



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Denise Martin, Ohio Department of Agriculture

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: March 11, 2020

RE: **CSI Review – Amusement Ride Standards (OAC 901:9-1-01, 901:9-1-04, 901:9-1-04.1, and 901:9-1-04.2)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of two new rules and two amended rules proposed by the Ohio Department of Agriculture (ODA). This rule package was submitted to the CSI Office on January 17, 2020, and the public comment period was held open through February 7, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on January 17, 2020.

Ohio Administrative Code (OAC) 901:9-1-01 establishes permit requirements for amusement rides and devices. The rule sets forth guidelines for permit applications, safety inspections, and insurance. The rule includes proposed amendments that require a list of locations and dates where amusement rides were stored for extended periods or operated outside of Ohio. OAC 901:9-1-04 establishes procedure for safety inspections of amusement rides, including requiring inspection by authorized inspectors and the provision of manufacturer specification information. The rule is being amended to incorporate the International Amusement Ride Safety Standards of the American Society for Testing and Materials. OAC 901:9-1-04.1 is a new rule that establishes requirements for reviewing amusement rides for fatigue and corrosion. The rule requires owners of rides, towers,

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and roller coasters to ensure that they meet manufacturer's minimum requirements for inspection and testing, as well as requiring an annual visual inspection of the ride. OAC 901:9-1-04.2 is a new rule that introduces requirements for inspection frequency and the number of inspectors involved in each inspection. The frequency of inspection and number of inspectors are dependent on the type of ride, with low intensity rides required to be inspected once per year by a single inspector and roller coasters required to be inspected by two inspectors twice per year.

During early stakeholder outreach, ODA sent the rules to stakeholders for feedback and reviewed the proposed rules during meetings of the Advisory Council on Amusement Ride Safety, which is composed of stakeholders from the amusement park, engineering, and insurance industries. Many of the provisions of the new rules are the result of feedback from the Council. During the CSI public comment period, ODA received one comment that suggested changes to exemptions, inspection criteria, and terminology used in the rules. In response to the comment, ODA introduced a new definition for "supplemental inspection".

The business community impacted by these rules includes all amusement ride permit holders operating in Ohio. The adverse impacts created by the rules includes that cost of permit application fees, inspections fees, and compliance with the maintenance requirements of the rules. The permit fee for all amusement rides costs \$225 annually. The annual inspection fee varies on the amusement ride, ranging from \$100 for low-impact child rides to \$1,200 for roller coasters. Required midseason inspection cost \$25 and fees for failing make rides available for inspection cost \$100. Violations of the rules may also result in fines of up to \$5,000 depending on the type of violation. OAC 901:9-1-04.1 also introduces new requirements for inspecting rides for corrosion and fatigue, which can result in costs to repair, replace, or mitigate damage to amusement rides. ODA states in the BIA that, due to the inherent risk of amusement rides, the rules are necessary to protect riders from undue hazards as well as incorporate the requirements of recent statutory changes.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio Department of Agriculture should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.