

# State Camp Safety Advisory Council (SCSAC) October 22, 2009 Meeting Minutes

## Members

Present: George G. Coleman, Jordan Dale, Dawn Ewing, Gordon Felt, Robert Geraci, Judith H. Reilly, Robert Scheinfeld, and Patricia Skinner

## Members

Absent: Douglas Pierce

## Department of Health Staff

Present: Richard Svenson, New York State Dept. of Health (DOH)  
Michael Cambridge, DOH  
Douglas Sackett, DOH  
Timothy Shay, DOH  
Bruce Phillips, DOH Division of Legal Affairs  
Diana Yang, DOH  
James Maurer, DOH

Chairperson Jordan Dale called the meeting to order at 10:35 a.m. at the University of Albany, School of Public Health, George Education Center, Auditorium, Rensselaer, New York. Mr. Shay called the roll; Doug Pierce was not in attendance. A quorum was present.

The minutes from the April 30, 2009 SCSAC meeting were unanimously approved.

## **Old Business**

The Council accepted a request to move the Department of Labor (DOL) regulatory authority discussions ahead of other agenda items.

- **Department of Labor Regulatory Authority of Amusement Devices at Children's Camps**

In response to a request from the Council at the last meeting, the Department made arrangements for Lance Lord, Program Manager for DOL, to address the Council regarding DOL's oversight of amusement devices at children's camps. DOL requires all amusement devices, including those located at children's camps, to receive a permit prior to operation. Mr. Lord explained that amusement devices include zip lines, climbing walls, challenge course elements that use a belay system, go-carts, and motorized bumper boats. There is a \$100 application fee for each device and a required inspection prior to permit issuance. In addition, the operator must have proof of liability and worker's compensation insurance. The Council discussed concerns about the expense of a \$100 application fee per device (especially for camps with multiple devices), duplication of oversight by the DOH and DOL, and the lack of awareness in the camping community of the requirement for a permit. Mr. Cambridge stated that DOH would be working with DOL to define roles at camps and would not duplicate efforts. Mr. Shay stated that once protocols have been established, DOH will work with the DOL to get the necessary information out to camps as soon as possible, prior to the 2010 season.

- **State Camp Safety Advisory Council Administrative Business**

- **Robert Geraci's Resignation**

Mr. Dale announced Robert (Bob) Geraci's resignation from the Council after eight years of service representing municipal camps. Mr. Geraci's resignation coincided with his retirement as Commissioner of Onondaga County Parks. Mr. Shay stated that a candidate has been identified to fill the position and the vetting process by the Department is underway.

- **Council's Role and Duties**

Diana Yang, an Attorney with the Department's Division of Legal Affairs, Bureau of House Counsel was introduced. Ms. Yang stated that she works with many councils throughout the Department and was present to discuss this Council's role and duties and answer any questions. Mr. Phillips, also with the Department's Division of Legal Affairs, commented that every council has different duties and abilities. The SCSAC is part of the Department of Health and was established by PHL Section 1390 to provide advice to the Department on matters related to youth camp safety and as a result it is not appropriate to correspond with other entities, without the Department's approval. Ms. Yang went on to say that since this is an advisory Council it was not subject to Open Meetings Law, but must adhere to the Council's Bylaws. Mr. Dale asked for clarification on Section 4 (a)(3) of the Bylaws, which indicates that the Chairperson has the power to represent the Council before the Governor, committees of the Legislature, or other public authorities. Ms. Yang said that if the Department determines that the Council should send a letter to an entity outside the Department, Mr. Dale would sign it as the chairperson. However, since the Council is part of the Department, the Department needs to first decide that it wants the Council to send a letter. She added that any Council member may write a letter to an outside entity to express his or her view as an individual, but cannot refer to their position on the Council.

Although Ms. Yang was not aware of any specific issues with this Council, she explained the Code of Ethics, which is contained in Section 74 of the Public Officers Law. Council members should not use their position on the Council for personal gain or present their or the Council's opinions/positions to people, groups, or organization outside of the Council's official business. Mr. Dale asked if Ms. Yang could send the Council PHL Section 1390 for their reference. Ms. Yang said she would work through Mr. Sackett and Mr. Shay to distribute it and some other information she had regarding Councils.

- **Legislative Issues/Updates**

- Mr. Shay reported that on September 16, 2009, the Governor signed two legislative bills into law, which pertain to children's camps. The first law amended the applicability of the Uniform Fire Prevention and Building Code (Uniform Code) to children's overnight camp's sleeping cabins. The amendment makes Subpart 7-2 of the State Sanitary Code the reference standard for fire suppression sprinkler systems and building occupancy regulations for camp cabins. The amendment became effective upon signing and the Department is working with the Department of State (DOS) on the implementation of the law including how to address construction projects planned for this fall.

The second bill amends the Public Health Law definition of a summer day camp to include indoor or outdoor organized group activities, involving nonpassive recreational activities with significant risk of injury, as such activities are defined by the Department in rules and regulations; and increases the fee for a permit from \$100 to \$200. Mr. Shay noted that these amendments will not take effect until April 1, 2011 and do not affect the current exemption specified in Subpart 7-2. Mr. Shay stated that some initial work has been done to define activities with a significant risk for injury, but more work is needed. Mr. Shay stated that the amendments to Subpart 7-2 need to be completed as quickly as possible in order to meet the effective date of the Law and it was agreed to schedule the next Council meeting earlier than usual in order to discuss the Department's proposal with the Council.

- Children's Camp Inspection Committee Report – Committee Chairperson George Coleman reported on the committee's recommendations including: reviewing, updating, and promoting the Department's process to waive pre-operational inspection so that more local health departments (LHD) would utilize them; posting the pre-operational inspection checklist on-line for camp operators use; and allowing an American Camp Association (ACA) inspection in lieu of a LHD inspection. Ms. Reilly and Mr. Scheinfeld commented that they did not think ACA inspectors (who are other camp operators) should conduct the inspections in lieu of a LHD inspector. Mr. Cambridge stated that he did not think the Department would accept an ACA inspection instead of a local health department inspection, under normal circumstances. Ms. Ewing suggested a mechanism to reduce or focus what is looked at during an inspection to optimize the inspector's time and reduce the amount of time spent at each camp. Department staff agreed and said that the Department is looking to standardize inspectors and the new safety plan template is a step in doing that.

- **Status of Amendments to Subpart 7-2 of the NYS Sanitary Code**

Mr. Shay reviewed the proposed amendments and said that they would not be in effect for the 2010 season because of the need to incorporate additional amendments, as discussed earlier in the meeting. The amendments are expected to be in effect for the 2011 season. Mr. Dale asked if the delay would allow the Department to incorporate the Council's previous recommendation to eliminate all references to the American Red Cross courses and replace them with objective criteria. Department staff agreed to look into the possibility of making the revisions.

- AED requirement for Camps - Mr. Shay reported that in response to a question from the Public Health Council (PHC), the Division of Legal Affairs (DLA) evaluated the appropriateness of requiring automated external defibrillator (AED) at all beaches in NYS. The DLA determined that mandates for AEDs have historically been a legislative activity (not regulatory) and immunity from liability to persons rendering first aid by using the AED is provided by legislation. As a result, the Department will not be moving forward on the Council's recommendation to amend Subpart 7-2 to require an AED at all children's camps. Mr. Dale asked if the Department would be willing to propose legislation for AED requirement. Department staff responded that based on comments from the Bureau of Emergency Medical Services that the need for AEDs is not supported by the demographics of camps, the lack of epidemiological data to support a requirement, and the economic impact on camps, legislation would not be put forward at this time. Mr. Dale stated that it is still the Council's recommendation that the Department pursue a requirement for all camps to have an AED.

- **Interactive Written Safety Plan Template**

Mr. Shay reported that a draft interactive safety plan template was distributed to local health departments and camp operators for comments and use during the 2009 season. The template will be revised based on comments, re-distributed, and posted on the Department's website prior to the 2010 season. Mr. Coleman commented that a potential issue with posting the template on-line is that local health departments may change or add to it to meet their needs/requirements. He suggested that wording be added to the template that directs camp operators to check with their local health department prior to completing to make sure it is acceptable to use. Mr. Dale suggested that the Department obtain comments from camp operators that utilized the draft safety plan and to include an email address with the website posting for comments. Department staff confirmed that the template is intended for use by new camps or when existing plans need substantial revision. A camp with an acceptable safety plan is not expected to complete the new template.

- **Camper Supervision Between Activities**

As a follow-up to a request from the last meeting, Mr. Shay presented a chart depicting the number of injuries occurring "between activities" and adequacy of supervision at the time of the injury. The statistics from 2001 to 2008 show a very low number of injuries with inadequate supervision reported as a contributing factor.

- **Publicizing the Types of Children's Programs that are Regulated as Camps in New York State**

Mr. Shay reported that the text shared with the Council in the past for the Department's brochure Children's Camps in New York State and website has been approved. The text for the website will be added in the near future and the brochure will be updated the next time it is reprinted. Currently, the Department has approximately 122,500 brochures in stock.

## **New Business**

- **Preliminary Overview of the 2009 Camp Season**

Mr. Shay gave an overview of the major incidents of the 2009 camp season. The Bureau is currently working to process and categorize the incident data and will summarize the data in a narrative report. During the 2009 season there was 1 camp-related fatality, 2 incidents requiring the resuscitation of campers (one near drowning during an out-of-camp trip and one attempted suicide) and approximately 1,648 cases of influenza-like illnesses.

- **Epi-pen Auto-Injector Training for Camp Staff**

Mr. Shay reported that each year he receives calls from parents concerned with a camp's ability to administer an Epi-pen that has been prescribed to their child because of a known allergy capable of causing an anaphylactic reaction. Mr. Shay presented charts showing there was a high incidence of Epi-pen administrations at camps that did not participate in the Epi-pen program and asked the Council for advice about the need to mandate Epi-pen training for camp staff regardless if the camp participates in the program. The Council discussed the increase in the number of children with allergies attending camps and the need for staff to be trained to recognize the symptoms of an allergic reaction and administer an Epi-pen. Mr. Dale suggested, because not all allergies are diagnosed before camp, it is better to require all camps to fully participate in the Epi-pen program and to make it easier for camps to

participate by eliminating the requirement for an emergency health care provider. The Bureau agreed to discuss the options with the Bureau of Emergency Medical Services.

Mr. Dale asked about the status of the medical issues white paper, which is being prepared to provide an overview of camp medical regulations and concerns to DOH executive staff in order to assess the need for camp medical program changes. Mr. Shay stated that the paper has been drafted and is under review by Center staff.

- **Environmental Health and Safety at Camps**

Mr. Scheinfeld announced that in addition to the SCSAC he is a member of the Department's Advisory Council on Children's Environmental Health and Safety (CCEHS), which started meeting in 2009 for the purpose of ensuring the NYS Departments of Health and Environmental Conservation adequately protect children from environmental hazards. As part of the CCEHSC, he has been asked to review the State's camp regulations as they apply to environmental health and safety. The recommendations he is considering include the use of "green" cleaning products, restricting the use of pesticides on lawn areas, restricting the location of camps from on or near a dump site, etc. Mr. Scheinfeld requested input from SCSAC members. The Council suggested looking at what is required in settings similar to camps like schools and day cares.

Mr. Dale asked for comments from the audience; there were none.

There were no proposed agenda topics for the upcoming meeting. The Council requested that Mr. Shay coordinate the scheduling of the next meeting via e-mail. The meeting adjourned at 2:20 PM.

Meeting PostScript: Council members scheduled the next Council Meeting for Monday, January 25, 2010.