufacturer of those is  
 18. Strand Vice. Strand Vice company came out years  
 19. ago and said -- sent out a safety advisory to men  
 20. that they all be removed from courses. Wanted  
 21. them out of there; didn't want them out there at  
 22. all.  
 23. At the PRCA, when we heard about  
 24. that, we went out to manufacturers and started  
 25. searching, is there another device that we can

1. find out there that can be used that will do the  
 2. same thing, allow the vendor to put it in easily,  
 3. even better, we wanted one that can actually be  
 4. removed so the full cable can be inspected, every  
 5. inch of the cable can be retensioned and  
 6. everything else.  
 7. We worked with a company called  
 8. Ripple. We did extensive testing, they did  
 9. extensive testing, and we came up with this device  
 10. called the Ripple, which is in the American  
 11. National Standards and is permitted. And this  
 12. device here is 96 percent of the cable strength.  
 13. So when this is in place, this is better than any  
 14. clamps and better than any swage fitting at this  
 15. point. And this is a factory swage. Factory  
 16. swage is good for a whole 100 percent. Regular  
 17. swage fitting, hand swage fitting are good for  
 18. about 90 percent.  
 19. The bolts come in here and lock this  
 20. in place. And I'll pass this little prototype  
 21. around, which -- the only thing I got from the  
 22. Ripple company after I worked with them through  
 23. all their stuff was this stupid little prototype  
 24. where the -- I had to argue with the CEO about  
 25. because I wanted it and he wanted to keep it. And

1. I was like, look, I'm not taking a dime. Give me  
 2. the stupid thing. And that'll show you how it  
 3. goes in here.  
 4. The problem with these other devices  
 5. are, when that first came out about Strand Vices,  
 6. the ACCT standards allowed and ACCT standards  
 7. still allow for the use of those dead-end devices  
 8. which is the just that bale wire.  
 9. Under OSHA, under the ANSI Fall  
 10. Protection Codes, under the American National  
 11. Safety Standards, there's standard language for  
 12. failure of an anchorage. If an anchorage is  
 13. loaded with proof loading and there's any  
 14. permanent deformation, displacement or failure,  
 15. it's a failure of the anchor.  
 16. As soon as you start weighting these  
 17. dead-end devices, that bale wire crushes it, pulls  
 18. it. I mean, it has to. If you're pulling this  
 19. way, it's going to have to pull that in. When it  
 20. pulls it in, it does not go back to its original  
 21. position. Permanent deformation. It failed.  
 22. That's the reason we started using these.  
 23. The current ACCT standard still  
 24. allows those dead-end devices in there. They have  
 25. failed in the past. There's been tests in

1. Australia where they had one actually fail when a  
 2. person was zip lining and when they -- independent  
 3. tester came in and tried to test these devices,  
 4. they couldn't even put a number on the strength,  
 5. because they were all breaking at different  
 6. strengths. They're made for guy-wires for utility  
 7. poles. They're not made for life support. And  
 8. the current ACCT standards and the past ACCT  
 9. standards, they're there as life support. It's  
 10. not something you can have.  
 11. So we got the manufacturer to agree  
 12. to this and the manufacturer actually signed off  
 13. on this as -- for ropes courses. So we worked  
 14. with a manufacturer and actually got them to  
 15. approve something specific for the ropes courses  
 16. and everything. It's stronger, it's better, and  
 17. we can actually remove it. This is the type of  
 18. stuff you should be doing with standards; moving  
 19. ahead, not trying to cover a back.  
 20. The idea that the American National  
 21. Safety Standard addresses U.S. issues and doesn't  
 22. address the strengths in the European issues and  
 23. so forth -- Europe has its own recognized European  
 24. ropes course standards. It has them. And they  
 25. meet European requirements. They didn't bother

<p style="text-align: right;">Page 33</p> <ol style="list-style-type: none"> <li>1. trying to address American requirements.</li> <li>2.       This is American National Safety</li> <li>3. Standard. You're supposed to be addressing</li> <li>4. American standards. This standard is being looked</li> <li>5. at extensively around the world. We have Hong</li> <li>6. Kong, Malaysia, Thailand, Australia, and New</li> <li>7. Zealand all looking at the American National</li> <li>8. Safety Standards. Canada typically adopts what</li> <li>9. comes out from the American National Safety</li> <li>10. Standards with whatever tweaks they need for their</li> <li>11. regulations. But it's just to give you an idea.</li> <li>12.       So these are the main things here.</li> <li>13. If you look at that last photo, this is the setup</li> <li>14. that the man in the fatality in Michigan had on</li> <li>15. him at the time. And once again, those are just</li> <li>16. those twist-lock carabiners like I passed around.</li> <li>17.       There's only two potentials for what</li> <li>18. occurred out in that fatality. One; an</li> <li>19. experienced facilitator, who's been doing this</li> <li>20. stuff for years, either totally forgot to clip</li> <li>21. somebody on and sent him off, or because of the</li> <li>22. dog leash that helps pull the thing, when it went</li> <li>23. to get clipped in, it didn't get clipped in all</li> <li>24. the way or it got clipped in at the wrong angle.</li> <li>25. Or the dog leash, which is also incorporated in</li> </ol>	<p style="text-align: right;">Page 35</p> <ol style="list-style-type: none"> <li>1. all the politics are gone. It's an American</li> <li>2. National Safety Standard. That's what it's</li> <li>3. designed as so that nobody has control anywhere.</li> <li>4.       When you read through this thing,</li> <li>5. you're going to see a lot of situations where yes,</li> <li>6. the ACCT standard would have addressed the issue</li> <li>7. also. All right? Some of these issues with</li> <li>8. training. Training is an important component to</li> <li>9. any amusement device or any recreational device</li> <li>10. like that; knowing the staff is properly trained.</li> <li>11.       Well, having a standard that says</li> <li>12. your staff has to be trained doesn't tell you a</li> <li>13. lot. Having a standard has a national training</li> <li>14. scheme, which is based on what Australia's been</li> <li>15. doing for years successfully. You go into there</li> <li>16. and it says, the applicable parts of this and it</li> <li>17. has layouts of, this is the stuff they need to</li> <li>18. have in their training. This is what needs to be</li> <li>19. covered.</li> <li>20.       When it comes to rescue, the only</li> <li>21. people that can train rescue are people that have</li> <li>22. been formally trained in rescue themselves. We're</li> <li>23. doing rescue of high-angled rescue. We're</li> <li>24. basically lowering people down off cables and so</li> <li>25. forth. That's an important issue. We've had</li> </ol>
<p style="text-align: right;">Page 34</p> <ol style="list-style-type: none"> <li>1. that carabiner, blocked the thing and held it in a</li> <li>2. position where the rollout occurred. There's only</li> <li>3. two possible causes out there. And we know the</li> <li>4. rollout was related up in Tennessee here.</li> <li>5.       The American National Safety Standard</li> <li>6. isn't trying to take away from ACCT. It's not</li> <li>7. trying to promote the PRCA. This standard is</li> <li>8. actually managed by an independent -- a committee</li> <li>9. of independent representatives of industry</li> <li>10. associations.</li> <li>11.       The PRCA has one voice on it. One.</li> <li>12. All the rest of the voices on this committee are</li> <li>13. insurance companies, other industry associations.</li> <li>14. ACCT has been invited. They haven't joined with</li> <li>15. it yet. But ACCT has been invited. These are the</li> <li>16. people that are actually maintaining that</li> <li>17. standard. So ideally, this is the perfect</li> <li>18. standard. Operators can be involved in it.</li> <li>19. Everybody can be involved in it.</li> <li>20.       And they're the ones that actually</li> <li>21. control it at this point. The standard management</li> <li>22. committee can turn around tomorrow and decide, we</li> <li>23. don't like the training that's in there. Let's</li> <li>24. remove all the training. And it's their call.</li> <li>25. Nothing to do with PRCA, nothing to do with ACCT,</li> </ol>	<p style="text-align: right;">Page 36</p> <ol style="list-style-type: none"> <li>1. several accidents where during the rescue, people</li> <li>2. have been injured and dropped. We still have a</li> <li>3. lot of places that are using cutaway rescue rather</li> <li>4. than lift and lowers. Cutaway, you're actually</li> <li>5. cutting the connector between the person. If you</li> <li>6. hooked everything up perfectly between you, you're</li> <li>7. all set. But there's a lot of situations where</li> <li>8. that doesn't happen.</li> <li>9.       So this standard provides the</li> <li>10. training schemes, information for manufacturers,</li> <li>11. all the way down to the hardness of the bolts that</li> <li>12. we use for anchors. Salt spray testing. Of</li> <li>13. course, that's all pulled from ASTM and harmonized</li> <li>14. with that. And harnesses all across the line.</li> <li>15.       So it lays out what equipment should</li> <li>16. be on a course, how the manufacturers should be</li> <li>17. producing it, what they should be testing for;</li> <li>18. it's a full, inclusive safety package. It's</li> <li>19. something that we really need to see out there.</li> <li>20. Like I said, TOSHA obviously looked at it and</li> <li>21. said, hey, this makes sense, because they used it</li> <li>22. in their compliance, their enforcement.</li> <li>23.       So does anybody have any questions?</li> <li>24. I mean, the table itself, when you read it, is</li> <li>25. going to speak volumes to you. That actually</li> </ol>

1. shows where these standards could have prevented  
2. many, many of these accidents. Can any standard  
3. prevent -- totally prevent all accidents? No, of  
4. course not. Of course not. However, if we arm  
5. our operators with enough information that they  
6. can be using the proper safety equipment, we could  
7. have eliminated almost every single one of these,  
8. and that's a lot.

9. I think our final tally -- now this  
10. is just based on what has been found on the  
11. Internet. So these are basically severe injuries  
12. that made it into the press. All right? But  
13. between 2011 and 2015, you've had six fatalities  
14. and 19 serious injuries on users. You've had four  
15. fatalities for employees and 10 serious injuries  
16. for employees.

17. Those numbers are ridiculous. I  
18. mean, we could sit there and say we have millions  
19. of people using the courses, and we can say, okay,  
20. so the six and 19 may not be that bad. We don't  
21. have millions employed. We're killing our  
22. employees off left and right. Not a good thing.  
23. All right? I think that's about it -- I have,  
24. unless anyone has any questions.

25. CHAIRMAN FOX: May I ask you a

1. question?

2. MR. BARKER: Yeah.

3. CHAIRMAN FOX: Has ASTM adopted  
4. this ANSI standard?

5. MR. BARKER: ASTM has not adopted  
6. it. I'm the PRCA representative to the ASTM  
7. Amusement Device Committee. We had someone that  
8. was in there involved with them originally and  
9. they were actually referencing numerous parts of  
10. the American National Safety Standard within the  
11. ASTM requirements. And without talking to anybody  
12. else, he went ahead and said, well, you guys can't  
13. do this. That's copyrighted stuff, you didn't ask  
14. about it. So they pulled it.

15. So he's no longer the representative.  
16. I'm now the representative and we're trying to get  
17. ASTM to, yes, bring some of these issues in to  
18. reference it, yes.

19. CHAIRMAN FOX: ASTM meets -- is it  
20. the 10th of this month or --

21. MR. BARKER: Yeah. We have a vote  
22. going on --

23. CHAIRMAN FOX: Yeah.

24. MR. BARKER: -- right now. Yeah.

25. CHAIRMAN FOX: I did not see that

1. come up. Do you know if it is coming up to vote  
2. on --

3. MR. BARKER: I don't know if it's  
4. been put on there yet. This is a fairly recent  
5. jump here with them. One of the problems with the  
6. ASTM standards is they are very general whereas  
7. this actually provides the operators with a lot  
8. more information that they need. All right? I've  
9. found over the years that if you leave too much  
10. hanging open for somebody and don't provide enough  
11. guidance, that you're going to get exactly what  
12. you're asking for.

13. CHAIRMAN FOX: I would agree with  
14. that statement except I know from reading the ASTM  
15. material, which is always exciting --

16. MR. BARKER: Uh-huh.

17. CHAIRMAN FOX: -- they normally  
18. reference a specific like this --

19. MR. BARKER: Yeah.

20. MR. MOORER: -- and say, this is  
21. part of our adoption --

22. MR. BARKER: Yeah.

23. CHAIRMAN FOX: -- and with that  
24. adoption, then those standards are brought into  
25. the --

1. MR. BARKER: They come into both --

2. CHAIRMAN FOX: -- ASTM standards.

3. MR. BARKER: Yeah.

4. CHAIRMAN FOX: So --

5. MR. BARKER: That's something we're  
6. working on with them right now. Yeah.

7. CHAIRMAN FOX: Okay.

8. MR. BARKER: It is an important  
9. thing. I mean, we -- when you go through our  
10. standard, you'll see ASTM standards referenced  
11. left and right through there.

12. CHAIRMAN FOX: Okay.

13. MR. BARKER: All right? We have  
14. to. I mean, there's no sense in redoing all the  
15. hardness testing and everything else. Just  
16. reference, you know, the appropriate ones.

17. CHAIRMAN FOX: Okay.

18. MR. BARKER: And that's what was  
19. done in that standard.

20. CHAIRMAN FOX: One other question,  
21. if I may. Are you involved in the investigation  
22. of the incident in Knoxville? Are you consulting  
23. on that injury or accident?

24. MR. BARKER: Which -- in -- which  
25. was the one in Knoxville?

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1. CHAIRMAN FOX: The one you  
2. referenced earlier.  
3. MR. BURCH: Page one.  
4. MR. MOORER: I don't think it  
5. was --  
6. MR. BURCH: The zip line one?  
7. MR. MOORER: -- wadded.  
8. CHAIRMAN FOX: Yes.  
9. MR. BARKER: The zip line one. I  
10. wasn't involved in investigation. What I did do  
11. was I contacted the TOSHA office and said, here's  
12. a copy of the American National Standard if you  
13. want to look at it for referencing and so forth.  
14. The enforcement -- the woman who was  
15. working on the enforcement aspects called me up  
16. and asked me some questions about the standard and  
17. how things related. And I offered, you know, the  
18. information, I mean, specifically relating to the  
19. connectors. She was questioning the connectors,  
20. some aluminum connectors that were in halfway  
21. through and that should be steel on steel, this  
22. compatibility stuff within the American National  
23. Safety Standard. So there were issues like that,  
24. yes. And that's probably what came back and  
25. reflected into that.

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1. The Michigan case, I actually went  
2. out and helped the Sheriff's Department make the  
3. determination of what occurred there.  
4. CHAIRMAN FOX: Okay.  
5. MR. BARKER: And in that particular  
6. case -- I'm also an expert witness on a lot of --  
7. on six different cases around the country right  
8. now. But in the Michigan case, I can't be an  
9. expert witness. Once I've helped the initial  
10. investigation, I refuse -- expunge as an expert  
11. witness, so --  
12. CHAIRMAN FOX: Okay. All right.  
13. MR. BAILEY: Chairman Fox.  
14. CHAIRMAN FOX: Sir.  
15. MR. BAILEY: I knew this would be  
16. discussed today so I pulled the TOSHA file on this  
17. case, and what TOSHA cited was a TOSHA standard  
18. for personal protective equipment that was not of  
19. safe design and construction. And in the  
20. compliance officer's worksheet where she's  
21. explaining why she felt it was not of safe design,  
22. there she does reference the ANSI and PRCA --  
23. MR. BARKER: Right.  
24. MR. BAILEY: -- 1.0-.3 and that the  
25. the snap hooks -- the carabiner --

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1. MR. BARKER: Carabiners, yeah.  
2. MR. BAILEY: Yeah. And snap hooks  
3. shall be auto locking or require a minimum of two  
4. deliberate, consecutive actions to open. With  
5. only one action -- that was the end of quote.  
6. With only one action required to disengage the  
7. snap hook, the snap hook could come loose from the  
8. fall protection system resulting in the employee  
9. falling from height.  
10. And it was the owner, Chris Fortune's  
11. opinion that using a single action snap hook was  
12. the cause of the employee falling 25 feet to the  
13. ground below. Management stated that they  
14. believed the movement of the zip line resulted in  
15. the clasp being opened. And then later on, she  
16. also references the catching rope was tied with  
17. overhand knots and not sewn into itself as  
18. required by ANSI standards. So that -- you know,  
19. that's the reference that was made.  
20. MS. JEFFERSON: Yeah. Those are  
21. the references in there -- within there. Yeah.  
22. CHAIRMAN FOX: Okay. All right.  
23. Does the Board have any questions for Mr. Barker?  
24. MR. RADER: No, Mr. Chairman. I  
25. believe the young lady in the back has a question.

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1. MS. HALVERSON: I just wanted to  
2. comment on the ASTM standard that it is -- it  
3. has -- it is definitely referencing other  
4. standards and it's been detailed out and about to  
5. go to ballot. So what has been general is about  
6. to be balloted very general and specific to ropes  
7. course, challenge course, zip lines.  
8. CHAIRMAN FOX: Ma'am, may I have  
9. your name, please?  
10. MS. HALVERSON: Yes. Jennifer  
11. Halverson.  
12. MR. BURCH: Jennifer --  
13. MS. HALVERSON: Jennifer Halverson.  
14. CHAIRMAN FOX: Spell it. I can't  
15. hear you, ma'am. I'm --  
16. MS. HALVERSON: I'm sorry.  
17. Jennifer Halverson.  
18. CHAIRMAN FOX: Halverson. Okay.  
19. And what company are you with?  
20. MR. MOORER: I'm with Adventure  
21. Works and I am on the ASTM committee.  
22. CHAIRMAN FOX: Okay.  
23. MS. HALVERSON: And so I was just  
24. in San Diego at their last meeting.  
25. CHAIRMAN FOX: All right. Any

1. other questions about this topic? Okay.  
 2. Mr. Barker, thank you very much, sir.  
 3. MR. RADER: Good information.  
 4. CHAIRMAN FOX: Next item on the  
 5. agenda is 15-06, review the current law to  
 6. determine if any existing portions of the law need  
 7. to be changed. If I understand it, there's the  
 8. LULU or LULA --  
 9. MR. FARMER: LULA.  
 10. CHAIRMAN FOX: -- that you want to  
 11. talk to us about.  
 12. MR. FARMER: Yeah. First, do you  
 13. want to get this last minute variance?  
 14. CHAIRMAN FOX: Okay.  
 15. MR. FARMER: And I have a feeling  
 16. this rule thing is going to go on for awhile.  
 17. CHAIRMAN FOX: Okay. This should  
 18. be the e-mail that everybody has in their packet  
 19. and from --  
 20. MR. FARMER: It's Paul --  
 21. CHAIRMAN FOX: -- Paul Fisher. Is  
 22. Mr. Fisher here?  
 23. MR. FISHER: I'm Paul Fisher. I'm  
 24. with United Elevator Services. I'm just coming to  
 25. ask for a variance to install a LULA elevator down

1. in Manchester at the First National Bank down  
 2. there.  
 3. CHAIRMAN FOX: Mr. Farmer.  
 4. MR. FARMER: Yes. It was brought  
 5. in a little bit late from the deadline, but I  
 6. think Paul was under the impression that we was  
 7. going to change the rules in this board meeting,  
 8. and I don't think it's going to happen that quick.  
 9. So he asked if it could be added to this agenda  
 10. and I -- and I mean, it's up to y'all's  
 11. discretion, if y'all allow it or not but --  
 12. CHAIRMAN FOX: Well, with that  
 13. being said, let me ask the Board; does anybody  
 14. have an objection to hearing this now and making a  
 15. ruling on it?  
 16. MR. RADER: No.  
 17. CHAIRMAN FOX: Okay. Let's -- I'm  
 18. sorry. Yes?  
 19. MS. BENNETT: Could we designate it  
 20. as item 15-09 for the record?  
 21. CHAIRMAN FOX: Yes.  
 22. MS. BENNETT: Okay. Thank you.  
 23. MR. FARMER: I have reviewed the  
 24. plans and I actually put it in everybody's packet  
 25. if they ever want to look at the LULA plans.

1. Everything's there. It does fall under the code,  
 2. the LULA code. Everything's there that needs to  
 3. be. So it meets all the requirements.  
 4. CHAIRMAN FOX: This is exactly like  
 5. all the others that we've done in the past.  
 6. MR. FARMER: Exactly like all the  
 7. other ones.  
 8. CHAIRMAN FOX: No difference.  
 9. MR. FARMER: And just to give you  
 10. some background on LULA, the reason why people use  
 11. the LULA lift, it's not always -- every business  
 12. can -- has the space available for an elevator and  
 13. to make these ADA compliant, that's when they use  
 14. the LULA lift. So this is the same circumstance.  
 15. They don't have enough room to put a full-size  
 16. elevator in, so they put LULAs in just for  
 17. handicap use only. That's -- the names there:  
 18. Limited Use Limited Access.  
 19. CHAIRMAN FOX: Okay.  
 20. MR. FARMER: So --  
 21. CHAIRMAN FOX: And your request is  
 22. that we would grant that?  
 23. MR. FARMER: Yes.  
 24. CHAIRMAN FOX: Okay. What's the  
 25. pleasure of the board?

1. MR. BURCH: I propose that we give  
 2. them the variance.  
 3. MR. RADER: Second.  
 4. CHAIRMAN FOX: We have a motion and  
 5. a second. Any discussion?  
 6. CHAIRMAN FOX: All in favor of the  
 7. motion, let it be known by saying "aye".  
 8. MR. FARMER: Aye.  
 9. MR. RADER: Aye.  
 10. MR. MOORE: Aye.  
 11. MR. MOORER: Aye.  
 12. CHAIRMAN FOX: All opposed like  
 13. sign. Motion carries.  
 14. MR. FISHER: Thank you very much.  
 15. CHAIRMAN FOX: Okay. Mr. Farmer,  
 16. you have some -- you have a proposal for us?  
 17. MR. FARMER: Yes. I have several.  
 18. Just reviewing the rules. I think everybody has a  
 19. copy of the rules in front of them. Just starting  
 20. at page three.  
 21. MS. BENNETT: It's in their  
 22. notebook.  
 23. MR. FARMER: It's in your notebook.  
 24. MS. BENNETT: Right behind the red  
 25. page. Right behind it. In your notebook behind

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1. the red --  
2. CHAIRMAN FOX: Oh.  
3. MS. BENNETT: Behind the red page.  
4. MR. BURCH: In the notebook.  
5. MR. FARMER: It's in a notebook.  
6. MR. FARMER: I gave you way too  
7. much stuff.  
8. CHAIRMAN FOX: I didn't listen to  
9. her.  
10. MS. BENNETT: There's a red sheet  
11. of paper, Robbie. It's right behind it.  
12. CHAIRMAN FOX: Okay. Here we go.  
13. MS. BENNETT: Yeah.  
14. CHAIRMAN FOX: All right.  
15. MR. FARMER: Okay. If you turn to  
16. page three, this is where it -- so when we adopt  
17. codes, we adopt them to their entirety and then we  
18. go in and delete certain parts that we don't cover  
19. in the state, like private residence elevators,  
20. LULA lifts. So I feel like if we want to pass  
21. where they don't have to come for variances for  
22. the LULA lifts, all we have to do is actually not  
23. include the Limited Use Limited Access or  
24. application elevators. It's Section 5.2 and the  
25. requirements for the maintenance of, which is

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1. 8.6.7.2. If you look on C and N, that would be  
2. the two that we'd want to leave out.  
3. MR. BURCH: I thought we were  
4. bringing them back in so that --  
5. MR. FARMER: We are. Well, this is  
6. actually the list of stuff that we don't inspect.  
7. MR. BURCH: Okay.  
8. MR. FARMER: So to have them where  
9. we do inspect them and they do fall under our  
10. jurisdiction, all we have to do is not put them on  
11. this --  
12. MR. BURCH: Okay.  
13. MR. FARMER: -- on this page in the  
14. rules. So we would actually just be deleting them  
15. off of this --  
16. MR. BURCH: And getting --  
17. MR. FARMER: -- where they're  
18. actually -- because of --  
19. MR. BURCH: -- rid of all this --  
20. MR. FARMER: Yeah.  
21. MR. BURCH: -- variances every  
22. time.  
23. MR. FARMER: Yeah. Because it  
24. actually tells you at the top on 13, it tells you  
25. that we adopted this code, the 2010 code, except

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1. for what follows. So if we just leave them off  
2. the list, that means that we will inspect them and  
3. don't have to do the variance process. Okay?  
4. CHAIRMAN FOX: So in other words,  
5. we don't have to give a variance every time.  
6. MR. FARMER: Yes.  
7. MR. RADER: For a LULA lift.  
8. MR. FARMER: For a LULA lift.  
9. CHAIRMAN FOX: For every time  
10. somebody walks in --  
11. MR. FARMER: Exactly.  
12. CHAIRMAN FOX: -- you all handle it  
13. administratively.  
14. MR. FARMER: We'll handle it. They  
15. will actually send me the plans like they do now.  
16. I'll make sure they fall under the guidelines of  
17. the 2010 code, and I will issue them a permit to  
18. install. And it'll just be like every other  
19. elevator.  
20. CHAIRMAN FOX: Okay. So --  
21. MR. RADER: You need a motion for  
22. that?  
23. CHAIRMAN FOX: You need a motion,  
24. right?  
25. MR. FARMER: That's -- we'll

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1. probably ask Dan about that, how exactly this --  
2. because I -- if my understanding's correct, we're  
3. going to have to rewrite this rule book and it's  
4. going to have to go the legislature, right?  
5. MR. BAILEY: Yes. There is a  
6. process. It's got to go through -- we've got to  
7. submit it to the Attorney General's office. They  
8. have to approve it, and then it's got to go before  
9. the Government Operation's Committee for approval.  
10. MR. FARMER: But the process starts  
11. here --  
12. MR. BAILEY: Yes.  
13. MR. FARMER: -- correct?  
14. MR. BAILEY: Yes.  
15. MR. FARMER: Okay. All right.  
16. CHAIRMAN FOX: Okay. Are we  
17. changing the rule or are we changing the law?  
18. MR. BAILEY: No, you're changing  
19. the rule, which has the -- basically, the effect  
20. of law, but it's the rule -- only the legislature  
21. can change the law. But this would be --  
22. CHAIRMAN FOX: That's what I was  
23. asking.  
24. MR. BAILEY: Yeah. This would be  
25. changing of the rules.

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1. CHAIRMAN FOX: Okay. So we'll  
 2. entertain a motion to delete C and --  
 3. MR. FARMER: And N.  
 4. CHAIRMAN FOX: -- N on 13, right?  
 5. MR. FARMER: Yes.  
 6. CHAIRMAN FOX: Of Rule  
 7. 0800-03-04-.02.  
 8. MR. FARMER: Yes.  
 9. CHAIRMAN FOX: I think I got them  
 10. all right.  
 11. MR. FARMER: Yes.  
 12. MR. BURCH: My understanding of  
 13. what he's saying is deleting paragraph --  
 14. subparagraph C and M would address the LULA --  
 15. CHAIRMAN FOX: Yes, yes.  
 16. MR. BAILEY: Right. Okay.  
 17. MR. FINKS: I believe it's N. N as  
 18. in Nancy rather than M --  
 19. MR. BAILEY: Oh, okay.  
 20. MR. FARMER: N in Nancy.  
 21. MR. FINKS: -- as in Mary.  
 22. MR. BAILEY: All right. I have  
 23. that. Okay.  
 24. CHAIRMAN FOX: Yeah.  
 25. MR. FARMER: Well, what that is is

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1. the 6 and 5.2 is actually -- tells you what the  
 2. code's under and the 8.6.7.2 is the maintenance  
 3. code of it; how to maintain it, all the periodic  
 4. testing and periodic inspections. So if you  
 5. eliminate them two from this list, it will fall  
 6. back to the original jurisdiction of us.  
 7. MS. JEFFERSON: And, Chairman, I  
 8. was just trying to clarify that this wasn't also  
 9. in the law. I understand it's in the rules,  
 10. but --  
 11. MR. FARMER: It's just in the  
 12. rules.  
 13. MS. JEFFERSON: -- I just wanted to  
 14. make sure it was --  
 15. MR. FARMER: Yeah, yeah.  
 16. MS. JEFFERSON: -- just in the  
 17. rules.  
 18. MR. FARMER: Yes. It's just in the  
 19. rules.  
 20. MR. BURCH: I --  
 21. CHAIRMAN FOX: Okay.  
 22. MR. BURCH: I will make a motion,  
 23. but I'm assuming if I make a motion to delete C,  
 24. that that in itself will delete --  
 25. MR. RADER: N.

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1. MR. BURCH: -- N; is that right? I  
 2. mean --  
 3. MR. FARMER: I'm thinking they're  
 4. two different things.  
 5. MR. BURCH: They're two --  
 6. MR. FARMER: Two --  
 7. MR. BURCH: Well, if you don't  
 8. have --  
 9. MR. FARMER: If you don't have one,  
 10. you don't have the other one.  
 11. MR. BURCH: That's what I'm saying.  
 12. MR. FARMER: Yeah. Yeah. You're  
 13. correct about that.  
 14. MR. BURCH: But I --  
 15. MR. FARMER: But it is written in  
 16. here. I wouldn't want to leave that written in  
 17. here, and I don't really know if it would be or  
 18. wouldn't be. But I'm thinking to be safe, you  
 19. would want to delete both of them.  
 20. MR. BURCH: Okay. Do it. Okay.  
 21. I'll make a motion that we delete Item C and Item  
 22. N from the Rule 0800-03-04-.02 as listed before  
 23. us. That's all I --  
 24. MR. FARMER: Second.  
 25. CHAIRMAN FOX: We have a motion and

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1. a second. Any discussion? All in favor of the  
 2. motion, let it be known by saying aye.  
 3. MR. BURCH: Aye.  
 4. MR. FARMER: Aye.  
 5. MR. MOORER: Aye.  
 6. MR. MOORE: Aye.  
 7. MR. RADER: Aye.  
 8. CHAIRMAN FOX: All opposed, like  
 9. sign. Motion passes.  
 10. MR. FINKS: And just to clarify,  
 11. that citation is 0800-03-04-.02 13 sub  
 12. paragraph --  
 13. MR. BURCH: Thirteen.  
 14. CHAIRMAN FOX: C and N.  
 15. MR. FINKS: -- C and sub paragraph  
 16. N.  
 17. MR. BURCH: So -- okay.  
 18. MR. FARMER: Okay. So we're ready  
 19. for the next one, right? I have a few issues in  
 20. the current code that we have that I would love to  
 21. review and I gave y'all stuff in your folders to  
 22. look at.  
 23. The first part, just for y'all's  
 24. information, the LULA code I have actually -- the  
 25. one with the big X on the front of it is actually



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1. the LULA code on the bottom if y'all ever want to  
 2. take a look at it, have any questions about it.  
 3. But moving on to this one with the  
 4. highlighted section on it. Under -- this is the  
 5. A17.1-2010 code. This is what we're currently  
 6. under. And under --  
 7. MR. BURCH: You're at 8.6.7.  
 8. MR. FARMER: .1.7, periodic test.  
 9. CHAIRMAN FOX: So we're looking at  
 10. this one.  
 11. MR. FARMER: It's actually right  
 12. here; the one before it. It's page 304.  
 13. CHAIRMAN FOX: Oh, okay. We're  
 14. looking at the right -- I'm looking at this one,  
 15. then.  
 16. MR. FARMER: Yeah. I didn't want  
 17. to bring y'all an old code book, so I just printed  
 18. off the pages I wanted you to see.  
 19. CHAIRMAN FOX: Okay. You have to  
 20. lead us through this.  
 21. MR. FARMER: Okay. So this is the  
 22. current code we're under. Under 8.6.1.7 is:  
 23. Frequency of Periodic tests shall be established  
 24. by Authority Having Jurisdiction and as required  
 25. by 8.11.1.3, which is the next page. And it also

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1. states there: The frequency of periodic  
 2. inspections and tests shall be established by  
 3. Authority Having Jurisdiction.  
 4. And on the next page under Special  
 5. Provisions -- do y'all see that?  
 6. CHAIRMAN FOX: Here's where he went  
 7. from the second --  
 8. MR. MOORER: We're on 319.  
 9. MR. BURCH: Page --  
 10. MR. FARMER: Yeah. Page 319.  
 11. MR. BURCH: What page is it?  
 12. CHAIRMAN FOX: 319.  
 13. MR. BURCH: Page -- what was the --  
 14. CHAIRMAN FOX: Right here.  
 15. MR. BURCH: -- 816 part?  
 16. CHAIRMAN FOX: 8, 6, 11, 1.  
 17. MR. RADER: All right.  
 18. MR. FARMER: Okay. If you'll read  
 19. the Firefighter Emergency Operations --  
 20. MR. BURCH: 11, 1. Right here.  
 21. MR. FARMER: -- it says, all  
 22. elevators --  
 23. CHAIRMAN FOX: Right. One more  
 24. page.  
 25. MR. FARMER: -- provided with

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1. firefighter's emergency operations shall be  
 2. subjected to a monthly, authorized personnel to a  
 3. phase one recall made use of a key switch at a  
 4. minimum of one or more operation. And phase two,  
 5. accepting jurisdiction in enforcing the NBC, which  
 6. is the National Building Code, which we are not  
 7. under: Efficiency shall be corrected and recorded  
 8. and the findings shall be available to elevator  
 9. personnel and Authority Having Jurisdiction.  
 10. I would love to change this. It's  
 11. calling for a monthly test of the firefighter's  
 12. emergency operation, and this is a huge cost to  
 13. owners and it's redundant and it don't need to be  
 14. in there.  
 15. MR. BURCH: And this is on the LULA  
 16. or all of them?  
 17. MR. FARMER: No, this is on all  
 18. elevators.  
 19. MR. BURCH: All elevators. Okay.  
 20. MR. FARMER: All elevators. And  
 21. this is maybe something we don't want to -- you  
 22. might want to take a while to think about it and  
 23. do some investigating. But this is something  
 24. that's -- it's coming into effect and it's going  
 25. to cost these companies and these owners of these

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1. elevators tons of money.  
 2. And these codes are built for a  
 3. national standard for every different kind of AHJ.  
 4. We have an exceptional one with state inspectors  
 5. that follow up every six months. This code was  
 6. built for somebody that may not be inspected but  
 7. every two years, may not be inspected at all. So  
 8. I think in our state, with our staff, this is  
 9. redundant, and it's going to cost a lot of money  
 10. to people that own elevators.  
 11. MR. RADER: Are you saying to  
 12. revise it or to eliminate it altogether?  
 13. MR. FARMER: We'll revise it to an  
 14. annual test instead of a monthly test. And if you  
 15. actually -- I've rewritten two-page letters -- two  
 16. page letter on it, how I would like for it to  
 17. read.  
 18. CHAIRMAN FOX: Well, let me ask a  
 19. question for clarification.  
 20. MR. FARMER: Okay.  
 21. CHAIRMAN FOX: Are we under --  
 22. "we", the State. Are we under the National  
 23. Building Code or are we under the International  
 24. Building Code?  
 25. MR. FARMER: Every jurisdiction is

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1. different, but the State of Tennessee is under  
2. International Building Code.  
3. CHAIRMAN FOX: Okay. So the IBC --  
4. does it supercede the NBC?  
5. MR. FARMER: Well, it's -- every  
6. county and every jurisdiction can adopt whatever  
7. part of the code they want. So currently, we're  
8. under 2006 code, International Building Code, here  
9. in Davidson County. Where Franklin's under 2012  
10. International Building Code. So each jurisdiction  
11. can pick what code they want to be under.  
12. And as state inspectors, we have to  
13. inspect to whatever the lowest -- local  
14. jurisdiction has adopted.  
15. CHAIRMAN FOX: I understand that.  
16. And that's the reason I was asking the question.  
17. I probably wasn't clear. I'm sure that's what it  
18. is. But the State --  
19. MR. FARMER: Yes.  
20. CHAIRMAN FOX: -- they run -- they  
21. would adopt and inspect to the IBC level.  
22. MR. FARMER: Yes.  
23. CHAIRMAN FOX: Okay.  
24. MR. FARMER: Well, we -- like I  
25. said, we inspect to whatever local jurisdiction

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1. is.  
2. CHAIRMAN FOX: I understand that.  
3. MR. FARMER: Okay. But --  
4. CHAIRMAN FOX: It's just like at  
5. home, we have four cities in Sevier County. And I  
6. think each one of them have a different year that  
7. they've adopted, so --  
8. MR. FARMER: Yes. Each  
9. jurisdiction, they pick and choose what they want  
10. to do, and we have to follow their guidelines on  
11. the building code.  
12. Now, as far as elevator codes, we are  
13. the jurisdiction. So the A17-1, which is what  
14. we're currently under at 2010; they have to follow  
15. our guidelines on it, but we follow their  
16. guidelines on plumbing codes, building codes, fire  
17. alarm codes, any other codes other than elevator  
18. related codes.  
19. CHAIRMAN FOX: Okay. What is  
20. happening presently with the firefighter emergency  
21. operation? What is the standard out there now?  
22. MR. FARMER: Well, the standard  
23. right now is not one, because we were holding off  
24. until we can figure out what we want to do on  
25. this. I have inspectors that check it every six

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1. months when they come in. That's what we're doing  
2. right now. But we've not -- the only written  
3. procedure we have is on our inspection sheets  
4. their self. And this is actually put into -- this  
5. code is written more for a third party, like an  
6. elevator company doing it or a security company  
7. doing it or an alarm company doing it. It's not  
8. really built for us to do it.  
9. CHAIRMAN FOX: Okay. So what  
10. you're proposing, then, is that the State of  
11. Tennessee's inspector inspect it twice each -- two  
12. times a year --  
13. MR. FARMER: We do that currently.  
14. CHAIRMAN FOX: All right. And you  
15. would perform this function.  
16. MR. FARMER: No, they would perform  
17. this function. We would verify that they have  
18. written procedures or a record -- findings for us  
19. to review while we're there.  
20. CHAIRMAN FOX: Okay.  
21. MR. RADER: It's been inspected  
22. annually rather than monthly.  
23. MR. FARMER: Yes.  
24. MR. BURCH: Right now, I guess  
25. what -- I'd ask the question; where have you

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1. gotten your feedback as far as all the costs  
2. that's going to be incurred in it?  
3. MR. FARMER: I've had several calls  
4. from people in Franklin saying that the elevator  
5. company's going to charge them up to \$3,000 to  
6. come out every month to check this. And that's  
7. with four to five elevators in a building.  
8. MR. RADER: My understanding is  
9. that this is not specifically for the elevator  
10. inspectors to do or -- this is for the owner to  
11. do --  
12. MR. FARMER: Yes owner or --  
13. MR. BURCH: -- and he can provide  
14. that function however he wishes by his own  
15. people --  
16. MR. FARMER: Well, they have to --  
17. MR. BURCH: -- if he's the  
18. designated person --  
19. MR. FARMER: Yes, sir.  
20. MR. BURCH: -- he can do that.  
21. MR. FARMER: Yes. You see --  
22. MR. BURCH: And that's what --  
23. MR. FARMER: -- he's considered  
24. a -- if he's considered an elevator personnel or  
25. I'm sorry, a --

1. MR. BURCH: As a designated --  
 2. MR. FARMER: An authorized person.  
 3. MR. BURCH: Right. That's right.  
 4. Now -- and we do the -- two of us, two guys and  
 5. another person do the elevator inspections for the  
 6. office buildings in the state of Tennessee. Right  
 7. now, JLL is performing those functions under  
 8. this --  
 9. MR. FARMER: Yes, sir.  
 10. MR. BURCH: -- right here. And  
 11. they do it every month.  
 12. MR. FARMER: Okay.  
 13. MR. BURCH: They come in and they  
 14. do the fire test as part of their duty. Now, if  
 15. there's problems, we get calls and we --  
 16. MR. FARMER: Exactly.  
 17. MR. BURCH: So I'm just -- I'm not  
 18. absolutely sure that it's going to be as costly as  
 19. what, you know, it might -- in other words, it  
 20. seems to me that maybe we change it to three  
 21. months or six months or something, not monthly --  
 22. is pretty -- I'm with you.  
 23. But you take a major office like  
 24. uptown, though, I can see where if they have the  
 25. facility people to do it --

1. MR. FARMER: Uh-huh.  
 2. MR. BURCH: And they come in there  
 3. and do it every month, they know every month that  
 4. those elevators are functioning per fire code.  
 5. And I can see why they would want to do that. But  
 6. you might want to use your language, "a minimum  
 7. of," you know, and they may -- could still do it  
 8. on a monthly --  
 9. MR. FARMER: Yeah.  
 10. MR. BURCH: -- monthly --  
 11. MR. FARMER: Well, I don't think it  
 12. will restrict anybody from doing it monthly if  
 13. they would like to.  
 14. MR. BURCH: That's what I'm saying.  
 15. Yeah.  
 16. MR. FARMER: You know. I know a  
 17. lot of alarm companies have yearly tests, so I  
 18. figured they could roll it in with doing the  
 19. yearly tests of the whole building's alarms would  
 20. be the -- because most of them I've talked to have  
 21. yearly contracts where they come in once a year  
 22. and check all the alarms in the building, all the  
 23. pull stations. And it could be just part of the  
 24. test; you know, as they're doing it, they can test  
 25. the elevators.

1. But I just think monthly, it's just  
 2. over -- too much. It's a task that a lot of --  
 3. MR. BURCH: I tend to agree with  
 4. that, but I still think the building manager or  
 5. the building owner, I mean, this is written for  
 6. his -- something that he has to do and for his  
 7. people to be able to do that --  
 8. MR. FARMER: Uh-huh.  
 9. MR. BURCH: -- is a good thing.  
 10. MR. FARMER: If --  
 11. CHAIRMAN FOX: If they -- I mean --  
 12. MR. FARMER: If they have --  
 13. MR. BURCH: Frequency is a --  
 14. MR. FARMER: -- the people there,  
 15. you know.  
 16. MR. BURCH: But it's a good thing  
 17. for his people to know how to do the fire --  
 18. MR. FARMER: Yes, I agree. I  
 19. agree.  
 20. MR. BURCH: In his building.  
 21. MR. FARMER: Uh-huh.  
 22. MR. BURCH: And I just -- but --  
 23. MR. MOORER: Chris, let me  
 24. understand. This standard says, "is to be  
 25. inspected monthly." Right now, you're doing it

1. every six months and you want to extend that to  
 2. twelve months.  
 3. MR. FARMER: That's what I'm  
 4. looking for.  
 5. MR. BURCH: But I mean, they're not  
 6. complying with the code if they're doing it --  
 7. MR. FARMER: Every six months.  
 8. MR. BURCH: -- every six months or  
 9. twelve months. You know, right --  
 10. MR. FARMER: Yeah.  
 11. MR. BURCH: -- now. But that's the  
 12. only -- what I'm getting at, that's not his  
 13. responsibility. That's the owner's  
 14. responsibility --  
 15. MR. MOORER: Uh-huh. Uh-huh.  
 16. MR. BURCH: -- to comply with that.  
 17. MR. FARMER: But we -- as AHJs,  
 18. we're the ones having to --  
 19. MR. BURCH: Make sure it works.  
 20. MR. FARMER: -- make sure it is  
 21. done.  
 22. MR. BURCH: Yeah.  
 23. MR. FARMER: So --  
 24. CHAIRMAN FOX: So what you're  
 25. saying is, you would like to see a minimum of two

1. times a year or once every six months, however  
 2. you'd want to deem that?  
 3. MR. FARMER: Well, I -- firstly, I  
 4. would like it annually. I think every six months  
 5. would be a good compromise. I think it would  
 6. limit the cost for the owners a lot and I think  
 7. it's -- being monthly, as we've done it, I think  
 8. six months or a year would be fine. Annually is  
 9. what I originally thought, because most -- like I  
 10. said, most businesses have a fire alarm company  
 11. they have a contract with and they come in --  
 12. And I've asked a bunch of people like  
 13. this that they have contracts with these alarm  
 14. companies, like ADT or Honeywell, that comes in  
 15. once a year and will actually perform the test on  
 16. the whole building to make sure everything's  
 17. compliant. And they can roll the elevators in  
 18. that, too, while they're there and they can make  
 19. documentation of it and will have it available for  
 20. us when we're there.  
 21. CHAIRMAN FOX: Okay.  
 22. MR. BAILEY: Chris, with what  
 23. you're proposing, would it conflict with the  
 24. statute requirement for periodic inspections every  
 25. six months?

1. MR. FARMER: Well, the only thing  
 2. is, the AHJ is available to set the frequency of  
 3. periodic tests. So we are the AHJ. We could set  
 4. the periodic tests to whatever we want them to be.  
 5. If you -- it was on the first page that I gave  
 6. you.  
 7. MR. BAILEY: I don't have what  
 8. you -- I don't have that. I guess, what I'm  
 9. getting at is, the statute requires periodic  
 10. inspections and an inspection every six months.  
 11. Does this --  
 12. MR. FARMER: Well --  
 13. MR. BAILEY: Does this conflict  
 14. with that?  
 15. MR. FARMER: No. The periodic  
 16. inspections is something we do. This is actually  
 17. for the building owners.  
 18. MR. BURCH: Chris, do y'all -- I  
 19. mean, if you go out specifically to do a fire  
 20. test, do you charge -- does your -- do your group  
 21. charge the customer to do that or do you just --  
 22. MR. FARMER: Are you talking on a  
 23. new one or an existing one?  
 24. MR. BURCH: On existing. On  
 25. this --

1. MR. FARMER: Yes. We charge  
 2. professional inspection fees.  
 3. MR. BURCH: You charge -- I mean,  
 4. you have a charge to go out and --  
 5. MR. FARMER: Yes. We have special  
 6. specific inspection fees.  
 7. MR. BURCH: So it's not  
 8. incorporated in your regular --  
 9. MR. FARMER: If it's a special  
 10. inspection, it's not.  
 11. MR. BURCH: I just want to say, but  
 12. I mean --  
 13. MR. FARMER: If we go out to do an  
 14. inspection on a fire service if they called for an  
 15. inspection and they've upgraded it, we consider  
 16. that a special inspection and we do have a fee for  
 17. it.  
 18. MR. BURCH: Well, yeah. But  
 19. that's --  
 20. MR. FARMER: But if we check under  
 21. a periodic or a biannual inspection, we do not  
 22. charge the owner for --  
 23. MR. BURCH: That's for the auto  
 24. modernization you're talking --  
 25. MR. FARMER: For modernizations.

1. MR. BURCH: Right, right.  
 2. MR. FARMER: Yes.  
 3. MR. BURCH: I understand that. But  
 4. I mean, if you're just going out to a customer and  
 5. checking the fire service --  
 6. MR. FARMER: But we wouldn't do  
 7. that just randomly. We would do it under our  
 8. biannual inspections.  
 9. MR. BURCH: But I mean, that's  
 10. covered under your routine --  
 11. MR. FARMER: Biannual inspection  
 12. days.  
 13. MR. BURCH: That's what I was  
 14. asking.  
 15. MR. FARMER: Yeah.  
 16. MR. BURCH: You don't actually  
 17. charge them a special --  
 18. MR. FARMER: No.  
 19. MR. BURCH: -- fee.  
 20. MR. FARMER: No.  
 21. MR. BURCH: Okay.  
 22. MR. FARMER: No, we do not.  
 23. To get back -- Dan, you're reading  
 24. about the periodic inspections or periodic tests?  
 25. MR. BAILEY: In the statute, it

1. says, "periodic inspections".  
 2. MR. FARMER: That's what we do.  
 3. It's set in stone every six months. We inspect  
 4. every elevator in the state of Tennessee --  
 5. MR. BAILEY: Okay.  
 6. MR. FARMER: -- excluding minis.  
 7. MR. BAILEY: So what you're  
 8. proposing here would not affect that.  
 9. MR. FARMER: No. It would not --  
 10. MR. BAILEY: Okay. All right.  
 11. MR. FARMER: -- affect that. No,  
 12. this is actually records that would be left on the  
 13. premises for us to review.  
 14. MR. BAILEY: So the employer makes  
 15. the inspection or has it inspected.  
 16. MR. FARMER: Yeah, has it  
 17. inspected.  
 18. MR. BAILEY: All right. Okay.  
 19. MR. FARMER: To move on just a  
 20. little bit --  
 21. CHAIRMAN FOX: Well, let -- do you  
 22. want us to make a ruling on this or do you want us  
 23. to -- do you need a motion on this?  
 24. MR. FARMER: I would like to get  
 25. this in a motion.

1. CHAIRMAN FOX: Okay. And are we  
 2. talking annually or talking once every six months?  
 3. MR. FARMER: I guess, if we do  
 4. inspections biannually, I think every six months  
 5. would be a good compromise for everybody. I think  
 6. every six months would be what we'd ask for.  
 7. CHAIRMAN FOX: Okay.  
 8. MR. RADER: Because I think you're  
 9. right. I think most motel owners or building  
 10. owners that have an elevator, they'll have a  
 11. service agreement with KONE or --  
 12. MR. FARMER: Yeah.  
 13. MR. RADER: -- every three months  
 14. or something like that, so --  
 15. MR. FARMER: Or alarm companies.  
 16. MR. RADER: Yeah. Or alarm  
 17. companies.  
 18. CHAIRMAN FOX: So you'd say, at a  
 19. minimum, twice each year.  
 20. MR. FARMER: Yes.  
 21. CHAIRMAN FOX: But not -- if they  
 22. want to have it more, that's --  
 23. MR. RADER: Right.  
 24. MR. FARMER: If they want to do it  
 25. monthly, that's on them. They -- we think --

1. we're not going to limit them to twice a year,  
 2. just a minimum.  
 3. CHAIRMAN FOX: Okay. So we would  
 4. entertain a motion?  
 5. MR. BURCH: I'll make a motion to  
 6. change the ruling. If you'd call it 86.1 --  
 7. 86.7.1, firefighter's emergency operation to  
 8. every -- a minimum of every six months to coincide  
 9. with your inspection.  
 10. MR. FARMER: Biannual inspections.  
 11. MR. BURCH: Yeah.  
 12. MR. MOORE: Second.  
 13. CHAIRMAN FOX: We have a motion and  
 14. a second. Any further discussion?  
 15. MR. MOORE: One quick question. In  
 16. interpreting this, when it says "authorized  
 17. personnel", does that mean the building owner, the  
 18. elevator owner, can assign who that authorized  
 19. personnel --  
 20. MR. FARMER: Yes.  
 21. MR. MOORE: -- is?  
 22. MR. FARMER: Yes.  
 23. MR. MOORE: So basically, if it's a  
 24. hotel owner, they could assign a maid to check  
 25. that on the way up to --

1. MR. FARMER: I would think that it  
 2. would be at their discretion who they --  
 3. MR. MOORE: Okay. So it doesn't  
 4. have to be an elevator company or --  
 5. MR. FARMER: No.  
 6. MR. MOORE: -- security company or  
 7. anyone --  
 8. MR. BURCH: Oh, no. I mean, it  
 9. could be a member of the --  
 10. MR. FARMER: But they have the --  
 11. MR. MOORE: They do have to keep  
 12. the record.  
 13. MR. FARMER: -- on the written  
 14. record of it of what they checked and any  
 15. discrepancies they find in the test, so --  
 16. MR. MOORE: It has to be  
 17. available --  
 18. MR. FARMER: So I would think that  
 19. a maid, not knowing anything about fire service,  
 20. wouldn't know how to write it up and --  
 21. MR. MOORE: Right.  
 22. MR. FARMER: -- the state inspector  
 23. would check -- would catch that, you know, if  
 24. they --  
 25. MR. BURCH: The maintenance

1. personnel would probably be a more --  
 2. MR. RADER: Uh-huh.  
 3. MR. FARMER: Yeah. Maintenance  
 4. personnel.  
 5. MR. BURCH: -- likable --  
 6. MR. FARMER: But as a -- authorized  
 7. personnel is, I guess, whoever is authorized  
 8. people would be authorized personnel.  
 9. MR. MOORE: Okay.  
 10. MR. FARMER: You know.  
 11. CHAIRMAN FOX: Kind of like OSHA,  
 12. right?  
 13. CHAIRMAN FOX: A competent person.  
 14. MR. FARMER: Yeah.  
 15. CHAIRMAN FOX: A competent person  
 16. who'd be able to write it up --  
 17. MR. FARMER: Yeah.  
 18. MR. BURCH: -- and record it.  
 19. CHAIRMAN FOX: Okay. Any further  
 20. discussion?  
 21. MR. MOORER: So it is -- we're  
 22. proposing it to be every six months inspected,  
 23. now. Okay.  
 24. CHAIRMAN FOX: Uh-huh.  
 25. MR. BURCH: To coincide with

1. routine inspection.  
 2. MR. MOORER: Yeah.  
 3. MR. FARMER: Yeah.  
 4. CHAIRMAN FOX: Any further  
 5. discussion? We have a motion and a second. All  
 6. in favor of the motion, let it be know by saying  
 7. aye.  
 8. MR. BURCH: Aye.  
 9. MR. BURCH: Aye.  
 10. MR. MOORER: Aye.  
 11. MR. MOORE: Aye.  
 12. CHAIRMAN FOX: All opposed, like  
 13. sign -- or all opposed. Okay. Next.  
 14. MR. FARMER: I do have another one.  
 15. It's actually right below it under special -- the  
 16. two-way communication means. I'm not going to  
 17. read the whole code unless you'd like me to. It  
 18. basically says the same thing as the fire -- it  
 19. needs to be checked annually under this and I  
 20. would like to change it to monthly. Because --  
 21. Let me just read it: The two-way  
 22. communication means shall be checked annually by  
 23. authorized personnel in accordance to the  
 24. following: Two-way communications shall be  
 25. checked to verify a two-way communication is

1. established or all elevators installed under A17-1  
 2. 2002 and the CSA B44-00 update one and later  
 3. editions shall have a two-way communication means  
 4. by check -- by pressing the help button in the car  
 5. to verify that the visual indicator is functioning  
 6. and all answering authorized personnel can receive  
 7. the building location and elevator number. And  
 8. where communications from the building in the  
 9. elevator is provided, check the two-way  
 10. communications means of each car.  
 11. Right now, it's mandated that they  
 12. check it once a year and keep a record of it. I  
 13. would like to change it to monthly. I think it's  
 14. a very easy procedure. It's one of the -- it's  
 15. probably the most citations we write are on phones  
 16. not -- emergency phones not working in elevators,  
 17. and I think if they checked it monthly, it would  
 18. keep that citation down a little bit. Maybe it  
 19. would keep every elevator -- the phones working on  
 20. it.  
 21. And it's -- unlike the firefighter  
 22. emergency, this is no more than going in and  
 23. pushing the phone button inside the elevator and  
 24. making sure that it's calling somebody. It's a  
 25. very easy procedure for them to do.

1. MR. RADER: And again, you're  
 2. talking about the building owner?  
 3. MR. FARMER: The building owner. I  
 4. know a lot of the elevator companies and Perry  
 5. would probably say this. They do it now.  
 6. MR. BURCH: Every month.  
 7. MR. FARMER: They go -- when they  
 8. do their monthly checks on the elevators, they  
 9. check the phone. All that we're asking for is  
 10. they keep a written record of it.  
 11. MR. MOORE: Okay. But then --  
 12. MR. BURCH: But a phone --  
 13. MR. MOORE: -- there's nowhere here  
 14. that mentions a written record --  
 15. MR. FARMER: Well, I would like to  
 16. add that to it.  
 17. MR. MOORE: Okay.  
 18. CHAIRMAN FOX: So all I've got to  
 19. say is, if I go up and punch the button in my  
 20. elevator and it dials to someone --  
 21. MR. FARMER: Yes.  
 22. CHAIRMAN FOX: -- all I would do is  
 23. write that down and say on 12/3/2015, I checked  
 24. it.  
 25. MR. FARMER: Yes.

1. MR. RADER: All right.
2. CHAIRMAN FOX: And I don't have to
3. be an authorized person --
4. MR. FARMER: No.
5. CHAIRMAN FOX: -- I can be --
6. MR. FARMER: You could be --
7. CHAIRMAN FOX: -- the mechanic or
8. the ride inspector --
9. MR. FARMER: Security guards.
10. CHAIRMAN FOX: -- or security guard
11. or --
12. MR. BURCH: Somebody
13. representing --
14. MR. FARMER: I know some places --
15. MR. BURCH: -- the owner. You or
16. somebody representing --
17. MR. FARMER: -- the security checks
18. it daily, which that's a little overkill but it's
19. better than not at all.
20. CHAIRMAN FOX: So you're asking
21. this board to do that or pass this that says,
22. someone will check it once a month and that they
23. will record that, for lack of a better term,
24. inspection?
25. MR. FARMER: Yes.

1. CHAIRMAN FOX: Okay.
2. MR. BURCH: Again, I'll make that
3. motion. I think that's a good --
4. CHAIRMAN FOX: We have a motion.
5. MR. MOORE: And this is only going
6. to affect elevators installed after 2002?
7. MR. FARMER: No. It will actually
8. be every one. The ones that were installed after
9. 2002, it's got a help button instead of a phone.
10. MR. MOORE: Okay.
11. MR. FARMER: The 2002 -- in the --
12. actually, in the 2002 codes, when they were
13. required not to have a handheld phone anymore,
14. they have the help button.
15. MR. BURCH: You have to go in and
16. push the button. And another thing, interesting,
17. you've got to wait for it to go through its
18. procedure. It doesn't just happen, boom, I pushed
19. the button and somebody talks to me.
20. MR. FARMER: Yeah.
21. MR. BURCH: It has to go through
22. the procedure and identify the elevator, all the
23. things it has to go through. Then you get someone
24. talking to you.
25. MR. FARMER: Yeah.

1. MR. BURCH: And we just say,
2. elevator man checking the telephone. Is it --
3. load and clear. Load and clear. And we just go
4. on about our business, you know, but --
5. CHAIRMAN FOX: We do the same
6. thing. We --
7. MR. FARMER: On the back page of
8. that handout, I actually rewrote this one. It's
9. worded the same way other than the "annually" is
10. changed to "monthly" and there's an Item D added
11. to it; deficiencies shall be corrected. All -- a
12. record of all findings shall be available for
13. elevator personnel and authorized -- an Authority
14. Having Jurisdiction.
15. CHAIRMAN FOX: Does this occur now?
16. Well, wait a minute, we have a motion on the
17. floor. Do we have a second?
18. MR. MOORER: Second.
19. CHAIRMAN FOX: We have a second.
20. Okay. Any further discussion? Let me ask a
21. question. Is this occurring presently? Is there
22. a -- do you have to document that you checked this
23. now?
24. MR. FARMER: No.
25. CHAIRMAN FOX: Okay. So the only

1. change is, we have to check it monthly and
2. document it?
3. MR. FARMER: Yes.
4. CHAIRMAN FOX: Okay.
5. MR. FARMER: And deficiencies shall
6. be corrected.
7. CHAIRMAN FOX: And if we don't,
8. then you issue a citation.
9. MR. FARMER: Exactly.
10. MR. MOORE: The question I have is,
11. how are we going to make this aware to these
12. elevator owners that --
13. MR. FARMER: That would be my
14. inspector's job.
15. MR. MOORE: Okay.
16. MR. FARMER: I will actually write
17. out a document for them to hand out to all their
18. owners.
19. MR. BURCH: Chris, I think it is
20. happening now. If your inspector goes on a job
21. and he finds a phone not working, he issues an
22. order --
23. MR. FARMER: A citation.
24. MR. RADER: A citation. That is
25. happening right now.

1. MR. FARMER: It is happening now.  
 2. But my guys are only there every six months --  
 3. MR. BURCH: But it's not happening  
 4. monthly, but is happening now.  
 5. MR. FARMER: Yeah. It is happening  
 6. every six months. But I find phones -- like I  
 7. said, this is the number one citation we write is  
 8. for two-way communication. I think the monthly  
 9. check would keep all phones working more.  
 10. MR. BURCH: Oh, I agree.  
 11. MR. FARMER: It's -- yeah, I  
 12. think -- because I don't know -- if my guys go in  
 13. there every six months, you don't know if that  
 14. phone's been out for five months, two weeks, or  
 15. three weeks. It worked the last time I was here,  
 16. but it could have quit working immediately when  
 17. they left. So I think we're -- checking it every  
 18. month would eliminate that problem.  
 19. MS. JEFFERSON: Okay. Chris, I  
 20. have a question. Chair --  
 21. CHAIRMAN FOX: Yeah.  
 22. MS. JEFFERSON: -- Mr. Chair. So  
 23. would the elevator inspectors check these --  
 24. MR. FARMER: They would check the  
 25. phone --

1. MS. JEFFERSON: -- during --  
 2. MR. FARMER: -- and they would also  
 3. check the --  
 4. CHAIRMAN FOX: Document.  
 5. MR. FARMER: -- records.  
 6. MS. JEFFERSON: Okay. Right. When  
 7. would they check them?  
 8. MR. FARMER: When they're on their  
 9. periodic inspection or their biannual inspection.  
 10. MS. JEFFERSON: Okay. So they  
 11. wouldn't necessarily check every month. So they  
 12. would be looking at a --  
 13. MR. FARMER: No.  
 14. MS. JEFFERSON: -- log?  
 15. MR. FARMER: A log.  
 16. MS. JEFFERSON: To show that it's  
 17. been --  
 18. MR. FARMER: That the authorized  
 19. personnel has been checking it monthly.  
 20. MS. JEFFERSON: Okay.  
 21. CHAIRMAN FOX: Okay. Any further  
 22. discussion? We have a motion and a second. Any  
 23. further discussion? There being none, all in  
 24. favor of the motion, let it be known by saying  
 25. "aye".

1. MR. BURCH: Aye.  
 2. MR. MOORER: Aye.  
 3. MR. RADER: Aye.  
 4. MR. MOORE: Aye.  
 5. CHAIRMAN FOX: All opposed, like  
 6. sign. Motion passes.  
 7. MR. FARMER: Thank you, sir.  
 8. CHAIRMAN FOX: Next.  
 9. MR. FARMER: I believe that's it  
 10. for me.  
 11. CHAIRMAN FOX: Okay.  
 12. Ms. Jefferson, I have a question on -- and I guess  
 13. this pertains to the law. I'm not sure exactly  
 14. whether it's the law or the rule. That's the  
 15. reason I ask the question, then you help me.  
 16. We're currently inspecting -- correct me if I'm  
 17. wrong. We're currently inspecting to ASEM 10. In  
 18. other words, those laws or those standards that  
 19. were passed in 2010 is what we're asking people to  
 20. inspect to; is that right?  
 21. MR. MOORE: Are you talking for  
 22. elevators?  
 23. CHAIRMAN FOX: No, no. For  
 24. amusement rides.  
 25. MS. JEFFERSON: For amusement

1. devices, we leave it up to the third-party  
 2. inspectors, whatever their standards are, because  
 3. we don't -- we're not inspecting anymore. Our  
 4. unit is not inspecting amusement devices. What  
 5. we're requiring is that these companies --  
 6. amusement device companies, they hire third-party  
 7. inspectors and the third-party inspectors have  
 8. their own standards that they follow. So when  
 9. they submit their inspection reports to us, they  
 10. identify their standards and they basically tell  
 11. us whether or not the device is safe and operable.  
 12. So we don't really -- we haven't  
 13. really gotten into that. That's pretty much left  
 14. up to the third-party inspectors.  
 15. CHAIRMAN FOX: I understand. But  
 16. when I read the rules the other day, it said that  
 17. we inspect or we would require them to inspect up  
 18. through 2010 ASEM rules and regulations.  
 19. MS. JEFFERSON: That could be  
 20. correct. I'm not familiar with that.  
 21. CHAIRMAN FOX: Okay.  
 22. MS. JEFFERSON: So I'll just say  
 23. I'm not familiar with it.  
 24. CHAIRMAN FOX: Okay. Because a lot  
 25. of things have changed in the last year --



1. MS. JEFFERSON: Uh-huh.  
 2. CHAIRMAN FOX: -- with ASEM. They  
 3. brought in a lot of new things about amusement  
 4. rides and attractions. So I just want to know, is  
 5. that the minimum we're going to request or do we  
 6. need to request to go up to 12 or 14?  
 7. MS. JEFFERSON: The minimum of  
 8. what? I'm sorry.  
 9. CHAIRMAN FOX: The ASEM standard.  
 10. MR. MOORE: Okay. We would have  
 11. to -- actually, I will have to have a talk with  
 12. Dan, both Dan and Mark, because I need to take a  
 13. look at the law to see what you're referring to.  
 14. I'm not familiar with that. And then we would be  
 15. in a better position to talk about that. But I'm  
 16. not really familiar with that. Like I said, our  
 17. focus hasn't been on it since we've been utilizing  
 18. those third-party inspectors. We've been  
 19. basically leaving that up to them. But I  
 20. understand what you're saying. I just don't have  
 21. that in front of me today.  
 22. CHAIRMAN FOX: Okay. All right.  
 23. So when would we know that, because -- well, if we  
 24. wanted to change or if we wanted to make that  
 25. change in the rules and/or the law. Again, I

1. don't know which one we have to do.  
 2. MS. JEFFERSON: We --  
 3. CHAIRMAN FOX: When would we need  
 4. to make a recommendation to -- when would this  
 5. Board need to make a recommendation to someone to  
 6. get that --  
 7. MS. JEFFERSON: To change --  
 8. CHAIRMAN FOX: -- changed,  
 9. initiated, or started?  
 10. MS. JEFFERSON: We would just need  
 11. to take a look after the meeting. We'll be able  
 12. to take a look, put our heads together, and see  
 13. which standard the code identifies. And then we  
 14. can provide you that in the form of an e-mail  
 15. after the meeting.  
 16. CHAIRMAN FOX: Okay.  
 17. MS. JEFFERSON: If not today, it'll  
 18. be within the next few days --  
 19. CHAIRMAN FOX: Well, I understand.  
 20. MS. JEFFERSON: -- because this  
 21. is --  
 22. CHAIRMAN FOX: I'll give you at  
 23. least 30 minutes. I mean, I think that's ample  
 24. time.  
 25. MR. BURCH: Could I ask a question?

1. You say, we don't inspect rides.  
 2. MS. JEFFERSON: Uh-huh.  
 3. MR. BURCH: What -- we were --  
 4. MS. JEFFERSON: The unit.  
 5. MR. BURCH: -- at one time.  
 6. What --  
 7. MS. JEFFERSON: Right.  
 8. MR. BURCH: So --  
 9. MS. JEFFERSON: Right. The  
 10. amusement device unit.  
 11. MR. BURCH: -- evidently, we were  
 12. doing it to some standard.  
 13. MS. JEFFERSON: Exactly.  
 14. MR. BURCH: But --  
 15. MS. JEFFERSON: I mean, that's  
 16. true. I just don't have that information in front  
 17. of me. I'm not very versed today as far as that's  
 18. concerned, but what we're going to do is to look  
 19. at the code and then we'll provide that  
 20. information to you. We'll answer your question.  
 21. CHAIRMAN FOX: Okay. But with all  
 22. that being said, then, if we do want to make a  
 23. change, when would this Board have to reconvene in  
 24. order for us to make that proposal so that we can  
 25. get it on the next legislative agenda?

1. MS. JEFFERSON: Well, the next  
 2. meeting -- the next board meeting isn't until --  
 3. MR. BURCH: March.  
 4. MS. JEFFERSON: -- what, March?  
 5. CHAIRMAN FOX: March.  
 6. MS. BENNETT: March.  
 7. MS. JEFFERSON: So if you all -- I  
 8. guess, we would have to take a look at the  
 9. standard, and we need to take a look to see how  
 10. long it's going to take for us to revise. We're  
 11. working on the boiler rules now, and we've been  
 12. working on those for about six months. But there  
 13. were a lot more changes as far as the boiler board  
 14. is concerned. Because there are relatively few  
 15. changes here, it shouldn't take that long. But we  
 16. still need to work on it and then we have to  
 17. present the changes to the board.  
 18. And it just takes time, because we  
 19. generally go back and forth to do that. So I'm  
 20. thinking --  
 21. MR. RADER: Next meeting.  
 22. MS. JEFFERSON: -- sometime after  
 23. March. I don't think we -- you all have to have  
 24. an emergency meeting before March. I think that  
 25. we can probably have you all something drafted and

1. we can also send information back and forth before  
 2. March. It doesn't have to -- we don't have to  
 3. wait until March to send you our first draft.  
 4. So we can -- based on what you all  
 5. tell us, we can provide information throughout the  
 6. coming months. And maybe finalize it. Hopefully,  
 7. maybe finalize this since there are relatively few  
 8. in March.  
 9. CHAIRMAN FOX: Okay. But if we  
 10. have to change the law or if we request a change  
 11. in the law --  
 12. MS. JEFFERSON: It's not going to  
 13. happen any time soon is what I'm saying.  
 14. MR. FINKS: If you have to ever  
 15. request a change in the law, that would have to go  
 16. through the legislature, not the --  
 17. MS. JEFFERSON: But we're not  
 18. trying to change the law. These are rules.  
 19. CHAIRMAN FOX: I get that. But if  
 20. we wanted to ask for a change in the law, what  
 21. steps do we need to take to make a recommendation  
 22. to the legislature?  
 23. MS. DURM: Can --  
 24. MS. JEFFERSON: Right.  
 25. MS. DURM: -- Chairman, may I be --

1. CHAIRMAN FOX: Please.  
 2. MS. DURM: -- may I interject?  
 3. MS. JEFFERSON: Introduce yourself.  
 4. MS. DURM: Again, I'm Leanne Durm.  
 5. I'm legislative liaison for the Department. Sir,  
 6. as far as rules, if it was via code, that would  
 7. have to be done during a session and of course --  
 8. but as far as rules, the Government Affairs  
 9. Committee meets -- or the Government Operations  
 10. Committee meets throughout the year even when  
 11. they're not in session to review rules. Once the  
 12. language would be drafted and approved, it would  
 13. be submitted to the AG's office. That typically  
 14. is about a three-month process. Once they approve  
 15. it, then it's referred to the Government  
 16. Operations Committee and scheduled for review. So  
 17. essentially, it's not a very quick process, but  
 18. it's several months to have them approved.  
 19. CHAIRMAN FOX: But that's a rule.  
 20. MS. DURM: That's for a rule. Yes,  
 21. sir.  
 22. CHAIRMAN FOX: Right. But if --  
 23. MS. DURM: Those standards would be  
 24. rules.  
 25. CHAIRMAN FOX: If we wanted to

1. request a change in the law and we of this Board  
 2. voted to do that, how would we take -- first of  
 3. all, when? And then how would we help initiate  
 4. that or move that along?  
 5. MS. DURM: As far as the  
 6. administration, the -- we would start researching  
 7. and drafting legislation at the end of next  
 8. session to be carried in '17.  
 9. CHAIRMAN FOX: Okay.  
 10. MS. DURM: The Governor has  
 11. already -- has been reviewing his administration  
 12. bills. Those have been selected for this year.  
 13. They haven't been introduced at this point, so  
 14. they're not even public to the General Assembly.  
 15. His package, that'll be introduced at the first  
 16. session.  
 17. But no sooner the session ends, we  
 18. start researching and prioritizing what needs to  
 19. be addressed by the department. That's  
 20. recommended to the Governor and that is -- he has  
 21. the final determination as to what is carried and  
 22. what is not.  
 23. CHAIRMAN FOX: Okay. Fine.  
 24. MS. DURM: And that -- and we  
 25. usually pitch a legislative package to him in

1. August or September and then we're notified that  
 2. fall of what he selects or what is carried in his  
 3. package.  
 4. CHAIRMAN FOX: Okay. All right.  
 5. Thank you very much.  
 6. MS. DURM: You're welcome.  
 7. CHAIRMAN FOX: Chris, I guess 15-07  
 8. is -- we've already answered that question about  
 9. the rules. 1508 or 15-08: Official request the  
 10. Commissioners of Labor to hire three NAARSO/AIMS  
 11. certified inspectors, persons with the ability --  
 12. or persons with the ability to be certified by  
 13. NAARSO or AIMS as inspectors per NAARSO and/or  
 14. AIMS standards.  
 15. I just think we need to -- if that's  
 16. what we want to do, then I think we need to go on  
 17. record. It's not a challenge; it's just keeping  
 18. it out there, keeping it in the forefront.  
 19. MS. JEFFERSON: Okay. And just to  
 20. let you all know, the Commissioner did attend a  
 21. budget meeting on -- yesterday.  
 22. CHAIRMAN FOX: Uh-huh.  
 23. MS. JEFFERSON: And at that time,  
 24. he requested eight personnel for the amusement  
 25. device unit, because as you all know, we have an

1. unfunded mandate, which means we don't receive any  
 2. moneys. So he requested moneys to fund -- as far  
 3. as personnel's concerned, we're requesting one  
 4. position, supervisor, one administrative support  
 5. person, and six safety consultants. We're  
 6. requesting two for each grant division.  
 7. CHAIRMAN FOX: That's great.  
 8. MS. JEFFERSON: Uh-huh. And  
 9. Commissioner understands that, you know, there are  
 10. administrative costs associated with issuing  
 11. permits, so we talked about that. And there are  
 12. other costs and considerations, because we have to  
 13. update our computer program. So those things have  
 14. been addressed and he wanted me to let you all  
 15. know that.  
 16. CHAIRMAN FOX: I sincerely  
 17. appreciate that. That's good. What do we think  
 18. the chances of it passing through are?  
 19. MS. JEFFERSON: We just never know.  
 20. We just have to wait and see. We have to wait --  
 21. I think that it was well received. And Leanne can  
 22. speak on that. But we just never know what's  
 23. going to happen. You know, either it's approved  
 24. or it's not. But I think that we prepared and we  
 25. went up, and we did the best we could to request

1. funding for the program.  
 2. MS. DURM: And I'll say we are  
 3. optimistic, sir. But with that said, we won't  
 4. know what will be included in the Governor's  
 5. budget until he announces it at a cabinet meeting  
 6. in -- starting at the first of the year before he  
 7. announces -- addresses his budget. That's when we  
 8. will know if it's been approved or not.  
 9. And at that point, we won't be able  
 10. to address it again, budgetwise, if it's not  
 11. included by chance until -- again, until the next  
 12. year. And we would probably ask for it again.  
 13. So -- but we won't know until he announces what  
 14. he's carrying in his budget until the first of the  
 15. year.  
 16. MR. BURCH: I didn't understand the  
 17. exact number that you had proposed or you -- that  
 18. they said they would take a look at. I may --  
 19. MR. RADER: Eight.  
 20. MS. JEFFERSON: It's a total of  
 21. eight.  
 22. MR. BURCH: Eight?  
 23. MS. JEFFERSON: One supervisor, one  
 24. administrative support person, because we need  
 25. someone to administratively issue the permits, and

1. six safety consultants. Those people will  
 2. basically oversee the third-party inspectors.  
 3. MR. BURCH: Okay. That's what I --  
 4. so you're really -- they didn't propose any new  
 5. inspectors, someone to oversee --  
 6. MS. JEFFERSON: To oversee,  
 7. because --  
 8. MR. BURCH: -- the third-party  
 9. inspector.  
 10. MS. JEFFERSON: Right. Because the  
 11. issue was the extra layer of oversight to serve as  
 12. division representatives, locate companies who are  
 13. doing business, which don't respond to us and are  
 14. uncooperative. If a company fails to obtain a  
 15. permit, serve the cease and desist letters and  
 16. ensure that remedial action is actually performed.  
 17. But the reason for that is, again,  
 18. even six folks -- six inspectors, they couldn't  
 19. inspect the entire state of Tennessee.  
 20. MR. BURCH: That's right. I agree.  
 21. MS. JEFFERSON: And since we have  
 22. all of these third-party inspectors -- we have a  
 23. representative here today from ACCT and I know  
 24. that he informed me this morning that they have 90  
 25. inspectors for that organization. And all these

1. other organizations -- NAARSO, they have a certain  
 2. number, as well as AIMS. And they have more, a  
 3. lot more than the state would have. So it just  
 4. makes more sense. And this way we can still get  
 5. the job done. I think your concern was basically  
 6. that extra level of -- or extra layer, and we  
 7. would get that done by having these folks to  
 8. oversee the inspection process.  
 9. CHAIRMAN FOX: And would these  
 10. folks who have been requested -- they would meet  
 11. the inspection requirements from NAARSO and AIMS.  
 12. MS. JEFFERSON: Yes.  
 13. CHAIRMAN FOX: And in the event of  
 14. an accident, they would be dispatched to  
 15. investigate.  
 16. MS. JEFFERSON: That's exactly  
 17. right.  
 18. CHAIRMAN FOX: Okay. All right.  
 19. All right.  
 20. MS. JEFFERSON: And that's what you  
 21. were wanting.  
 22. CHAIRMAN FOX: That's what --  
 23. MR. RADER: Yes.  
 24. CHAIRMAN FOX: -- we were wanting.  
 25. MS. JEFFERSON: Okay. Great.

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1. CHAIRMAN FOX: We're -- it's -- I  
2. think it's important to the safety of the people  
3. in the state of Tennessee to have somebody out  
4. there, looking out after them in that regard.  
5. You've heard my passionate pleas before.  
6. MS. JEFFERSON: Yes, sir.  
7. CHAIRMAN FOX: I don't want to do  
8. another one today.  
9. MS. JEFFERSON: Yes. Yes. Well,  
10. we actually pleaded and we were just waiting now  
11. to see if it's approved. And as soon as we know  
12. something, we'll let you all know.  
13. CHAIRMAN FOX: I would appreciate  
14. that. Okay. Item number 9. I'm sorry. Was  
15. there any other comments or questions on that  
16. issue?  
17. Item number 9. Set proposed  
18. quarterly board meeting, Tuesday, March 8th,  
19. tentatively. Let me ask you this: Would the 1st  
20. Monday of March, June, September, and December  
21. work? And that would be -- the 1st Tuesday would  
22. be -- is it the 1st or the 8th?  
23. MS. BENNETT: Are you -- the  
24. Tuesday or --  
25. MR. BURCH: The 8th is, what, the

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1. day is --  
2. MS. BENNETT: -- would be Tuesday.  
3. MR. BURCH: It's a Tuesday.  
4. MS. BENNETT: Tuesday.  
5. MR. FARMER: So it would be -- the  
6. 1st would be a Tuesday, too, wouldn't it? The 1st  
7. would be a Tuesday, too, wouldn't it?  
8. MS. BENNETT: Uh-huh. The 1st is  
9. Tuesday.  
10. CHAIRMAN FOX: I don't know what we  
11. would have ever done without iPads and iPods  
12. and --  
13. MR. RADER: The 1st --  
14. CHAIRMAN FOX: The 1st is --  
15. MR. RADER: -- Tuesday in March --  
16. CHAIRMAN FOX: Is the 1st.  
17. MR. RADER: -- is the 1st.  
18. CHAIRMAN FOX: June the 7th,  
19. September the 6th.  
20. MS. BENNETT: Uh.  
21. CHAIRMAN FOX: That -- is that --  
22. MS. BENNETT: That's the day after  
23. Labor Day --  
24. CHAIRMAN FOX: Uh-huh.  
25. MS. BENNETT: -- and typically,

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1. there's a lot of people vacationing, so I didn't  
2. know if you might want to do the next week or the  
3. next day after something, because our office is  
4. closed that Monday the 5th in order to set up for  
5. the meeting. If we were to have it on the 6th, it  
6. would be --  
7. CHAIRMAN FOX: Well, on the 5th,  
8. y'all would come to Dollywood.  
9. MS. BENNETT: Yes, sir.  
10. MR. RADER: That's not happening.  
11. CHAIRMAN FOX: Okay. So you want  
12. to move it to the 13th.  
13. MR. MOORER: Either that or the  
14. 7th, even. Just not the day after the holiday  
15. since our office will be closed on Monday. It  
16. wouldn't allow me time to set up.  
17. CHAIRMAN FOX: Okay. Does anybody  
18. have heartburn with moving it to September the  
19. 7th?  
20. MR. MOORE: I would prefer to do  
21. that on a Tuesday unless that just conflicts with  
22. everyone else.  
23. MS. BENNETT: So the 13th --  
24. MR. MOORE: Thirteenth.  
25. CHAIRMAN FOX: The 13th.

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1. MS. BENNETT: -- would work better  
2. for you?  
3. MR. MOORE: It's that -- yeah.  
4. Unless that's a problem for anyone else. That  
5. would -- it just works better for me on that  
6. particular day.  
7. CHAIRMAN FOX: Actually, it does  
8. me, as well, because I have a standing meeting on  
9. that morning.  
10. MS. BENNETT: Uh-huh.  
11. CHAIRMAN FOX: Okay. So say you  
12. one, so say you all? The 13th?  
13. MR. RADER: That's fine.  
14. CHAIRMAN FOX: Okay. And December  
15. the 6th. Okay. If y'all want to check your  
16. calendar just to make sure all those four dates  
17. are good.  
18. MR. BURCH: They are all Tuesdays  
19. again, aren't they?  
20. CHAIRMAN FOX: With the exception  
21. of September, yes. Well, it is Tuesday, as well.  
22. MR. BURCH: Yes. Oh, okay.  
23. CHAIRMAN FOX: It's the second --  
24. yeah. All hearts and minds are clear and we're  
25. good on those days?

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1. MS. BENNETT: Can we just restate  
2. the days just to be sure. It's March 1st, June  
3. the 7th, September 13th, and December the 6th.  
4. CHAIRMAN FOX: Yes.  
5. MS. BENNETT: Is that what you  
6. have? Okay.  
7. CHAIRMAN FOX: Okay. We're good to  
8. go. All right. And that -- with that being  
9. said -- wait a minute. Type of amusement device  
10. information collected in Ecmats database. Do we  
11. have a, like a snapshot of the information we're  
12. collecting in that?  
13. MS. JEFFERSON: Yes.  
14. CHAIRMAN FOX: Okay.  
15. MR. MOORE: We can provide a  
16. snapshot. Actually, what I understand, we utilize  
17. the elevator's computer system to create an  
18. amusement device system. That's why we requested  
19. additional funding.  
20. CHAIRMAN FOX: Uh-huh.  
21. MS. JEFFERSON: So we can have a  
22. new amusement device system created. It doesn't  
23. have very much and the current system is very  
24. bare-boned, because at the time, I think there --  
25. we really didn't know what to track. So within

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1. the last year or so, we've come up with various  
2. categories that we're tracking that aren't  
3. necessarily in that system and that's why we have  
4. that statistics that I read to you earlier.  
5. But we can provide you with a copy of  
6. what we currently track, if that's what you're  
7. asking.  
8. CHAIRMAN FOX: Yes. If you would  
9. send that to all the Board members just so --  
10. MS. JEFFERSON: Carlene will take  
11. care of that.  
12. CHAIRMAN FOX: Oh, Carlene can do  
13. it. Okay. All right.  
14. Now, moving to Item Number 10.  
15. Announcement of the next meeting. The next  
16. regularly scheduled meeting of the Elevator &  
17. Amusement Device Safety Board will be held in the  
18. first room of the TOSHA Hearing Room at 9:00 a.m.  
19. on Tuesday, March --  
20. MS. BENNETT: First.  
21. CHAIRMAN FOX: -- 1st, 2016, at the  
22. State of Tennessee Department of Labor and  
23. Workforce Development, located at 220 French  
24. Landing, Nashville, Tennessee. Do I have a motion  
25. to adjourn?

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1. MR. RADER: So moved.  
2. CHAIRMAN FOX: We are adjourned.  
3. END OF PROCEEDINGS.  
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1. CERTIFICATE  
2.  
3. STATE OF TENNESSEE )  
4. COUNTY OF WILLIAMSON )  
5.  
6. I, Dominique A. Dubois LCR# 686, Notary  
7. Public and Court Reporter, do hereby certify that  
8. I have recorded to the best of my skill and  
9. ability by machine shorthand all the proceedings  
10. in the foregoing transcript, and that said  
11. transcript is a true, accurate, and complete  
12. transcript to the best of my ability.  
13. I further certify that I am not an attorney  
14. or counsel of any of the parties, nor a relative  
15. or employee of any attorney or counsel connected  
16. with the action, nor financially interested in the  
17. action.  
18. SIGNED this 16th day of December, 2015.  
19.  
20.  
21. \_\_\_\_\_  
22. Dominique A. Dubois, LCR# 686  
23. Notary Public State at Large  
24. My commission expires: 8/9/2018  
25.

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