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Safety wake-up call urged

Amusement park controls sought

By Shaun Sutner
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Following the reckless-homicide conviction earlier this week of a Tennessee amusement park manager, U.S. Rep. Edward J. Markey has reintroduced his bill to put amusement parks under the jurisdiction of the U.S. Consumer Product Safety Commission.

The commission currently oversees only traveling carnivals, and the Malden Democrat and ride-safety advocates across the country have been struggling for years to extend the reach of the federal authority to large parks with fixed-place rides such as Six Flags New England in Agawam and Walt Disney World in Orlando, Fla.

"The amusement park industry needs a wakeup call," Mr. Markey said in a prepared statement after filing the bill Thursday. "When families visit amusement parks, they expect fundamental safety measures to already be in place.

"Instead, the industry keeps stonewalling fundamental safety oversight protections, leaving the prosecution of responsible parties as the only deterrent left, and by then, it is often too late," he continued.

The measure, whose 11 co-sponsors include U.S. Rep. James P. McGovern, D-Worcester, and Richard E. Neal, D-Springfield, would empower the commission to investigate accidents, develop and enforce action plans to correct defects and be a national clearinghouse for accident and defect data.

The amusement park industry has fiercely opposed similar bills, all of which have died in the past without getting out of the Energy and Commerce Committee on which Mr. Markey sits, or having a public hearing scheduled by the Republican House leadership.

Mr. Markey maintained that accidents have increased dramatically over the last decade as new technologies have allowed rides such as high-speed roller coasters to accelerate faster and faster to speeds exceeding 120 mph.

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Edward C. Bassett Jr.
WORCESTER LAWYER

Six people died in accidents at U.S. amusement parks last year, including 55-year-old Stanley J. Mordarsky of Bloomfield, Conn., who fell out of a Superman Ride of Steel rollercoaster at Six Flags in Agawam on May 1, 2004.

The Tennessee park manager, Charles Martin, was convicted by a jury on Monday for bypassing the safety system of a Hawk ride and causing a 51-year-old woman to fall to her death March 14, 2004, at the Rockin' Raceway in Pigeon Forge, Tenn.

In a non-fixed park accident, Andrew R. Fohlin, 38, was killed on a Sizzler ride at a traveling carnival in Shrewsbury on Sept. 19.

His death led to an overhaul of Massachusetts' amusement regulations, which apply both to fixed and mobile rides.

Local victims of another serious accident, at the former Riverside Park (which later became Six Flags), are supporting efforts such as Mr. Markey's legislation to bring greater oversight to amusement parks, according to their lawyer.

Kimberly A. Pescaro of Shrewsbury and her husband, Gerald R. Pescaro, along with six other park-goers, were injured in the accident on Aug. 7, 1999, when the raft in which they were riding capsized, and some of the passengers, including Ms. Pescaro, then 27, were trapped underwater.

Another victim of the Blizzard River ride, John Pascone, of Killingly, Conn., suffered permanent brain damage.

All eight people involved in the incident brought a lawsuit against the park. It is still pending in Worcester Superior Court and is scheduled to go to trial next February.

While their physical injuries have healed, the Pescaros have been diagnosed with post-traumatic stress syndrome and still suffer from the accident, said the Pescaros' lawyer, Edward C. Bassett Jr. of Worcester.

"These people got hurt on a family-fun ride. It never should have happened," he said. "Both of my clients have moved on with their lives. But both were hurt, both were injured."

Asked to comment on the Markey bill, Six Flags officials directed inquires to the International Association of Amusement Parks and Attractions in Alexandria, Va.

Beth H. Robertson, spokeswoman for IAAPA, said there is no need for federal oversight of parks with 42 states regulating amusement parks, and because large fixed-ride parks have expert safety staff to ensure rides are safe.

With more than 300 million guests taking 1.5 billion rides last year, accidents are statistically so rare that the odds of a serious injury are one in 10 million, and the odds of being killed on a ride are one in 790 million, according to the Consumer Product Safety Commission's own data, Ms. Robertson said.

"We don't think the federal government could do anything to improve on the already exemplary safety record the industry has achieved under the current oversight procedure," she said. "The amusement industry is a safe and responsible and regulated one."

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