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December 8, 2016

Office of the General Counsel Department of Public Health 250 Washington Street

Boston, MA 02108

Via Email: [Reg.Testimony@state.ma.us](mailto:Reg.Testimony@state.ma.us)

Re: **105 CMR 430.000**: *Minimum Standards for Recreational Camps for Children (State Sanitary Code, Chapter IV)*

Dear Commissioner Bharel and members of the Public Health Council,

Thank you for the opportunity to submit testimony on the proposed amendments to 105 CMR430.000 *Minimum Standards for Recreational Camps for Children (State Sanitary Code, Chapter IV)*. Mass Audubon Camp Directors were in attendance at the hearing in Boston. We were glad to have the opportunity to speak with Mr. Hughes and Mr. Williams and to receive clarification on the intent of a few of the proposed changes to the code. At this time, Mass Audubon would like to provide written testimony on behalf of our Camps for Children.

Mass Audubon currently operates 17 licensed day camps in the Commonwealth which serve over 10,000 campers annually. Our camps are accredited by the American Camping Association. We, as an organization, are committed to child safety in all of our programs and fully support the Department of Public Health’s goal to provide quality care of children. We applaud the work that the Department of Public Health has done to update and clarify the camp regulations; however we have concerns regarding details of a small sample of the proposed amendments.

We respectfully submit the following suggestions for consideration.

# 430.1000: Camp Counselor and Junior Counselor Requirements

The proposed change at the end of 430.100(A)(1) from “or” to “and” will ensure that the counselor will be trained and ready to supervise campers. However the proposed change in requirement from required expertise as a “participant in structured group camping” to “junior counselor” will significantly limit the applicant pool for hiring camp counselors. This proposed

change would eliminate applicants who have been participants in counselor-in-training programs as well as other applicants who managers feel meet qualifications through other education and experience. We respectfully suggest that regulation be changed to read:

“(A) Each counselor in a recreational camp for children shall:

1. have at least four weeks experience as a participant in structured group camping or at least four weeks experience in a supervisory role with children; and
2. have satisfactorily completed a camp counselor orientation and training program as specified in 105 CMR 430.091 prior to the arrival of campers.”

# 430.101: Required Ratio of Counselors to Campers

Mass Audubon welcomes and serves a diverse community of campers including those with ADHD, high functioning autism, diabetes, or hearing loss who might under some definitions be identified mildly disabled. It has been our experience that many of these children do not need different supervision ratios than other children.

We recommend that the regulation be adjusted to say that camps need to have a staffing plan in place to accommodate children with disabilities to ensure that camp is inclusive and accessible. This plan may include reduced ratios or hiring of specialists to meet the needs of campers with different abilities.

# 430.103: Supervision of Specialized High Risk Activities

(A)(2) Watercraft.

All staff and campers engaging in watercraft activities wear personal floatation devices as required in 430.103 (A)(2)(d) and this safety device allows for easier rescue. The American Camping Association standard PA.20, Watercraft Guard Certification, accepts a person who has current instructor certification in the appropriate craft; current lifeguard certification; or current certification in Small Craft Safety and Basic Water Rescue; or an equivalent. In addition, ACA regulation PA.21 requires that all watercraft guards must demonstrate skill in water rescue procedures specific to the type of water and activities conducted.

Because of these industry precedents, we propose that the amended word “and” be removed and the word “or” be retained and that supervising staff who hold Small Craft Safety and Basic Water Rescue should also be certified in CPR and first aid. We respectfully suggest that regulation be changed to read:

“(A)(2)(a) All watercraft activities shall be supervised by a minimum of one counselor for every 10 campers in watercraft. Each counselor shall hold a lifeguard certification, or American Red Cross certification in Small Craft Safety and Basic Water Rescue and certification in CPR and first aid, or an equivalent recognized by the Department. All said counselors must demonstrate skill in water rescue procedures specific to the type of water and activities conducted.”

# 430.160: Storage and Administration of Medication

(D)(2) Administration of Medication

In addition to our 17 day camps, Mass Audubon runs 3 licensed preschools. Our experience in this area suggests that the camp regulations referring to medication administration should replicate the Department of Early Education and Care Health and Safety medication regulation

7.11 (b) that states, “Each person who administers prescription or non-prescription medication to a child must be trained to verify and document that the right child receives the proper dosage of the correct medication designed for that particular child and given at the correct time(s), and by the proper method. Each person who administers medication (other than topical medication) must demonstrate competency in the administration of medication before being authorized to administer any medication. 1. The licensee must ensure that at least one educator with training in medication administration is present at any and all times when children are in care. 2. Each person who administers any medication, other than oral or topical medications and epinephrine auto-injectors, must be trained by a licensed health care practitioner and must demonstrate annually to the satisfaction of the trainer, competency in the administration of such medications. 3. The licensee must ensure that staff, including those that do not administer medication, receive training in recognizing common side effects and adverse interactions among various medications, and potential side effects of specific medications that are being administered.”

This EEC regulation recognizes that young children are not self-aware and cannot safely self- monitor. It allows the health care consultant to set specific treatment procedures and to train the site healthcare supervisor. The trained site healthcare supervisor works with the child’s guardian ensure the proper care for the child.

Mass Audubon does not have concerns regarding the following proposed amendments, but offers the following suggestions for clarity.

# 430.020: Definitions

Aquatics Directors supervise the aquatic facility, staff, and program operation. The person in the role needs to have lifeguard experience but we feel that requiring current certification can cause confusion in the hierarchy of a camp where the person with the most supervisory experience but who is not currently certified would not hold the Aquatic Director title and instead the title would be held by a less experienced lifeguard.

We respectfully suggest that the qualifications listed in this definition be changed to meet the ACA standard PA.1 and to read:

“Aquatics Director means a trained water safety professional who holds or as evidence of having held certification within the past three (3) years as a lifeguard and who has responsibility for supervising aquatic activities. When an aquatics director supervises two or more lifeguards, the aquatics director shall be at least 21 years old and have experience

in a management or supervisory position at a similar aquatics area of at least six weeks duration.”

# 430.020: Definitions

A number of Mass Audubon sites offer vacation day programming and we support the intention of including this programing in camp regulations. Because the way the regulations are structured with several different definitions coming into play (i.e. Day Camp, Residential Camp, Sports Camp and Recreational Camp for Children) as to what needs to be licensed or not, we recommend that the inclusion of a simple guidance chart or table that would help the reader quickly determine whether or not their service or program needs to be licensed as a camp program.

# 430.103: Supervision of Specialized High Risk Activities

(A)(1) Swimming.

The reference to the “…by lifeguards as required in 105 CMR 430.103” refers to an incorrect regulation number and we also suggest that the term “Christian’s Law” (MGL c. 111, §127A½) be included as a reference point for camps since not all camps who offer swimming have a waterfront. Please consider changing to,

“…by lifeguards as required in 105 CMR 430.204 and Christian’s Law regulations.”

# 430.140: Maintenance of Records

It has been our understanding that minors usually have 2 years after they reach the age of maturity to instigate litigation on their own behalf and that according to OSHA staff health records are to be maintained for 30 years. Perhaps this information should be included as a notation.

# 430.204: Waterfront and Boating Program Requirements

(C) It would be helpful to add “…M.G.L. c. 111, §127A½ (a.k.a. Christian’s Law)” since camp operators may not know the code of the law.

Thank you for your work to ensure that all of the camps in the Commonwealth meet high safety requirements and for considering our suggested changes to the proposed amendments.

Sincerely,



Kris Scopinich Kay Andberg

Mass Audubon Mass Audubon

Director of Education Day Camp Coordinator