

# 2616

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From: Mikutis.Albert@epamail.epa.gov [mailto:Mikutis.Albert@epamail.epa.gov]

Sent: Friday, April 25, 2008 1:33 PM

To: jdillabaug@state.pa.us

Cc: jfiloromo@state.pa.us

Subject: Amusement Rides-Comments-Draft Final-Form Regulation of the PA Department Agriculture {PDA}

Mr John Dillabaug,  
Proposed Rule Changes

Dear John,

Firstly I am extremely disappointed that as a Stakeholder I was never notified that there was an open comment period in June of 2007 for proposed rule making. I went back thru my emails and correspondence files to find such notification but to no avail My question to you being a inspector since the inception of the law is why the department failed to notify me. Apparently I and other Inspectors and small ride owners are not part of the "In crowd". I subsequently heard bits and pieces of the proposed changes from past customers, mostly wrong, but never, ever anything formally from the State. Both you and your Department should be ashamed. I must comment that section 139.9 [I] Continuing education requirements which lays out differing training requirements for "affiliated qualified inspectors" and "general qualified inspectors" is in the extreme, short sighted and without merit. The minimal training requirements should be identical, ie, 48 hours for both. And further reducing continuation education requirements to as low as 16 hours for rides that are of a simple design or operation flies in the face of reality. Rides are like automobiles and people, as they age they require higher levels of maintenance and a higher level of inspector expertise, not less. Unless there is something that I do not comprehend and has not been communicated to me by your Department the responsibilities both classes of inspectors have under the law are identical and there should not be an iota of difference between them. There appears to be another agenda in play and a distinct bias against those in the industry like myself who have to meet a higher standard of training for apparently no readily identifiable reason or reasons. I personally think that the additional training is badly needed by both classes of inspectors. To require less training of "affiliated qualified inspectors" is an government sop to the power of the parks/fairs/traveling shows. Amusements rides are becoming more complex and the older rides are aging and both have an increased need for inspector expertise. not less. Basically you are dummifying down the minimal requirements for "Affiliated qualified inspectors" by the proposed changes to the advantage of the owner/operators and the detriment of the public, who include my child and grandchildren. In addition to being a PA ride inspector, just across the Delaware River I am also a NJ Certified Fire Official/Inspector for the NJ Division of Fire Safety[ #145125]. The training qualifications during the 3 years license renewal cycle are the same for both appointed[working] fire officials, fire inspectors and fire service instructors and non-appointed [non working] fire officials, fire inspectors and fire service instructors, ie 5.5 CEU's Technical courses and .5 CEU's Administrative courses. The only significant training requirement differences is that the appointed individuals have the opportunity to register for the Spring/Fall training courses during the first registration period and the non-working can only register during the second registration period.

Appointed individuals have a better chance of signing up for courses that appeal to them and their needs and non appointed have to settle for what courses have some open slots. I am currently a non-appointed fire official. It also should be noted that the Division of Fire Safety occasionally solicits additional inspectors due to a temporary increase in a work load in a municipality and calls go out to both appointed/non-appointed individuals with no distinction being made. I could go on but I have a living to make which is outside of the Amusement/Entertainment industry. There are additional comments that I would like to make but have not the time to pursue them. As a final thought, my opinions and the possibility of changing some of the proposals for the better are much in the same vein as the comments I made to my Sergeant when I arrived in Vietnam for an un-requested tour of duty. His response was much in the same vein and went thusly, "Young man, Never urinate up wind, Your pant's leg will get wet"

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cc; Honorable John Perzel