

During the spring of 2010, outreach about the proposed amendments to Subpart 7-2 (Children's Camps) and Part 6 (Swimming Pools and Bathing Beaches) of the State Sanitary Code (SSC) was conducted with local health departments, State Camp Safety Advisory Council, camping associations, interested parties, and local governments. Based on comments received, the following significant changes were made to the proposal:

1. The Summer Day Camp definition now includes programs having multiple activities of which one or more is a nonpassive recreational activity with significant risk of injury.
2. An exemption added for schools providing instruction to satisfy State Education Department requirements.
3. The one season delay for Aquatic Director qualifications was revised to only apply to training in a lifeguard supervision and management course.
4. The option for standard first aid level training was eliminated because all day camp programs will involve activities with a significant risk for injury.
5. A Camp Cabin can no longer have a heating system to qualify for the exemption from the Uniform Code sprinkler system requirement.
6. New construction of sleeping quarters that do not qualify as a camp cabin must provided at least 50 sq. ft of floor area per occupant.

Text of the proposed amendments

**SUBPART 7-2**

**Children's Camps**

**(Statutory Authority: Public Health Law §225)**

Subdivision (a) of section 7-2.2 is amended as follows:

(a) Summer day camp shall mean a property consisting of a tract of land and any tents, vehicles, buildings, or other structures that may be pertinent to its use, any part of which may be occupied on a scheduled basis at any time between June 1 and September 15 in any year by children under 16 years of age, under general supervision, [primarily] for the purpose of indoor or outdoor organized group activities, involving two or more activities of which at least one is a nonpassive recreational activity with significant risk of injury, as defined in subdivision 7-2.2(1) of this Subpart, for a period of less than twenty-four hours on any day the property is so occupied, and/or which no provisions are made for overnight occupancy by such children.

\*

\*

\*

Subdivisions (l), (m), and (n) of section 7-2.2 are added as follows:

(l) Nonpassive recreational activities with significant risk of injury shall include swimming, boating, contact sports, horseback riding, bicycling, hiking, rock climbing, challenge/rope course activities, shooting sports and other activities determined by the State Department of Health to be capable of causing traumatic brain injury, injury to the neck or spine, bone fractures or dislocations, lacerations requiring treatment to close,

second or third degree burns to 5% or more of the body, loss of vision, or death, based on height, speed, water depth, physical contact with another participant or object, and/or use of equipment associated with the activity.

(m) Acceptable training in first aid shall mean certification in a first aid training program determined by the State Department of Health to provide the knowledge and skills necessary to sustain life from injury and sudden illness, which are likely to occur at children's camps. A training program shall include but not be limited to instruction about traumatic brain injury, injury to the neck or spine, bone fractures and dislocations, lacerations, burns; injury to the eye, and medical emergencies such as allergic reactions, seizures, strokes, shock, cardiac and diabetic emergencies, poisoning and heat related illness. A sufficient time shall be provided to cover all topics. First aid certificates shall be valid as specified by the provider, but shall not exceed three years from the date of course completion.

(n) Acceptable training in cardiopulmonary resuscitation (CPR) shall mean a CPR training program determined by the State Department of Health to provide an adequate level of knowledge and skills necessary to perform two rescuer CPR skills for all ages (infant, child, and adult). A sufficient time shall be provided to cover all topics. CPR certificates shall be valid as specified by the provider, but shall not exceed one year from the date of course completion.

\*

\*

\*

Subdivision (a) of section 7-2.3 is amended as follows:

(4) activities at unscheduled or drop-in neighborhood-center settings; single-purpose activity such as athletic events, which are held for the sole purpose of tournament play or competition, and associated training practice, "Special Olympics," little league baseball, Pop Warner football; and recreational activity without a specified time period of attendance required; [and]

(5) college level educational programs provided by schools that are accredited by the Regents of the University of the State of New York;

(6) school districts, Boards of Cooperative Educational Services (BOCES) or nonpublic schools providing instruction to satisfy, enrich, accelerate or improve skills in accordance with New York State education requirements;

(7) day programs conducted for the purpose of classroom educational instruction, including but not limited to traditional academic subjects, religious instruction, and computer training, that have one or more nonpassive recreational activities with significant risk of injury when such activities are conducted as part of a one hour or less recess period constituting no more than one fifth of the program's daily operation, and which occur on a playground, in a gymnasium, or similar setting; and

[(5)] (8) any operation or use of a tract of land or property determined by the State Commissioner of Health as not being within the intent of or [regulated] regulation by this Subpart.

\* \* \*

Subdivision (b) of section 7-2.4 is amended as follows:

(b) The permit-issuing official is the State Health Commissioner or his designee and those persons defined as officers in subdivision [2] 4 of [sections] section [1391, 1396 and 1399-b] 1392 of the Public Health Law.

\* \* \*

Subdivision (e) of section 7-2.4 is amended as follows:

(e) Effective until April 1, 2011, the fee for a permit is \$100. Municipal operations and organizations for charitable, philanthropic or religious purposes are exempt from this fee.

Effective April 1, 2011, the fee for a permit is \$200. Municipal operations and organizations for charitable, philanthropic or religious purposes are exempt from this fee.

\* \* \*

Subdivision (e) of section 7-2.5 is REPEALED and a new subdivision (e) is added to read as follows:

(e) Camp aquatics director – A camp aquatics director shall oversee all swimming activities that occur at swimming pools and bathing beaches operated as part of a children’s camp. This person shall supervise lifeguards, progressive swimming instructors, and counselors with bather supervision responsibilities during swimming activities; and implement the camp safety plan. The camp aquatics director shall:

(1) be at least 21 years of age;

(2) have a minimum of:

(i) one season of previous experience as a camp aquatics director at a New York State children’s camp; or

(ii) two seasons of previous experience consisting of at least 12 weeks as a children’s camp lifeguard, as specified in subdivision (g) of this section, at a swimming pool or bathing beach which had more than one lifeguard supervising it at a time; or

(iii) 18 weeks of previous experience as a lifeguard, as specified in paragraph (g)(2) of this section, at a swimming pool or bathing beach which had more than one lifeguard supervising it at a time;

(3) effective until December 31, 2011 possess current certification:

(i) as a progressive swimming instructor, as defined in subdivision (f) of this section; or

(ii) as a qualified lifeguard, as defined in subdivision (g) of this section, possessing lifeguard certification specific to the type of bathing facility at the children's camp; or

(iii) in a training course for lifeguard supervision and management that meets the requirements specified in Part 6 Section 6-1.31(e) or Section 6-2.20(e) of this title.

(4) effective after January 1, 2012 have successfully completed a training course in lifeguard supervision and management that meets the requirements specified in Part 6 Section 6-1.31(e) or Section 6-2.20(e) of this title;

(5) have annually reviewed and documented the review of the camp's safety plan for swimming; and

(6) possess a current certificate in an acceptable cardiopulmonary resuscitation (CPR) training program as defined in subdivision 7-2.2(n) of this Subpart.

\* \* \*

Subparagraph (i) of section 7-2.5(g)(1) is amended as follows:

(i) for a maximum of [20] 50 percent of the required total number of lifeguards on-duty who may be at least 16 years of age; and

\* \* \*

Subdivision (h) of section 7-2.5 is amended as follows:

(h) Trip leader - A trip leader shall be at least 18 years of age and have participated in at least three camp trips in a similar program activity as a children's camp staff member or have experience and training in the activity which the permit-issuing official has determined to be equivalent to three camp trips. Trip leaders for wilderness, equestrian, boating and similar specialized activities shall be competent in the activity. A trip leader of a camp trip with an itinerary that includes an activity where emergency medical care is not readily available and/or an activity such as wilderness hiking, camping, rock

climbing, horseback riding, bicycling, swimming and/or boating, shall possess or be accompanied by staff who possesses a current certificate in an acceptable first aid training program as defined in subdivision 7-2.2(m) of this Subpart [certificate in Responding to Emergencies issued by the ARC or a current certificate in first aid issued by a certifying agency determined by the State Commissioner of Health to provide an adequate level of first aid training], and a current certificate in an acceptable cardiopulmonary resuscitation (CPR) training program as defined in subdivision 7-2.2(n) of this Subpart [certificate, not exceeding one year in duration, in CPR for the Professional Rescuer issued by the ARC, or a current certificate in CPR issued by a certifying agency determined by the State Commissioner of Health to provide an equivalent level of CPR training].

\*

\*

\*

Subdivision (i) of section 7-2.5 is amended as follows:

(i) Activity leader – An activity leader shall be competent in the activity being conducted. Activity leaders of an activity that includes wilderness hiking, camping, rock climbing, horseback riding, bicycling, swimming and/or boating shall be at least 18 years of age. When a camp activity is conducted at a location where the camp staff certified in first aid and CPR in accordance with Subdivision 7-2.8(a) are not readily available, an activity leader shall possess or be accompanied by staff who possesses a current certificate in an acceptable first aid training program as defined in subdivision 7-2.2(m) of this Subpart [certificate in Responding to Emergencies issued by the ARC or a current certificate in first aid issued by a certifying agency determined by the State Commissioner of Health to

provide an equivalent level of first aid training], and a current certificate in an acceptable cardiopulmonary resuscitation (CPR) training program as defined in subdivision 7-2.2(n) of this Subpart [certificate, not exceeding one year in duration, in CPR for the Professional Rescuer issued by the ARC, or a current certificate in CPR issued by a certifying agency determined by the State Commissioner of Health to provide an equivalent level of CPR training].

\* \* \*

Paragraph (1) of section 7-2.5(l) is added to read as follows:

(1) The camp operator shall ascertain whether an employee or volunteer is listed on the New York State Division of Criminal Justice Services (DCJS) Sex Offender Registry prior to the day such employee or volunteer commences work at camp and annually thereafter prior to their arrival at camp. A written record of the employee and volunteer names that were submitted to the DCJS for checking against the Sex Offender Registry and DCJS's search results shall be kept on file at the site and made available to the permit-issuing official upon request.

\* \* \*

Subparagraph (i) and (ii) of section 7-2.8(a)(1) are REPEALED and new subparagraphs

(i) and (ii) are added to read as follows:

(i) a current certificate in an acceptable first aid training program as defined in subdivision 7-2.2(m) of this Subpart; and

(ii) a current certificate in an acceptable cardiopulmonary resuscitation (CPR) training program as defined in subdivision 7-2.2(n) of this Subpart.

\* \* \*

Subclause (2) of section 7-2.8(a)(2)(ii)(a) is REPEALED.

\* \* \*

Paragraph (1) of section 7-2.8(c) are added to read as follows:

(1) An overnight camp shall provide parents/guardians of campers attending camp for seven or more consecutive nights with written information about meningococcal meningitis and with a copy of an immunization response form that has been approved by the State Commissioner of Health.

(i) The written information must include:

(a) a description of meningococcal meningitis and means of transmission;

(b) the benefits, risks and effectiveness of immunization; and

(c) the availability and estimated cost of immunization, including an indication of whether or not the camp offers meningococcal meningitis immunization services.

(ii) The immunization response form must be submitted annually, kept on file at camp, document that the parent/guardian has received and reviewed the meningococcal meningitis information and certifies that either:

(a) the camper has been immunized against meningococcal meningitis within the past ten years, or

(b) the parent or guardian understands the risk of meningococcal meningitis and the benefits of immunization, and has decided that the camper will not obtain immunization against meningococcal meningitis.

\* \* \*

Subdivision (c) of Section 7-2.10 is amended as follows:

(c) Every vehicle used for transporting staff or campers shall [bear] have required registration and inspection stickers and be equipped with at least a first-aid kit, tools, fire extinguisher and flares or reflective triangles that are labeled with the Federal DOT symbol or a statement that the device complies with all Federal Motor Vehicle Safety Standards.

\* \* \*

Subparagraph (iv) of section 7-2.11(a)(4) is amended as follows:

(iv) When a camp utilizes a pool, bathing beach or an aquatic amusement park activity where the facility provides aquatic supervisory staff level I, IIa or IIb in accordance with Part 6 of this Title, the camp shall provide one qualified lifeguard, or camp staff who possesses training in children's camp swimming program safety as specified in clause (a)

of this subparagraph, for each 75 campers to supervise camper bathing activities and implement the camp safety plan. A camp supplied lifeguard, or a staff possessing training in children's camp swimming program safety, is not required for aquatic amusement park activities that allow only one or two patrons in the water at a time and the activity water depth does not exceed chest deep for non-swimmers.

(a) A training course will be determined to be acceptable if, after a review by the State Health Department, the materials and training program covering those items set forth below are determined to provide camp staff with adequate training to supervise a camp trip swimming activity. Training course certification shall be valid for the time period specified by the certifying agency, but may not exceed a consecutive three-year period from course completion. Training course materials shall be submitted for review by the course sponsor and shall include minimum instructor qualifications to demonstrate that instructors possess adequate experience and knowledge in children's camp swimming program safety to effectively communicate the subject matter of this section:

(1) Injury Prevention

(i) Communicating and enforcing rules

(2) Bather Surveillance Systems for Children's Camps

(i) Classifying and identifying bather swimming abilities

(ii) Swimming area selection

(iii) Buddy System

(iv) Buddy Board/Accountability Systems

(3) Types of Emergencies and Emergency Action Plans (EAP)

\*

\*

\*

Paragraph (5) of subdivision (a) of section 7-2.11 is amended as follows:

(5) When wilderness swimming is conducted, each participating camper shall have a signed statement of permission to participate from a parent/guardian, and section 7-2.11(a)(3)(iv) shall be complied with. In addition:

(i) The camp shall provide at least one qualified lifeguard per 25 bathers, [and a] A minimum of two staff members which includes the lifeguard [to supervise the activity who] shall possess a current certificate in an acceptable cardiopulmonary resuscitation (CPR) [certificate] training program as defined in subdivision 7-2.2(n) of this Subpart. [, not exceeding one year in duration, in CPR for the Professional Rescuer issued by the ARC, or a current certificate, not exceeding one year in duration, in CPR issued by a certifying agency determined by the State Commissioner of Health to provide an adequate level of CPR training.]

\*

\*

\*

Subdivision (b) of Section 7-2.12 is amended as follows:

(b) Requirement for new construction. [All]

(1) Except as otherwise provided in paragraph (2) of this subdivision, all new construction including alterations, enlargements and improvements, shall be in accordance with the Uniform Code and the provisions of the State Environmental Quality

Review Act. The building permit and certificate of occupancy as issued by the local code enforcement official should be readily available for review and submission to the permit-issuing official. A written statement signed by a registered architect or professional engineer certifying construction compliance with the Uniform Code [should] shall be submitted to the permit-issuing official prior to occupancy of all new construction. For a summer camp cabin (as that term is defined in paragraph (3) of this subdivision), the written certification of compliance to be submitted to the permit-issuing official shall certify compliance with all applicable Uniform Code requirements other than the automatic sprinkler system requirements specified in subparagraph (i) of paragraph (2) of this subdivision.

(2) A summer camp cabin (as that term is defined in paragraph (3) of this subdivision) shall be exempt from the following Uniform Code requirements:

(i) the automatic sprinkler system requirements, and

(ii) the minimum floor area per occupant requirements

(3) For the purposes of this subdivision, the term “summer camp cabin” shall mean a sleeping quarter which:

(i) is located in a children’s overnight camp;

(ii) has a sleeping capacity of fewer than twenty-five occupants with a total combined sleeping room floor area of 1200 square feet or less for all sleeping rooms;

(iii) is one story;

(iv) is used and occupied only between June 1 and September 14;

(v) has no cooking facilities, no heating systems, and no solid fuel heating or burning systems;

(vi) has only sleeping rooms (including the necessary area for storing occupant belongings) and bathrooms;

(vii) has no interior corridors or separate common area rooms;

(viii) has at least two exits per sleeping room which are remote from each other and which discharge directly to the building's exterior;

(ix) has exit doors that open in the direction of, and are non-locking against egress; and

(x) has smoke alarms in each sleeping room that are interconnected such that the activation of one alarm will activate all of the alarms in the cabin.

An existing structure that is altered, enlarged or otherwise improved shall not be deemed to be a summer camp cabin (and shall not be subject to the exceptions set forth in paragraph (2) of this subdivision) unless such structure, as so altered, enlarged or otherwise improved, satisfies all of the criteria set forth in this paragraph.

\* \* \*

Subdivision (c) of Section 7-2.16 is amended as follows:

(c) In sleeping quarters housing more than four persons, 40 square feet of floor area per [individual] occupant shall be provided, when single beds are provided. When double-deck bunk beds are provided, 30 square feet of floor area shall be provided for each [individual] occupant. Floor area includes space within the occupied structure to accommodate: the bed, storage for personal belongings, aisles and exitways, and associated assembly space. Space for toilets, lavatories and showers shall not be used to calculate a sleeping quarter's floor area. For structures built prior to 1975, the required minimum floor area for single beds is 36 square feet.

(1) Upon the effective date of this paragraph, construction of sleeping quarters not meeting the definition of a summer camp cabin, as defined in section 7-2.12(b)(3) of this Subpart, 50 square feet of floor area per occupant shall be provided in each sleeping room.

## **SUBPART 6-1**

### **Swimming Pools**

**(Statutory Authority: Public Health Law §225)**

A new subdivision (e) of section 6-1.31 is added to read as follows:

#### (e) Lifeguard Supervision and Management

(1) No person shall be qualified under this subdivision unless such person:

(i) Possesses current certification issued by a certifying agency determined by the State Department of Health to provide an adequate level of training in lifeguard supervision and management covering those items set forth below. Certification shall be valid for the time period specified by the certifying agency, but may not exceed a consecutive three-year period from course completion.

The training course will be determined to be acceptable if, after a review, all the materials submitted by the program sponsor are determined to be complete and meet the requirements of this section. Instructors shall have sufficient experience and knowledge

in lifeguard supervision and management to effectively communicate the subject matter required by this section:

(a) Program Goals and Objectives

(b) Lifeguard and Lifeguard Supervisor Duties and Responsibilities

(c) Injury Prevention and Preventative Lifeguarding

(1) Communication Systems

(2) Patron Surveillance

(i) Victim Recognition

(ii) Effective Scanning

(iii) Lifeguard Positioning and Rotation

(iv) Lifeguard Breaks

(3) Surveillance for Groups

(i) Instruction Programs

(ii) Large Groups and Children's Camps

(a) Coordinating Large Groups and Pre-arrangements

(b) Buddy and Board Systems

(c) Swimming Ability Assessment

(d) Swimming Area Selection

(iii) Competitive Events

(4) Facility Operation and Management

(i) Safety Equipment

(ii) Hazards

(iii) Weather Conditions

(d) Types of Emergencies and Emergency Action Plans (EAP)

(e) Lifeguard Preparedness

(1) Staff Orientation and Training

(2) In-service Training

(f) Risk Management

(ii) Such person must correctly answer at least 80 percent of the questions on a written and/or oral test on theory and knowledge.

**SUBPART 6-2**

**Bathing Beaches**

**(Statutory Authority: Public Health Law §225**

A new subdivision (e) of section 6-2.20 is added to read as follows:

(e) Lifeguard Supervision and Management

(1) No person shall be qualified under this subdivision unless such person:

(i) Possesses current certification issued by a certifying agency determined by the State Department of Health to provide an adequate level of training in lifeguard supervision and management covering those items set forth below. Certification shall be valid for the time period specified by the certifying agency, but may not exceed a consecutive three-year period from course completion.

The training course will be determined to be acceptable if, after a review, all the materials submitted by the program sponsor are determined to be complete and meet the requirements of this section. Instructors shall have sufficient experience and knowledge in lifeguard supervision and management to effectively communicate the subject matter required by this section:

(a) Program Goals and Objectives

(b) Lifeguard and Lifeguard Supervisor Duties and Responsibilities

(c) Injury Prevention and Preventative Lifeguarding

(1) Communication Systems

(2) Patron Surveillance

(i) Victim Recognition

(ii) Effective Scanning

(iii) Lifeguard Positioning and Rotation

(iv) Lifeguard Breaks

(3) Surveillance for Groups

(i) Instruction Programs

(ii) Large Groups and Children's Camps

(a) Coordinating Large Groups and Pre-arrangements

(b) Buddy and Board Systems

(c) Swimming Ability Assessment

(d) Swimming Area Selection

(iii) Competitive Events

(4) Facility Operation and Management

(i) Safety Equipment

(ii) Hazards

(iii) Weather Conditions

(d) Types of Emergencies and Emergency Action Plans (EAP)

(e) Lifeguard Preparedness

(1) Staff Orientation and Training

(2) In-service Training

(f) Risk Management

(ii) Such person must correctly answer at least 80 percent of the questions on a written and/or oral test on theory and knowledge

\\cehfs1\ceh-central\bcehfp\Sections\Community Health\CAMPS\Code Changes\7-2 changes.doc