

## DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to section 227.112 of the Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is hereby accepting comments on the proposed guidance document:

### **Bunk Bed FAQ for Recreational Programs**

#### **LOCATION OF PROPOSED GUIDANCE**

Proposed guidance document may be reviewed by accessing:

[https://datcp.wi.gov/Pages/About Us/GuidanceDocuments.aspx](https://datcp.wi.gov/Pages/About%20Us/GuidanceDocuments.aspx)

#### **SUBMITTING PUBLIC COMMENTS**

Public comments on proposed or adopted guidance document may be submitted by accessing:

[https://datcp.wi.gov/Pages/About Us/GuidanceDocuments.aspx](https://datcp.wi.gov/Pages/About%20Us/GuidanceDocuments.aspx)

#### **DEADLINE FOR SUBMISSION**

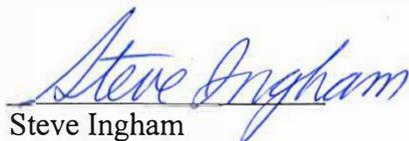
The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

#### **AGENCY PUBLICATION**

The attached guidance document contains statements or interpretations of law under the following applicable provisions of federal law or the applicable state statutory or administrative code provisions: Wis. Stat. 97 Subchapter III and Wis. Stat. 97 Subchapter IV, Wis. Admin. Code, chs. 72, 73, 78, 79.

#### **CERTIFICATION**

Pursuant to the authority delegated to me by the Secretary, I have reviewed the attached guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.



Steve Ingham  
Administrator

Division of Food and Recreational Safety



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GUIDANCE DOCUMENT

## Guidance Document Title: Bunk Bed FAQ for Recreational Programs

*This guidance document is based on Wis. Stat. 97 Subchapter III and Wis. Stat. 97 Subchapter IV and chapters ATCP 72, 73, 78, 79 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.*

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November 12, 2019

Steven Ingham, Ph.D. - Administrator, Division of Food and Recreational Safety

DATE

Contributors:



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Comparison of Bunk Bed Requirements, and where to record violations in Health Space

Construction	Rec Ed (ATCP 78)	Campgrounds (ATCP 79)	Lodging (ATCP 72, 73)
Public Health Reasons	The Camp is responsible for all aspects of the campers' and staffs' safety.  -If there is more than 3.5 inches between rails a person's torso could slip through and their head could become entrapped  -Rails must prevent person from rolling out	Campground must provide clean and sanitary equipment in good repair and operate with strict regard to health and safety of those camping there.	Hotel, Motel or Tourist Rooming House, or Bed and Breakfast must provide clean and sanitary equipment in good repair and operate with strict regard to health and safety of guests.
Requirements	Railings  3.5 inches between and rails of top of bed frame to the first rail  5 inches from top of mattress to top of top rail  Railing does not need to be continuous	If built <u>after June 19, 2001</u> meet <u>16 CFR 1513</u> (CPSC bunk bed flyer). Railings must meet the specifications on the CPSC bunk bed flyer.  If built <u>before June 19, 2001</u> no specific requirements for construction	No specific requirements for bunk beds, though a bed should be in good repair and meet <u>federal regulations</u> for bunk beds. Absence of any type of railing on the top bunk would be a violation.
Health Space (HS) Line and ATCP code reference	HS #63R; 78.21 (4)	<p>-HS #31; 79.13(8)(b) if built <u>after June 19, 2001</u></p> <p>-HS #18 If not in good repair; 79.13(3)(b)</p> <p>-HS #87 if bunk construction hazardous; 79.24(1)(a)</p> <p>If built <u>before June 19, 2001</u>:</p> <p>-HS #18 If not in good repair; 79.13(3)(b)</p>	<p>-HS #49 for missing railings on top bunk; s. 97.62</p> <p>-HS #34 for missing railings on top bunk; s. 97.62</p> <p>-Comments: if the railing is present but does not meet federal</p>



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<b>Other</b>	<b>Rec Ed</b>	<b>Campgrounds</b>	<b>Lodging</b>	
Public Health Reasons	Clear egress, prevent head injury	Clear egress, prevent head injury and pinching or other injury	Clear egress, prevent head injury	
Requirement	No more than 2 stacked vertically; 2.5 feet above bottom (to top) or above top (to ceiling)	No more than 2 beds stacked vertically; 2.5 feet above bottom (to top) or above top (to ceiling); no gaps; safe distance from ceiling protrusions	None specifically	
Health Space (HS) Line and ATCP code reference	HS #63R; 78.21(4)	-HS #30; 79.13(8)(a) vertical separations -HS #32; 79.13(8)(c) mattress -HS#33; 79.13(8)(d) protrusions	-HS #49; 72.15(1) general maintenance -HS #34; 73.15(1) general maintenance	