

LARA-BCC-Rules

From: Jones, Rebecca (LARA)
Sent: Tuesday, August 29, 2023 8:47 AM
To: Ohlemacher, Greg (LARA)
Cc: LARA-BCC-Rules
Subject: RE: Email Address

Thank you Greg. We should send these to the Rules inbox also just to be sure they are in one place. I am cc'ing them on this email so they have it also. Thank you.

Becky Jones

Licensing and Regulatory Affairs
Specialty Trades Section
517-420-1833

Jonesr21@michigan.gov

www.Michigan.gov/bcc

****My work schedule is Tuesday through Friday, 7:00 a.m. to 5:30 p.m.****

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From: Ohlemacher, Greg (LARA) <OhlemacherG@michigan.gov>
Sent: Tuesday, August 29, 2023 8:32 AM
To: Jones, Rebecca (LARA) <JonesR21@michigan.gov>
Subject: FW: Email Address

Good Morning Becky,

Attached are the rest of Ryan Strayhorn's concerns from the public hearing. The Rules analyst never sent out the email address for the rule's mailbox. Do they still need to be submitted there?

-Greg

From: Ryan Strayhorn <ryan@acpentertainment.com>
Sent: Thursday, August 24, 2023 10:39 AM
To: Ohlemacher, Greg (LARA) <OhlemacherG@michigan.gov>
Subject: Re: Email Address

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Sure thing, I didn't see anyone CC'd in on the email but it may have been BCC'd. Here are my list of concerns:

- First and foremost, we live in and are expected by the state to conform to the age of technology and email which is fine on my end. However, meetings that regard the potential rule and law changes of the amusement industry should be communicated directly to operators in the state via email or mail. The state has all licensed operators email addresses and physical addresses. Posting in 2 obscure newspapers is outdated and frankly unacceptable for the 21st century. I'm disappointed that we weren't made aware about law and rule change discussions prior and now we're playing catchup only because I heard about this "forum" from our inspector.
- I'd like to see a committee formed once again, like there used to be, with multiple representatives of different industries in the amusement umbrella in the state. I'm not sure who is deciding to make these rules but as mentioned before, I know I wasn't made aware or consulted. I'd recommend bringing in people that are in the industry to help make rules and laws that make sense. Also, inspectors should absolutely be included in rule and law making. They are the boots on the ground that see what actually goes on. Don't ignore them and their expertise.
- Onto concerns in the actual proposed rules. I have always been bewildered about rock walls, trackless trains and bungee trampolines not being inspected. If not maintained or operated properly, these can absolutely be dangerous amusement attractions. I'd recommend that they be included in future inspections. It could be included in "gravity rides" since both rely on gravity for the function of the ride. If an almost harmless fiberglass slide needs to be inspected, why should a fiberglass rock wall doesn't that you literally leap off of relying on an auto belay to catch you not have to be?
- Trains that were once used for public transit and are now being used on a private rail in an amusement sense should absolutely be inspected. What's the difference between a roller coaster and a train car besides speed and height?
- Rule 15- I'd like to see a carve out in this for rental companies. While we do submit our current itinerary upon renewal, our schedule is ever evolving during the year. We send monthly updates to our itinerary to the state to try to keep up on it but it'd be nice to see some sort of carve out or caveat for rental companies or companies who do not know their full route. This may not be necessary but I wanted to point it out.
- Rule 16- This ties into what was unfortunately made law last year. While the rules stated in Rule 16 are feasible, the act that was passed last year are unattainable. To explain, getting written express permission from a manufacturer that a representative from the company is trained and therefore authorized to setup and run an attraction is not always going to happen. Not all rides are bought new and therefore not all manufacturers train the ride owners directly. I have many rides that I've bought used; 2nd, 3rd or 4th hand. I did not receive training from the factory nor will the factory likely sign off on saying they approve of me setting up and operating the ride because they don't want that liability. I don't even think the factory would send someone out to train myself or my team since the ride isn't brand new and the factory, once again, doesn't want the liability. Not to mention, there are some manufacturers of rides that don't even exist anymore. Final point, manufacturers sometimes don't even train how to setup or operate new rides. They give us the user manual and ship the ride to us and that is it. We are left to figure out how to safely setup and operate the ride on our own. This is not right but unfortunately is the truth of the matter. What is also truth is that the operators generally know how to

setup and/or operate rides better than even the manufacturer does because of the operators boots on the ground experience.

- Rule 31: This is completely unattainable for some rides. Having a safety retainer for single means of attachment is not possible in all cases. To name a few; tubs of fun, tilt and Sellner spin rides. These are all spinning rides that need to spin 360 degrees so a secondary retainer is not possible. This rule definitely needs to be amended.
- Rule 32: Decals provided to amusement operators in the past 2 years have not come in at a proper time (not until late spring) and they do not stick to the rides surface. Please stop going with the lowest bidder and get a good quality sticker so we can actually keep the sticker affixed to the ride.
- Rule 32 (2)- This rule changes the need to have a ride re-inspected if sold to another company within the previously inspected year/period. This is unsafe and reckless. If a company buys a ride from another company in Michigan, assuming it's been inspected within the last 12 months, how does the state and therefore general public know that the ride is safe and/or setup properly? A ride isn't only being inspected for broken welds, damage that could harm riders, etc. It's also being inspected for proper installation. If the new owner of said ride doesn't know how to properly set up the ride, the ride may not be safe. Not to mention, the ride may have gone down the road 10-20 times since the last inspection. There could very well be broken welds, damage, etc. that needs to be addressed. This proposed rule change seems reckless and unnecessary.
- Rule 38: After speaking with Greg, it sounds like this was rescinded because the state adopted ASTM standards which supposedly has blocking rules/guidelines. However, I'm not sure that it does. I'd like to know exactly where it states blocking guidelines that replaces this rule.
- Rule 39- I'd strongly suggest changing the fact that waterslides meant for general public use are allowed to terminate into the water. Not being able to see the bottom of the landing area could pose a danger to the public. Not to mention, fresh water is possibly not safe due to unknown fungi and amoeba in the water. Please look up history on Disney's River Country water park that closed on November 2, 2001. One example is an 11 year old boy that died after contracting a rare infection caused by an amoeba in the water.
- Rule 39 (h)- While I understand eliminating this rule is due to the fact that the health/sanitary department inspects and tests water quality, it may take away the inspectors ability to shut down the ride for unsafe conditions. The water also needs to be clear and visible to the bottom of the pool for safety purposes and the amusement inspector should have the ability to have some sort of control due to the fact that the landing zone is water. It's just like saying the landing area of a funhouse slide isn't inspected because the landing mat or inflatable padding isn't a part of the ride.

- Rule 43- I'm not sure why the state wants to take away the requirement for reporting personal injuries or death. I understand that the rule below requires mechanical failures and injuries resulting from mechanical failures to be reported, however not all injuries come from a mechanical failure. Let's say a kid jumps off of a swing and gets injured. The ride did not malfunction at all, the rider just didn't follow the rules and made a poor choice resulting in an injury. Does the state not care to know that? What happens if the parents sue the company or manufacturer and the state has no record of it? What if a patron opens a fence, walks into a restricted area and gets struck by a ride vehicle? There was no mechanical breakdown but yet the patron got injured and possibly killed. Does the state not want to know about that?

Thank you for your time, please feel free to email me back or call me to address these concerns further or ask for additional input/clarification.

Ryan Strayhorn

Desk: (616) 504-4479

Office: (616) 826-8220

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On Aug 24, 2023, at 9:03 AM, Ohlemacher, Greg (LARA) <OhlemacherG@michigan.gov> wrote:

Hey Ryan,

I'm not sure which email you are supposed to send those into. I have cc'd my supervisor; she may have an answer for you. If you would like to send your concerns in a reply to this email I would be happy to look over them.

Thank you,

Greg Ohlemacher
Inspector Supervisor
Ski/Amusement Safety
State of Michigan
Department of Licensing & Regulatory Affairs
P: 517-582-0890

From: Ryan Strayhorn <ryan@acpentertainment.com>

Sent: Wednesday, August 23, 2023 11:45 AM

To: Ohlemacher, Greg (LARA) <OhlemacherG@michigan.gov>

Subject: Email Address

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Hey Greg,

Great talking with you yesterday, thanks for taking the time. I never got an email yesterday with the email address to send my list of concerns/questions to. Can you get that for me?

Thanks,

Ryan Strayhorn

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Office: (616) 826-8220

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