



UTAH COUNTY BOARD OF HEALTH

151 SOUTH UNIVERSITY AVENUE
PROVO, UTAH 84601

MINUTES JANUARY 11, 2016

Members Present:			
Clyde Nielsen, RPh, Chair	excused	Teresa Tavares, Vice Chair	X
Gaye L. Ray, RN	X	Mayor Jeff Acerson	X
Superintendent Keith Rittel	excused	Diane Lohner	X
Dianne C. Carr	excused	Larry Larry Ellertson	X
Henry M. Yeates, MD	X		

Others present:

Ralph L. Clegg, EHS, MPA UCHD Executive Director
Julie Dey UCHD Secretary

Number of people in attendance – 29

- Welcome by Teresa Tavares
- Approval of the Minutes from the November 23, 2015 meeting.

MOTION: Gaye Ray made the motion to approve the minutes, which was seconded by Diane Lohner and passed by unanimous vote.

- Recognition of Utah County retailers who have not sold tobacco to undercover youth buyers by Linnea Fletcher.
- Review and discussion of the proposed Commercial Trampoline Gym Regulation - Eric Edwards

Eric Edwards reviewed changes and additions to the proposed Trampoline Regulations with the Board of Health.

Larry Ellertson said the main thing to do at today's meeting is to set a date for Public Hearing in relation to this with the understanding that the regulation could change due to input from a

public hearing. He recommended that each member of the BOH visit the trampoline jump gyms before any action is taken. He said the BOH needs to understand the issues before action is taken.

Henry Yeates, MD, provided a copy of the American Academy of Pediatrics standards/guidelines for Trampoline Safety in Childhood and Adolescence. A copy will be sent to all board members for review.

Mayor Jeff Acerson would like a comparison report of the ski industry and other sports to see where they have taken their regulations. In the skiing industry, there are skill levels: beginner, novice and expert. In these skill levels there is a basic understanding that participants don't attempt things they are not experienced to do. Are there skill levels of measurement in the trampoline industry? Maybe there is a false sense of security in a commercial trampoline facility that patrons can experiment and do whatever they want and they will be safe. It is improper to think that. The ski industry is very "in your face" as far as what could happen. How might this be applied to the trampoline industry?

Larry Ellertson asked, "How does this apply to other types of things? Specifically in the regulation, we are saying what it doesn't apply to, and yet as I look at this activity vs. some of the ones it doesn't apply to, I say, 'those appear to be more dangerous to me than the trampolines.' How does that apply in this instance?"

Eric Edwards replied that the reason why the BOH is looking at this now is from the repeated request of UVRMC trauma surgeons who asked the BOH to look at it.

Larry Ellertson said the tables and graphs that were distributed last month show that accident numbers have declined. Are we attempting to regulate this and anything else that is dangerous such as driving a car? Are there other things we should look at because they appear to be dangerous too? How broad does this go?

Gaye Raye reminded the BOH that we are addressing this specifically because constituents in our district have asked us to.

Mayor Acerson suggested that in a month from now, we may get a different group coming in asking for regulations. If we take a broad view now on the regulations, it may save some time and make a better impact.

Jere Reneer, attorney, Reneer and Associates, stood and said he was representing Aaron Cobabe with Get Air Hang Time. "My concern is for this constituent who has had 500,000 visitors in the past four years and less than 40 injuries. That is .05 injuries per 1,000 people. Jere compared football with 80 practices and 10 games in a season and said there are more than 10 times the rate of injuries to that of a trampoline park. In fact cycling, racquet sports, skateboard, volleyball, football, basketball, etc., are all far more dangerous. The safest thing your kid can do is be in a trampoline park. There are serious injuries in life. What is the rate of injuries in a given sport?"

"With an issue like this, what are the resources of the Health Board and how are they best served? You don't regulate football, basketball, soccer, hockey. How about jogging? Jogging is far more dangerous. This is literally the safest, healthy activity your child can do or an adult can do in the community. Yet somehow Utah Valley is leading out as the cutting edge of regulation of the industry and no one else in the whole country does it at any level. Where are the resources for it and who are you going to train and pay \$75,000 a year who can validly inspect under penalty of criminal prosecution Hang Time? We all want kids and patrons to be safe in the community. That is not the issue."

"It is the rate of incident and risk for that vs. the benefit risk of actually spending money at which place to regulate this. You are putting my client in jeopardy if he doesn't comply. There is a big expense that isn't being looked at here. This is more of a state type of regulation scenario.

You are going to run afoul of a whole bunch of constitutional issues. The reason this is an issue to my client is in 2013 they lost over \$200,000 from the fallout of the PR because people are in the paper quoting all kinds of numbers of the catastrophic injuries that are mis-information. Can a catastrophic injury happen? Well yes, but they happen all over the place in life and it is the incidents and rates that they happen. I would like to see statistics of information coming from the hospitals coming from these parks.”

Jan Rogers, UCHD stood up and said, “It is not fair to hear only one side of this.”

Ralph Clegg said that in the past we have heard both sides of this. The point for this Board is whether we take it out for Public Hearing. Public hearing can be written comment of course or it can be oral comment during a Public Hearing. All the comments whether written or oral will be considered as part of the Board’s final decision. The Board can also choose not to take this to Public Hearing. If we have a Public Hearing it doesn’t mean the Board has adopted the regulation. The decision would take place after the Public Hearing.

Craig Cook MD, UVRMC said, “Can I just say that there are hours of education that could be given to individual members of the board. I think there is a lot here that has not been stated that needs to be stated. We could educate the Board why this is one of the few things that our trauma center has brought to the Health Department. It has also been brought to the attention of the state and federal levels because this is an unregulated industry that is very dangerous. It needs to be looked at.”

Ralph Clegg asked Craig Cook, “What is the best way for you to submit your comments (written or orally)? Dr. Cook replied, “The best way would be to sit down and show the Board of Health the injuries case by case.”

Larry Ellertson would like the reports from UVRMC to include a broader look at other accidents from other sports.

Diane Lohner – At the last meeting we received data showing that injuries have gone down. The two gyms that I know of are following these regulations and have safety things in place. In my opinion, I don't think we need re-open this because our data show injuries have gone down. There are always going to be injuries, it is just the nature of the sport.

Larry Ellertson - A question in my mind that has been raised. Are we really ready to go to a Public Hearing? Should we be looking broader than just the trampoline stuff? Part of the decision for me is, 'What do we compare it to?' As we compare it, is there something else we should be looking at as well? I would like more data and information. What about gymnastics and the incident rates for gymnastics trampoline and foam pits? I would like to know before I make a decision.

Diane Lohner – Are we in the business of regulating and regulating and regulating? I think government regulates too much and I don't think we should just be pinpointing one thing. As long as the trampoline owners are giving us the information we are asking for, I don't feel as a Board of Health we should be regulating this industry.

Misty Uribe, Lowes Xtreme Air Sports stood and said, "I know this is not open to public comment. I agree with a lot of what has been said. I appreciate that the Board has taken our input in the past. In the policy that you have are a lot of things we are already doing. We want to be safe just as much as everyone in the room wants us to be safe. We're a family business and we wouldn't be open if we thought we were a harm to the public. We are good for the public, and yes, we have had injuries that are bad at our facility. The fact of the matter is, any time you are active, there is a chance for injury. I agree that we need to be as safe as possible. We are always learning and that is why the injury rates have gone down. This is a new industry. We change things every month to be safer. We regulate ourselves because we want to be safe. My only concern is that before this goes to Public Hearing, show me where there is an inspector for this and the limit on what they can charge. You are creating a job where one hasn't existed and the inspector can charge whatever they want and do whatever they want. I guarantee we

inspect our equipment more than anyone who you would hire because we are so concerned. It is good for our business to be safe. We are human beings and we care. Some of the regulation is vague and we don't want to face criminal charges because of vagueness in the policy."

5. Adopt the proposed Commercial Trampoline Gym Regulation to go out for public comment through the Public Hearing process and set a date and time for the Public Hearing.

MOTION: Henry Yeates made a motion to take the regulation to Public Hearing and was seconded by Gaye Ray. As part of the discussion which followed, a substitute motion was made by Larry Ellertson to continue to monitor and get more information such as accident rates on similar types of activities and then we come back to readdress this and then take the regulation to Public Hearing was seconded by Diane Lohner and passed by a 4 to 2 vote. Yeas: Diane Lohner, Larry Ellertson, Jeff Acerson, Teresa Tavares. Nays: Gaye Ray and Henry Yeates.

6. Review of proposed Non-Public Water System Regulation by Jason Garrett and Craig Bostock

Quantity and the quality are the two aspects that deal with water rights for homeowners. In that process the 'primary standards' of drinking water are set by the EPA. In the past, if standards are not met, homes cannot be built. The regulation gives potential homeowners the opportunity to meet the standards with technology such as filtration systems. The regulations ensure that no one is drinking water that is potentially harmful unaware. That includes the people who are building the home and subsequent owners. It sets forth sampling guidelines. There will not be an annual inspection. Homeowners will be educated and it is their responsibility to maintain the water filtration system. UCHD can provide sampling for the homeowners at the homeowners request.

The regulation allows the Health Department to allow the homeowner to put a filtration system on their water system. Otherwise they would be unable to build on certain lots down around the Utah Lake area. This puts in place checks so that a new homeowner is aware that the home needs a filtration system, and that they should test the system before they purchase the house.

Filtration system is a long term system designed to filter arsenic and nitrates. If there is something bacterial, microbial it cannot be treated with filtration.

It is the homeowner's responsibility to maintain their filtration system the same as a homeowner's responsibility to maintain their septic system.

7. Adopt the Proposed Non-Public Water System Regulation to go out for public comment through the Public Hearing process and set a date and time for Public Hearing.

MOTION: Diane moved to set a date, time and location for Public Hearing to discuss the adoption of the regulation which was seconded by Jeff Acerson and passed unanimously. The date will be March 28, 2016 at 4:00 pm at this location 151 S University Avenue, Suite 2500, Provo, UT 84601.

8. Board Constituent Feedback/UALBH Steering Committee Report.
9. Utah State Representatives and Senators Contact List.

UCHD is preparing for legislature this year. As issues come up regarding health issues, open a line of communication between individual Board of Health members and Representatives and Senators. We educate and we advocate, but we don't go beyond that as a Health Department and employees. The BOH members can go beyond that and their influence is a great power because BOH members are not paid.

10. Employee changes reported by Ralph Clegg.

Two retirees. Normal turn around with part-time staff.

11. Other business.

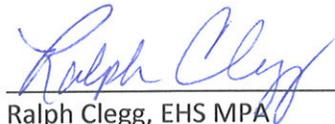
Household Hazardous Waste Regulations are still being worked through some legal hurdles. Should be ready for the Board of Health soon.

Eric Edwards has been hired to be the Deputy Director of the Health Department.

We have a contract that is on the Utah County Commission agenda for January 19th for a new medical director. Once approved by the Commission, Dr. Flinders should begin the first week in February.

MOTION: Henry Yeates made the motion to adjourn which was seconded by Diane Lohner and passed by unanimous vote.

Meeting was adjourned at 5:05 pm.



Ralph Clegg, EHS MPA
Director
Utah County Health Department



Clyde Nielsen
Chair
Utah County Board of Health