

**New York State Department of Health
State Camp Safety Advisory Council Meeting**

**One University Place
Edward S. and Frances Gilda George Education Center, Room 110A
Rensselaer, New York 12144**

**AGENDA
February 7, 2023
10:30 A.M.**

1. Roll Call/Quorum Determination
2. Welcome/Council Administrative Business
 - Approval of Past Meeting Minutes
3. Update on Vaccine-Preventable Diseases Amendments
4. Update on Riflery Legislation
5. National Sex Offender Registry Update
6. Discussion- Maximum Occupants in an Undivided Room, [Section 7-2.16\(d\)](#)
7. Consideration of Minimum Age of Campers
8. Summer Enrichment Programs
9. Medication Administration
10. Other Business
11. Public Comments
12. Next Meeting
13. Adjourn

Information about the State Camp Safety Advisory Council and any available materials for the meeting will be posted at: www.health.ny.gov/environmental/outdoors/camps/scsac.htm.

State Camp Safety Advisory Council (SCSAC) February 7, 2023 Meeting Minutes

Members

Present: Dawn Ewing; Eric Bacon; Randy DeFrank; and Jamie Sirkin

Department of Health Staff

Present: Gary Ginsberg, Dan Lang, Christine Westerman, Darby Greco, Sheri Ford, Timothy Shay, Jim Maurer, Liz Brower, Mahnoor Nasir, Eli Rosenberg, and Bryon Backenson

Ms. Ewing called the meeting to order at 10:35 A.M. at the Albany School of Public Health, Rensselaer, New York. A quorum was present with four members in attendance.

Council Administrative Business

The meeting minutes from October 25, 2022, were unanimously approved by the Council.

Mr. Shay began the meeting by calling to attention that certain items on the agenda would need to be rearranged to allow for DOH staff to give presentations first.

Update on Vaccine-Preventable Disease Amendments

The Department of Health (DOH) previously provided the Council with draft code language for amendments to the State Sanitary Code being considered for vaccine preventable diseases. The proposed amendment was shared with the DOH's children's camps interested parties and local health departments for comment. Mr. Shay reported that, at this time, the proposed amendments are on hold while the Department further evaluates vaccine-preventable diseases (VPDs) at camps. This comes amid a broader effort by the Department to reestablish vaccine confidence and promote childhood vaccinations in other settings. Mr. Shay then went on to state that he does not envision new vaccination requirements for the 2023 camp season unless there is a change in the current status of VPD outbreaks.

Eli Rosenberg, Deputy Director for Science from the Office of Public Health within the DOH was then invited to present an overview on polio prevention and the latest [Poliovirus Wastewater Surveillance Report](#) issued by the Department, following the July 2022 polio case in Rockland county. Mr. Rosenberg stated that surveillance for polio in wastewater has revealed an ongoing community transmission in several counties and there is still a question of whether we will see a resurgence of polio in the Spring/Summer seasons, or a reintroduction of the virus from recent outbreaks in London, UK and Quebec, CA. Camps remain a high-risk setting. Bryon Backenson, from the Bureau of Communicable Disease Control (BCDC) at the DOH, offered that some meeting attendees may have camps in areas that are demonstrated to be high-risk from the wastewater surveillance reports, and that operators should do their part to promote hand hygiene by keeping soap and hot water stocked, among other things. Mr. Rosenberg followed by stressing that prevention comes down to vaccination and hand hygiene. Mr. Rosenberg also referenced the [DOH webpage on polio](#) throughout the presentation to demonstrate where operators can find more information.

Mr. Shay commented that there is a potential for poliovirus to be transmitted in swimming pools and other communal bathing settings such as religious or ceremonial baths. The minimum chlorine level required in pools by the DOH is low and there is a concern with the destruction of poliovirus and other pathogens if the level were to fall below the standard. He stated that a

code change is in the works to increase the minimum chlorine level to provide a better buffer. This code change will not, however, be ready in time to affect the 2023 camp season.

Mr. Backenson then posed the question of when a good time would be to have guidance materials ready for camp operators. Council member Jamie Sirkin offered that camp operators are in communication with families year-round so the sooner they receive the materials, the more impact they can have. Ms. Ewing stated that having at least some materials to share by March 1st would be most helpful. After some final comments from Dan Lang, Mr. Rosenberg, and Mr. Backenson on VPDs and tick-borne illnesses, Ms. Ewing commented that the Council may wish to consider bringing BCDC into the fold more regularly when developing meeting agendas to discuss these issues, as they are “not going away”.

Discussion: Maximum Occupants in an Undivided Room

The DOH received a request from a camp operator to amend Section 7-2.16(d) to allow for more than 36 occupants in an undivided room. Mr. Shay began this discussion with a brief history of previous and current standards for this. The original standard for an undivided room limited the capacity to 35 occupants. A 1977 “Interpretation and Guidelines Manual” for the Camp Regulations specified the standard was to: 1) reduce the spread of respiratory infection, 2) offer a limited amount of privacy, and 3) allow for the rapid evacuation of a room in the event of a fire. In 1996, an amendment to the regulation raised the limit from 35 to 36 occupants without explanation. Mr. Shay speculated that the increase was made to make the limit an even number to account for the common use of bunk beds.

Mr. Shay reported that in 2003, there was a prior inquiry about the standard which caused him to contact the DOH BCDC for input on the disease prevention justification for the limit in the “Interpretation and Guidelines Manual”. BCDC staff advised they did not have justification for the number of occupants, but they did confirm that the minimum spacing standards between beds (already in place) were reasonable to reduce the risk of disease transmission. As a result of the most recent inquiry about the standard initiated in 2022, Mr. Shay inquired to the Department of State (DOS) to see if there were any limitations on the number of occupants in a room based on the NYS Uniform Building Code. DOS staff confirmed that; provided the building meets other standards such as number and size of exits, number plumbing fixture (toilet, sinks, etc.) and minimum floor area; there were no occupancy restrictions.

Mr. Shay then invited Robert. S. Rosborough from Whiteman Osterman & Hanna LLP to speak on behalf of the camp operator requesting the code change. Mr. Rosborough maintained that, while there are perfectly good reasons for maintaining current head-to-foot spacing and square footage requirements, limiting the occupancy to 36 cannot be supported when a room has additional floor space. A 1500 sq/ft area should be able to have up to 50 occupants in an undivided room. Mr. Rosborough went on to say that the 36 occupant limit risks breaking counselors’ groups of around 25 campers each into smaller groups, therefore separating campers from their counselor and disrupting the camp experience. Christine Westerman, Director of the Division of Environmental Health Protection at the DOH, and Dr. Gary Ginsberg, Director of the Center for Environmental Health at the DOH, both acknowledged outbreak prevention in the context of what we have learned since COVID-19.

Following Mr. Rosborough’s discussion, the floor was opened to public comment. Peter DeLucia, from the Westchester County Department of Health, expressed that supervision, fire safety, and outbreak investigation are made safer and easier with the current occupancy limits.

The discussion concluded without the Council making a recommendation to the Department about a code amendment.

Update: Riflery Legislation

Mr. Shay provided an update on recent amendments to Penal Law ([NYS Senate Bill S51001](#)) that prohibit rifles with the propelling force of gunpowder at sensitive locations, which includes children's camps. This topic was briefly discussed at the previous Council meeting, and at that time, concerns were raised that the legislation could prevent riflery programs at camps. After the Fall 2022 meeting, it was learned that the Department of Environmental Conservation (DEC) had been tasked with developing guidance for an exemption to allow riflery programs at camps related to hunter education training. The legislation allows for exemptions for the possession of a rifle in sensitive locations when a person is lawfully engaged in a hunting activity, including hunter education training.

DEC's guidance was developed in consultation with the Governor's office and State Police and specifies that marksmanship with rifles is rooted in hunting ethics and is considered a fundamental hunting activity, important for hunting preparation and hunter education training. As such, ranges at summer camps are allowed. The DEC's guidance can be found online [[Frequently Asked Questions and Answers on Hunting and Hunting-Related Activities in response to Recent Changes to New York State Firearm Laws](#)]. Mr. Shay also stated that the DOH would be notifying local health departments and children's camp operators that riflery/marksmanship activities on a range continue to be allowed, even under the new legislation.

Dr. Ginsberg then asked Mr. Shay for clarification on whether storage and safety requirements for guns at children's camps are included in this bill, to which Mr. Shay responded that they are already codified in the camp regulation.

Update: National Sex Offender Registry Legislation

As discussed in the previous Council meeting, the Department became aware that legislation was signed into law, effective 12/27/22, requiring camp operators to screen potential employees and volunteers through the National Sex Offender Registry using the National Crime Information Center (NCIC) – a data source to which camp operators do not have access.

The DOH has responded by contacting the original bill sponsors, who are believed to be amending the legislation to instead require both regulated and unregulated camps to check the [National Sex Offender Public Website \(NSOPW\)](#). Guidance from the DOH instructing camps of this update will also follow shortly.

Consideration of a Minimum Age for Campers

An invitation had been extended to the Office of Children and Family Services (OCFS) to further discuss their potential dual oversight responsibilities with the DOH for summer day care programs when these programs (under OCFS regulation) switch into day camp programs (under DOH regulation) in the summer. OCFS had previously identified several administrative and operational concerns with the DOH, including infant and toddler care needs, and requested an opportunity to discuss this with the Council; however, they were not available to discuss the concerns during this meeting and will be invited again to the Fall meeting to discuss the matter further.

Summer Enrichment Programs

Mr. Shay reviewed prior Council discussions pertaining to Summer Enrichment Programs offered by schools and including Council's recommendation that the DOH continue to regulate summer enrichment programs operated by schools that meet the definition of a children's camp (and are not traditional summer school programs that serve educational purposes). Mr. Shay stated that since last Council meeting, the DOH has sent a letter to the State Education Department (SED) notifying them of the Council's recommendation and the DOH's determination that Summer Enrichment Programs will continue to be regulated as camps when they meet the definition of a children's camp. The Department has not received a response to the letter.

Medication Administration

Mr. Shay provided an update on the past discussions and Council recommendation to seek legislation that would allow specially trained camp staff to administer medications to campers similar to what is currently allowed at day care. He reported that the DOH continues to be supportive and has initiated the process of amending Public Health and State Education Laws. He also said that he has summarized the issue in an email to the NYS Nursing Board, including Dr. Welch's position paper on the issue, and is awaiting a response.

Consideration of Minimum Age for Lifeguards

At the last Council meeting, there was discussion about whether the minimum age of lifeguards at children's camps should be amended to include lifeguards that are 15 years old. The discussion concluded with a decision to form a committee to investigate this matter further.

The committee met on 1/13/23, via WebEx, and included Mr. Randy DeFrank, Ms. Dawn Ewing, and Ms. Jamie Sirkin, along with Mr. Shay. Mr. DeFrank reviewed the key points of the meeting which included that:

- Many camps are not able to secure enough lifeguards for the supervision of swimming activities,
- Many certifying agencies already train and certify 15-year-old lifeguards with the same process as they do older lifeguards.
- Age is often used to help ensure maturity, but it is not the only factor, and
- A children's camp environment is supportive of a younger lifeguard.

At the conclusion of the 1/13/23 meeting, the committee unanimously supported a recommendation to the full Council to consider recommending to the DOH that 15-year-old LGs be allowed to be employed at camps as part of the maximum of 50% of the total number of LGs on duty who are younger than 17 years of age. They did not recommend any changes to the current requirements for wilderness swimming lifeguards, who must be at least 18 years of age.

Following the recommendation, Dr. Ginsberg asked for clarification on what makes children's camps an environment supportive of young lifeguards. Responses included that there is an Aquatics director who is at least 21 years old and required to have more training than other non-camp bathing settings. Additionally, the camps have higher lifeguard to swimmer ratios, requirements for counselors to supervise bathers in addition to the lifeguards and camps are not open to the public. Dr. Ginsberg also raised concerns about the issue that a lowered age gap

between campers and lifeguards may pose. Dr. Welch stated that there is a significant consensus among the pediatric community that there is no evidence for difference in emotional maturity from one age to another, and that an argument cannot be made against allowing 15-year-old lifeguards from the standpoint of maturity or training and experience. Mr. Pierce concurred, adding that the environment at children's camps is structured and supervised in a way that is supportive of younger employees.

This discussion concluded with Mr. Shay suggesting that the next step would be for the Council to vote on a motion to make the recommendation to the DOH in support of 15-year-old lifeguards being employed at camps as part of the maximum of 50% of the total number of on duty who are younger than 17 years of age. The motion was made by Ms. Ewing, seconded by Mr. DeFrank and unanimously approved by all four present Council members.

Public Comments

Mr. DeLucia expressed his concern about 15-year-old lifeguards being allowed to work at children's camps and suggested that the DOH look into setting a maximum number of 15-year-old lifeguards permitted within the 50% cap on lifeguards under the age of 17. He followed by commenting that the most significant violations occur at the waterfront, and that this data should be taken into consideration when deciding.

Dan Weir commented that 15-year-old lifeguards have been employed and put on duty during high school swim team practices, at the YMCA, etc. with no problems. He added that training and supervision of younger lifeguards is the most crucial aspect of this issue.

Andrea Arnold, from Lifesaving Enterprises commented on the care with which the terms pool and waterfront should be used, as supervision at a contained body of water (like a pool) differs from waterfronts and wilderness swimming.

Shani Schmalz of Camp Bnos in Sullivan County suggested the consideration of grade level in school, rather than age. This approach is used at Camp Bnos.

Next Meeting/Adjournment

Mr. Shay highlighted the contributions of Jim Maurer to the camps program at the DOH. Mr. Maurer joined the DOH in 2004 and is moving on to a new position as the Director of Field Coordination.

The next Council meeting is scheduled for October 24, 2023. The date of the Spring 2024 meeting will be decided upon at the October meeting. The meeting adjourned at 12:23 PM.