

**Amusement Devices and Similar Equipment at
Children’s Camps in New York State
Fact Sheet
May 2015**

The New York State Departments of Health (DOH) and Labor (DOL) have established a Memorandum of Understanding (MOU) to eliminate duplicative inspection and oversight responsibilities of certain equipment/activities at children’s camps that are categorized as “amusement devices” under 12 NYCRR Part 45 of DOL rules and regulations. Under this agreement, inspecting and permitting responsibility may be transferred from DOL to DOH as described below for certain amusement devices including zip lines, high rope courses, climbing walls with mechanical belays, canopy tours, euro bungees, water slides 20 feet tall and higher, and similar non-motorized devices (including giant swings). These devices are referred to as "covered amusement devices" and/or "covered devices" in the MOU, fact sheet and related documents.

DOL has granted an “Applicable Variance” from Article 27 of Labor Law and Industrial Code Rule 45, 12 NYCRR Part 45 which exempts covered amusement devices operated at children’s camps that are regulated by the Health Department. The variance specifies conditions that a camp operator must comply with in order to qualify for DOL exemption. The variance is issued to all devices operated at children’s camps except in NYC. It is not necessary for a camp operator to individually apply to DOL for the variance. The variance is only applicable for amusement devices operated solely as part of the camp. If the amusement device is open to the public during the camp season or operated outside of the timeframe of the camp permit, it is not covered by the variance and must have a DOL permit.

A covered amusement device operated by a camp for their exclusive use, may elect to be permitted by DOL or regulated by DOH in accordance with Subpart 7-2 of the New York State Sanitary Code (SSC) and the conditions outlined in the applicable variance. Covered devices that are regulated by local health departments (LHDs) must be operated in compliance with the DOL variance which includes the following:

1. Amusement devices must be constructed, installed, and maintained in accordance with manufactures recommendations. An operations manual, which specifies the operation, maintenance, and daily inspection requirements for use and is consistent with industry standards, must be provided by the manufacturer and maintained on-site at the camp. Where such a manual does not exist, it should be created by an industry professional knowledgeable in the safe operation of the device. The operator must maintain records documenting compliance with the schedule/requirements.
2. Construction: Covered amusement devices constructed and assembled on-site require the design and inspection prior to initial use by an Association for Challenge Course Technology (ACCT) Professional Vendor Member, Professional Ropes Course Association (PRCA) Accredited Vendor, a person certified by the National Association of Amusement Ride Safety Officials, or a NY State professional engineer. In accordance with DOH policy, water slides must be designed by a professional engineer licensed to practice in New York State. Plans must demonstrate compliance with water quality standards contained in Part 6 of the State Sanitary Code.

3. Annual Inspection – Before use each year and as otherwise specified by the manufacturer, covered amusement devices and similar equipment must be inspected by a third-party certified ACCT Professional Vendor Member, ACCT Professional Inspector, PRCA Accredited Vendor, a person certified by the National Association of Amusement Ride Safety Officials, professional engineer, or other certification/accreditation acceptable to DOL. Each device/element must be inspected for the integrity of all hardware, materials, equipment, and the condition of the environment in the vicinity of the device/element by the inspector. All deficiencies noted during the inspection must be corrected prior to use.
4. Certificate of Liability Insurance Coverage for Amusement Devices – Annually, prior to use each season, the operator must provide the LHD with proof that insurance was purchased or cash or other security posted in an amount not less than one million dollars (\$1,000,000) per occurrence or a bond in an amount not less than two million five hundred thousand dollars (\$2,500,000) in the aggregate against liability for injury to persons arising out of the use of the amusement device.

Additional Information:

- Low rope courses, climbing walls without mechanical belays, water slides under 20 feet, water trampolines, and similar equipment do not meet the definition of an amusement device established by DOL and, therefore, the DOL regulations and MOU requirements do not pertain to these devices.

Although this equipment is not considered an amusement device by the DOL, it is still required by the children’s camp regulations to be free of hazards, securely anchored where necessary, installed, and used in accordance with manufacturer’s instructions. These devices must be inspected by the camp operator at frequent intervals for defects. Manufacturer and industry standards require climbing walls without mechanical belays, low rope elements and similar devices that in their construction contain critical loadbearing cables, components and/or anchoring systems where failure could result in serious injury to be designed and inspected after construction and prior to use annually thereafter by an appropriate industry professional. All deficiencies noted during inspection must be corrected prior to use.

- In addition to reporting injuries to the LHD as required by Subpart 7-2 SSC, camp operators must also immediately report serious injuries resulting from the use of the covered devices to [DOL District Offices](#). “Serious injury” means a personal injury which results in death; dismemberment; significant disfigurement; a compound or comminuted fracture; permanent loss of a body organ, member, function or system; or loss of consciousness resulting in hospitalization.
- DOL still retains responsibility for inspecting and permitting motorized devices such as bumper boats, go-carts, and carnival rides. DOL [post operation and inspection information](#) for devices they regulate on their website. [DOL District Offices](#) should be contacted if any devices exist at a children’s camp without a required DOL permit.