



United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

MEMORANDUM

DATE : October 26, 1999
TO : ES
Through: Sadye E. Dunn, Secretary *S. Dunn*
FROM : Martha Kosh
SUBJECT: Petition CP 99-2, Petition for Development of a
Safety Standard for Bleachers and Grandstands

ATTACHED ARE COMMENTS ON THE CC99-2

| <u>COMMENT</u> | <u>DATE</u> | <u>SIGNED BY</u> | <u>AFFILIATION</u> |
|----------------|-------------|---|---|
| CC99-2-1 | 8/17/99 | Deane Downey | 474 Elm St. Eminence, KY 40019 |
| CC99-2-2 | 10/22/99 | Sara C. Yerkes Director Government Affairs | The National Fire Protection Association 1 Batterymarch Park P.O. Box 9101 Quincy, MA 02269 |
| CC99-2-3 | 10/24/99 | Edwin Jaramillo & Esther Lester | 11601 SW 106 Terrace Miami, FL 33176 |
| CC99-2-4 | 10/24/99 | David Brendel Safety Engineer | P.O. Box 130935 Birmingham, AL 35213 |
| CC99-2-5 | 10/24/99 | Kristen Stiller & Emilio Lopez | Florida International University Miami, FL 33157 |
| CC99-2-6 | 10/25/99 | J. Castillo & Isela Zaldivar | Florida International University Miami, FL |

Author: Catherine E. Downs at CPSC-HQ2
Date: 8/17/99 3:05 PM
Priority: Normal
TO: Todd A. Stevenson at CPSC-HQ1
CC: Susan B. Kyle, Judith P. Hayes
Subject: Internet Form Complaint - DOC #I9980128

Todd: this is a request for us to support a bill for bleacher safety.

Forward Header

Subject: Internet Form Complaint - DOC #I9980128
Author: Murray S. Cohn at CPSC-HQ1
Date: 8/17/99 2:48 PM

8/17/99 9:04:17 AM

Name = Deanne Downey
Address = 474 elm street
City = Eminence
State = Ky
Zip = 40019
Email =
Telephone = 502-845-5385
Name of Victim = Kyle Downey
Victim's Address = same
Victim's City =
Victim's State =
Victim's Zip =
Victim's Telephone =

Incident Description: PLEASE HELP

My son kyle fell off a set of bleachers on to concrete. He suffered a skull fracture, and seizure. There was not a guard on the back of the bleachers that would have prevented this. Please dont let this happen to any other kids. You cant imagine how it feels to see your child laying there not knowing if they are going to wake up or have brain damage. Please remember KYLE, and help congress get hr-836 passed. In my area Jim Wayne a Repersenitive from Louisville is working on a Bill for Ky.502-456-4856 Please contact myself or Jim and let us know what we can do.

Thank you,
Deanne Downey

Victim's age at time of incident = 4
Victim's sex = Male
Date of incident = 8/19/98
Product involved = Bleachers
Product brand name/manufacturer =
Product involved still available = Yes
Product model and serial number =
Date product purchased =



0099-2-2

National Fire Protection Association

International

Executive Offices

1 Batterymarch Park

P.O. Box 9101

Quincy, Massachusetts 02269-9101 USA

Telephone (617) 770-3000 Fax (617) 770-0700

Washington Office
Suite 560, 1110 N. Glebe Road
Arlington, VA 22201
Telephone: (703) 516-4346
Fax: (703) 516-4350

October 22, 1999

Ms. Sadye E. Dunn
Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, D.C. 20207

Re: Petition CP 99-2, Petition for Development of a Safety Standard for Bleachers and Grandstands
64 FR 46657; August 26, 1999

Submitted by email: cpsc-os@cpsc.gov
Original sent via U.S. Mail

Madam Secretary,

The National Fire Protection Association (NFPA) appreciates the opportunity to submit the following comments in response to the petition filed by Representatives Bill Luther and Jim Ramstad, requesting that the Commission develop a safety standard for bleachers and grandstands.

NFPA 102, Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures addresses the concerns expressed in Representatives Luther and Ramstad's petition. This national consensus standard was first published in 1946. It has been revised over the years to reflect necessary changes and in 1995 it was re-titled to encompass the scope of the expanded document.

Publishers of the National Fire Codes® and National Electrical Code®

A non-profit membership organization dedicated to promoting safety from fire, electricity, and related hazards through research, codes and standards, technical advisory services, and public education since 1896.

The purpose of this consensus standard “is to provide for life safety in relation to fire, storm, collapse, and crowd behavior in tents, membrane structures, and assembly seating”. NFPA 102 is developed using a completely open, consensus process and is an approved American National Standard under the regulations of the American National Standards Institute (ANSI).

Of specific interest to this petition is the 4-inch sphere provision which first appeared in the 1992 edition of the standard. The 4-inch rule applies to:

- The space between the seat-board and footboard.
- The space between folding and telescopic seating and an adjacent wall
- The size of vertical openings between guards and seat-board or footboards

The Technical Committee on Tents and Membrane Structures statement of rationale regarding the 4-inch space is as follows:

The space between the seat-board and footboard creates an opening through which a person, especially a child can fall. Intermediate construction such as a spot welded metal strip will help preclude such falls.

This rationale follows similar changes to the NFPA 101, Life Safety Code® regarding the spacing of intermediate rails or an ornamental pattern on stair guards such that a 4-inch sphere cannot pass. This provision first appeared in the 1991 Edition of NFPA 101. In previous editions of NFPA 101 (1967-1988) the Code permitted a 6-inch spacing of such rails.

NFPA 102 is referenced and used throughout the country. The 1996 National Building Code (BOCA) contains the same 4-inch rule as specified in section 4-4.4 of the standard: “Any opening between the seat board and footboard that is located more than 30 in. (76 cm) above grade shall be provided with intermediate construction such that a 4-inch (10.2 cm) diameter sphere cannot pass”.

The 1999 Standard Building Code (SBCCI) does not contain a 4-inch rule for the spaces between seat-boards and footboards. This code does reference NFPA 102 for minimum uniform distributed live loads in grandstands.

The 1997 Uniform Building Code (ICBO) also contains a 4-inch rule.

The 2000 Final Draft of the International Building Code (ICC) contains the 4-inch rule. It applies to spaces between seat-boards and footboards more than 30 inches above adjacent surface. The draft International Building Code references NFPA 102 for minimum uniform distributed live loads in grandstands.

Consumer Product Safety Commission
October 21, 1999
Page Three

Please refer to Appendix A "Overview of Building Code References Relating to NFPA 102" for additional information.

NFPA encourages the CPSC to follow its normal procedure, as mandated in the Consumer Product Safety Act, of relying upon a voluntary consensus standard if such standard would eliminate or adequately reduce the risk of injury addressed. Based on the scope and requirements of NFPA 102 we believe the standard adequately addresses and would eliminate the risk of injury. Furthermore, such reliance on NFPA 102, is in keeping with the requirements of Public Law 104-113 "*National Technology Transfer and Advancement Act*" which requires Federal government agencies to use private sector-developed national consensus technical standards in carrying out public policy wherever appropriate.

Nationwide compliance with NFPA 102 is achievable. NFPA would be pleased to work with CPSC to encourage those states and local governments that have not already done so, to adopt or reference in their building regulations this NFPA standard. We would also continue to ensure the affected industry, users, and the general public are aware of such safety requirements.

Thank you for the opportunity to comment. We would be pleased to provide additional information.

Sincerely,



Sara C. Yerkes
Director, Government Affairs

Enclosure

Cc: Anthony R. O'Neill, Vice President, Government Affairs
Robert Solomon, Chief Building Fire Protection Engineer

Appendix A

Overview of Building Code References Relating to NFPA 102

| | 1996 NBC | 1999 SBC | 1997 UBC | 2000 IBC Draft |
|---|---|---|---|--|
| Grandstands Bleachers Folding Telescopic Seating | Section 1013.0 contains all req. 4" rule applies to spaces between seat-boards and footboards more than 30" above adjacent surface. | Section 1019.11 No 4" rule | Section 1008.5.9 References 509.3 4" rule applies | 1008.14 Contains all req. 4" rule applies to spaces between seat-boards and footboards more than 30" above adjacent surface |
| Permanent Membrane Structures | Section 3103.1 | NFPA 102 | Section 3111 | Section 3102 |
| Temporary Membrane Structures | NFPA 102 | Standard Fire Prevention Code | Section 3111 | Section 3103 Reference to NFPA 102 has been deleted |
| Tents | NFPA 102 | Standard Fire Prevention Code | Section 3111 | |
| Other | NA | NFPA 102 for Minimum Uniform Distributed Live Loads in grandstands Table 1604.1 Note 2 | | NFPA 102 for Minimum Uniform Distributed Live Loads in grandstands Table 1607.1 Note 3 |

99-2-3

Co by
10/25/99

Subject: Petition for Development of a **Safety** Standard for Bleachers and Grandstands. Comment due Monday October 25.

Date: October 21, 1999

From: Edwin Jaramillo and Esther Lester, (Esteto46@aol.com)

Reply-to: Office of the Secretary

TO: **Consumer Product Safety Commission**

From: Edwin Jaramillo and Esther Lester

Subject: Petition for Development of a **Safety** Standard for Bleachers and Grandstands. Comments due Monday October 25.

Date: October 21, 1999

Address: 4330 East West Highway, Bethesda, Maryland

Re: Doc. 99-22094

According to the Consumer Product Safety Act, 15 u.s.c. 2051 et seq., bleacher seats are unsafe causing fatal accidents within the past year. The majority of the victims have been innocent children. We are for the remodification of these bleachers and grandstands and their hazardous conditions they place on humans.

To whom it may concern:

Since 1980 when the latest bleacher regulations were adopted, many casualties have taken place. We are concerned about these unfortunate incidents which have occurred. For this reason, we would like to voice our opinion on this issue.

Research has shown that the majority of these accidents have transpired with children. One example is the story of Toby Lee of Hutchinson, Minnesota whose life was cut extremely short due to the fall he took at a Hockey game this past February. A misfortune which could have been prevented if the bleachers were safer. Apparently, an incident like this has to occur for this problem to be addressed on an individual basis. We believe that action MUST be taken to correct the situation from further happening in other facilities.

Another allegation researched was in a middle school where a first grader fell ten feet to the ground and was severely injured. Although this was not a fatality, medical attention was needed. After investigation, it was found that the two highest rows of seats had fifteen to sixteen inch gap between the seats and the floorboards. The city will close the gap to nine inches or even four inches to close the space.

In retrospect to the research we obtained, there is no doubt that bleacher and grandstand safety should be of major concern in the country regardless of how safe the facility may seem. The debate will continue as more casualties occur leading into an inconclusive outcome. Furthermore, there should be no gap between the actual seat and the floor resulting in a safer atmosphere for the spectators.

This situation needs not only the support of the parents but of those who advocate safety as a precautionary means. Instead of trying to maximize profit by seat availability there should be more emphasis on safety standards. Only when the legitimate authority takes this into consideration will the problem be solved. We must take a stand on stands to ensure appropriate standards on bleacher seating.

Edwin Jaramillo
Esther Lester
11601 SW 106 Terr.
Miami, FL 33176
E-mail: Electo46@aol.com

Eden Prairie News

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Sets of bleachers at Central Middle School and the EP Community Center may see revisions Officials checking safety of EP bleachers

(Published: February 18, 1999)

By Mark A. Weber

Eden Prairie Parks Director Bob Lambert recalls falling off a 10-foot-high school slide as a first-grader, hitting his head on a piece of concrete that held the metal slide in place and then needing medical attention.

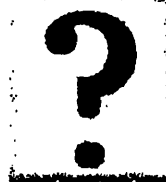
"I'm sure my parents never thought about talking to the school about it," he said. "But I guarantee that slide isn't there today. And good thing. We're getting safer and better as these things happen."

So it may be no surprise that Eden Prairie city and school officials are re-examining their sets of bleachers, at the state's urging and as a result of three recent accidents in which Minnesota youngsters were either hurt or killed.

What they're finding is that several bleachers may need to be replaced or retrofitted to meet the ever-changing safety guidelines that are a part of building code.

That includes about five sets of metal bleachers in the Olympic-sized rink of the Eden Prairie Community Center at 16700 Valley View Road. The two highest rows of seats in those bleachers have a 15- to 16-inch gap between the seats and the floorboards, according to city Inspections Director Kevin

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Schnieg -- much larger than the maximum 9-inch gap in current building code that helps prevent children from slipping through and becoming injured.

"We're going to have to make modifications to those," said Schnieg, who explained that the city may close that gap to 9 inches or even 4 inches with wood or metal attachments. State officials have recommended that any modifications close the seat-to-floorboard gap to 4 inches, which is expected to be the standard in a new, international building code likely to be adopted by Minnesota in 2001.

A similar issue exists with some of the bleachers which the city places at outdoor baseball and soccer fields, according to Schnieg. However, some of those smaller sets of bleachers only need to have a 2-by-4 footing removed to lower the bleachers to 30 inches -- the height at which the regulations take effect. City officials are uncertain how many sets of outdoor bleachers are not in compliance with the latest regulations, adopted in 1980 (non-compliant bleachers existing at that time were grandfathered in).

Woody Franklin, director of facilities and safety for the Eden Prairie School District, said that gymnasium bleachers at both Eden Prairie High School and Central Middle School will be examined by an independent agency over the next several weeks to determine if they comply with the latest regulations.

The bleachers at EPHS, he said, have no gaps between the seats and floorboards, but those at CMS, built about 40 years ago, have "a big gap," he said. The middle-school bleachers would be among those sets grandfathered in when the building code was updated nearly 20 years ago, but Franklin said some sort of change in those bleachers is likely. "The policy of the district has been to be proactive," he said. "But we have to see what the magnitude of the problem is."

.....
Likewise, outdoor bleachers at EPHS will be

examined this spring, the school official said. The stadium and outdoor bleachers at CMS are expected to be removed to make way for new Highway 212, and replacement facilities on the school's east side will contain neither lights nor bleachers, he added.

A 6-year-old died of head injuries after falling from bleachers Jan. 3 in Hutchinson, Minn. A 2-year-old was injured in Solway Jan. 21 and a 5-year-old was hurt in St. Paul on Feb. 6 while on bleachers. Eden Prairie officials say their bleachers have been largely accident-free.

"I know of no incidents in the six years I've been here," said Franklin.

Bleachers in the community center's original ice rink were modified 8-10 years ago, according to Lambert, after a youngster reportedly slipped into a gap between the bleacher walkway and the hockey rink's side boards. It did not result in a serious injury, he said.

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Hockey Rink Death Fuels Questions

City Of Hutchinson Under Fire From Attorney, Family Of Boy Killed In January

MINNEAPOLIS, Posted 10:15 p.m. February 9, 1999 -- The city of Hutchinson is under scrutiny tonight after a Twin Cities attorney said the hockey bleacher accident that killed a young boy last month might have been prevented had the city paid more attention to a similar incident in the past, reports WCCO-TV.



The bleachers at Hutchinson Civic Arena have been off limits since six-year-old Toby Lee (pictured) of Mound fell through the gaps to his death in early January. [\(Full Story\)](#)

Hutchinson is along Highway 7 and is about 35 miles west of the Lake Minnetonka city of Mound.

At the time, Mayor Marlin Torgerson said the bleachers had never been a problem.

"It's been there 20-something years or longer and this is the first time we've had a tragedy like this," Torgerson said last month.

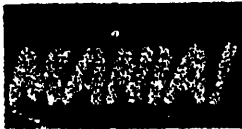
But an attorney and the family he represents says that's not the case.

Michael Shulz says an incident like the one that killed Lee has happened before, and the city was aware of it.

He says back in 1993, then 5-year-old Chase Miller seriously injured his

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head in a fall from the same bleachers.

"By 1996 the city was aware not only that this was a dangerous condition but it did not comply with the building code," said Schulz. "They knew by then."



This news was a shock to Randy Lee, Toby's father.

"To me that's appalling that they have had accidents before and nothing was done to correct the situation in that point in time," said Lee.

"And unfortunately now we lost a life and that happened to be my son."

WCCO-TV attempted to speak to city officials prior to their city council meeting but were told no one would comment.

The city's attorney says it didn't receive a strong direct warning of the danger surrounding their bleachers. The attorney claims the Miller boy fell because he was using the bleachers as a jungle gym and that city officials, including the mayor, denied previous incidents because they received bad information from the league of cities.

The bleachers didn't violate any law because they had been grandfathered in, reports the television station.

But tonight the city council voted to rip out the old bleachers and evaluate a plan to spend \$218,000 on new bleachers.

Both the Lee and Miller families are considering suing the city.

Under the state liability cap for cities, the most the city would have to pay out it \$300,000.

From our archives:

- Feb. 9: [Another Child Hurt On Bleachers](#)
- Jan. 21: [Young Fall Victim Home From Hospital](#)
- Jan. 21: [Another Bleacher Incident](#)
- Jan. 5: [Boy, 6, Killed In Bleacher Fall](#)

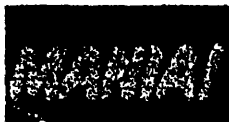
Jeff Smith, Channel 4000 Staff Writer

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head in a fall from the same bleachers.

"By 1996 the city was aware not only that this was a dangerous condition but it did not comply with the building code," said Schulz. "They knew by then."

APR 1996

6/5/85
d/c
10/20/85
[Signature]

David M. Brendel
Safety Engineer
P.O. Box 130935
Birmingham, Alabama 35213.0935
205.933.5633

Rockelle Hammond
Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Dear Ms. Hammond,

Attached is an abstract of a study that I have just completed concerning grandstands, bleachers, and telescopic bleachers.

I have proposed several changes in the standards as presented by the NFPA and building codes. Please forward my abstract to the committee for review. I hope that this input will help them establish a workable, enforceable standard that will reduce injury and death to spectators in our country.

Thank you,

David M. Brendel
David M. Brendel

Abstract

Bleachers, Grandstands, and Telescopic Bleachers: Safety Analysis and Recommendations

By

David M. Brendel

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The Problem

Every year thousands of people are sent to the emergency room with injuries resulting from poorly designed and maintained bleachers, grandstands, and telescopic bleachers. Unfortunately, many deaths have resulted from these incidents. This study presents material concerning the inspection, maintenance, use, and hazards relative to these seating systems. Laws are not always clear for the inspection of these systems, and they are not clear for the enforcement of the rules and regulations that may apply.

The Bleacher Safety Act of 1999 was introduced in the United States House on February 24, 1999. This act authorized the Consumer Product Safety Commission to issue a standard for bleacher safety. The reasons behind this initiative are as follows:

- Many bleachers and grandstands do not pass current standards;

- Infants and children are being injured while using bleachers and grandstands; and
- Many of the nation's bleachers and grandstands are aging and may be structurally unsound.

Outline

This study outlines the importance and need for the government to regulate the standards for bleachers, grandstands, and telescopic bleachers. These standards should include:

- Standard guidelines for structural integrity, such as load capacities and wind-loading factors.
- Standards for guardrails, siderails, backrails and seatboard-to-footboard dimensions.
- Standards for the operation of telescopic bleachers, such as opening and closing.

Associations

There are many administrative regulatory associations in the United States. The best known associations are:

- The National Fire Protection Association,
- The Southern Building Code Congress International, Inc.,

- **Building Officials and Code Administrators International, Inc., and**
- **The International Conference of Building Officials.**

These associations have varying regulations that govern bleachers, grandstands, and telescopic bleachers. The most stringent rule maker is the National Fire Protection Association.

Laws

Federal, State and Local laws are vague concerning the operation and maintenance of bleachers, grandstands, and telescopic bleachers. The associations listed above are at best guidelines for the installation and use of new bleachers. Unfortunately many of the codes do not require that older systems meet current guidelines due to the use of "grandfather clauses" – a clause in some legislation forbidding or regulating certain activities, which exempts those facilities with bleachers, grandstands, and telescopic bleachers built or installed before the legislation was passed.

Data Collection - Method

Data collection for this analysis involved ten diverse site visits, photographs, and comparisons of bleachers, grandstands, and telescopic bleachers. The first eight sets of data show the dangers associated with poor construction and designs that are inadequate from the standpoint of safety and prevention of accidents. The last two sets of data show the proper use of strict but reasonable standards. These sets actually provide working models for national and international standards. The data presented clearly that bleachers, grandstands, and telescopic bleachers that are not maintained and designed properly pose a real danger that must be remedied. Safeguarding spectators who use this type of seating is of utmost importance.

Note: I have enclosed only five of the data sites for this abstract

Enforcement of Bleacher, Grandstand, and Telescopic Bleacher

Rules

The Consumer Product Safety Commission receives its power from Title 15 - Commerce and Trade 15 USCS @ 2069. This law providing for civil penalties allows the Commission to levy penalties from \$1000 to \$5000 for violations. If the Consumer Product Safety Commission does not provide enforcement under this statute or a similar statute, the recommendations and guidelines will remain just that – guidelines. Unfortunately, the cost for facility owners could be as much as 100 million dollars over the next five years for upgrading or replacing bleachers, grandstands and telescopic bleachers. The question is how the government should enforce these rules and levy fines and penalties, when some governmental entity often owns or operates the bleacher or grandstand seating structure.

Findings

The United States House Bill H. R. 836, the "Bleacher Safety Act of 1999" introduced is a beginning for providing a national standard for bleacher and grandstand safety, but may not provide the right mechanism for implementation and enforcement. The Consumer Product Safety

.Commission, is an independent Federal regulatory agency that helps American families remain safe by reducing the risk of injury or death from consumer products. The agency has issued warnings in the past concerning telescopic bleachers – but just a warning. Very precise rules will need to be made by the Commission to eliminate this national problem, such as:

- Timely inspections, maintenance, and operation rules for telescopic bleachers.**
- Timely inspections, maintenance, and operation rules for outside bleachers and grandstands.**
- A mechanism for the enforcement of the laws and regulations.**

The best advice to owners of bleachers, grandstands, and telescopic bleachers is to provide the required upgrades and recommendations when the legislation is enacted. Even more than the risk of fines and penalties from the government and lawsuits from injured spectators, facility managers and owners need to understand that the real risk is the danger – the preventable danger – of the injury or death of someone in or around the seating structure.

Recommendations
Telescopic Bleachers

- 1. Inspect telescopic bleachers monthly, annually, and before each use.**
- 2. Perform an annual inspection utilizing a certified bleacher inspector and require a written certification of fitness for the use from the vendor or certified authority.**
- 3. Provide that siderail height be no less than 48 inches with intermediate rails spaced no more the 4 inches apart.**
- 4. Require that the space between the footboard and seatboard above be no more then 4 inches.**
- 5. Do not allow occasional seating such as partial use for volleyball or wrestling matches. Telescopic bleachers must be mounted as sets to a wall. When one set is opened, all sets on the wall should be fully extended.**

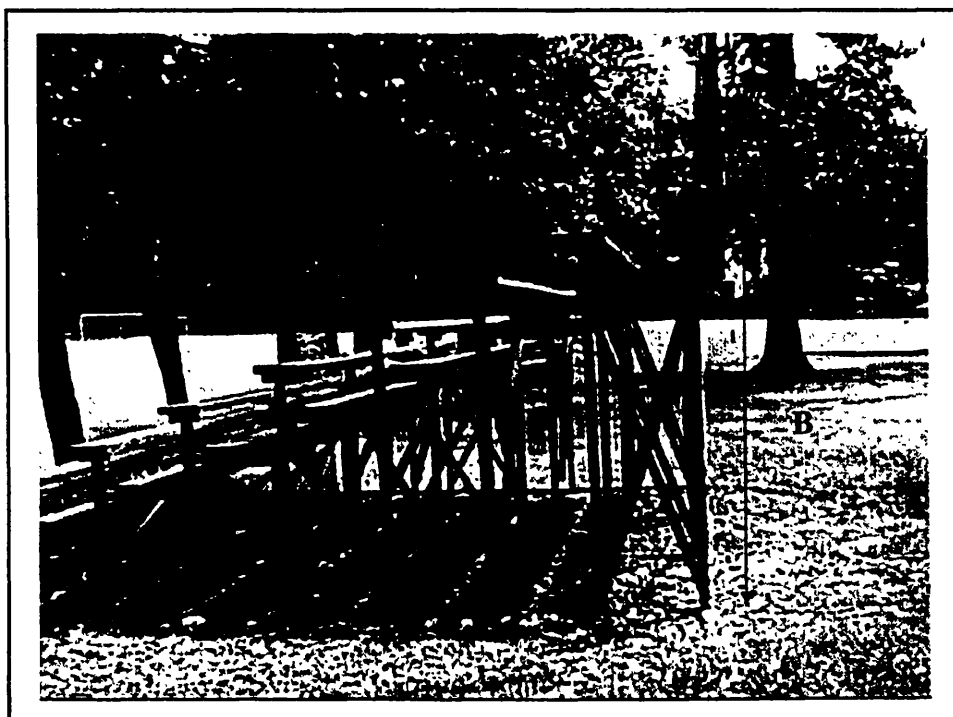
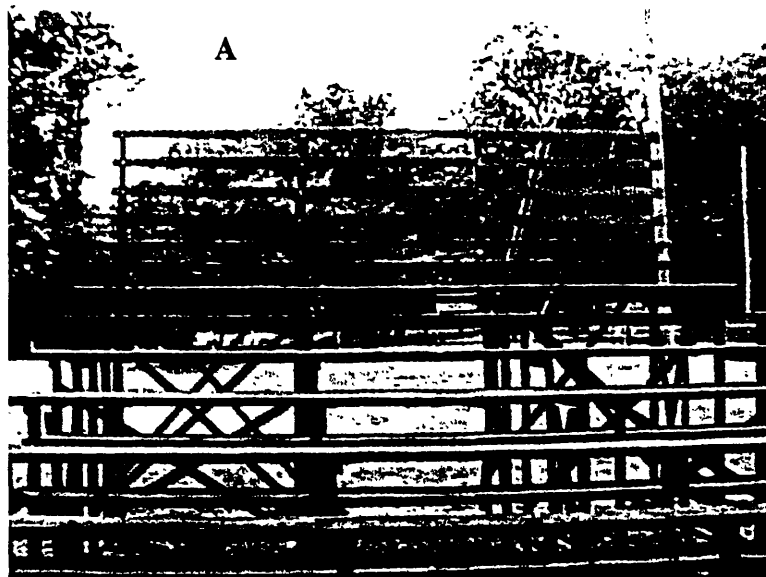
Recommendations

Outdoor Bleachers and Grandstands

- 1. Inspect all portable bleachers monthly for structural damage, missing screws and bolts, and broken or split seatboards.**
- 2. Perform an annual inspection utilizing a certified bleacher inspector, and require a written certification of fitness for use from the vendor or the certification authority.**
- 3. Provide siderails and handrails mounted on all bleacher units more than 24 inches above the ground. The siderails should be tapered, beginning at 24 inches above the ground, and should gradually increase to a maximum of 48 inches by the time the bleacher unit reaches 60 inches from the ground. Backrails must be no less than 40 inches.**
- 4. Require that the space between the footboard and seatboard above be no more than 4 inches.**
- 5. Require that either screw anchors or cables anchor all portable bleachers to the ground.**
- 6. Ushers or guards should be used to monitor grandstands when crowds are greater than 40 percent of the grandstands**

Rushton Park
Birmingham, Alabama
Site #1

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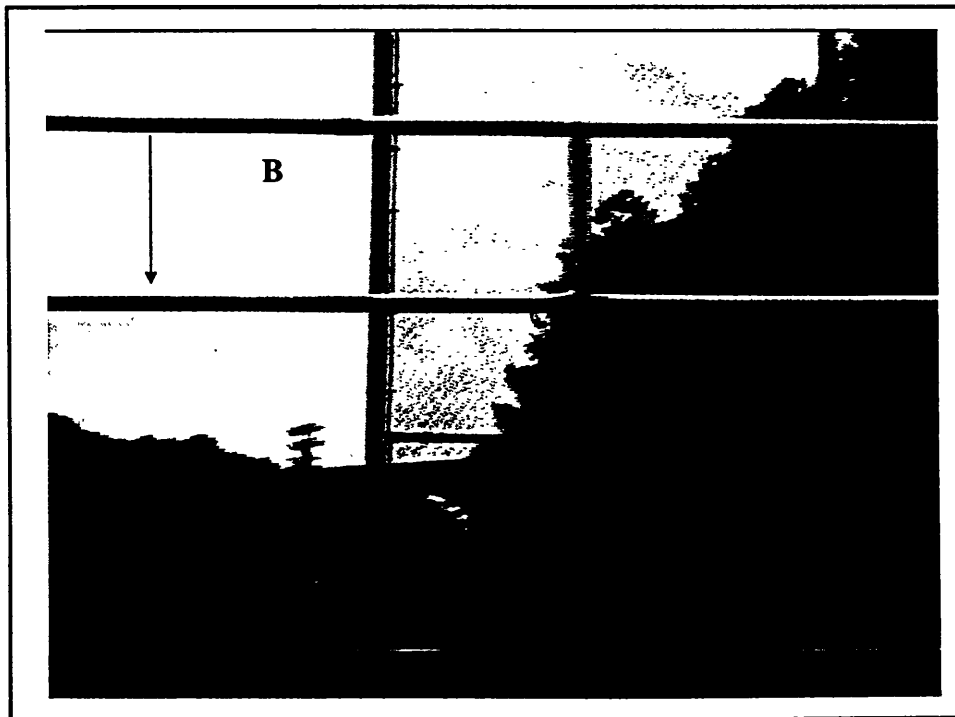
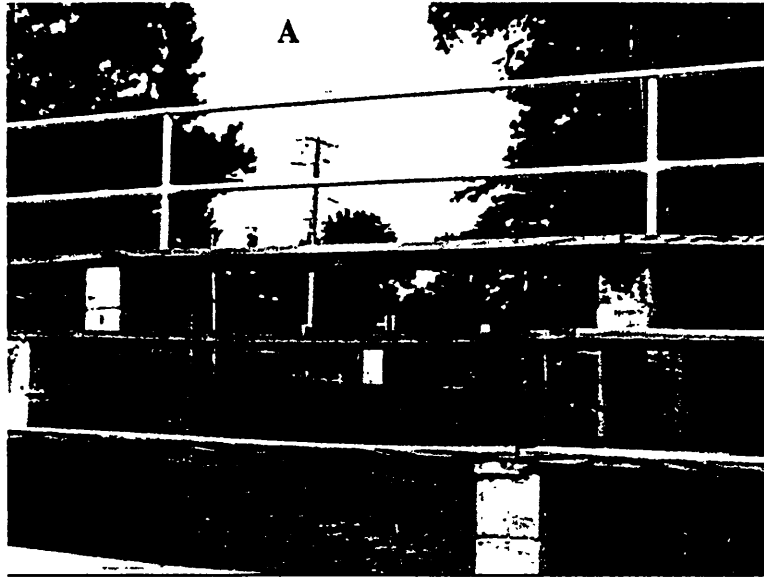


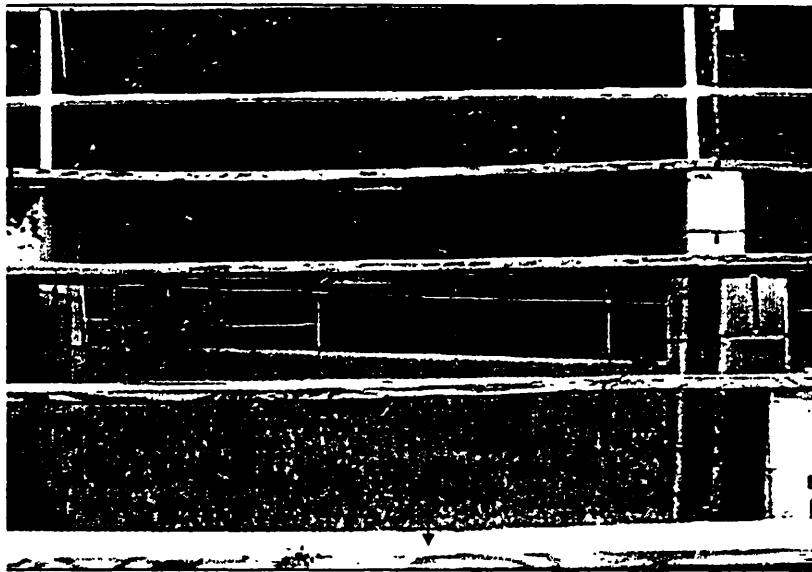




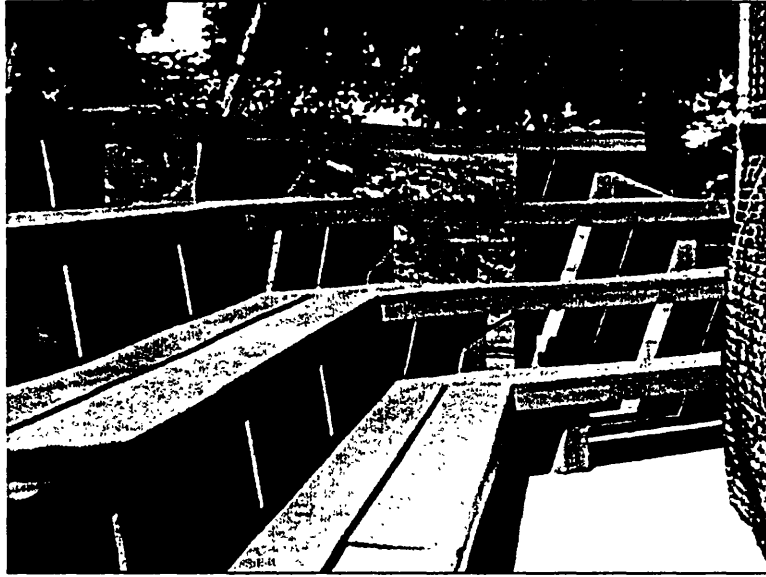
Old John Carroll Field
Birmingham, Alabama
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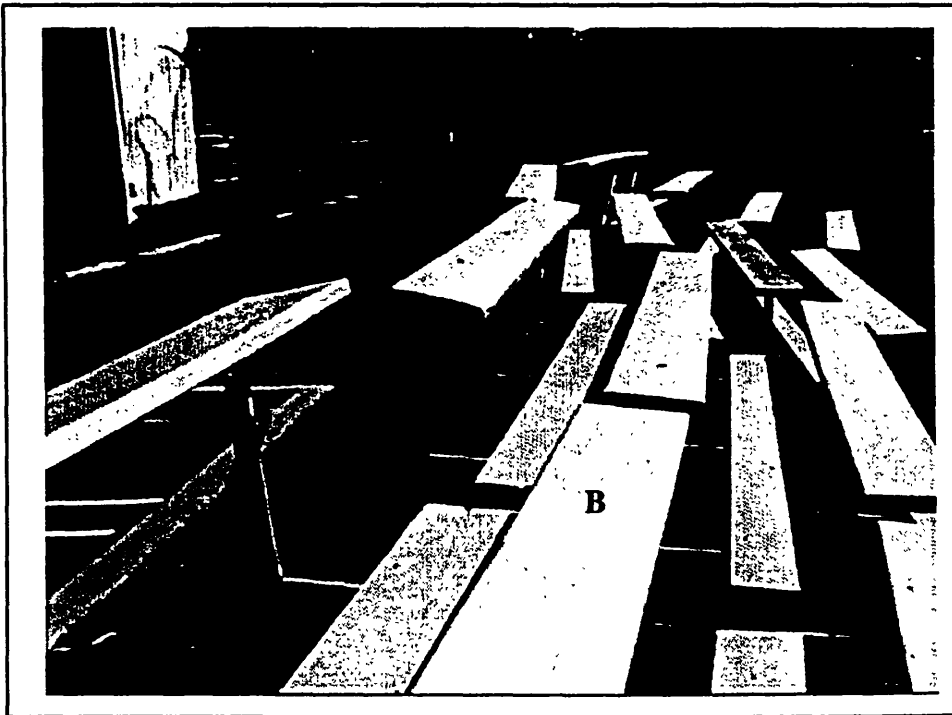
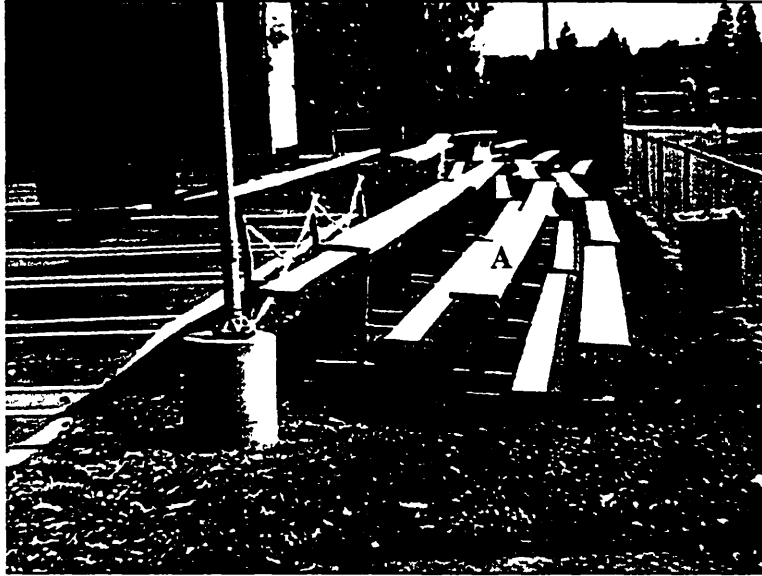


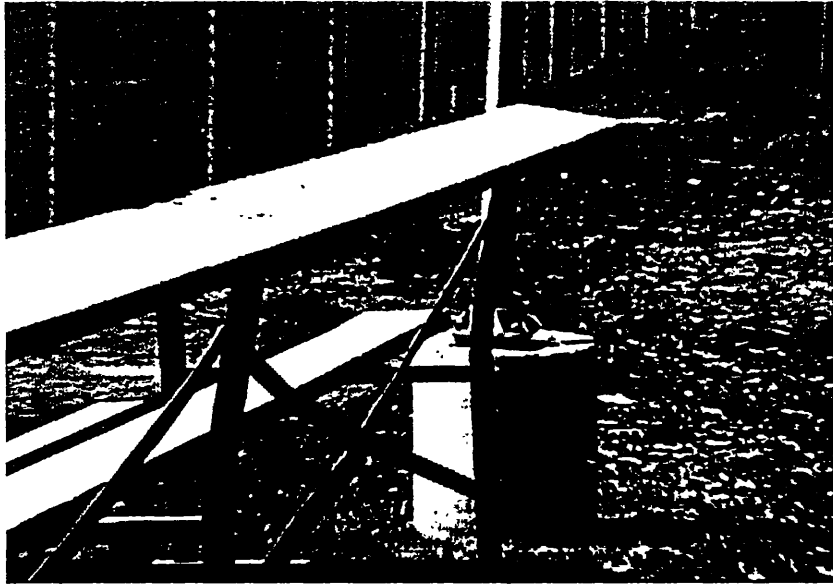
University Baseball Field
Austin, Texas
Site #3



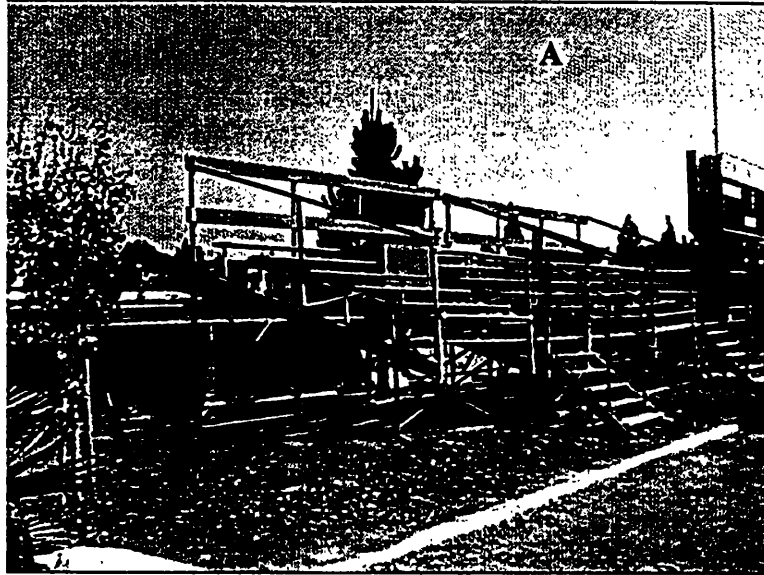


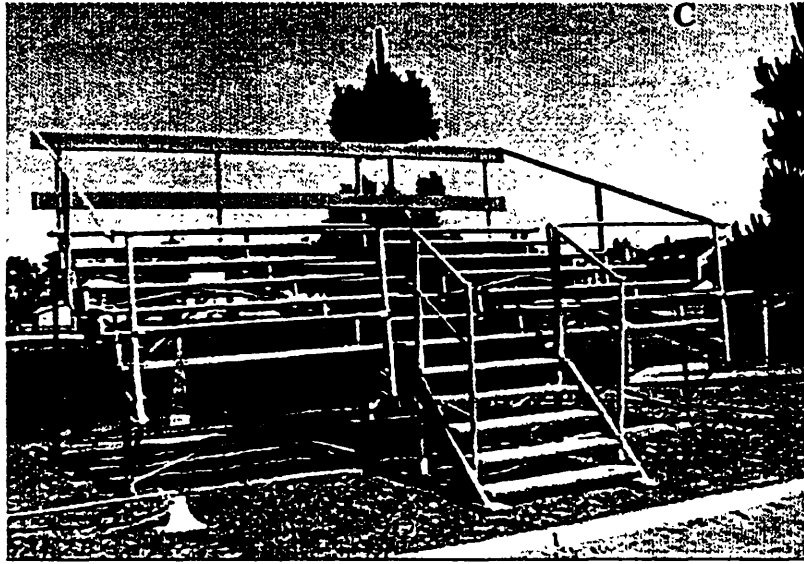
University Softball Field
Costa Mesa, California
Site #4





University Football Field
Costa Mesa, California
Site #5





maximum capacity, or one usher per 50 spectators when there are 100 spectators or more.

646704
10/25/99
0099-2-5

October 24, 1999

Consumer Product Safety Commission
Office of the Secretary
Washington, DC 20207

**Subject: Petition CP 99-2, Petition for Development of a Safety
Standard for Bleachers and Grandstands**

To Whom It May Concern:

In reference to the Bleacher Safety Act of 1999, we strongly support the proposed rule for many significant reasons. We reviewed the Bill introduced into the House of Representatives, and feel its guidelines are very explicit in the action they want to take place. We have carefully reviewed all pertinent information concerning bleachers and grandstands technical problems. We have also researched all of the recent accidents involving persons injured in bleacher accidents. After analysis of the information, we feel all of the requests are valid and necessary for the future safety of many children. Outlined below are the reasons we feel each component of this bill is vital to the whole safety act.

Section 1. Short Title.

"Bleacher Safety Act of 1999"

Section 2. Findings.

- (1) Many bleachers and grandstand facilities in the United States do not pass current State and local building code standards.

In Minnesota, where many of the recent accidents have taken place, building officials have examined many area bleachers for safety. State code says that gaps between footboards and seats may not exceed 9 inches. At least two fatal accidents occurred in bleachers where the gaps were 13 to 15 inches. Officials also reported serious structural damage to bleachers due to moving them for events, as well as damage

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them to assess the safety of bleachers and grandstand facilities in their jurisdiction.

The Minnesota Bleacher Safety Act has introduced shrinking the maximum gap between seats and floorboards to 4 inches. The bulletins issued to local governments is important to make other areas aware of the potential dangers bleachers pose, and hopefully will inspire other jurisdictions to create similar Acts.

(6) It is appropriate for the Congress to provide national standards for the manufacture and retrofitting of bleachers and grandstand facilities.

In many cases involving bleachers, the easiest way to modify the problems would be by retrofitting. National standards will not only force unsafe conditions to be modified, but also will not force parents to feel they must have full responsibility in protecting their children. Parents can be assured that the rinks are taking measures to help the problem, and not simply leaving it up to them. This can encourage both parties to come to a solution in an agreeable way.

(7) The regulatory expertise of the Consumer Product Safety Commission should be used to issue and implement bleacher safety standards.

The expertise and power of the Consumer Product Safety Commission can have profound effects on this Act. It is in the best interest of the public for the Commission to apply these standards to all bleacher and grandstand facilities nationally. After the evidence presented of the currently poor standards of bleachers, as well as the recent accidents involving children, it is clear that these standards are greatly needed.

Section 3. Bleacher Safety Standard.

Subsection a of the bill suggests that the Consumer Product Safety Commission issue safety standards within 6 months of the Act. We feel this is a fair amount of time within which to do necessary research in order to come up with feasible and fitting standards. Time is of the essence in this matter, as many more young lives can be lost or affected in any further amount of time. We would suggest that the Consumer Product Safety Commission use this bill as a guideline in making its rules. All of the proposed rules and findings in the bill are consequential elements in keeping bleachers and grandstands safe.

Subsection b calls for the Consumer Product Safety Commission to consult with the Injury Center at the Centers for Disease Control and Prevention when it completes its study to determine the national scope of bleacher injuries. The results of this study can help to gain a greater understanding of the extent of injuries that bleachers have caused nationally. It will also help to bring more attention from other local governments to the issue, and hopefully, more support.

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In our comments, we have tried to show how important this Safety Act is to not only government, but to the people. We feel this a bill that will greatly affect many people in the years to come. The CPSC has the power to make these regulations work, and we hope you will take into consideration the effects it can have.

Sincerely,

Kristen L. Stiller & Emilio R. Lopez
Florida International University
Miami, Florida

painful jaw disorder. Consequently, Chase has to wear a brace in his mouth for the rest of his life. Maddison Larson a 2 -1/2-year-old girl, her parents, and her twin brother were enjoying a women's basketball game at Bemidji State University when she fell through a 12-inch space between the bleachers and a permanent stairway. After the fall she was trapped under the bleachers crying for 10 minutes because the only way to get to her was through the same gap which she had fallen through. Rescue workers managed to save the girl and take her to the hospital where she was listed in stable condition.

Ten years ago a 2-year-old girl by the name of Jena was sitting next to her father Keith Christopherson at the Coon Rapids Ice Arena. She leaned back too far, lost her balance and fell 10 feet from the bleachers before her father could catch her. She hit the hard concrete below and suffered a skull fracture.

Melissa Cox, a junior at Landers High School, fell 20 feet through a wooden bleacher, in the school's football stadium, that collapsed while she was standing on it. She suffered a broken pelvis, two broken wrists, and a broken jaw.

These are some examples of accidents that have occurred in the past due to old or unsafe bleachers that are being used. All those who were injured in these accidents, Toby Lee who died, and those who are still at risk of getting injured every time they sit on a bleacher deserve for something to be done to correct the problem and minimize if not eliminate completely the danger that these bleachers represent.

As a result of our research about the causes of the accidents that have occurred we think that the following steps should be taken to improve the safety of all bleachers and grandstands. 1) The gap between the seat and footboard should be required to be 4 inches or less. However, when funds are available closing the gap completely should be a consideration. 2) The spacing between the vertical side rails should be required to be 4 inches or less. 3) All bleachers and grandstands should be required to have proper stairways and handrails. This will avoid people having to use the bleachers as steps and prevent them from losing their balance by giving them

something to hold onto as they climb to their seat. 4) All bleachers and grandstands should be required to have the proper side railing therefore preventing falls from the sides. 5) A yearly inspection should be required for all bleachers and grandstands in order to ensure their proper maintenance. 6) It should be required that all wooden bleachers be replaced with aluminum bleachers. Wooden bleachers wear down easily and are more likely to collapse than aluminum bleachers. 7) Netting should not be used as an alternative to reducing the gap between the seats and footboards because it can very easily come lose when it is impacted with the pressure of the fall plus the weight of the person who is falling. 8) All these requirements should be retroactive, meaning all bleachers and grandstands, not just new ones, must comply. If they don't comply then they need to be shut down.

As part of our research we also spoke to some people who we thought might be affected by the new safety requirements for bleachers and grandstands and this is what we found. Mr. Estuardo Arguello from the Dade County School Board - purchasing division said that he was glad something was being done to improve the safety of the bleachers but it would be very difficult for them to come up with the funds to bring the bleachers up to compliance. Also from the Dade County School Board, Mr. John DeBenedeto, said that if in fact these new requirements take effect then they would have to start by surveying all the bleachers in all the schools especially middle and high schools because not many elementary schools have bleachers. He said this would take a lot of time and work. He also mentioned the difficulty in finding funds for such a project. We also spoke to William Solomon from the Park and Recreation Division for Dade County. He said that as a result of the new requirements manufacturers of bleachers and grandstands would probably raise their prices. Therefore, it will become even more expensive to purchase new bleachers and grandstands. He also mentioned the lack of funds that are available to them for these kinds of projects. Finally we spoke to Phelipe who is the owner of Grand Stand USA in Miami and he said that the new requirements could only affect him in a positive way because it would bring him more business. He said that all his bleachers are custom made when ordered so it would not be a problem for him to comply with the new standards. He mentioned

that he has been conducting surveys and inspections of bleachers and grandstands in all of Dade County particularly in schools and has come across some bleachers in very bad conditions. He also mentioned that he has some bleachers that he occasionally rents out and that these would have to be redone to meet the new standards but that it would not be a serious problem for him. As a result of our research we found that the overall problem with meeting these new requirements would be the lack of funds available.

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Priority: Normal

TO: cpsc-os@ntmail.cpsc.gov at internet-mail

CC: rhogner@fiu.edu at internet-mail

BCC: Todd A. Stevenson at CPSC-HQ1

Subject: Petition CP 99-2, Petition for Development of a Safety Stand

Attached is our comment for "Petition CP 99-2, Petition for Development of a Safety Standard for Bleachers and Grandstands"

Author: "chomiz" <chomiz@msn.com> at INTERNET-MAIL
Date: 10/25/99 6:53 PM
Priority: Normal
TO: <cpssc-os@cpssc.gov> at internet-mail
BCC: Todd A. Stevenson at CPSC-HQ1
Subject: Addendum to comments on Ppetition CP 99-2

ADDENDUM TO THE
COMMENTS ON PETITION CP 99-2
PETITION FOR DEVELOPMENT OF SAFETY STANDARDS
FOR BLEACHERS AND GRANDSTANDS

WRITTEN BY:
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I. INTRODUCTION

Every year, more that 18,000 spectators end up in the emergency room after falling from bleachers. These accidents occur for many different reasons but the most serious problem is the wide gaps between the seat and the footboard. Many newer bleachers are constructed with totally enclosed footboard-to-seatboard spans. This virtually eliminates the risk of people falling through the footboard area. However, we have found that many older bleachers have gaps as wide as 6 to 12 inches. A child can very easily fall through these gaps. Also a recent 20/20 investigation revealed that approximately 75% of all bleachers could be potential danger zones. This is an astounding amount considering how bleachers are so widely used in a variety of places ranging from small parks to large arenas. These bleachers are used by both children and adults to sit and relax while they enjoy some type of entertainment. The threat of danger or being injured usually is not on the mind of these people. Therefore it is imperative that the Consumer of Product Safety Commission develop safety standards that will

ensure the safety to the thousands of people that use these bleachers every day. Consequently, we are writing this letter to help implement safety standards for the bleachers and grandstands.

II. ACCIDENTS

Through the internet we were able to find many incidents that have occurred because of the poor standards that the bleachers currently have. Here are our findings:

Toby Lee, a 6-year-old boy, was enjoying a youth hockey game with his parents at the Hutchinson Ice Arena, just outside of Minneapolis, when this fun filled moment turned into a tragedy. As Toby walked toward his mother to get some money for the concession stand he slipped and fell through the 13- inch gap between the seat and the footboard. He dropped 8 feet and landed head first on the hard concrete. Toby later died in the hospital from severe head injuries.

Only five years earlier a young boy by the name of Chase Miller slipped on some liquid and fell through the same bleachers as Toby Lee. As a result he fractured his jaw and although he is currently in good health he suffers from Temporo Mandibular Joint Dysfunction which is a painful jaw disorder. Consequently, Chase has to wear a brace in his mouth for the rest of his life.

Maddison Larson a 2 -1/2-year-old girl, her parents, and her twin brother were enjoying a women's basketball game at Bemidji State University when she fell through a 12-inch space between the bleachers and a permanent stairway. After the fall she was trapped under the bleachers crying for 10 minutes because the only way to get to her was through the same gap which she had fallen through. Rescue workers managed to save the girl and take her to the hospital where she was listed in stable condition.

Ten years ago a 2-year-old girl by the name of Jena was sitting next to her father Keith Christopherson at the Coon Rapids Ice Arena. She leaned back too far, lost her balance and fell 10 feet from the bleachers before her father could catch her. She hit the hard concrete below and suffered a skull fracture.

Melissa Cox, a junior at Landers High School, fell 20 feet through a wooden bleacher, in the school's football stadium, that collapsed while she was standing on it. She suffered a broken pelvis, two broken wrists, and a broken jaw.

These are some examples of accidents that have occurred in the past due to old or unsafe bleachers that are being used. All those who were injured in these accidents, Toby Lee who died, and those who are still at risk of getting injured every time they sit on a bleacher deserve for something to be done to correct the problem and minimize if not eliminate completely the danger that these bleachers represent.

III. COMMENTS

As a result of our research about the causes of the accidents that have occurred we think that the following steps should be taken to improve the

safety of all bleachers and grandstands. 1) The gap between the seat and footboard should be required to be 4 inches or less. However, when funds are available closing the gap completely should be a consideration. 2) The spacing between the vertical side rails should be required to be 4 inches or less. 3) All bleachers and grandstands should be required to have proper stairways and handrails. This will avoid people having to use the bleachers as steps and prevent them from losing their balance by giving them something to hold onto as they climb to their seat. 4) All bleachers and grandstands should be required to have the proper side railing therefore preventing falls from the sides. 5) A yearly inspection should be required for all bleachers and grandstands in order to ensure their proper maintenance. 6) It should be required that all wooden bleachers be replaced with aluminum bleachers. Wooden bleachers wear down easily and are more likely to collapse than aluminum bleachers. 7) Netting should not be used as an alternative to reducing the gap between the seats and footboards because it can very easily come lose when it is impacted with the pressure of the fall plus the weight of the person who is falling. 8) All these requirements should be retroactive, meaning all bleachers and grandstands, not just new ones, must comply. If they don't comply then they need to be shut down.

IV. RESEARCH INFORMATION

As part of our research we also spoke to some people who we thought might be affected by the new safety requirements for bleachers and grandstands and this is what we found.

Mr. Estuardo Arguello from the Dade County School Board - purchasing division said that he was glad something was being done to improve the safety of the bleachers but it would be very difficult for them to come up with the funds to bring the bleachers up to compliance.

Also from the Dade County School Board, Mr. John DeBenedeto, said that if in fact these new requirements take effect then they would have to start by surveying all the bleachers in all the schools especially middle and high schools because not many elementary schools have bleachers. He said this would take a lot of time and work. He also mentioned the difficulty in finding funds for such a project.

We also spoke to William Solomon from the Park and Recreation Division for Dade County. He said that as a result of the new requirements manufacturers of bleachers and grandstands would probably raise their prices. Therefore, it will become even more expensive to purchase new bleachers and grandstands. He also mentioned the lack of funds that are available to them for these kinds of projects.

Finally we spoke to Phelipe who is the owner of Grand Stand USA in Miami and he said that the new requirements could only affect him in a positive way because it would bring him more business. He said that all his bleachers are custom made when ordered so it would not be a problem for him to comply with the new standards. He mentioned that he has been conducting surveys and inspections of bleachers and grandstands in all of Dade County particularly in schools and has come across some bleachers in very bad conditions. He also mentioned that he has some bleachers that he occasionally rents out and that these would have to be redone to meet the new standards but that it would not be a serious problem for him.

As a result of our research we found that the overall problem with meeting

these new requirements would be the lack of funds available.

V. CONCLUSION

Considering all the information we have found, we believe that even though it will be difficult to obtain the necessary funds to cover the retrofitting of the bleachers, the safety of the people is more important. An estimated cost of filling in the gap or installing safety netting is \$2000 to \$5000 for a 90 foot section. This is very costly especially for the school districts, however, this is a necessary precaution that must be taken to prevent further accidents and injuries to occur. Therefore, we believe that developing these safety standards are a must and should be mandatory throughout the nation.

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10/25/99
0199-2-7

Consumer Product Safety Commission

Washington, DC 20207

(301)504-0127

Re: Doc. 99-22094 filed 8-25-99: PETITION CP 99-2

Petition Requesting Development of Safety Standards for
Bleachers and Grandstands.

1999 OCT 25 P 1:55
OFFICE OF THE SECRETARY
FREEDOM OF INFORMATION

To whom it may concern:

It has come to our attention that the Commission has received a petition from Representatives Bill Luther and Jim Ramstad requesting that the commission develop a safety standard to prevent falls between gaps in bleachers and grandstands. After much research, we have found a severe case that occurred in January of this year. The victim's name was Toby Lee, who was six-years-old. Toby's death came upon a fall through a 13-inch gap between the footboard and seat of the bleachers at the Hutchinson ice hockey arena in Minnesota. Like this case, there have been many other reports of such cases, maybe not as severe as Toby's, yet have also caused much harm to the victims. Another case that occurred early this year

was of Madisson Larson, a 2-year-old that fell 18 feet from a gym bleacher at Bemidji State University. Fortunately she did not loose her life but she suffered a concussion and a broken arm. Cases like these cannot keep occurring.

We strongly support the petition, in order to insure the safety of not only children but of the whole community. In doing so, we thought it would be necessary to see the response of our society regarding the petition. After completing a survey among people of different age groups, ranging from teenager (ages 14-19), early adults (ages 20-29), and parents (ages 30-50). Twenty people were surveyed. Seventy percent of the twenty people surveyed strongly agreed to the petition. The other thirty percent showed no interest or concern. Out of those thirty percent, 3 out of 5 teenagers, 1 out of 5 young adults, and 2 out of 10 parents lacked concern regarding safety in bleachers.

Currently, state building codes allow gaps under seats of no more than 9 inches, however, children can still fall through spaces as narrow as 5 inches. Thus, we firmly support the proposal of the bill, sponsored by Sen. Gen Olson, R-Minnetrista, and Rep. Steve Smith, R-Mound, which states that bleachers are to have no more than 4 inches between seats, floorboards and side and top railings, or to have netting installed beneath them. This bill applies to all bleachers thirty inches or higher, and no existing bleachers are exempt. We support this bill for the good of our society and members of our community in hopes that such accidents do not arise.

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