

**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 6, 2024

10:30 A.M.

1. Roll Call/Quorum Determination
2. Welcome/Council Administrative Business
 - Approval of Past Meeting Minutes
3. Communicable Disease Update
 - Bureau of Communicable Disease Control- Bryon Backenson
4. Overview of 2023 Season
5. Proposed Amendments to Subpart 7-2
6. AED requirements for Camps
7. Camper Swimming Abilities for Boating “Activities”
8. Other Business
9. Public Comments
10. Next Meeting
11. 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 6, 2024 Meeting Minutes

Members

Present: Dawn Ewing; Eric Bacon; and Jamie Sirkin

Members

Absent: Thomas Welch, M.D.; Randy DeFrank (present via WebEx, non-voting role only)

Department of Health Staff

Present: Dan Lang, Christine Westerman, Darby Greco, Kathleen Bush, Jim Maurer, Timothy Shay, Amanda Tarrier, Richard Hess, Elizabeth Brower, and Eric Wiegert

Ms. Ewing called the meeting to order at 10:38 A.M. at the University at Albany School of Public Health, Rensselaer, New York. A quorum was present with three members in attendance. Dr. Welch and Mr. DeFrank were in attendance via WebEx in a non-voting role only.

Council Administrative Business

The meeting minutes from October 24, 2023 were unanimously approved by the Council.

Mr. Shay began the meeting by acknowledging the current Council vacancies. There are vacancies and interested candidates who are currently under consideration for the For-Profit Camps, Non-Profit Camps, and the Consumer Advocate seats. There are currently no candidates for the recently vacant For-Profit Camps position. Mr. Shay also stated that Mr. Bacon and Dr. Welch have not been re-appointed but continue serve in their positions while “in process”.

Mr. Shay introduced Katie Bush, Director of Strategic Operations for the Center of Environmental Health. Ms. Bush will be taking an administrative role in the Council meetings, facilitating, and coordinating meeting agenda items.

Communicable Disease Update

Byron Backenson from the Bureau of Communicable Disease Control gave a presentation on communicable respiratory diseases currently circulating in New York State (NYS). Mr. Backenson presented the live tracking websites for COVID-19, Influenza, and Respiratory Syncytial Virus (RSV) and noted that RSV is now a reportable disease in NYS. Mr. Backenson discussed the Statewide trends for each of the illnesses, including testing rates, positive tests, and hospitalizations. As indicated by the trends shown on the websites, after a spike in the late fall and early winter the numbers for each of these illnesses are on the decline.

Mr. Backenson also discussed the concern measles is raising across the country. Although there have not been any cases reported in NYS in 2024, currently there are roughly 30 cases in

the United States. These cases are mainly the result of travel-associated exposures. Europe is seeing a large uptick in measles cases due to declining vaccination rates leaving people susceptible to the disease. Mr. Backenson said that vaccination is the best defense against measles.

Mr. Backenson was asked about the status of polio, to which he responded that there have been no new cases, and wastewater surveillance has not detected poliovirus.

Overview of the 2023 Children's Camp Season

Mr. Shay noted that there were 2,484 regulated children's camps that operated in 2023. Of these, 671 were overnight camps and 1,813 were day camps, including 263 municipal day camps and 32 traveling summer day camps.

Overall, 2023 was relatively uneventful. The total number of individual illnesses and outbreaks fell to pre-COVID-19 levels, with only 949 campers and staff suffering reportable illnesses.

Mr. Shay reported that review of the season found that:

- No fatal or nonfatal drownings were reported at regulated children's camps.
- There were two deaths at regulated children's camps. (Details of these incidents are not provided to ensure privacy). Investigations revealed no contributing factors attributed to camp deficiencies.
- Five beach closures occurred at four camps due to Harmful Algae Blooms. This resulted in a total loss of 48 beach days.
- Two camps reported fires that resulted in minimal damage and no injuries.
- Significant outbreaks of COVID-19, Strep Throat, Norovirus, and Pediculosis were documented throughout the state. COVID-19 continued to be the most reported type of outbreak. There were a total of 292 campers and staff diagnosed with or tested positive for COVID-19 (individual illnesses and outbreaks) which is far fewer cases than the 3600 cases reported last season.

Mr. Shay noted that there were 546 reported injuries to 535 victims reported during the 2023 camp season (a victim may experience more than one reportable injury in a single incident). This represents a 6 percent increase compared to 2022 and a 26 percent decrease compared to the 15-year average of reportable injuries occurring at children's camps.

Mr. Shay stated that there was a slight uptick in epinephrine administrations in 2023, with 29 Epi-pen administrations reported. This is 29% higher than the 15-year average of just under 19 administrations per year, which could be a result of increased access and availability to epi-pens due to the 2017 amendment of Section 3000-c of Public Health Law (PHL) that allows additional groups to stock and administer epinephrine auto-injectors for the emergency treatment of people experiencing a severe allergic reaction (anaphylaxis).

Proposed Amendments to Subpart 7-2

Mr. Shay announced that several amendments will be put forward for consideration. These are largely to address legislation include the following:

- **Pesticide Application** – With some exceptions, the application of pesticides will be prohibited to any playground, turf or athletic or playing field at children's camps during the camp's operation and 30 days prior to operation. The amendments identify

pesticides that are exempt from the prohibition, exclude camps on publicly owned or publicly leased property in a city of more than one million and allow an emergency application of a pesticide to be approved by the permit issuing official. The regulation now specifies that pesticides must be applied by a NYS-licensed commercial applicator, requires pesticides to be used in accordance with the manufacturers specifications and clarifies storage requirements.

- **National Sex Offender Registry** - Camp operators will be required to ascertain whether an employee or volunteer is listed on the United States Department of Justice National Sex Offender Public Website and maintain written records of conducting the check.
- **Minimum Lifeguard Age (2023 Legislation)** - Fifteen-year-old lifeguards will be included in the 50 percent of the total number of required lifeguards at traditional swimming pools who may be younger than 17 years old. This lowers the minimum age from at least 16 years old to 15 years old, provided the lifeguard's duties comply with the US Department of Labor's Fair Labor Standards Act (FLSA) C.F.R. § 570. This change will not apply to bathing beaches because the FLSA specifies that youth under 16 years of age may not be employed as lifeguards at natural environment facilities, which include bathing beaches.

Additionally, the Department will be proposing administrative amendments to make the camp code consistent with other regulations.

- **Administrative Amendments** - The permit-issuing official (PIO) will be granted the authority to deny a permit for any operation with 1) outstanding enforcement actions or unpaid fines, or 2) for which the permit was revoked, unless the applicant provides adequate documentation demonstrating that the operation was acquired through an arm's length transaction. A definition of the "term arm's length transaction" will be added. A permit will be able to be denied, revoked, or suspended by the PIO for camp operator or their designee refusing the admittance to the camp or to ascertain compliance with PHL or this Chapter.

Automatic External Defibrillators (AED) Requirements for Camps

Legislation requiring regulated camps (and youth sport programs) to provide an AED was signed into law November 24, 2023. There are amendments to the legislation in process that have passed the legislature, and it is our understanding the amendments will be signed by the Governor. The requirements must be implemented 180 days after the original legislation was signed (which is on or about May 21, 2024). The legislation requires regulated camps to:

- Have at least one automated external defibrillator or describe reasonable access to an AED at every camp.
- Use best efforts to have at least one individual trained in AED use within the preceding 24 months at every camp.
- Establish an AED implementation plan including an equipment checklist and cardiac emergency protocol.

The legislation is part of PHL that is overseen by the Bureau of Emergency Medical Services. The camp program is currently working with that group to establish guidance for implementation.

Swimming Abilities and Waterfront Activities

Mr. Shay stated that the discussion on “Camper Swimming Abilities for Waterfront Activities” was started at the last council meeting after an audience member raised a question about boating activities and the need for campers that participate to be classified as “swimmers” when in water chest deep or greater.

The discussion was tabled at the last meeting because it pertained to a specific camp. Mr. Shay felt it was now a good opportunity to get the Council’s insight on the topic and offered the following points to consider:

- Subpart 7-2 does not specify a swimming ability to participate in boating and other “specialized waterfront” activities.
- The safety plan template allows the camp to select if swimming ability is a prerequisite to participate.
- Special Waterfront Activities- Section 7-2.11(h):
 - Practices and equipment including head protection for whitewater canoeing and personal flotation devices (PFDs) for specialty waterfront activities such as water skiing, scuba diving or whitewater canoeing must be included in the approved camp safety plan.
 - Procedures and conditions for the use of non-motorized boats must be included in the camp safety plan.
 - All boat occupants must wear a US Coast Guard-approved life jacket or vest.
 - A lifeguard must be present in any watercraft having a capacity of eight or more persons and carrying non-swimmers unless such watercraft is a public vessel as defined in section 2(6)(a) of the NYS Navigation Law.
 - Boats may be used only by persons having permission of the camp aquatics director or camp director.

Other Considerations:

- 7-2.5(o) The camp operator shall provide adequate supervision. Adequate supervision shall mean supervision such that a camper is protected from any unreasonable risk to his or her health or safety, including physical or sexual abuse or any public health hazard; and
- 7-2.5(n) The permit-issuing official must review and approve camp safety plan, which includes not presenting an unreasonable risk to health or safety.

Special Waterfront Activities Guidance previously provided to local health departments from the Department:

- Participation in aquatic activities where a camper is intentionally or has a high likelihood of being immersed in water greater than chest deep presents an unacceptable risk to non-swimmers, even when a PFD is worn.
- Such aquatic activities must be limited to campers who are designated swimmers.

The following list of swimming abilities and activities were provided for discussion:

Activities for Swimmers Only

- Waterskiing
- Tubing - towed behind a boat and on a stream
- Surfing

- Scuba & snorkel
- Aquatic amusements including icebergs, blobs, climbing walls, and water trampolines
- Wind surfing

Activities for Non-Swimmers (and Swimmers)

- Boating in a non-motorized stable boat such as a rowboat or paddleboat
- Canoeing and kayaking (flat water low risk rivers)
- Riding in a motorized boat

Further Discussion

- Sailing in one-person small sail boats (sunfish)
- Canoeing and kayaking (whitewater)
- Paddleboarding
- Whitewater rafting

In general, the Council agreed with the activities listed for campers identified as for non-swimmers (and swimmers). The Council felt that further discussion is necessary for the activities listed under “Further Discussion” and other activities such as log rolling. They firmly believed that non-swimmers should not be allowed to operate “sunfish” sailboats by themselves, due to the potential for capsizing, regardless of the use of PFDs by the participants.

Other Business

There was no other/additional Council business.

Public Comments

Andrea Arnold of Lifesaving Enterprises spoke on the AED legislation. She expressed her support for the legislation and added that the key to successful AED deployment is the speed at which the AED arrives at the patient. Ms. Arnold also stated that the paperwork involved after the use of an AED is onerous and should be simplified. Ms. Arnold then discussed her thoughts on sailing programs for children’s camps and the importance of teaching self-rescue techniques (righting a capsized vessel and donning a lifejacket while in water greater than chest deep). She also stated that missing from the categories of non-swimmer and swimmer is a category of intermediate swimmer which could be added to DOH’s categories.

Christina Dyer-Drobneck, from NYSACHO spoke about her agency’s support for Vaccine-Preventable Disease legislation. She stated NYSACHO supports emergency regulations requiring vaccinations in camps in effort to prevent disruptions of operations at camps due to vaccine preventable disease outbreaks and specifically for measles outbreaks.

Next Meeting/Adjournment

Mr. Shay informed the Council that this could potentially be his last Council meeting. Although he has not established a date for retirement, it is unlikely he will remain in his current position until the next meeting. The Council expressed their extreme thanks to Mr. Shay for his years of service to the State and for his work with the Council.

The Council determined that the Fall meeting will take place on Tuesday October 1, 2024.