



December 9, 2016

Office of the General Counsel  
Department of Public Health  
250 Washington Street,  
Boston, MA 02108

Re: Comments on Proposed Amendments to 105 CMR 430.000: *Minimum Standards for Recreational Camps for Children*

Dear Commissioner Bharel and Members of the Public Health Council,

I am submitting this testimony on behalf of the Massachusetts Camping Association (MCA) in support of the Department's proposed amendments to 105 CMR 430.000: *Minimum Standards for Recreational Camps for Children (State Sanitary Code, Chapter IV)*.

MCA is a statewide organization of more than 100 member summer camps and organizations that work on behalf of some 1,200 licensed programs statewide. These include youth organizations such as the Girl Scouts, 4-H, YMCAs and Camp Fire USA. MCA is absolutely committed to camper safety and supports the Department's initiative to align regulations with operational realities while maintaining the utmost safety standards for children across the Commonwealth.

The regulations governing the licensing and operation of summer camps have not been revised in nearly 15 years. As such, MCA respectfully submits comments on the proposed amendments to 105 CMR 430.000. MCA has broken down our comments into Tiers from Most Critical (Tier I) to Least Critical (Tier III). Of particular note, the provisions highlighted in Tier I would, as drafted, pose significant challenges to the summer camp industry without improving the standards of safety for children: (1) Training Requirements and Junior Counselor Ratios; (2) the Expanded Ratio Requirements for Disabled Campers; (3) Requiring Additional Licensing for Ropes and Challenges Courses; and (4) Broadening the Requirements for Itineraries on Field Trips for Day and Residential Camps.

**Tier I:**

**1) Training Requirements and Junior Counselor Ratios**

The most pressing concern within the proposed amendments is incorporated in Section 430.100: Camp Counselor and Junior Counselor Requirements, and in Section 430.101: Required Ratio of Counselors to Campers. MCA appreciates the Department's acknowledgement that the structure of summer camps has changed as camps have become more comfortable with workforce training and development initiatives for young leaders. MCA believes that the proposed amendments to 430.100(A), which require that counselors have at least four weeks of junior counselor experience or four weeks of experience in a supervisory role with children, will prevent and impede camps from being able to hire



qualified counselors. Not all programs offer junior counselor leadership opportunities. However, the vast majority of counselor hires are previous campers. As proposed, a previous camper who did not participate in a junior counselor program (because the camp did not offer it) but was a camper for several years will not be eligible for hire, because they will not have had a supervisory role with children. MCA respectfully suggests that the provision read as it was originally drafted, allowing for an individual to be hired if they have participated in structured group camping OR receive camp counselor orientation and training. Summer camps are proud of the workforce training aspect of their programs and have a long history of developing 21<sup>st</sup> century skills in the context of a summer camp experience; this means that the training of camp counselors and others in a leadership program can be extensive and intensive.

The proposed amendment to 430.101(A) requiring junior counselors, who have received orientation and training, to remain in the presence of a counselor while meeting up to one half of the camper to staff ratio lessens the importance and value of the junior counselor role in a leadership development program. For camps that have leadership programs, junior counselors are always assigned a counselor who has ultimate supervisory responsibility. Traditionally, junior counselors lead small groups of campers to activities while the counselor may be temporarily engaged with an individual camper to prevent the entire group from being held up. However, as proposed, a junior counselor would no longer be allowed to support a counselor in this manner. MCA respectfully suggests that the provision read as it was originally drafted to allow a junior counselor be included as one half of the counselor to camper ratio if they have received training and supervision to verify their ability to handle camper groups independently.

## **2) Expanded Ratio Requirements for Disabled Campers**

MCA applauds the Department's initiative to ensure that all campers have a safe and enjoyable experience at summer camp. Unfortunately, it is MCA's belief that the proposed amendments within Section 430.101 – eliminating specific ratio requirements for Special Needs camps, while broadening ratios within Day Camps and Residential Camps for mild or severe disabilities – is problematic, unenforceable, and potentially harmful. At some level, all programs serve campers who have a mild or severe disability, which could include a child on the autism spectrum, anxiety or any other behavioral, emotional, or learning difficulty. The very nature of summer camp is to ensure inclusivity, team building and development of social and emotional learning in a group setting. By requiring that camps segregate campers by their disability based on undefined terms such as "mild" or "severe", undermines the fabric of an inclusive summer camp experience for all campers. MCA suggests that the Department reinstate Section 430.101(C) Special Needs Camps to ensure that those camps that specifically serve disabled campers maintain the necessary ratios deemed appropriate for their environment. However, we respectfully ask that the Department remove the proposed ratio requirements for mild and severe disabled campers in Residential and Day Camps as well as Primitive, Travel and Trip Camps in 430.101(A) and (B).



### **3) Requiring Additional Licensing for Ropes and Challenges Courses**

The American Camp Association (ACA) has extensive safety requirements to ensure that ropes and challenge courses are secure and stable for use. In fact, several states across the country rely on the ACA's rigorous guidelines to serve as their state licensing requirements. The Department recognized the value of the ACA requirements by including them in 430.103(E)(2) Challenge Course or Climbing Wall. However, MCA requests that the Department give camps the option to either be licensed and maintained by 520 CMR 5.00 through the Department of Public Safety, or to comply with the prescribed ACA Accreditation Process Guide Standard PD 24.1. Due to the hundreds of challenge courses that need to be certified every summer, camps have found that the Department of Public Safety's licensing procedure takes too long. The length of time to schedule a site visit, conduct the visit, and receive the license has put several camps in jeopardy of not being able to operate without risking the loss of their summer camp operating license due to a delayed challenge course license from the Department of Public Safety. We encourage the Department to require camps to maintain a ratio of one counselor to ten campers, and to comply with the American Camping Association Accreditation Process Guide Standard PD 24.1.

### **4) Broadening the Requirements for Itineraries on Field Trips for Day and Residential Camps**

As proposed in Section 430.212(A), requiring that Day and Residential Camps issue daily itineraries for all field trips is an unnecessary and burdensome requirement for those camps. Consider the nature of Primitive or Trip Camps. Both programs are designed to provide wilderness or travel experiences for their campers. The necessity of a daily itinerary for a guardian and/or parent is logical, as there will be no central contact for every camper. In contrast, however, consider the nature of Day and Residential Camps, where guardians and parents have a central location to contact at any time while their child is in the care of the program. These programs disclose the types of activities a camper will engage in during registration, but the day-to-day activity may change due to unforeseen circumstances, such as inclement weather or facility closures. MCA respectfully suggests that 430.212(A) be revised to read as it was originally drafted, requiring itineraries for primitive, travel, and trip camps only.

#### **Tier II:**

##### **1) 430.103(A)(2): Watercraft**

In the past both DPH and ACA have allowed the watercraft guard to hold certification in Small Craft Safety and Basic Water Rescue; or an equivalent. The requirement of a counselor holding triple certifications in lifeguard, Small Craft Safety and Basic Water Rescue in a ratio of 1 to 10 campers in watercraft is onerous. MCA respectfully requests that regulations read as previously drafted.



## **2) 430.159(C): Health Care Staff to be Provided**

MCA further requests that the Department clarify that a Counselor or other staff member may be trained by the Health Care Consultant to serve as the Health Care Supervisor, so long as they are 18 years of age and the completion of training is documented by the Health Care Consultant. MCA is concerned that unless the Consultant is able to train several staff to serve Health Care Supervisors, it will be difficult to ensure that a Health Care Supervisor is “present at camp at all times.”

## **3) 430.090: Background Information**

Due to the nature of the leadership development programs such as Counselor-in-Training, children are typically under the age of 18, campers themselves, and supervised by a Counselor. Additionally, background checks are very expensive and time-consuming. Under such circumstances running a full background check on children who hope to enter into leadership training programs could prove cost-prohibitive, causing many camps to no longer offer the educational experience. MCA requests that the Department eliminate the phrase requiring a background check for Counselors-in-Training in Section 430.090(A).

## **4) 430.165: Tobacco Use**

MCA agrees with the Department that the public health consideration of restricting tobacco use in settings where children are present is logical. However, in practice, residential camps are several weeks long and can be very large, in some cases a campus is several thousand acres. MCA respectfully requests that the Department rewrite the provision for tobacco use to be restricted in residential camps only. MCA suggests the following language:

“430.165(A) Residential Camp: Tobacco use including nicotine delivery systems (e.g.-electronic cigarettes), shall be restricted to designated areas never accessible to or visible by campers at any time.

430.165(B) Day Camp: Tobacco use in any form, including nicotine delivery systems (e.g.-electronic cigarettes), shall not be allowed by staff, campers or any other person at a licensed recreational day camp for children.”

### **Tier III:**

#### **1) 430.091: Staff Orientation and Training**

We support the Department’s intention to ensure proper and thorough training for relevant staff members. As such, we support the additional language incorporated into Section 430.091 with 2 clarifications: (1) that this training excludes ancillary staff such as kitchen, janitorial and/or gardening staff; and (2) that DPH will approve that camps devise and train their own staff on relevant Department requirements such as “Heads-Up” without specifically prescribing one particular training method.

#### **2) Health Records**

In several sections of the proposed regulations, health records are referenced as being “readily accessible” or “reasonably accessible.” MCA requests that the Department clarify that all required health records includes electronic record keeping.



**3) 430.157: Communicable Disease Reporting and Parental Education Requirements**

MCA requests that the Department define what constitutes a “ventilation system capable of providing negative pressure” and what kind of illness this particular requirement pertains to.

**4) 430.050: License Required**

MCA agrees with the Department that there should be a reasonable effort to capture as many programs operating in the summer camp space under these regulations as is possible, in order to ensure the safety and wellbeing of campers. However, summer camp licenses are issued on a seasonal basis from the Boards of Health. Unfortunately as drafted, this provision states that camps issued a seasonal license for the summer are not able to promote their camp in the winter because they will technically not be licensed. MCA suggests that Section 430.050 read as follows:

“No recreational camp for children shall operate without a license from the Board of Health. No person or program may promote or advertise itself as a camp, even if it does not meet the criteria of a Recreational Camp as defined within 105 CMR 430.020, unless it **has applied for or has received a valid license from the Board of Health within the last 6 months, pursuant to 105 CMR 430.000.**”

**5) 430.160: Storage and Administration of Medication**

MCA appreciates the Departments approach to allowing self-administration and administration of life-saving medication to children in certain circumstances. MCA respectfully requests that the Department incorporate an exception in Section 430.160(D)(2) to allow certified or licensed medical professionals (i.e., licensed nurse) to administer medication without being trained by the Health Care Consultant.

MCA thanks you for your consideration of our comments on 105 CMR 430.000. We look forward to working with the Department and the local boards of health to ensure the safety, wellbeing and long-standing tradition of fun, learning and friendship in all of the Commonwealth’s summer camp programs.

Sincerely,

Scott Brody  
Legislative Chair  
Massachusetts Camping Association