

# Windy city considerations

By Tanya Crites

In recent news, a school district in Washington state rented an inflatable interactive amusement game (Hippo Chow Down) that became dislodged from its tethers in a sudden gust of wind. One news report said the inflatable climbed 10 to 20 feet in the air and was carried at least 240 feet by the wind. One 18-year-old student on the inflatable was critically injured, and four others had minor injuries.

It is well known that inflatable amusement devices are high risk activities and can lead to injuries of participants. Nevertheless, they are very popular at special events and birthday parties. WCIA has always discouraged Members from allowing inflatables on Member owned property, with the caveat that, if they are allowed, risk controls are put in place. Some of the recommended risk controls are:

- A Department of Labor and Industries (L&I) Certified Amusement Ride Operator should supply, install, operate and supervise use of the inflatable.  
<http://www.lni.wa.gov/TradesLicensing/Electrical/AmuseRide/LicensedOperators.asp>
- The inflatable had its annual L&I inspection and a valid annual operating permit from L&I accompanies the inflatable.
- The Operator must maintain liability insurance with limits of at least \$1 million dollars\* each occurrence, and the Member is named an additional insured (\*consider requiring higher limits for events with multiple inflatables).
- The event organizer should also be required to secure liability insurance for the event and name the Member as an additional insured.
- If the Member is the event organizer, the contract with the inflatable Operator should require the Operator to indemnify, defend and hold the Member harmless.
- The contract with the Operator should not have language limiting the Operator's liability.

There are some areas in Washington state where inflatables should NOT be allowed, regardless of risk controls. Members in areas of Washington state that are known to have frequent, severe and/or unpredictable wind conditions should consider prohibiting inflatable devices on Member owned or controlled property. The US Consumer Product Safety Commission published a Wind Speed Estimation chart contained in its August 2015 Amusement Ride Safety Bulletin at [https://files.nc.gov/ncdol/elevator/Amusement\\_Ride\\_Safety\\_Bulletin.pdf](https://files.nc.gov/ncdol/elevator/Amusement_Ride_Safety_Bulletin.pdf).

The unfortunate inflatable amusement device tragedy is a sad, but timely, reminder to be vigilant about assessing and re-assessing risks allowed on Member owned or controlled property. For more risk management information, see WCIA's Liability Resource Manual guideline, PAR.27 Inflatables and Amusement Rides, or contact your WCIA Risk Management Representative. The Liability Resource Manual is available through the Member Resources page on the WCIA website: <http://www.wciapool.org/member-resources>.