

State Camp Safety Advisory Council (SCSAC) November 12, 2008 Meeting Minutes

Members

Present: George G. Coleman, Jordan Dale, Gordon Felt, Robert Geraci, Douglas Pierce, Judith H. Reilly, and Robert Scheinfeld

Members

Absent: Dawn Ewing and one vacant position

Department of Health Staff

Present: Richard Svenson, New York State Dept. of Health (DOH) - Division of Environmental Health Protection
Michael Cambridge, DOH - Bureau of Community Environmental Health and Food Protection (BCEHFP)
Douglas Sackett, DOH - BCEHFP
Timothy Shay, DOH - BCEHFP
Nancy Port, DOH - BCEHFP
James Maurer, DOH - BCEHFP
Amanda Long, DOH - BCEHFP
Gary Tuthill, DOH Bureau of Emergency Medical Services

Chairperson Jordan Dale called the meeting to order at 10:31 a.m. in the 4th floor conference room, 547 River Street, Troy, New York. Mr. Shay called the roll; Dawn Ewing was not present and there was one vacant position.

The minutes from the April 30, 2008 SCSAC meeting were unanimously approved.

Old Business

- **State Camp Safety Advisory Council Administrative Business – New Appointment, Re-appointments, Resignation and Selection of Vice-Chairperson**

Chairperson Jordan Dale introduced new Council member Gordon Felt, Executive Director of Camp Northwood, Northwood Center, New York. Mr. Felt works with children who are autistic or have other special needs, and will represent for-profit camps on the Council. Mr. Shay announced that Governor Paterson has reappointed Council members Judith H. Reilly and George Coleman for new six-year terms.

Council Vice-Chairperson Sheila Cohen submitted a letter of resignation dated November 1, 2008, after serving on the Council since 1981. There is now a vacant seat on the Council representing children's interests, and the Vice-Chairperson position is also vacant. Mr. Coleman made a motion to nominate Ms. Reilly for Vice-Chairperson. Mr. Pierce seconded the motion and the Council voted unanimously to elect Ms. Reilly as Vice-Chairperson.

- **Legislation**

- Day Camp Definition/Permit Fee – Mr. Svenson reported that to date, a final decision has not been made as to whether the Department of Health (DOH) will sponsor a bill. Under consideration is a proposal to amend the Public Health Law (PHL) to redefine ‘day camps’ to include indoor camps and to increase permit fees. He explained that the PHL must be amended prior to a change of the State Sanitary Code (SSC) regulations for these issues. Mr. Svenson recommended the Council provide recommendations to the Department about the types of camp activities to be included in the SSC for defining a day camp following the amendment to PHL. Mr. Svenson stated if DOH were ready to submit proposed SSC changes as soon as the PHL is amended, the process to amend the SSC would take about a year from the PHL change.

Mr. Svenson stated that the Council should provide a recommendation about camp permit fees, and noted that it had previously been acknowledged that raising fees to offset the increased workload for the new camps that would be regulated as a result of the change in definition, would be reasonable. The Council could also make a recommendation to amend the statute to remove the fee amount. Mr. Coleman said child safety was more important to the camp industry than concern over an increase in permit fees.

The Council discussed the proposed definition of ‘recreational activities.’ Mr. Geraci said the wording “use no tools or equipment” in the definition of ‘passive’ activities would make it difficult to include activities like painting or arts and crafts as passive activities. Mr. Shay said the definition was worded to be consistent with the definition of passive activities contained in Subpart 7-2. Mr. Geraci proposed expanding the definition and adding examples of ‘passive’ activities. Mr. Pierce said the inclusion of “two or more activities” in the definition precluded single-sport camps from regulation; Mr. Sackett responded that the proposal is consistent with the SSC, which currently exempts single-purpose camps.

The Council then discussed actions that were feasible given DOH resources. Mr. Cambridge said regulation of indoor day camps would create a significant workload increase, and adding single-purpose day camps would stress resources further. DOH does not have the resources to regulate single-purpose programs as day camps, and a large increase in workload could dilute the safety already provided at camps. Council members suggested ways to mitigate resource issues, including using fewer resources to regulate existing camps with satisfactory inspection history, establishing a tiered inspection priority system based on program risk, and/or less frequent inspection of camps with American Camp Association (ACA) accreditation and good records. DOH was asked to research the distribution of incidents and enforcement actions at camps that are and are not ACA-accredited. Mr. Sackett said the Department has a responsibility to protect child health and safety and it would not be appropriate to delegate its responsibility for inspection to another entity such as ACA.

The Council decided to focus on defining high vs. low risk activities and to revisit the issue of high-risk single-purpose day camps and redistribution of resources through less intensive regulation of certain camps in the future. DOH will work to define high and

low risk activities and list examples of each, including consideration of whether out-of-camp trips should be categorized by level of risk. Mr. Scheinfeld asked about a timeline for the revised definitions and lists; Mr. Cambridge said DOH would try to have them available to the Council by December 1, 2008.

Mr. Coleman said Ms. Ewing had asked that in her absence the Council discuss the importance of publicizing the types of regulated camps in New York State. Mr. Shay suggested including a statement on regulated camps in DOH's "Children's Camps in New York State" brochure.

- Amended Child Safety Act/Amended Search Procedures – Mr. Shay discussed the amended Child Safety Act, which was signed into law on August 5, 2008. It now mandates Division of Criminal Justice Service sex offender background searches for volunteers in addition to hired camp staff. It also clarifies the intent of having the background check conducted prior to staff starting work at the camp, not prior to staff hiring. Mr. Shay reported that DCJS now accepts screening requests via email; DOH is revising their fact sheet to reflect this change.

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

Mr. Shay reported that the proposed amendments were still being reviewed within the Center for Environmental Health, and updated the Council about outreach DOH conducted. DOH requested comments from LHDs, camping organizations, and interested parties; eighteen comments were received, most pertaining to experience requirements for camp aquatic directors. Changes made to the proposed amendments since the last Council meeting were:

1. The minimum number of hours of experience to qualify as an aquatic director was removed.
2. The percentage of 16 year-old lifeguards allowed was increased from 20% to 50%.
3. An alternative to the requirement for camps to provide a lifeguard during camp trip swimming activities at lifeguarded facilities was added.
4. The Sex Offender Registry search requirement was made consistent with PHL revisions.

Mr. Coleman made a motion to formally endorse the change in the number of 16 year-old lifeguards from 20% to 50%. Mr. Pierce seconded the motion and it was carried. The Council was provided a timeline that outlines the necessary steps for the amendments to be in place for the 2009 camp season. Mr. Shay said that should the regulations be adopted before or during the 2009 season, a built-in delay of the implementation of the proposed amendment for the additional aquatic director training would be needed to allow camps time to comply.

- **Revised Format – Safety Plan**

Mr. Shay said that the revised camp safety plan is designed to be completed by the operator in an interactive format; this will also assist LHDs in the review process. He provided the

Council with some of the completed components of the camp safety plan. The Council said the tool would be very useful for camps.

- **Medical Issues**

- Automated External Defibrillators (AED) Committee Report – Committee Chairperson Robert Scheinfeld reported on the committee’s recommendation that all camps should be required to have an AED and proposed that DOH adopt a regulation similar to the Suffolk County, New York AED regulation. The proposed regulation requires each camp to have one AED that complies with Article 30, Section 3000-b Public Health standards, and at least one staff member trained in AED use on-site at all times campers are present. The proposal provides for a one-year delay in implementation to allow camps to budget for the expense, and relies on established procedures for issuing a waiver from the requirements. The committee would revisit the requirement after the 2010 season. The Council liked the proposal but was concerned about the cost issue. Mr. Tuthill of the Bureau of Emergency Medical Services said he is not aware of any state programs or grant money to assist camps in purchasing AEDs, and recommended extending the grace period. The Council discussed the costs and benefits of the proposal with respect to the characteristics of the typical victim that requires an AED, the potential for purchasing AEDs in bulk or leasing them, and the usefulness of a single AED in a large camp. Mr. Geraci said although it is hard to argue against saving a life, the Council should weigh the small risk of a sudden cardiac death incident at a camp with the cost of purchasing and maintaining an AED. Mr. Sackett said that waiving an AED requirement based on financial hardship alone is not satisfactory justification if it is determined to be necessary to protect children. Mr. Scheinfeld made a motion to accept the committee’s proposal for requiring an AED at all camps, Mr. Pierce seconded it, and it was carried with all in favor except Mr. Geraci.
- Medical Issues White Paper – Mr. Shay said the DOH “white paper” for internal Department use is still under review and has not been finalized. The paper is intended to provide upper level DOH staff background on the issues for discussion and direction regarding camper health care needs and medical director requirements in Subpart 7-2. The Council stressed that this issue is very important to the camp community and requested that the completion of the white paper be expedited.
- Camper and Staff Immunization Requirements – Mr. Shay reported that DOH had been approached by the New York State Association of County Health Officials (NYSACHO) to look into whether DOH should require all staff who are employed at a camp to have standard immunizations. Although there is ongoing concern that unvaccinated staff could be the source of an outbreak, only one outbreak is known to be a result of unvaccinated camp staff. Mr. Shay said he reached out to several organizations that hire camp staff from abroad because they are a source of camp staff. The organizations responded that they are seeing an increasing number of staff with immunizations, but they have no requirement for vaccination to travel to the United States. The organizations expressed concern about the availability of vaccines in some countries, and that the cost and effort to get vaccinated could be a burden to those applying for camp staff positions in New York State. Mr. Shay said organizations

indicated that the issue will be further discussed at the ACA meeting on November 13-14, and DOH will report back to the Council on this matter.

- **Distribution of Meeting Minutes**

Mr. Shay said SCSAC meeting minutes are not usually distributed to the public until the Council approves them at the next meeting. DOH has been advised that the Public Officers' Law specifies that meeting minutes must be available within two weeks of the meeting upon a Freedom of Information Law request; however, the Public Officers' Law requires less content be included in the minutes than the narrative detail usually included in previous Camp Safety Council minutes. The Council stressed the importance of transparency. Mr. Shay said that DOH has, at the request of the Council, historically provided more detailed minutes than required by law. He proposed to provide draft minutes to the Council within two weeks, and upon approval by the Council, post them on the DOH website and make them available to the public by e-mail request within a month.

New Business

- **Preliminary Overview of the 2008 Camp Season**

Mr. Shay gave an overview of the major incidents of the 2008 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 2008 season there were 4 camp-related fatalities and 43 outbreaks, 23 of which were gastrointestinal (GI). The number of GI outbreaks represented a large increase over past years, which averaged six per year. Mr. Sackett said DOH is assessing the outbreaks to determine if they were unique to camps and other factors that may have played a role in the increase.

One of the fatalities involved a maintenance worker who died from injuries sustained while working on an amusement feature. Amusement features are regulated by the Department of Labor (DOL). The Council suggested DOH meet with DOL to discuss agency jurisdiction over amusement features at camps. Mr. Sackett said DOH would also put together a list of agencies with authority over certain aspects at camps, such as DOL with amusement features and the Department of Transportation (DOT) with camp vehicles. Audience member Gene DeSantis said that when the DOL amusement park regulations were written the intent was to regulate rides at amusement parks. DOL was given the authority to regulate amusement features since they had the mechanical expertise; however, the definition of an amusement feature is broad enough to cover some features at camps, such as certain water slides, bungees and ropes courses. DOH will meet with DOL to discuss these requirements and efforts to clarify for camp operators the regulatory authority held by the two state agencies.

- **American Red Cross CPR Certification Validity Period**

Mr. Shay reported that the American Red Cross (ARC) course CPR/AED for the Professional Rescuer has been changed from a one-year to a two-year certification; however, DOH will only accept the course during the first year of issuance. In addition, ARC is offering a new

course called CPR/AED for Lifeguards, which has a one-year certification period. DOH will revise their fact sheet to reflect these changes.

- **NYS Children with Diabetes Resource Guide**

Mr. Shay provided the Council with copies of the DOH Bureau of Chronic Disease Services' "NYS Children with Diabetes Resource Guide." The guide is available for download from the DOH website; hard copies are available by request to the DOH forms distribution center. Council members agreed the guide would be valuable to camp operators, and that the Department should advise them of its availability.

- **Virginia Graeme Baker Pool and Spa Safety Act**

Mr. Sackett reported that the federal Pool and Spa Safety Act requires that by December 19, 2008 all new and existing public pools and spas have a drain cover that meets the standards set forth by the Act. The Consumer Product Safety Commission is responsible for enforcement; DOH has no regulatory authority for this Act. The Act also requires all public pools and spas with a single main drain be retrofitted with an additional device to prevent entrapment; any such modification to a pool requires prior DOH approval. Mr. Sackett said SSC Subpart 6-1 (Swimming Pools) was amended in 1996 to require all newly constructed pools to have at least two drains, thus pools built after 1996 should only need a new drain cover(s) to comply with the Act. The Act has caused problems for the industry nationwide. There is high demand for and limited availability of drain covers because only a few manufacturers produce covers certified to meet the new standard.

- **Building Code Concerns**

The Council had asked DOH to look into the issue of two building code requirements related to camp sleeping quarters. Mr. Shay reported that the Subpart 7-2 requirements for sleeping quarters are not consistent with the Department of State's (DOS) Uniform Code, Part 1226 Property Maintenance Code of New York State. The Property Maintenance Code requires sleeping quarters for more than one person to have a minimum of 50 square feet of floor area per person, and Subpart 7-2 requires sleeping quarters housing four or more people to have at least 40 square feet of floor area per person for single beds (36 square feet if the building was built prior to 1975), and 30 square feet of floor area per person for bunk beds. Camps can apply to the Local Code Enforcement Official for a variance to use the Subpart 7-2 standards. Variances are issued by regional DOS staff; DOH has contact names for staff at DOS who can assist with variances.

Ms. Port outlined the building code requirement that mandates installation of sprinkler systems in all new R-1 and R-2 residential construction, which includes camp bunk buildings. Although Subpart 7-2 does not have requirements for sprinkler systems, camps must comply with the Uniform Code unless a variance is provided from the DOS. To date, DOS has not granted variances for sprinkler systems in R-1 and R-2 occupancies. The Council noted concern over inconsistent enforcement by Code Enforcement officials of this regulation at camps and said the regulation is problematic for camps especially those that have an insufficient water supply to support the sprinkler system. Ms. Port said it might be

possible for a camp to obtain a variance from the DOS for sprinkler systems if a bunkhouse has no utilities.

Mr. DeSantis said camp representatives will meet with DOS to ask them to consider a separate classification for camps under the Building Code. Mr. Sackett said New York State adopted the International Family of Codes and could be reluctant to create a special NYS enhancement. Mr. Dale asked if any other states required sprinklers in camp cabins; Mr. Sackett replied that the International Family of Codes has been adopted in full or in part by 46 states. The Council concluded that DOH could not impact these regulations and that the issue would be best left to the camping industry to discuss with DOS.

Mr. Dale asked for comments from the public. There was a comment about the cost/benefit issue of requiring AEDs and how more incidents occur when campers are unsupervised than incidents requiring an AED. It was suggested that the Council explore the issue of unsupervised campers traveling between activities.

Proposed agenda topics for the upcoming meeting included:

1. Unsupervised campers in transit
2. Traveling overnight camps
3. Report from proposed DOH meeting with the Department of Labor (DOL) and/or DOL presentation.

The Council adjourned at 1:28 PM after tentatively scheduling the next Council meeting for Thursday, April 30, 2009.