UTAH COUNTY BOARD OF HEALTH

151 SOUTH UNIVERSITY AVENUE
PROVO, UT 84601

Minutes

September 23, 2013

Members Present:

Name	
Gaye L. Ray, RN	X
Clyde Nielsen, PPh	X
Supt. Vernon Henshaw	X
Dianne C. Carr	X
Henry M. Yeates, M.D.	X

Name	
Viola Ramos, MRC	excused
Mayor Jim Dain	excused
Diane Lohner	X
Cmsr. Doug Witney, Chair	X

Others present: Dr. Joseph Miner - UCHD Executive Director, Ralph Clegg - UCHD Deputy Director, Debbi Solen - UCHD Administrative Secretary
Utah County Health Department: Bryce Larsen, Paul Jones, Jason Garrett, Lanty Ross, Ron Tobler, Dana Cundiff, Eric Edwards, Jan Rogers, Carrie Bennett, Bonnie Hargreaves, Andrea Jensen, Katie Call, Maralie Godemann
See attendance sheet for others present.

1. **Welcome and introductions by Commissioner Doug Witney.**

2. **Approval of the Minutes of the July 22, 2013 meeting**

MOTION: Vern Henshaw made the motion to approve May 20, 2013 minutes, which was seconded by Gaye Ray and passed by unanimous vote.

3. **Public Hearing to receive input on a Proposed Regulation of Commercial Trampoline Gyms**

The purpose of a Public Meeting is to gather information and discuss whether there is a need for a regulation. No decision by the Board has been made.

The following guidelines for participating in a Public Hearing were discussed:
- Please limit your comments to 5 minutes or less
- Try not to repeat points which have already been made
- Be specific about what parts of the proposed regulation need to be changed and why/how
- Tell which parts of the proposed regulation you support

Commissioner Witney said the Board was aware that several hundred people had signed an opposing on-

line petition believing this regulation would prohibit flips, dodgeball and children under 6 years of age, but this isn't true. The proposed regulation will not prohibit flips, dodgeball or children under age 6. This regulation would require commercial trampoline gyms to educate and warn their users of the serious dangers associated with trampoline use. It also requires the gyms and medical personnel to report the injuries they see from the gyms.

Most of the members of the Board have visited the trampoline parks. With their input Utah County Attorney, Paul Jones, has written the proposed regulation. Representatives of these trampoline gyms have informed us they already do the education and the warning and safety monitoring. They also state they are recording the injuries which are occurring. So they are already complying with essentially everything this proposed regulation would require.

The Board believes these safety measures and injury monitoring is helpful to these businesses and their customers and want to assure other future commercial trampoline gyms follow similar safety and monitoring procedures. The Board believes this may make these businesses safer for the public. Other businesses have come to the Health Department and Board of Health requesting we develop and adopt regulations for their businesses so the public can have improved confidence that their businesses are meeting some minimum health and safety standards. They hope this will do the same for Commercial Trampoline Gyms.

Dr. Miner read a letter he received from Jeff Platt, Chairman of the International Association of Trampoline Parks (IATP) dated August 29, 2013. IATP offered their assistance to discuss, shape, implement and enforce a strict and fair ordinance in Utah County regarding safety, installation and operating standards at indoor trampoline parks. The IATP is in full support of creating standards for our industry that ensures the highest level of safety for our patrons. These industry standards include, but are not limited to, the requirement of safety netting under trampoline mats, the requirement and ratio of court attendants to patrons, and installation and inspection procedures to ensure maximum safety.

The letter goes on to say; Since the indoor trampoline park industry is still in its infancy they do not have exact safety data pertaining to the industry. The IATP is currently working with the California Assembly reviewing legislation that conforms to the best practices outlined in the recently released American Society for Testing and Materials (ASTM) international standards and for the safety of the patrons. IATP contact information was given.

The Public Hearing was opened and the following were speakers:

Matthew Hall, an attorney, stated the Board of Health does have the power to make regulation for the health and safety of the public. He thinks the proposed regulation has too many "whereas's" and doesn't think there needs to be a regulation because he has seen a study that shows all the injuries are from individual homeowner trampolines.

Misty Uribe, General Manager at Lowe's Xtreme Air Sports, is concerned the regulations will never stop. She has no problem with the proposed regulation but feels the Board of Health never got the true story from the trampoline parks. Jumping on trampolines provide a lot of health benefits. She believes the Board is trying to take away a parent's right to choose what is good for their child.

The Board clarified that the proposed regulation is only for gathering injury statistics and to provide

education to the public as to the potential dangers. The recommended standards listed at the end of the proposed regulation are from the American Academy of Pediatrics and the American Academy of Orthopedic Surgeons and are listed for information. These are not going to be enforced. To be enforced the Board would have to go through another Public Hearing.

This regulation would protect the commercial gyms from others who come and set up trampoline parks and do not follow all the safety standards. Members of the Board have visited the facilities and spoken with staff and some of the customers and have seen you are trying to provide a safe environment. The purpose of the regulation is to gather information regarding the injuries. The Public Hearing is where we discuss if a regulation is needed and if so, how it will be written.

Spencer Merrill is the father of a son age 21. Two years ago his son jumped into a foam pit and is now paralyzed from the chest down. There was no one at the gym with first responder training so a friend who had first aid training recognized that it was a spinal cord injury and stabilized him. He is now dependant on others for care. This injury has effected not only his life but all those around him. He was a life guard and participated in sports that are highly regulated and never was injured. He feels that had there been regulation of the trampoline parks that this injury may not have happened. Any business has the reasonable assumption of risk. He understands that waivers are signed but doesn't feel the patrons really understand the risk. The probability of a severe injury is much more likely at a trampoline park than playing other sports. He would like to see added to Section 4 that the safety supervisors receive regular training every 6 months and that they provide safety drills once a month to all their employees just like public swimming pools and other sport facilities do. He also thinks Section 8 should not just be recommended standards but should be required standards. There needs to be a penalty attached for the trampoline parks to take injury prevention seriously. He feels the best source of accurate data is from the medical community as they actually see and treat the injuries and can easily find out how it occurred. He feels the rights of protection for our society will be provided with regulation.

Elaine Cloward has had a backyard trampoline for 40 yrs and has 20 grandchildren and there has never been an injury. Her son played basketball and had 4 teeth knocked out and her daughter was injured playing soccer. She feels that with proper supervision there won't be many injuries.

David Hilmo, MD is a rehabilitation physician specializing in trauma and neurological rehabilitation. He agrees with everything Spencer Merrill said. The medical community is not advocating taking away fun but does want to see safety enforced. The idea that this regulation takes away your right to choose is concerning. Anyone who participates in a public activity chooses to do so with the expectation that the activity is safe. When someone suffers a brain or spinal cord injury an enormous amount of energy and expense is involved that negatively impacts the individual and family's life. They lose the opportunity to choose many things in life. They would like to see safety measures put in place and enforced supervision that minimizes the severe injuries.

Adam Phillips is a physician assistant on the trauma service team at Utah Valley Regional Medical Center (UVRMC). In March of this year he presented to the Board their concerns over the increase of severe injuries they were seeing from the jump gyms. There have always been injuries from home trampolines but the number of injuries have not changed in the last 10 years and they are usually minor injuries; such as, broken bones, split lip, etc. The UVRMC has seen about 90 severe injuries from trampoline parks since 2009. These injuries are what they typically see from a high speed car crash or from falling off a cliff. They want to educate the public about the risks and the importance of following safety precautions to avoid

the life changing injuries that they are seeing.

Kim Holman owns a company that provides safety professionals and advisors to oil field companies and consults with fire departments and evaluates their equipment. He is one of the severe injuries that has been mentioned. He realizes he signed a lifetime waiver of responsibility when he attended the gym but feels it would be a good idea to have the waiver signed every year as a reminder to the customers of the risks they are taking and that the gym will not be held liable for your lifetime. He didn't feel the trampoline gym's safety personnel had the proper training. Kim had to explain to the workers how to get him off the trampoline without causing further injury. He feels CPR and First Aid training should be mandatory for all employees and that they should practice every month in mock situations.

Kayson Spendlove is the General Manager of "Get Air Hang Time". All their managers have First Aid, CPR, and emergency response training.

Carl Alger is the owner of "Jump on It" and he is worried about all the other regulations that will come in the future and ruin them. It's just too expensive to hire employees with first aid training and what could they do anyway but call 911. People take risks all the time, it's what makes life fun. He would have to close his business if he had to hire 1 safety supervisor for every 32 patrons. The ASTM came up with this recommendation, but he doesn't agree with it.

Someone asked about the gymnastic gyms and why they weren't being targeted for regulation. The Board was unaware that businesses that teach gymnastics had a day once a week that was open to the public. They usually have only one trampoline and have coaches, trainers and spotters working with and teaching the clientele and it isn't open for free play. The board will have to review this and determine if this regulation would apply to them.

Beverly Lowe from "Lowes Xtreme Air Sports" said the health benefits from participating at the trampoline gyms are tremendous.

Nic Rhoades is an employee at "Lowes Xtreme Air Sports" and he says most injuries are not caused by doing flips, but how they land. They have one safety supervisor for each activity at their park.

Steven Cloward is one of the owners of "Get Air Hang Time" and he says the newspapers have not told the truth. They have had 160,000 customers with no one sustaining a concussion or paralysis and no one under age 11 has experienced a major injury. They have had 4 major injuries and all involved people over age 30. No injury was caused by faulty equipment or having more than 1 person jumping at a time. His employees do have safety training. Sports activity causes injuries but he believes trampolines cause less than other sports. They are required by their insurance company to report all injuries, even nose bleeds. They are just financially unable to follow all the recommended standards. He is against any regulation on any business.

Allan Johnson is an investor in "Get Air Hang Time" and he is upset about the newspaper stories that have hurt their business. He wants his business to be safe, but believes all regulations hurt.

Daniel Fast is an employee of "Lowes Xtreme Air Sports" and said they do teach the risks, but injuries happen. Not all injuries are preventable. The only ones that get injured are the ones that break the rules.

Zak Haws was representing "Lowes Xtreme Air Sports" and said government regulations won't keep anyone safe, they would only put them out of business. He has competed on trampolines and is well trained. Most of the people who jump aren't. He doesn't think there needs to be a regulation because the trampoline gyms are already doing what is required.

Braiden Hall was representing "Lowes Xtreme Air Sports". He enjoys going to the trampoline gym and he knows the risks. He agrees with section 8.1 and wants young children in separate areas, but feels if they demonstrate that they are skilled then they should be able to jump with adults.

Kendall Clark was on the BYU gymnastics team 30 years ago. Obesity is a big problem in our country and feels the benefits of going to the gym outlays any risk. To be safe you could stay home and play video games but that's not healthy. Regulations will put them out of business. He would like to see all the gyms work together and agree to safety procedures so they don't have to be regulated.

Someone from "Lowes Xtreme Air Sports" said the foam pit injury that caused paralysis happened in a pit that was built to the recommended industry standards and the injury still happened.

Mike Kennedy is a State Legislator and a family doctor. He sees a lot of injuries as a result of football and soccer and thinks the regulation is under-inclusive as it doesn't mention all the dangerous activities happening in Utah County. As an attorney he knows the gyms must follow safety regulations and carry liability insurance. He would like to see more education of the risks involved when jumping on trampolines. He feels more education is needed rather than regulation.

Bill Bacon, MD is a trauma orthopedic surgeon at UVRMC. The injuries they see are the really severe ones. The clients can't wait to see their family doctor. There has been an increase of very severe injuries among 16-25 year old males. In the last 6 months trampolines have been the #1 source of severe injuries. There has not been an increase in injuries from backyard trampolines, skiing, or any other sport.

Craig Cook, MD is the trauma director at UVRMC. The severity of the injuries he is seeing can not be ignored. He feels they need a regulation to get the actual number of injuries. Four billion dollars a year is spent on home trampoline injuries across the country. He will work with the Board and the hospital to gather their statistics and give the data to the Board. He feels we can work together and come up with a regulation that will be good for the protection of the public.

Dianne Carr had a previous engagement and had to leave during the hearing.

Carrie Bennett from the Utah County Health Department is the coordinator of "Safe Kids Utah County" which is part a worldwide organization that educates the public and helps to start regulations not only for all sports, but car seat, medication, fire safety, etc. She pointed out that most sports are regulated by cities, schools, or parks and recreation organizations to prevent injuries. She addressed the comments that compared the rate of football and soccer injuries to trampoline injuries and explained the amount of time in the sport doesn't compare with the other sports listed and isn't a good way to get injury rates.

Matthew Hall, an attorney, spoke again. He wants the Board to base their decision on science. He doesn't feel the doctors have the facts or the people who spoke that have experienced a severe injury are science.

Commission Witney said the only way the Board could get the injury rate data was to have a regulation. He

expressed his thanks to those who came and spoke and the Board will consider what they've heard today and what they have observed at the gyms. No decision has been made or will be made at this time.

The Public Meeting was closed.

4. Consider adopting or other action on the Proposed Regulation of Commercial Trampoline Gyms.

The Board will table the recommendation as they would like to collect and review injury data from the trampoline gyms and hospital.

The Board still feels it is their job to educate the public. There is some concern this will lead to regulating other sports, but most of the other sports are already regulated. If you don't wear a helmet or mouth guard you are not allowed to play, cheerleaders aren't allowed to build a pyramid over a certain height, etc. There is concern as to how a penalty will be enforced. The Board needs accurate data and to find out what exactly are causing the severe injuries. They will ask all 3 trampoline parks to voluntarily give them the last 6 months of their injury log and compare it with the hospital data. They can remove Section 8 as these are just recommendations and were not going to be enforced anyway. Section 8 was put in with the hope of educating the public. It was suggested that we make a form to give the trampoline gyms so the information gathered is consistent. From the comments expressed it doesn't sound like all the gyms are following the ASTM standards and that is a concern.

Clyde Nielsen had a previous engagement and had to leave during the discussion.

Paul Jones, Utah County attorney, said you can comprehend the risks in football that you'll get hit and when skiing that you are going very fast downhill, but jumping on a trampoline doesn't appear to be dangerous. It's a perceived impression because the trampoline is soft.

Mainly the regulation should be education, reporting of injuries and first aid training and supervision to be sure the clientele are following the rules. There didn't seem to be a problem with keeping the younger children from the adults. There does need to be a penalty but we can take that out for now and if we don't get the information we are asking for put the penalty back in. Paul Jones said the penalty will be attached as it is a class B misdemeanor.

Commissioner Witney will write a letter requesting the injury logs for the last 6 months from all three gyms. Dr. Miner will contact the trauma center physicians and get their data.

The gymnastic gyms are governed by USA Gymnastics and have trained coaches and should be covered by Section 2.3.4 but we'll need to look at this.

Dr. Yeates had a previous engagement but before he left he said he voted yes to the revised fee schedule.

5. Annual Review / Approval of the Health Department Fee Schedule with recommended adjustments

Every September the Board reviews the fee schedule and the proposed changes.

MOTION: Diane Lohner made a motion to adopt the fee schedule with the recommended changes, which was seconded by Vern Henshaw and passed by unanimous vote.

6. Revision of Letter to Mayors and Local Law Enforcement Agencies regarding Visibly Polluting Motor Vehicles

Gasoline engines aren't allowed to smoke anytime. The 20% opacity rule only applies to diesel engines. If a diesel engine is smoking a law enforcement officer would issue a "fix it" ticket so the vehicle would have to be checked to determine if the pollution control equipment had been tampered with. Sometimes this is done to get better mileage but also for "smoking" people on the side of the road which is a "cool" trend popular now.

If a vehicle has been reported, a letter stating their vehicle was observed with visual emissions will be sent out to the owner requiring them to contact the Health Dept. If they ignore the letter, then the VIN will be put on the compliance assurance list and their vehicle won't pass inspection until they contact the Health Department.

The Board feels that the public should be involved in reporting obviously polluting vehicles. Local citizens can report these violating vehicles by calling: 801-851-7600 or filling a complaint electronically from our web site, www.UtahCountyHealth.org and scrolling down to General Information and clicking on the icon "Report a Smoking Car".

The County Ordinance needs to have a section created for testing diesel engines, specifically how the vehicle would be tested and to what standards. This will need to be addressed by the County Commission.

Joe Thomas from the State Department of Environmental Quality (DEQ) came to express their appreciation to the Board for addressing the problem with diesel engines. Utah County a number of years ago took away the diesel program which was troubling to the State. Diesel particulate are carcinogenic so this is a very important health issue. DEQ gets a lot of complaints from constituents that diesel testing doesn't stop diesel pollution. DEQ is working with State Legislators to draft new regulation to correct the language in State statue regarding the opacity to make it easier for law enforcement.

MOTION: Gaye Ray made a motion to send out the letter, which was seconded by Vern Henshaw. Only 4 members were left at the meeting and all voted yes to the motion. Voting was completed by email and this motion was passed unanimously .

7. Appoint New Representative for the Utah Association of Local Boards of Health

In the interest of time this was tabled until our next Board of Health meeting.

8. New Employees

Board members have reviewed the list of new employees that was sent to them in preparation for this meeting.

9. Other Business

None.

MOTION: Diane Lohner made the motion to adjourn the meeting, which was seconded by Vern Henshaw and passed by unanimous vote.

Meeting adjourned at 7:10 p.m.

Joseph K. Miner MD

Joseph K. Miner, M.D.
Executive Director
Utah County Health Department

Commissioner Doug Witney
Chair
Utah County Board of Health