



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

DATE: May 12, 2022

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Randy Romanski, Secretary
Amy Millard, Deputy Administrator, Division of Food and Recreational Safety

SUBJECT: **ATCP 78, (Recreational and Educational Camps)**

PRESENTED BY: Caitlin Jeidy, Program & Policy Analyst, Division of Food and Recreational Safety

REQUESTED ACTION:

At the May 12, 2022, Board meeting, the Department will request approval of a final rule draft, regarding ch. ATCP 78 relating to Recreational and Educational Camps, in order for the Department to submit the final rule draft to the Governor and the Legislature.

SUMMARY:

The Department conducted a comprehensive review of chapter ATCP 78 with input from industry stakeholders, professional associations, as well as Department and local health department agent representatives. The proposed rule is a reflection of the collaboration between groups to modernize ch. ATCP 78 to include the following:

- Provides a significant overhaul of the definitions sections, modernization of health services qualifications and data management options, updating of the licensing and fee structure, and enhancement of provisions ensuring camper health, safety and security through camp staff background checks and camper sexual abuse prevention training.
- Proposed modernization of the license and fee model that will now correspond to the number and type of camp experiences offered, through a tiered model. Camps would be placed into simple, moderate, or complex categories, in place of the existing one-size-fits-all model. In addition, the licensing structure accommodates additional hospitality activities such as lodging, retail food service and camping offered to families and other adult guests within the confines of the recreational and educational camp, utilizing the same camp structures. Licensing fees have not increased since 2007, but basing the licensing fee on risk and hospitality activity will help to moderate the impact of a fee increase.
- The proposed rule also supports safe camp operations by addressing prevention and control of diseases spread by animals, along with provision of safe food and drinking water, both on premises and during primitive camping activities.
- Lastly, the proposed rule includes a new requirement for reporting death, injury or illness that require an emergency medical service (EMS) response. It also simplifies life safety and public health standards by

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removing the cubic footage by age provisions to reflect the variety of overnight accommodations made available to campers by the industry as both permanent and open air sleeping experiences.

The Department held five public hearings on the preliminary rule draft. The hearings took place February 15-17, 2022 in Eau Claire, Wausau, and Rhinelander, as well as in Madison on March 2, 2022. There was also a virtual public hearing held on March 3, 2022. A total of fifty-four individuals were recorded to have appeared or provided comment during the hearings and public comment period. The Department received comments both orally and in-writing. In general, the Department received positive feedback on the work done to revise the rule and appreciated the effort to include industry engagement and input throughout the virtual meetings and in public hearings.

The Department also received comments that resulted in providing modifications to the proposed rule text. For example, commenters requested providing clarification to some of the proposed definitions. As a result, the Department pursued expanding the definition of “camper”, “firearm”, and also added the definition of “playground.” Additional comments received that also prompted changes to the proposed rule include a request to simplify the designations related to toilet ratios, expanding language to include all recognizable safe ways to administer epinephrine, and additional clarity on requirements for primitive camping trips.

The Department incorporated all technical Legislative Council Rules Clearinghouse recommendations with an exception to the request to change terms that would otherwise cause confusion on the rule due to commonly used language pertinent within industry. The Clearinghouse also requested the terms “easily” (i.e., “easily cleanable”) and “good repair” to be reconsidered. The Department decided to maintain these terms because it would be unable to describe the wide array of situations these terms encompass. This also applies to the Clearinghouse request to define a standard that would encompass “effective measures to minimize the presence of pests.”

The Department is requesting Board approval to submit the proposed rule to the Governor and Legislature.

ATCP 78 List of Public Hearing Attendees and Commenters

The following is a complete list of people who attended the public hearings or submitted comments on the proposed rule during the public comment period, their position taken, and whether they provided written or oral comments.

| Commenter # | Name and Address | Position Taken (Support or Opposed) | Method of Commenting (Oral or Written) |
|--------------------|---|--|---|
| 1. | Dave Green, Director Northern Grace Youth Camp 311 South Lafayette Street Shawano, WI 54166 920-785-4095 dave@ngyc.org | Favor Part and Oppose Part | Oral |
| 2. | Scott Domino, Director Support Services Boy Scouts of America Bay Lakes Council 715-490-2241 | Support | NA |
| 3. | Eric Muench, Program Director Chippewa Valley Council #637 710 S. Hastings Way Eau Claire, WI 54701 715-598-9299 Direct Eric.Muench@scouting.org | Support | Oral |
| 4. | Audrey Oliver, Director Consulting, Presidium Inc. 2225 E Randol Mill Rd, Suite 630 Arlington, TX 76011 817.801.7773, ext. 139 aoliver@praesidiuminc.com | No Position | Written |
| 5. | Brian Jorata, WI DATCP 3044 Sorenson Road Rhineland, WI 54501 Brian.jorata@wisconsin.gov | No Position | Oral |
| 6. | Paula Lauer, RN Wisconsin Lions Camp 3834 County Road A Rosholt, WI 54473 plauer@wisconsinlionscamp.com | Support | Oral |
| 7. | Andrea Yenter Wisconsin Lions Camp 2992 Cedar Rd Rosholt, WI 54473 | Support | Oral |

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| | ayenter@wisconsinlionscamp.com | | |
| 8. | Andrew Templeman 210286 Crooked Lake Dr. Hatley, WI 54440 andrew@crosswayscamps.org | No Position | NA |
| 9. | Ted Tuchalski, WI DATCP Thaddeus.Tuchalski@wisconsin.gov | No Position | Written |
| 10. | Jeff Hoeben Camp Gray E10213 Shady Ln Rd Reedsburg, WI 53959 jeff@campgray.com | No Position | Oral |
| 11. | Kelsey Klaus Phantom Ranch Bible Camp W309510910 CTY RD I Mukwonago, WI 53149 kelsey@phantomranch.org | Support | Oral |
| 12. | Dan Mayer Phantom Ranch Bible Camp W309510910 CTY RD I Mukwonago, WI 53149 | Support | NA |
| 13. | Mike McNally DSPS 141 NW Barstow Waukesha, WI 53188 michaelsmcnally@wisconsin.gov | No Position | NA |
| 14. | Eric Knueve Bethel Horizons 312 Wisconsin Ave. Madison, WI 53703 ericknueve@bethelhorizons.org | No Position | NA |
| 15. | Reed McRoberts, DATCP 2801 Agriculture Dr. Madison, WI Reed.mcroberts@wisconsin.gov | No Position | Oral |
| 16. | Mary Fried Camp Agawak 7851 Agawak Rd Minocqua, WI 54548 fun@agawak.com | Support | Oral |
| 17. | Andrew Schlensky North Star Camp Hayward, WI | Support | NA |
| 18. | Pat Soldan | No Position | NA |

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| | Camp Manito-wish YMCA Boulder Junction, WI | | |
| 19. | Ryan Olson ABEE, Inc. Holmen, WI | Support | NA |
| 20. | Rachel Swedberg Girl Scouts of the Northwestern Great Lakes Appleton, WI | No Position | NA |
| 21. | Darrie Nelson Riverside Bible Camp 6304 County Road DD Amherst, WI 54406 Darrie16@gmail.com | No Position | NA |
| 22. | Emily Gilmore Minikani Retreats and Environmental Education Director YMCA Camp Hubertus, WI | Support | NA |
| 23. | Izzy Reilly Phantom Lake YMCA Camp Mukwonago, WI | No position | NA |
| 24. | Amanda Schellinger Carroll University Waukesha, WI | Support | Oral |
| 25. | Jesse Klosterboer Executive Director Sugar Creek Bible Camp Ferryville, WI | No Position | Oral |
| 26. | Darin Holden Camp Anokijig Plymouth, WI | Support | Oral |
| 27. | Jody Heimos Edwards YMCA Camp East Troy, WI | No position | Written |
| 28. | Josh Kraemer Nativity Jesuit Academy Camp Thunderhead Mercer, WI | Support | NA |
| 29. | Taylor Broadbridge Camp Deerhorn Rhineland, WI | Support | Written |
| 30. | Adam Kaplan Camp Nebagamon | Support | NA |

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| | Lake Nebagamon, WI | | |
| 31. | JoAnne Trimpe Towering Pines and Woodland Camps Eagle River, WI | No Position | Oral |
| 32. | Lindsay Benaszkeski Portage County Health and Human Services Stevens Point, WI | Support | Oral |
| 33. | Marie Brick, RN | Support | NA |
| 34. | Jason Noyes Carroll University Waukesha, WI | Support | NA |
| 35. | Janelle Shumaker Army Lake Camp, The Salvation Army East Troy, WI | Support | Oral |
| 36. | Sharon Cook Crossways Camping Ministries Appleton, WI | Support | Oral |
| 37. | Gabe Chernov Birch Trail Camp Minong, WI | Support | Written |
| 38. | Jami Shlensky Kasle Camp Marimeta for Girls Eagle River, WI | No Position | Written |
| 39. | Emily Bumberg Asst. Director Camp Marimeta for Girls Eagle River, WI | No Position | NA |
| 40. | Jenna Ouradnik DATCP | No Position | NA |
| 41. | Scott Topal Camp Ramah Conover, WI | No Position | NA |
| 42. | Hannah Johnson Phantom Lake YMCA Camp Mukwonago, WI | No Position | NA |
| 43. | Jason Feldgreber Camp Menominee Eagle river, WI | No Position | NA |
| 44. | Ben Hoffman Camp Manito-wish YMCA Boulder Junction, WI | No Position | NA |
| 45. | Cliff Lissner Chippewa Ranch Camp | No Position | NA |

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| | Eagle River, WI | | |
| 46. | Lisa Freeman Girl Scouts of Northwestern Great Lakes Appleton, WI | No Position | NA |
| 47. | Sandra Weber | No Position | NA |
| 48. | Andy Bachmann, Director Camp Highland for Boys Sayner, WI | No Position | Written |
| 49. | Troy Sprecker, Director, Bureau of Food and Recreational Business, Division of Food and Recreational Safety Troy.sprecker@wisconsin.gov | No Position | Written |
| 50. | Sarah Resch Executive Director Camp Whitcomb/Mason Boys and Girls Clubs of Greater Milwaukee Hartland, WI 53029 262-538-1190 Sarah.resch@bgcmilwaukee.org | Support | Written |
| 51. | Stephanie Hanson, Director Camp Nebagamon Lake Nebagamon, WI | No Position | Written |
| 52. | Cathy Statz, Education Director Wisconsin Farmers Union Camp Director WFU Kamp Kenwood Chippewa Falls, WI 54729 cstatz@wisconsinfarmersunion.com | Support | Written |
| 53. | Fran & Jordan Shiner Owners/Directors Camp Horseshoe Rhinelander, WI fun@camphorseshoe.com | No Position | Written |
| 54. | Hasim Dawkins, Central Region Director On behalf of the American Camp Association hdawkins@acacamps.org | Support | Written |

Public Hearing Comments and Department Responses

As discussed below, the Department on many occasions made substantive changes based on industry and local health department feedback. Those recommendations were incorporated into the revised final rule.

| Rule Provision | Public Comment | Department Response |
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| General | The health service requirements make sense. (3) | The department acknowledges the support for the proposed rule. |
| General | Code revision has been a long time coming and the commenters expressed thanks for industry and agent health departments being involved in the rulemaking process. (7), (15), (32), (44), (52), (54) | The department acknowledges the support for the proposed rule. |
| General | Thanks for being open to this. From everything our staff has seen over the past year or so, you've graciously worked WITH the camp professionals on this legislation, across what are by nature very diverse types of operations. Thanks for all your patience and obvious care for these ministries. Dare I say it gives us faith in good government! (25) | The department acknowledges the support for the proposed rule. |
| General | Thanks for all the work on the definitions. Super helpful for those of us who don't read state code very often. (36) | The department acknowledges the support for the proposed rule. |
| General | The code revision will be a positive update for our camp and a much needed industry improvement. Camps now have the opportunity to add-on hospitality to our license which allows us to operate at a higher level year round. (50), (54) | The department acknowledges the support for the proposed rule. |
| General | Seeking clarification on which types of user groups the health and medication requirements would apply to. They find this requirement important for | This comment addresses many areas throughout the proposed rule, but in general, the requirements for health histories and medication administration documentation only apply to groups |

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| | <p>medical/treatment permissions if there is a school group with a few teachers who are going to be leading. Most groups are families coming for a weekend group and parents are with the kids. Not billed as family camp, recruited as group rental. They would fall under that category of having to get permissions, even though the parent was here on site. Is that what the part of the code is saying? Or would they be considered a family group? (26)</p> | <p>under the definition of a recreational and educational camp, under the new definition for camp. Adult and family groups are now a part of the new hospitality activity definition. The health services and supervision areas in ATCP 78, do not apply.</p> |
| ATCP 78.03 (13) | <p>Clarification regarding when does a visiting parent become a volunteer or staff member? (3)</p> | <p>The department agrees additional clarification is needed and proposes the following language.</p> <p>ATCP 78.03 (13) “Camp staff” means paid or unpaid personnel involved with camp operations. Camp staff does not mean a parent or guardian that accompanies a child to camp as a participant and does not have unsupervised activity with other campers.</p> |
| ATCP 78.03 (14) | <p>Suggested that definition of camper be clarified. Within the definition, who is listed to give care and supervision? Is it we as an organization, rental group, or parents? (26)</p> | <p>The department agrees and proposes the following changes to the proposed rule.</p> <p>ATCP 78.03 (14) "Camper" means an individual under the care and supervision of the camp or a rental group that has a written agreement with the camp and includes all of the following: (a) a minor child. (b) An adult with developmental disability. (c) Children, youth and adults under legal guardianship or court directed conservatorship.</p> |
| ATCP 78.03 (28) | <p>Firearm definition clarification, please provide more examples of what is included and excluded. (1)</p> | <p>The department agrees with comment to add clarification to the definition of “firearm” and proposes the following language.</p> |

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| | | <p>ATCP 78.03 (28) “Firearm” means a gun, pistol, or rifle from which a projectile can be discharged, including a pellet gun, air rifle and BB gun. “Firearm” does not include “nerf type” or paintball guns.</p> |
| ATCP 78.03 (40) | Consider language from BSA to expand the definition of low element. (15) | <p>The department reviewed BSA language on the definition of low element and proposes the following changes.</p> <p>ATCP 78.03 (40) “Low element” means equipment installed for a challenge course activity in which the participant is spotted if needed by other persons in order to limit the risk of an injurious fall and the use of a life safety system is not required.</p> <p>Examples: Balancing on a low beam, walking across a pole while holding a rope, or activities involving such factors as strengthening, agility, balancing, team work, climbing on boulders or horizontal climbing walls no higher than the climber’s shoulder height, and problem solving.</p> |
| ATCP 78.03 (49) | Consider adding a definition for playground. (15) | <p>The department agrees and proposes a new definition.</p> <p>ATCP 78.03 (49) “Playground” means an area used for unfacilitated activity including outdoor play or recreation by campers with equipment including slides, play sets, horizontal bars and swings.</p> <p>The department in creating a definition for a playground, used the word “unfacilitated” in the definition to describe camper activity. This triggered a change to the definitions of high and low element to “facilitated” to distinguish the difference between challenge course and playground activity.</p> |
| ATCP 78.03 (62) | Clarification if the agreement is for all rental groups or just for groups with only children. (14) | Rental groups for adults and families are included under the section for hospitality activity because they do not provide |

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| | | <p>programming to campers as defined in the proposed rule. The department clarified the definition of rental group to include activities or services for campers.</p> <p>ATCP 78.03 (62) “Rental group” means another group or program that has a written agreement to rent or use a licensed camp’s facilities, and perhaps some services, to operate their own camping program or retreat for campers. The group may be from within the camp’s parent organization.</p> |
| ATCP 78.03 (74) | <p>Concerned about price and training availability for horsemanship certification, archery and other specialized activities. (29), (1), (31), (25)</p> | <p>The department acknowledges the commenters concerns, but the definition for “trained adult” already allows for documented training or experience in a specific area or field in lieu of certification. The only area in the proposed rule that requires certification or training is for camps that offer challenge course activities. This requirement had widespread industry stakeholder support.</p> <p>The department recommends no change.</p> |
| ATCP 78.06 (2) (a) 2. | <p>Is the proposed plan review requirement separate from the building submittals that already take place? What criteria will they use? Seems like an additional step for camps when there is already a process at the state level. (10) (27)</p> | <p>The department acknowledges the commenters concerns.</p> <p>ATCP 78.06 (2) (a) 2., only requires a copy of the plans and specifications drawn to scale or a drawing indicating distance of separation measured in feet in accordance with the applicable requirements of this chapter. The proposed plan review requirement is a separate process from the plan submittal to other agencies. This provides an opportunity for the department to consult with the operator to verify compliance with ATCP 78 requirements only, prior to construction.</p> <p>The department recommends no change.</p> |

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| <p>ATCP 78.06 (1) (b)</p> | <p>I would like to see “modifies an existing building” more clearly defined. I am wondering if this would require plan approval from the department if we simply increased the size of a door opening for instance. I am guessing the plan approval is only meant for larger modifications such as doubling the size of a building, but it is unclear what type of modification would require plan approval from the department. (51)</p> | <p>The department’s plan review process involves the relationship of where structures are placed within the camp in relation to water and sanitary facilities within ATCP 78 requirements. However, this does not supersede other agency plan review requirements.</p> <p>The department proposes the following clarification.</p> <p>ATCP 78.06 Plan review. (1) APPROVAL REQUIRED. An operator shall obtain plan approval from the department or its agent before any of the following occurs: (b) Modifications. The operator modifies a camp by adding or moving a structure that was subject to a previous plan review by the department or its agent.</p> |
| <p>ATCP 78.07 (1) (a) 6. and 7.</p> | <p>Our University dining operates year-round, the proposed fee structures include retail food license whereas university’s is separate. Is there flexibility for organizations that have those things in a separate capacity and what those bundled license fees would look like? Would like more clarity on what requirements that need to be meet for hospitality activities. (24) (36)</p> | <p>No additional retail food license is required to the commenter’s question and the department proposes to add examples, to provide further clarification on hospitality activities as follows:</p> <p>ATCP 78.07 (1) (a) 6. Example: A college campus kitchen prepares and serves food to campers. The campus also has additional food service establishments that operate solely independently from the kitchen that serves campers. These independent food service operations would be required to obtain a separate retail food establishment license. Example: A camp has lodging or campground facilities that are exclusively rented to adults and families and are not used by campers. These lodging or campground facilities would be required to hold a separate lodging or campground license.</p> <p>ATCP 78.07 (1) (a) 7. ... When the premises of a camp is used for</p> |

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| | | <p>hospitality activity, the operator is not required to meet the following sections: 78.16, 78.21, 78.25, 78.26, 78.27, 78.28, 78.29 and 78.32....</p> <p>Examples: A university campus kitchen prepares and serves food to campers and campus students, because the kitchen does not solely operate independently but in conjunction with student food service, no additional retail food establishment license is required.</p> <p>Example: A camp kitchen provides food to campers, but also provides food service to other adult or family groups that may be utilizing the camp premises, because the kitchen does not solely operate independently but in conjunction with other food service, no additional retail food establishment license is required.</p> <p>Example: A camp has lodging or campground facilities that are rented to adults and families and are also used by campers. These lodging or campground facilities would not be required to hold a separate lodging or campground license.</p> <p>Note: More information on the applicable administrative rule requirements for hospitality activities may be obtained by contacting the department by e-mail datcpdfsrec@wisconsin.gov or contact the Bureau of Food and Recreational Businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.</p> |
| ATCP 78.08 | Would be nice not to have a second license to have more relaxed regulation for our groups. (1) | <p>The department has addressed this through the hospitality add-on component in the proposed licensing structure.</p> <p>The department recommends no change.</p> |
| ATCP 78.16 | Appreciate the new language that addresses rental group requirements. (7) | The department acknowledges the support for the proposed rule. |

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| ATCP 78.16 | Appreciate the new language that addresses rental group requirements. (7) | The department acknowledges the support for the proposed rule. |
| ATCP 78.18 (6) (b) | I think the “daily” cleaning and sanitizing is logistically extremely difficult for some camps. (51) | The department agrees with the comment and proposes the following language. ATCP 78.18 (6) (b) Water containers for reuse. Reusable individual water containers shall be cleaned as often as necessary or when returning from primitive camping trips. |
| ATCP 78.20 (1) (b) | Consider a way to simplify designation of toilets similar to the way shower facilities are addressed. (15) | The department agrees and proposes the following changes. ATCP 78.20 (1) (b) Ratio. 1. A camp shall provide a minimum of one toilet and one handwash facility for every 10 campers and staff or fraction thereof. 2. The camp operator shall designate toilet facilities based on the attendance at the camp. This proposed change removes ATCP 78.20 (1) (c). |
| ATCP 78.20 (1) (f) 1. | For the bathrooms, we do not necessarily recommend a certain type of barrier, just that an appropriate barrier is there and there is a barrier that allows for the individual responsible for bathroom supervision to be able to see how many feet are in the shower/bathroom stall. (4) | This section of the proposed rule requires a functional privacy lock for each toilet stall. This is an important camper privacy and personal safety requirement. The department recommends no change. |
| ATCP 78.21 (1) (a) | In support of the new requirements for sleeping quarter layout as opposed to previous cubic square feet. (3) | The department acknowledges the support for the proposed rule. |
| ATCP 78.21 (1) (c) 6. | Bunk Beds. Consider removing the reference to the CFR for bunk beds and just having DATCP requirements. (15) (9) | The department agrees with the comment and proposes to remove ATCP 78.21(1) (c) 6. |

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| ATCP 78.21 (1) (d) | Add language to allow for individual camper mosquito netting in place of screened windows. (5) (48) | <p>The department agrees and proposes the following additions.</p> <p>ATCP 78.21 (1) (d) Screening. A camp shall use one of the following screening methods: 1. 16 mesh wire or other effective screening kept in good repair shall be provided on all openings in sleeping quarters to prevent the entry of pests. ^{Pf}</p> <p>2. Individual camper mosquito-type netting shall be provided. ^{Pf}</p> |
| ATCP 78.22 (3) (b) | Provide clarity, our camp specifically uses compost, not clear in section that there is a distinction between garbage and compost to manage waste, and also as an educational component or programming of camp. (36) | <p>The department proposes the following language to provide additional clarity.</p> <p>ATCP 78.22 (3) (b) DNR compliance. Solid waste disposal, including composting, on the premises shall comply with chs. NR 500 to 538, as enforced by the Wisconsin department of natural resources.</p> |
| ATCP 78.23 | Clarification on the use of a colander for food preparation activities as an acceptable air gap method. (27) | <p>This comment is outside the scope of ATCP 78 revision. Questions regarding food service activities can be found in ATCP 75 Retail Food Establishments.</p> <p>The departments recommends no change.</p> |
| ATCP 78.24(8) (f) (4.) | Remove line pertaining to fire extinguisher and pull station locations on building evacuation diagram to create consistency between ATCP 72 and ATCP 78. NFPA Chapter 28 New Hotels and Dormitories and Chapter 29 Existing Hotels and Dormitories do not require that fire extinguishers and pull stations be identified. (9) | The department agrees and proposes to remove ATCP 78.24 (8) (f) (4.). |
| ATCP 78.25 | Clarification as to what staff are not included in determining staff to camper ratios. Exempted staff include more than just maintenance and kitchen staff, clarify language around when staff are included and when they | <p>The department agrees and provides the following clarification to the proposed rule.</p> <p>ATCP 78.25 Adult camp staffing. During camp operation the adult camp staff to camper ratio shall be as required</p> |

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| | are not included in staffing ratios. (11) | pursuant to s. ATCP Table 78.25. ^P For the purposes of determining staff to camper ratio, personnel that do not have responsibility for providing training or direct supervision to campers including: kitchen staff, maintenance staff, housekeeping, or administrative office staff are not included. |
| ATCP 78.26 (1) | While the code formerly addressed hiring and training of recreational and educational camp staff, it did not include a requirement to do a criminal background check. This change is an industry best practice and an important code change that ACA supports. (54) | The department acknowledges the support for the proposed rule. |
| ATCP 78.26 (1) (a) | We have staff families that live on camp but not all the adults in the family work for camp and some have children too young to be campers. I think it would make sense to add the word “adult” to “and any additional adult individuals residing on the camp’s premises with access to campers. (51) | The department partially agrees with the comment. Based on the department’s legal interpretation in ch. 938, Stats., the department proposes the following language. ATCP 78.26 (1) (a) Camper supervision and safety (1) CAMP STAFF SCREENING. (a) General requirements. Camps shall take into account criminal background check information during the hiring of camp staff and any additional individuals 14 years or older residing on the camp’s premises with access to campers. |
| ATCP 78.26 (1) (c) 2. | What is the necessity for the HR or lawyer sign off on the background check threshold policy, if the requirements are already codified. (1) | The department is in agreement and proposes the following change. ATCP 78.26 (1) (c) 2. This policy shall be reviewed, signed and dated within the last three years. ^{Pf} |
| ATCP 78.26 (2) (a) 1. | Clarification on the requirement for the two year age difference for non-specialized activities supervision. (1) | The current rule requires supervision by an adult, the proposed rule allows for non-adults to provide supervision for non-specialized activities provided that the staff member is at least two years older than the campers in that activity. |

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| | | <p>This allows camps greater flexibility in staffing.</p> <p>The department recommends no change.</p> |
| ATCP 78.26 (3) | ACA supports new camper safety requirements in ch. ATCP 78, which includes the cost of staff time and training for supervising specialized program activities such as archery, horseback riding, firearms, and challenge course elements. (54) | The department acknowledges the support for the proposed rule. |
| ATCP 78.26 (3) (b) | Appreciate the attention to adventure and low rope courses. (7) | The department acknowledges the support for the proposed rule. |
| ATCP 78.26 (3) (b) | The addition of challenge course safety language in ch. ATCP 78 and a requirement to have high- and low-element courses inspected biennially is an important safety step for State of Wisconsin camps. This challenge course safety language applies to ropes courses, climbing walls, zip lines, and aerial parks. (54) | The department acknowledges the support for the proposed rule. |
| ATCP 78.26 (3) (b) 3. | Provide additional language that would allow a contracted organization to hold the certification versus camp staff, due to extensive nature and cost prohibitive to camp operations. In much of ACA standards, there's usually a requisite experience option versus an outside organization certification. Suggests code would mimic that industry standard within ACA. (11) (26) | <p>Challenge course activities are the only area in the proposed rule that requires certification or a training requirement. The department modified the proposed rule language to provide clarity.</p> <p>ATCP 78.26 (3) (b) 3. A camp's challenge course shall operate under the supervision of an individual certified or an individual that has documentation they have received training according to applicable ANSI/ACCT 03-2019 or ANSI/PRCA 1.0-.3-2014 challenge course industry standards for the specific challenge course activities. ^P</p> |
| ATCP 78.26 (3) (b) 3. | Camp currently has a challenge course manager with ACCT certification. Camp currently provides Level 1 Certification | The department agrees and that is what is proposed under ATCP 78.26 (3) (b) 3. |

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| | and trains staff to level of 1. Staff don't actually receive certification, the organization would have to do a test day. The challenge course manager provides same level of training. Would it be adequate to use this without incurring extra cost of organization coming in to provide certification? (35) (26) | |
| ATCP 78.26 (3) (b) 1. a. | Why is inspection necessary for low ropes challenge courses. (1) | The department received input during the rule revision process that inspection on challenge courses to include high and low elements. This requirement is based on current industry best practices and received widespread industry support. The department recommends no change. |
| ATCP 78.26 (3) (c) 2. b. and 78.26 (3) (c) 9. b. | Clarification regarding the areas of swimming based on the participants evaluated ability. Can this be based on the size of the group or the depth of water, does this always have to include the 4-sections as indicated in rule. (1) | The department agrees and that this can be accomplished through the camp's written lifeguard and attendant staffing plan and proposes the following language for clarification. ATCP 78.26 (3) (c) 2. b. Designated areas for each aquatic program activity. Pf Examples: Swimming, boating, diving areas. and 78.26 (3) (c) 9. b. Access to each aquatic program activity area shall be controlled and the area used for swimming shall be clearly marked and separated into sections based on the camps written lifeguard and attendant staffing plan. Pf Examples: Non-swimmers, beginners, intermediates, and proficient swimmers. |
| ATCP 78.26 (3) (c) 2. h. ATCP Table 78.26 | Asked for review of the requirement of the lifeguard look-out ratio and the rationale on the number for the ratio. Review whether ratios are necessary to maintain safety. (26) | The department agrees and reviewed the requirement for an attendant for every 10 swimmers. Due to the environment and limited water clarity the department proposes the following change to the ATCP Table 78.26, for the ratio of attendants to participants. |

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| | | <p>ATCP Table 78.26 Attendants (per activity) 1 for every 50 participants or fraction thereof.</p> |
| ATCP 78.26 (3) (c) 6. a. | Clarification if lifeguard clothing is need to marked "lifeguard" if the rescue tube already says guard. (10), (26), (27), (51) | <p>The department agrees and proposes the following clarification.</p> <p>ATCP 78.26 (3) (c) 6. a. At all times when on duty, wear clothing or rescue equipment that is conspicuously marked "Lifeguard" or "Guard".</p> |
| ATCP 78.26 (3) (c) 9. c. | Campers often get permission to go above their evaluated area provided they are wearing approved PFD or lifejackets. It allows them to be included with other campers their age. Consider readdress of that section and other exemptions where campers can swim in deeper waters. (36), (27), (25) | <p>The department agrees and proposes the following clarification.</p> <p>ATCP 78.26 (3) (c) 9. c. No person may go into a section marked for a swimming beyond their evaluated ability except when being tested under supervision for the next higher level or when wearing a properly fitted PFD. ^{Pf}</p> |
| ATCP 78.26 (5) (a) 1. | What is the purpose for check-in of vendors or contracted services? Can clarification be made if these individuals have no contact with campers, example a sanitation service driver that never leaves the vehicle? (1) | <p>The camp should have a written plan for how they address vendors or contractors that visit their camp, this does not necessarily mean a check in and check out procedure. The department proposes the following language for clarification.</p> <p>ATCP 78.26 (5) (a) 1. PLANS FOR CAMPER SECURITY AND DEALING WITH EMERGENCIES. (a) <i>General camp security.</i> Camps shall have a written security plan for addressing all of the following: 1. Visitors, vendors, or contracted services that enter the camps premises. ^{Pf}</p> |
| ATCP 78.26 (5) (c) | ACA expresses support for the new camper safety requirement to train staff in camper abuse prevention. These safety requirements will benefit campers and families and will provide staff with the skills and confidence to keep campers safe. (54) | The department acknowledges the support for the proposed rule. |

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| ATCP 78.26 (5) (c) | Appropriate language in rule regarding enforcement actions against license for reported camper abuse. (49) | The department has the ability under ATCP 78.10, to suspend or revoke a license if the department finds violations that constitute a serious danger to public health. The department recommends no change. |
| ATCP 78.26 (5) (d) | Language that deals with reporting of camper abuse. (49) | The department agrees and proposes the following new section to clarify camp responsibility for allegations of camper abuse. ATCP 78.26 (5) (d) Response to allegations of camper abuse. 1. Camp shall immediately report an allegation of known or suspected camper abuse, neglect or sexual misconduct to the proper authorities. ^P 2. The camp shall separate the alleged perpetrator from campers until the incident is resolved, until the threat is removed, or as long as necessary to protect the safety and welfare of the campers. ^P |
| ATCP 78.27 (1) (a) | This has been a problem lately. Doctor's' have been reluctant to sign off on standing orders because of liability reasons. What options are available to camps? (27) | ATCP 78.27 (1) (a) The department in the proposed rule expanded the previous language to now include the consulting physician's practice to better reflect and include health care system models. The department proposes no change. |
| ATCP 78.27 (1) (e) | What is the purpose for a staff health history form? Creates more paperwork for the camp. (1) | The department proposed this requirement as an additional measure to support camper safety. The camp shall have documentation for each staff member about medications they take or accommodations they need to perform the essential functions of their position. Disclosure of this information to the camp health supervisor increases awareness of camp staff medical needs. The department proposes no change. |
| ATCP 78.27 (1) (f) | Concerned with the requirements for separate handwashing and toilet facilities | The department agrees and has removed this requirement in the proposed rule. |

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| | for suspected communicable disease or foodborne illness. The additional cost or staffing required to maintain this requirement. (1) | The proposed section now reads as follows. ATCP 78.27 (1) (f) Health center. A camp shall have written procedures and space for the temporary isolation of sick or injured campers and staff members. ^P |
| ATCP 78.27 (2) (a) | Provide language that the health services supervisor inform the waterfront supervisor of campers that have a health history of seizures. (15) | The department agrees and proposes the following language. ATCP 78.27 (2) (a) Camp health services supervisor. 1. Except as provided pursuant to sub. (3), a camp shall have an adult camp health supervisor who shall be responsible for routine and urgent health care supervision at the camp and meet the requirements pursuant to par. (b) 1.to 5. ^P 2. The camp health supervisor shall inform appropriate camp staff of any specific needs, as identified in the camper health history, of a camper whom they are responsible. ^{Pf} |
| ATCP 78.27 (2) (b) 1. | Commenter is in support of the addition of the Wilderness First Aid Course as an option for health services staff. (3) | The department acknowledges the support for the proposed rule. |
| ATCP 78.27 (2) (b) 2. | Health Coverage and Training Requirements in relation to how long it takes for EMS to get on-site. This change is huge for the camp from 15 min to 30 min because these camps are at 16 min mark. In support of this change in the rule. (36) | The department acknowledges the support for the proposed rule. |
| ATCP 78.27 (2) (b) 4. | ACA supports the new camper safety requirement to train staff in medication administration. These safety requirements will benefit campers and families and will provide staff with the skills and confidence to keep campers safe. (54) | The department acknowledges the support for the proposed rule. |

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| <p>ATCP 78.27 (2) (b) (5), ATCP 78.27 Table A and ATCP 78.27 (4) (d) 2.</p> | <p>Expand language to include all recognizable safe ways to administer epinephrine. (15)</p> | <p>The department agrees and proposes the following language change.</p> <p>ATCP 78.27 (2) (b) 5. Epinephrine. If a camp is prescribed an epinephrine auto-injector or pre-filled syringe as an authorized entity that is not patient specific or the camp plans to have health services staff help administer epinephrine to a camper, health services staff shall complete an anaphylaxis training program required pursuant to s. 255.07(5), Stats., and meet all of the following:</p> <p>ATCP 78.27 Table A Health services staff - Minimum training requirements (throughout table) ...administering medication or epinephrine they shall also meet subd. (2) (b) 4. and 5.</p> <p>ATCP 78.27 (4) (d) 2. Administered by health services staff qualified pursuant to par. (2) (b), except that epinephrine auto-injector, pre-filled syringe, inhaler, and insulin or other medication or device used in the event of life-threatening situations may be carried by a camper or staff member. Each camper or staff member 18 years of age or older may take responsibility for the security of their personal medication. ^P</p> |
| <p>ATCP 78.27 (4) (f)</p> | <p>In support of the ability for an adult scout master to administer medication to campers. (3)</p> | <p>The department acknowledges the support for the proposed rule.</p> |
| <p>ATCP 78.27 (5) (b)</p> | <p>Comment regarding bound book requirement that is going away for medication and treatment logs. Standard is being modernized but has questions on whether the bound book will still be ok to use? Camp is a</p> | <p>The department has not proposed to remove the bound book as an option for recording of medication administration. The bound book is one of many options for camps.</p> <p>The department recommends no change.</p> |

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| | decentralized site, so electronic media will not be available at program sites. (25) | |
| ATCP 78.29 | Clarifying when a report to the department or agent needs to be made when EMS is called. (27) | <p>The department has proposed this language to incorporate requirements for reporting of EMS responses in order to understand, quantify, and better address existing and emerging risks at camps. This is in alignment with ATCP 76 Swimming Pools.</p> <p>The department recommends no change.</p> |
| ATCP 78.32 (2) (b) | Propose adding language for clarification regarding medication given on primitive camping trips. (38) | <p>The department agrees with the comment and also provided the proposed alternative language for documentation of medication and treatment to campers on primitive camping trips.</p> <p>ATCP 78.32 (2) (b) Medication and treatment record. Any one of the following methods shall be used for the documentation of medical treatment and medication administration provided to campers while off premises of the licensed camp. ^{Pf}</p> <ol style="list-style-type: none"> 1. Documentation pursuant to s. ATCP 78.27 (b) and (c). ^{Pf} 2. Alternative documentation method: a. Required information pursuant to s. ATCP 78.27 (c). ^{Pf} <ol style="list-style-type: none"> b. Maintain a documentation of medical treatment including medications administered to campers while away from camp and submitted to the camp health services supervisor by the trip leader upon return to camp. ^{Pf} c. Documentation from this record shall be transferred to the camps medication and treatment log and be made available for review by the Department or its agent upon request. ^{Pf} d. The original primitive camping medication and treatment documentation shall be kept by the camp health services supervisor and be made available for review by the Department or its agent |

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| | | upon request. ^{Pf} |
| ATCP 78.32 (4) (b) 1. | Review and expand the acceptable alternative water treatment methods for primitive camping trips. (7) (51), (53) | <p>The department agrees and updated the proposed language to reflect the most recent changes to the CDC guidance for “water treatment while hiking, camping, and traveling”.</p> <p>ATCP 78.32 (4) (b) 1. Water shall be treated using one or more of the following methods: a. Brought to a rolling boil for a minimum of one minute. ^P</p> <p>b. Treated water with a purifier meeting NSF standard P231 or P248. The filter pore size shall be 0.02 microns or less. ^P</p> <p>c. Filtered using a filter with an absolute pore size not greater than 0.3 micron pursuant to NSF Standard 53 or 58 and disinfected with a chemical product labeled for the treatment of drinking water. ^P</p> <p>d. Treated with a water treatment method not covered under this section for which a request for a variance has been granted by the Department. ^P</p> |

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| <p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p> | <p>2. Date November 17, 2021</p> |
| <p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Wis. Admin. Code ch. ATCP 78, Recreational and Educational Camps, Clearinghouse Number 21-109</p> | |
| <p>4. Subject Recreational and Educational Camps</p> | |
| <p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p> | <p>6. Chapter 20, Stats. Appropriations Affected Wis. Stat. § 20.115(1)(gb) Food, lodging, and recreation.</p> |
| <p>7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input checked="" type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget</p> | |
| <p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input checked="" type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p> | |
| <p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$200-4,000 per camp There are approximately 221 licensed recreational and educational camps statewide. A very simple camp would only bear the cost of performing a criminal background check, including a national sex offender search. The check is for new hires and existing staff every 24 months, for a camp with 10 staff, that would average \$200 a year. For the more complex camp, with greater than 10 staff, challenge course activities with third party inspections and staff training could average \$3,000-4,000 depending on the number of activities and overall number of camp staff. For more information on estimated costs and cost savings, see below #14. Criminal background checks, challenge course staff training and third party inspections are already an industry standard and a requirement for most insurance companies for recreational and educational camp operations and may already be an existing camp expense.</p> | |
| <p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | |
| <p>11. Policy Problem Addressed by the Rule The Department is proposing to update Wis. Admin. Code ch. ATCP 78 with a significant overhaul of the definitions section, modernization of health services qualifications and data management options, updating of the licensing and fee structure, and enhancement of provisions ensuring camper health, safety and security through camp staff background checks and camper sexual abuse prevention training. Rule revisions also support safe camp operations by addressing prevention and control of diseases spread by animals such as mosquitoes, bats, and ticks, along with provision of safe food and drinking water both on premises and while primitive camping. Modernization also reflects inclusion and equity considerations with the revision of pronoun use to terms like "camper," and "their," in place of "he" or "she."</p> <p>A primary revision of the rule creates a modernized three-tier licensing model that will promote fairness to small business owners by having the license fee reflect the number of camper experiences and activities offered. The approved rule will more realistically tie the cost of the license to the complexity and risk of the camp activities and will no longer be a one-size-fits-all model. Licensing fees have not increased since 2007, but basing the licensing fee on risk and activity will help to moderate the impact of a fee increase. The Department's analyses suggest that the overall change in total license fees charged will be low. The proposed licensing fee criteria also more fairly reflect the time and personnel</p> | |

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costs to the Department for the inspection.

As previously stated, the proposed updates to Wis. Admin. Code ch. ATCP 78 contain an overhaul of definitions that includes amendments, modernization and expansion of terms used in the rule for clarification. Expansion of the definitions section includes over 50 newly defined terms. This expansion is beneficial for consistency and creates a clear understanding of how the rule is applied to the recreational and educational camp industry. An amended definition of ‘recreational and educational camp’ does not include camps that only serve families or non-developmentally disabled adults, because supervision and health services requirements are not needed for groups of adults and families who know their children’s health needs.

Modernization of obsolete terms includes replacing ‘high risk activity’ with ‘specialized program activity’ and defining ‘trained adult’ requirements for those adults supervising campers in specialized program activities. Minimum safety standards were also proposed for use when camps offer a ‘challenge course’, firearms, archery, horseback riding, program aquatics, and motorized vehicle programming to campers. These terms align with industry best practices, such as those adopted by the American Camp Association. This alignment creates greater consistency and efficiency for regulators and camp operators alike.

Users of the recreational and educational camp attending as an organized group are known by the American Camp Association as a ‘rental group’ so that standardized terminology has also been included in this revised rule, again to create greater consistency. A newly created section also outlines the use of a written agreement between a camp and each rental group to ensure accountability to meet health and safety standards of campers on behalf of the licensee.

Camp staff are responsible for camper health and wellness, including direct oversight of camper medications, allergies, and urgent health treatment during their stay. The camp staff function as temporary parents or guardians to the campers. By modernizing the bound-book medication log requirement, the revised rule accounts for expanded medication documentation data management options, i.e. software systems, now widely available to camp stakeholders. A paper bound book for recordkeeping of camper medications and treatments is now only one of three option categories. The proposed rule will also enhance the safety of campers who need medications during their stay, by adopting use of a free online medication administration module already developed and maintained by another state agency. Use of this module is intended to give all designated camp and rental group health staff baseline knowledge necessary for dealing with a variety of medications campers may bring to camp. Utilizing existing free training already hosted by the Department of Public Instruction (DPI) is a one example of how the Department is serving as a responsible steward of state resources and avoiding unnecessary expenses.

The proposed Wis. Admin. Code ch. ATCP 78 includes a new requirement for reporting death, injury or illness that require an emergency medical service (EMS) response. This data will assist in designing effective outreach and meaningful interventions and the data collected may help support future rule development. This data will be mutually beneficial to both small business and the Department as they make continuous improvements in keeping campers safe and healthy.

The proposed Wis. Admin. Code ch. ATCP 78 also seeks to streamline camper health requirements reflecting the variety of overnight accommodations made available to campers by the industry as both permanent and open-air sleeping experiences. The proposed rule streamlines life safety and public health standards by removing the cubic footage by age provision. This update has a positive impact on stakeholders by allowing for greater flexibility in setting cabin capacity and bed layout configurations while also reducing transmission of respiratory illnesses.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.

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The Department and its agent local health departments, recreational and educational camps, American Camp Association, Association of Camp Nurses, Christian Camp and Conference Association, Camp Owners and Directors Association, Midwest Association of Independent Camps.

The Department and its agent local health departments combined license and inspect approximately 221 recreational and educational camps. Camps are distributed throughout the state with Walworth County (19), Oneida County (15), and Vilas County (12) having the largest numbers. The estimated direct annual Wisconsin economic impact of these camps, based on the 2020 American Camp Association Wisconsin Camp Economic Impact Findings Report, is 5,003 employees and \$109.2 million in labor income. Wisconsin recreational and educational camps have a rich history, with 73% in operation for more than 50 years.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.

NA

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The Department and its agent local health departments combined license and inspect approximately 221 recreational and educational camps. The financial impact of the modernized license and fee model is low, with fees corresponding to the number and type of camp experiences offered, through a tiered model. Camps would be placed into simple, moderate and complex categories, in place of the existing one-size-fits-all model. More complex camps, which generally are larger operations, would pay a higher license fee. The proposed changes in criteria for license fees were tested by applying the proposed criteria to all 59 state-inspected recreational and educational camps. Results of the survey indicated an even distribution across all three proposed license types with: 17 camps estimated to be categorized as simple, 24 camps as moderate, and 18 camps as complex.

The following tiered recreational and educational camp license fee model is proposed in the revision:

- Simple \$490
- Simple with Hospitality \$540
- Moderate \$530
- Moderate with Hospitality \$635
- Complex \$570
- Complex with Hospitality \$715

This update results in a cost savings for any camp offering additional hospitality activity such as retail food service, lodging, and camping to other adult guests and families within the confines of the camp, utilizing the same camp structures. The hospitality categories enables a camp to offer one, two or all three additional activities in a way that fits with each camp's business model. The proposed licensing structure also provides a way for adults and families to follow the applicable lodging or campground rule, instead of health and supervision requirements of Wis. Admin. Code ch. ATCP 78, currently in force when camps extend their services beyond campers such as family camps, adult retreats, wedding parties or various online lodging rental platforms.

The modernized license model "with hospitality activity" reflects a newly created efficiency and therefore offers camps a savings when bundled with the recreational and educational camp license compared to obtaining multiple licenses separately. The model is efficient because it enables one routine inspection to include all applicable activities, thus saving the Department and small business time from multiple inspections when requirements for safe drinking water,

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garbage disposal, carbon monoxide detection and Wisconsin Food Code standards already exist within Wis. Admin. Code ch. ATCP 78.

Camp operators will also incur the economic impact associated with newly proposed requirements for camp staff background checks, camp staff training, providing camper safety equipment, and inspection of challenge courses on camp premises. These requirements are consistent with industry standards and the Department's authority pursuant to s. 97.67 (1) Stats. The challenge course inspection and staff background check frequency is proposed for every two years, rather than annually, to ease the annual economic burden on small business. For a simple camp operation, the only additional cost would be for background checks. For example, a simple camp with 10 staff, would incur an additional annual cost of approximately \$200. For more complex camp operations the following is a breakdown of the overall costs depending on the activities provided.

New camper safety provisions for proper protective headgear for campers and staff under 18 when a camp offers challenge course elements, horseback riding, or motorized vehicle usage would be approximately \$150 per helmet based on industry stakeholder feedback.

Camps with aquatic program activities will experience reduced costs going forward due to a clarification in the revised rule requirements for rescue poles at waterfront and on a rescue boat. An existing industry standard of an oar or paddle serving as a reaching pole in a rescue boat is now stated in the proposed revision. The revision also does not require a reaching pole at the waterfront since Wis. Admin. Code ch. ATCP 78 already requires lifeguard supervision, and lifeguards are also required to carry rescue equipment to use in responding to distressed swimmers.

New costs would be incurred by business operators in meeting new camper safety requirements in Wis. Admin. Code ch. ATCP 78. These costs include staff time and proper training for supervising specialized program activities, such as archery, horseback riding, firearms, and challenge course elements, and the costs of staff training in camper sexual abuse prevention, and medication administration. Having staff trained in these topics is considered industry best practice and is a voluntary standard of the American Camp Association. Trained adults can demonstrate competency by experience or documented training that can include certification. Examples of certification courses include:

- Archery; National Archery School Program estimated cost of \$150 per person
- Firearms; Wisconsin Department of Natural Resources hunting safety course \$10 per person for traditional classroom instruction
- Camper sexual abuse prevention; various camp insurance vendors, complimentary
- Medication Administration; WI DPI online module, complimentary
- Challenge Course; ACCT Level 1 certification, \$700 per person
- Horseback riding; Certified Horsemanship Association estimated cost of \$700 per person

Camps that offer low- and high-element challenge courses will bear the financial impact of newly proposed requirements for an on-site inspection of the elements and life safety equipment. These requirements may impose a biennial cost of \$900-3,000 per camp that utilize activities such as aerial adventure and ropes courses, climbing walls, and zip lines. There is no other government agency responsible for safe operation, inspection and upkeep of these challenge courses. Industry stakeholders shared they already pay for these inspections to meet insurance requirements.

Requirements for camp health services training qualifications will be more flexible under the revised rule. The proposed rule raises the EMS target response time from the existing 15 minutes up to the industry standard threshold of 30

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minutes. The proposed rule reduces the required training for health services staff to only one or two basic first aid and cardiopulmonary resuscitation (CPR) courses. This will save money and time spent currently on advanced CPR courses to meet the requirements of the existing rule.

The revised rule includes requirements related to hiring and maintaining recreational and educational staff; these requirements are not new to most Wisconsin camps. The revised rule proposes performing a criminal background check, including a national sex offender search, for new hires and for existing staff every 24 months. The revised rule also requires camp staff to complete camper sexual abuse prevention training. The criminal background check requirement is estimated to cost \$40 per camp staff member. It was noted by various industry stakeholders that many insurance companies already offer free camper sexual abuse prevention training modules. The background checks in combination with staff training create a less conducive setting for potential offenders at Wisconsin camps serving youth and by protecting camper health and safety, are consistent with the Department's mission to protect public health.

The Department does not expect any economic or fiscal impact on Local Health Department governmental units beyond the current duties as an agent of the Department.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

For benefits of implementing the rule, see #16 below. The alternative to implementing the rule would be to continue as is, attempting to continue to apply the existing rule to new methods, innovations, and trends not currently addressed or permitted under the existing rule. Industry groups and associations would find this alternative undesirable as they are eager for the rule be updated to reflect current industry best practices and trends. Furthermore, the Department would need to devote additional time and resources towards resolving the confusion that impedes implementation of the existing code (consultation, staff training and special workshops for industry).

16. Long Range Implications of Implementing the Rule

The Department expects the proposed rule to have a positive long range impact on all stakeholders because it will give more flexibility for businesses in complying with rule requirements that are consistent with recognized industry best practices, allocate regulatory requirements in proportion to risk, and will lead to risk-based inspection methods. The revised rule will save the Department, its local health department agents, and industry stakeholders time by allowing camp operators to use the more efficient electronic systems widely available for medication documentation and data management. This update will allow existing medication bound book variances to sunset and decrease the need for new variance applications. This flexibility will simultaneously reduce the record-keeping burden on small business and drastically lower Department time to process variance requests. The rule revision will also eliminate the existing requirement for camps to write and follow policies for EMS-15 minute response time. Furthermore, the rule revision reduces the additional time and resources involved with resolving confusion created by the existing rule not keeping pace with changes that have occurred with camps and camper demographics.

An amended definition of 'recreational and educational camp' deregulates camps that only serve families or non-developmentally disabled adults because supervision and health services are not needed for groups of adults and families who know their children's health needs.

The modernized license model "with hospitality activity" reflects a newly created efficiency and therefore offers camps a savings when bundled with the recreational and educational camp license compared to obtaining multiple licenses separately. The model is efficient because it enables one routine inspection to include all applicable activities, thus saving the Department and small business time from multiple inspections when requirements for safe drinking water, garbage disposal, carbon monoxide detection

The rule also includes the addition of provisions for written procedures that camp operators may follow to earn reduced inspection frequency. These proposed revisions are reflective of recently passed legislation, s. 97.67(3), Stats. Meeting the new requirements would allow camp operators to demonstrate effective managerial control of public health hazards.

17. Compare With Approaches Being Used by Federal Government

There are no existing or proposed federal regulations that address the activities to be regulated by this proposed rule as a whole. However, federal rules and guidance documents are cited as these documents provide industry-accepted standards for certain aspects of camp. All Wisconsin recreational and educational camp kitchen design and food

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preparation activities are required to follow Wis. Admin. Code ch. ATCP 75 and its Appendix that references and mirrors much of the 2013 United States Food and Drug Administration (FDA) Model Food Code, as well as FDA Model Food Code updates accepted by the FDA since 2013. The newly proposed playground equipment section was developed through review of voluntary safety guidelines included in the United States Consumer Product Safety Commission's Public Playground Safety Handbook, 2010 edition. The Code of Federal Regulations: 33 CFR part 175 is cited relative to the use of personal floatation devices at camps offering boating activities.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

In researching neighboring states, it was noted that other states asked for Wisconsin's draft as a model to aid their future rule revisions as well.

Illinois youth camp health, safety and licensing are pursuant to Youth Camp Act 210 ILCS 100 and administrative code sections 810.10-150. Camp health services in Illinois pursuant to 810.90 (d) only requires a minimum of one person with a current American Red Cross Standard First Aid Certificate or equivalent on the premises at all times when a youth camp is in operation. Camper health recordkeeping is broader than Wisconsin. Illinois requires each youth camp to maintain and keep current a record of first aid cases treated by designated first aid personnel during the camp operating period. Illinois requires a lifeguard for supervision at a swimming beach but does not provide any minimum ratio.

Iowa resident camp licensing is pursuant to childcare administrative rule, IAC 441-109.1 Resident camp programs may be exempt from attaining a child care license through several exemptions, including those that receive national accreditation.

Michigan camp programs and sites are licensed separately, with camper health and safety pursuant to administrative rule, R400. This includes adult and children's camp types; residential, day, travel, troop, and site.

Michigan already requires camp staff background checks. Michigan is also the most similar to Wisconsin in waterfront camper safety, supervision and health care staffing qualifications. Medication recordkeeping is included using more broad language. A Michigan camp is required to maintain a permanent medical record of treatment prescribed or medication dispensed to campers.

Minnesota youth camp health, safety and licensing are pursuant to Minnesota state statute 144.71 and rule 4630.2300-.4700. Minnesota rule does not specify health qualifications of camp staff but does require the camp operator to designate one or more duly licensed practitioners of the healing arts to be called in the case of an emergency. The camper health recordkeeping requirements are broader than Wis. Admin. Code ch. ATCP 78, that require detailed records of the individual's illnesses and injuries occurring and the first aid treatments given during the period of attendance at camp. Minnesota requires supervision of waterfront activities, but does not specify any qualifications such as the minimum ratios of lifeguards and attendants to campers set in ch. ATCP 78.

Wisconsin is also leading other states to create safety provisions related to camps with challenge courses, such as aerial adventure, ropes courses, climbing walls or zip lines through review and input from national industry subject matter expert representatives from the Association of Challenge Course Technology (ACCT) and Professional Ropes Course Association (PRCA) during the rule revision process.

19. Contact Name

Caitlin Jeidy, Division of Food and Recreational Safety, Program and Policy Analyst

20. Contact Phone Number

(608) 224-4696

This document can be made available in alternate formats to individuals with disabilities upon request.

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The Department and its agent local health departments combined license and inspect approximately 221 recreational and educational camps. The financial impact of the modernized license and fee model is low, with fees corresponding to the number and type of camp experiences offered, through a tiered model. Camps would be placed into simple, moderate and complex categories, in place of the existing one-size-fits-all model. More complex camps, which generally are larger operations, would pay a higher license fee. The proposed changes in criteria for license fees were tested by applying the proposed criteria to all 59 state-inspected recreational and educational camps. Results of the survey indicated an even distribution across all three proposed license types with: 17 camps estimated to be categorized as simple, 24 camps as moderate, and 18 camps as complex.

The following tiered recreational and educational camp license fee model is proposed in the revision:

- Simple \$490
- Simple with Hospitality \$540
- Moderate \$530
- Moderate with Hospitality \$635
- Complex \$570
- Complex with Hospitality \$715

This update results in a cost savings for any camp offering additional hospitality activity such as retail food service, lodging, and camping to other adult guests and families within the confines of the camp, utilizing the same camp structures. The hospitality categories enables a camp to offer one, two or all three additional activities in a way that fits with each camp's business model. The proposed licensing structure also provides a way for adults and families to follow the applicable lodging or campground rule, instead of health and supervision requirements of Wis. Admin. Code ch. ATCP 78, currently in force when camps extend their services beyond campers such as family camps, adult retreats, wedding parties or various online lodging rental platforms.

The modernized license model "with hospitality activity" reflects a newly created efficiency and therefore offers camps a savings when bundled with the recreational and educational camp license compared to obtaining multiple licenses separately. The model is efficient because it enables one routine inspection to include all applicable activities, thus saving the Department and small business time from multiple inspections when requirements for safe drinking water, garbage disposal, carbon monoxide detection and Wisconsin Food Code standards already exist within Wis. Admin. Code ch. ATCP 78.

Camp operators will also incur the economic impact associated with newly proposed requirements for camp staff background checks, camp staff training, providing camper safety equipment, and inspection of challenge courses on camp premises. These requirements are consistent with industry standards and the Department's authority pursuant to s. 97.67 (1) Stats. The challenge course inspection and staff background check frequency is proposed for every two years, rather than annually, to ease the annual economic burden on small business. For a simple camp operation, the only additional cost would be for background checks. For example, a simple camp with 10 staff, would incur an additional annual cost of approximately \$200. For more complex camp operations the following is a breakdown of the overall costs

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depending on the activities provided.

New camper safety provisions for proper protective headgear for campers and staff under 18 when a camp offers challenge course elements, horseback riding, or motorized vehicle usage would be approximately \$150 per helmet based on industry stakeholder feedback.

Camps with aquatic program activities will experience reduced costs going forward due to a clarification in the revised rule requirements for rescue poles at waterfront and on a rescue boat. An existing industry standard of an oar or paddle serving as a reaching pole in a rescue boat is now stated in the proposed revision. The revision also does not require a reaching pole at the waterfront since Wis. Admin. Code ch. ATCP 78 already requires lifeguard supervision, and lifeguards are also required to carry rescue equipment to use in responding to distressed swimmers.

New costs would be incurred by business operators in meeting new camper safety requirements in Wis. Admin. Code ch. ATCP 78. These costs include staff time and proper training for supervising specialized program activities, such as archery, horseback riding, firearms, and challenge course elements, and the costs of staff training in camper sexual abuse prevention, and medication administration. Having staff trained in these topics is considered industry best practice and is a voluntary standard of the American Camp Association. Trained adults can demonstrate competency by experience or documented training that can include certification. Examples of certification courses include:

- Archery; National Archery School Program estimated cost of \$150 per person
- Firearms; Wisconsin Department of Natural Resources hunting safety course \$10 per person for traditional classroom instruction
- Camper sexual abuse prevention; various camp insurance vendors, complimentary
- Medication Administration; WI DPI online module, complimentary
- Challenge Course; ACCT Level 1 certification, \$700 per person
- Horseback riding; Certified Horsemanship Association estimated cost of \$700 per person

Camps that offer low- and high-element challenge courses will bear the financial impact of newly proposed requirements for an on-site inspection of the elements and life safety equipment. These requirements may impose a biennial cost of \$900-3,000 per camp that utilize activities such as aerial adventure and ropes courses, climbing walls, and zip lines. There is no other government agency responsible for safe operation, inspection and upkeep of these challenge courses. Industry stakeholders shared they already pay for these inspections to meet insurance requirements.

Requirements for camp health services training qualifications will be more flexible under the revised rule. The proposed rule raises the EMS target response time from the existing 15 minutes up to the industry standard threshold of 30 minutes. The proposed rule reduces the required training for health services staff to only one or two basic first aid and CPR courses. This will save money and time spent currently on advanced CPR courses to meet the requirements of the existing rule.

The revised rule includes requirements related to hiring and maintaining recreational and educational staff; these requirements are not new to most Wisconsin camps. The revised rule proposes performing a criminal background check, including a national sex offender search, for new hires and for existing staff every 24 months. The revised rule also requires camp staff to complete camper sexual abuse prevention training. The criminal background check requirement is estimated to cost \$40 per camp staff member. It was noted by various industry stakeholders that many insurance companies already offer free camper sexual abuse prevention training modules. The background checks in combination

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with staff training create a less conducive setting for potential offenders at Wisconsin camps serving youth and by protecting camper health and safety, are consistent with the Department's mission to protect public health.

The Department does not expect any economic or fiscal impact on Local Health Department governmental units beyond the current duties as an agent of the Department.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

Consultation with multiple recreational and educational camp operators, American Camp Association, Association for Challenge Course Technology (ACCT), Professional Ropes Course Association (PRCA), online searches, Department of Public Instruction, and the insurance industry.

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

The Department incorporated the following methods into the rule to reduce the impact on small business:

A tiered recreational and educational camp license fee model reduces impact on small business.

The modernized license model "with hospitality activity" reflects a newly created efficiency and therefore offers camps a savings when bundled with the recreational and educational camp license compared to obtaining multiple licenses separately. The model is efficient because it enables one routine inspection to include all applicable activities, thus saving the Department and small business time from multiple inspections when requirements for safe drinking water, garbage disposal, carbon monoxide detection and Wisconsin Food Code standards already exist within Wis. Admin. Code ch. ATCP 78.

Camps with aquatic program activities will experience reduced costs going forward due to a clarification in the revised rule requirements for rescue poles at waterfront and on a rescue boat. An existing industry standard of an oar or paddle serving as a reaching pole in a rescue boat is now stated in the proposed revision. The revision also does not require a reaching pole at the waterfront since Wis. Admin. Code ch. ATCP 78 already requires lifeguard supervision, and lifeguards are also required to carry rescue equipment to use in responding to distressed swimmers.

The Department requirements for camp health services training qualifications will be more flexible under the revised rule. The proposed rule raises the EMS target response time from the existing 15 minutes up to the industry standard threshold of 30 minutes. The proposed rule reduces the required training for health services staff to only one or two basic first aid and CPR courses. This will save money and time spent currently on advanced CPR courses to meet the requirements of the existing rule.

The revised rule includes requirements related to hiring and maintaining recreational and educational staff; these requirements are not new to most Wisconsin camps. The revised rule proposes performing a criminal background check, including a national sex offender search, for new hires and for existing staff every 24 months instead of annually.

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Flexibility for businesses in complying with rule requirements that are consistent with recognized industry best practices, allocate regulatory requirements in proportion to risk, and will lead to risk-based inspection methods. The revised rule will save industry stakeholders time by allowing camp operators to use the more efficient electronic systems widely available for medication documentation and data management. This update will allow existing medication bound book variances to sunset and decrease the need for new variance applications.

The rule revision will also eliminate the existing requirement for camps to write and follow policies for EMS-15 minute response time. Furthermore, the rule revision reduces the additional time and resources involved with resolving confusion created by the existing rule not keeping pace with changes that have occurred with camps and camper demographics.

An amended definition of ‘recreational and educational camp’ deregulates camps that only serve families or non-developmentally disabled adults because supervision and health services are not needed for groups of adults and families who know their children’s health needs, and there is no value to recreational and educational camp supervision regulations being applied to these situations.

5. Describe the Rule’s Enforcement Provisions

Sections 93.07 (1), 97.67(1) and (4), Stats. The Department has broad general authority, pursuant to s. 93.07 (1), Stats., to adopt rules to implement programs under its jurisdiction. The Department has specific authority, in s. 93.07 (24)(e), Stats., to enforce the laws for the sanitary care of recreational and educational camps, and the Department has authority pursuant to ss. 97.67(1) and (4), Stats., to adopt rules for recreational and educational camps dealing with fees; license issuance, pre-licensing inspection fees, reinspection fees, fees for operating without a license, and late fees for untimely license renewal. The Department has authority under ss. 93.06 (7) and (8) and 97.71, Stats. to set conditions on a license, suspend a license, or void a license. The Department may also issue a special order requiring corrections before a camp resumes operations, pursuant to s. 97.12 (3), Stats.

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No

Wisconsin Department of Agriculture, Trade and Consumer Protection

Regulatory Flexibility Analysis

Rule Subject: **Recreational and Educational Camps**
Adm. Code Reference: **ATCP 78**
Rules Clearinghouse #: **21-109**
DATCP Docket #: **19-R-06**

Rule Summary

The Department and its agent local health departments combined license approximately 221 recreational and educational camps throughout the state. The estimated direct annual Wisconsin economic impact of these camps, based on the 2020 American Camp Association Wisconsin Camp Economic Impact Findings Report, is 5,003 employees and \$109.2 million in labor income. Wisconsin recreational and educational camps have a rich history, with 73% in operation for more than 50 years. A recreational and educational camp holds supervisory responsibility for campers who stay overnight using temporary and permanent structures where food or lodging are provided. Camps conduct planned program activities for the primary purpose of providing an indoor or outdoor group living experience for campers. The activities meet social, recreational, spiritual, and educational objectives, and are offered during one or more seasons of the year.

The Department is proposing to modernize Wis. Admin. Code ch. ATCP 78 with a significant overhaul of the definitions section, modernization of health services qualifications and data management options, updating of the licensing and fee structure, and enhancement of provisions ensuring camper health, safety and security through camp staff background checks and camper sexual abuse prevention training. Rule revisions also support safe camp operations by addressing prevention and control of diseases spread by animals such as mosquitoes, bats, and ticks, along with provision of safe food and drinking water, both on premises and during primitive camping activities.

Small Businesses Affected

The proposed revisions are consistent with industry standards set by groups such as the American Camp Association. The Department believes the changes proposed will have minimal effect on small businesses, as the proposed rule aligns with industry standards. The financial impact of the modernized license and fee model is low, with fees corresponding to the number and type of camp experiences offered, through a tiered model. Camps would be placed into simple, moderate and complex categories, in place of the existing one-size-fits-all model. More complex camps, which generally are larger operations, would pay a higher license fee. A proposed licensing structure is included in the rule. This licensing structure accommodates additional hospitality activity such as lodging, retail food service and camping offered to families and other adult guests within the confines of the recreational and educational camp, utilizing the same camp structures. When a camp adds hospitality to its category it does not have to meet the normal requirements for health and supervision when providing the hospitality activities, i.e. when the recreational and educational camp is only used for families or for non-developmentally disabled adults. Obtaining the proposed license with hospitality is much less expensive than obtaining the additional applicable licenses separately. Licensing fees have not increased since 2007, but basing the

licensing fee on risk and hospitality activity will help to moderate the impact of a fee increase. The proposed changes in criteria for license fees were tested by applying the proposed criteria to all 59 state-inspected recreational and educational camps. Results of the survey indicated an even distribution across all three proposed license categories with: 17 camps categorized as simple, 24 camps as moderate, and 18 camps as complex.

The following tiered recreational and educational camp license model is proposed in the revision:

- Simple \$490
- Simple with Hospitality \$540
- Moderate \$530
- Moderate with Hospitality \$635
- Complex \$570
- Complex with Hospitality \$715

This update results in cost savings for any camp offering an additional hospitality activity such as retail food service, lodging and camping to other adult guests and families within the confines of the camp, utilizing the same camp structures. The hospitality categories enable a camp to offer one, two or all three additional activities in a way that fits with each camp’s business model. This licensing structure also provides a way for adults and families to follow the applicable lodging or campground rule, instead of the health and supervision requirements of Wis. Admin. Code ch. ATCP 78 currently in force when camps extend their services beyond campers such as family camps, adult retreats, wedding parties or various online lodging rental platforms.

The modernized license model “with hospitality activity” reflects a newly created efficiency and therefore offers a discounted price when bundled to the recreational and educational camp license, compared to obtaining multiple licenses separately. The model is efficient because it enables one routine inspection to include all applicable activities, thus saving the Department and small business time from multiple inspections when requirements for safe drinking water, garbage disposal, carbon monoxide detection and Wisconsin Food Code standards already exist within Wis. Admin. Code ch. ATCP 78.

Here are a few examples of economic impact using the existing license and fee model:

| | Current Rec Ed Camp License Fee | Retail Food License | Campground License | Lodging License | Total |
|--------|---------------------------------|---------------------|--------------------|-----------------|--------------|
| Camp A | \$505 | \$265 | NA | \$110 | \$880 |
| Camp B | \$505 | \$65 | \$305 | NA | \$875 |

Here are the same camps with proposed license and fee model:

| | Rec Ed Camp License Fee | Retail Food License | Campground License | Lodging License | Total | Economic Impact |
|-----------------------------------|-------------------------|---------------------|--------------------|-----------------|-------|-------------------------|
| Camp A= moderate with hospitality | \$635 | | | | \$635 | Savings of \$245 |
| Camp B= complex with hospitality | \$715 | | | | \$715 | Savings of \$160 |

Camp operators will also incur the economic impact associated with newly proposed requirements for camp staff background checks, camp staff training, providing camper safety equipment, and inspection of challenge courses on camp premises. These requirements are consistent with industry standards. The challenge course inspection and staff background check frequency is proposed to occur every two years, rather than annually, to ease the annual economic burden on small business. For a simple camp operation, the only additional cost would be for background checks. For example, a simple camp with 10 staff, would incur an additional annual cost of approximately \$200. For more complex camp operations the following is a breakdown of the overall costs depending on the activities provided.

New camper safety provisions for proper protective headgear for campers and staff under 18 when a camp offers challenge course elements, horseback riding, or motorized vehicle usage would cost approximately \$150 per helmet based on industry stakeholder feedback.

Camps with aquatic program activities will save money going forward due to a rule clarification on rescue poles at waterfront and on a rescue boat. The use of an existing standard oar or paddle as a reaching pole in a rescue boat is now recognized in the proposed revision. The revision also includes the removal of the reaching pole requirement at the waterfront since ch. ATP 78 already requires lifeguard supervision, and lifeguards are already required to carry rescue equipment to respond to distressed swimmers.

New costs would be incurred by business operators in meeting new camper safety requirements in the revised rule. These costs include the cost of staff time and proper training for supervising specialized program activities, such as archery, horseback riding, firearms, and challenge course elements, and the costs of staff training in camper sexual abuse prevention, and medication administration. Having staff trained in these topics is considered industry best practice and is a voluntary standard of the American Camp Association. Trained adults can demonstrate competency by experience or documented training that can include certification. Examples of certification courses include:

- Archery: National Archery School Program estimated cost of \$150 per person
- Firearms: Wisconsin Department of Natural Resources hunting safety course \$10 per person for traditional classroom instruction
- Camper sexual abuse prevention: various camp insurance vendors, complimentary
- Medication Administration: WI Department of Public Instruction online module, complimentary
- Challenge Course: ACCT Level 1 certification, \$700 per person
- Horseback riding: Certified Horsemanship Association estimated cost of \$700 per person

Camps that offer low and high-element challenge courses will bear the financial impact of newly proposed requirements for an on-site inspection of the elements and life safety equipment. These requirements may impose a biennial cost of \$900-3,000 for each camp that utilizes activities such as aerial adventure and ropes courses, climbing walls, and zip lines. There is no other government agency responsible for the safe operation, inspection and upkeep of these challenge courses. Industry stakeholders shared they already pay for these inspections to meet insurance requirements.

Requirements for camp health services training qualifications will be more flexible under the revised rule. The proposed rule raises the Emergency Medical Services (EMS) target response time from the existing 15 minutes up to the industry standard threshold of 30 minutes. This reduces the required training for health services staff to only one or two basic first aid and cardiopulmonary resuscitation (CPR) courses and will save money and time spent on advanced CPR courses to meet the requirements of the existing rule.

Updates to Wis. Admin. Code ch. ATPC 78 also include the addition of provisions for written procedures that camp operators may follow to earn reduced inspection frequency. These proposed revisions are reflective of recently passed legislation. Meeting the new requirements would allow camp operators to demonstrate effective managerial control of public health hazards.

The revised rule includes new requirements related to the hiring and maintaining of recreational and educational camp staff; however these requirements are not new to most Wisconsin camps. The revised rule proposes performing a criminal background check, including a national sex offender search for new hires and for existing staff every 24 months. The revised rule also requires camp staff to complete camper sexual abuse prevention training. The criminal background check requirement is estimated to cost \$40 per camp staff member. As noted by various industry stakeholders, many insurance companies already offer free camper sexual abuse prevention training modules. The requirement for background checks, in combination with staff training, creates a less conducive setting for potential offenders at Wisconsin camps serving youth and, by protecting camper health and safety, is consistent with the Department's mission to protect public health.

Reporting, Bookkeeping and other Procedures

The proposed rule will require additional reporting as is consistent with industry-wide best practices. The Department will provide a standardized form to report death, injury or illness that require an ambulance response.

Camp operators will be required to maintain additional documentation that includes: camps serving rental groups written agreements completed with each rental group, camp staff background checks, a background check threshold policy, specialized program activity and camper sexual abuse prevention camp staff training documentation, challenge course inspection documentation, written lifeguard and attendant waterfront staffing plan.

Optional additional recordkeeping includes: written standard operating procedures to be presented if a camp seeks to show effective managerial control of public health hazards that may, by statute, lead to reduced inspection frequency, an off-site written food safety plan for use if a camp offers backcountry or primitive camping experiences, and an automated external defibrillator (AED) testing log if an AED is provided on camp premises.

Professional Skills Required

Consistent with industry standards, the proposed rule does require new professional skills to be acquired by camp operators. These skills are primarily obtained through training related to qualified adult supervision required when a camp offers any of the following activities to campers: Archery (National Archery School Program), Firearms (Wisconsin Department of Natural Resources hunting safety course), a Challenge Course (Association of Challenge Course

Technology Level 1 certification), and horseback riding (Certified Horsemanship Association program).

Accommodation for Small Business

The proposed rule does recognize exclusions from recreational and educational camp licensing requirements. Accommodations are made for small business models such as camps that offer an unlimited number of stays for fewer than four consecutive overnights without any permanent facilities for food and lodging, adult and family retreats for recreation and education, overnight accommodations at an accredited academic institution for credit, and overnight stays related to professional sports team training camps, competitions, tournaments, visitations or attendance at a campus conference.

The revised rule will expand on the requirement for the bound-book medication log and thereby save time for the Department, its local health department agents, and industry stakeholders by allowing camp operators to use the more efficient electronic systems widely available for medication documentation and data management. This update will allow existing medication bound book variances to sunset and decrease the need for new variance applications. This flexibility will simultaneously reduce the record-keeping burden on small business and drastically lower Department time to process variance requests. The rule revision will also eliminate the existing requirement for camps to write and follow policies for EMS-15 minutes response time.

Conclusion

The Department expects the proposed rule to have a positive long range impact on all stakeholders because it will give more flexibility for businesses in complying with rule requirements that are consistent with recognized industry best practices, allocate regulatory requirements in proportion to risk, and will lead to risk-based inspection methods. Furthermore, the rule revision reduces the additional time and resources involved with resolving confusion created by the existing rule not keeping pace with changes that have occurred with camps and camper demographics over the years.

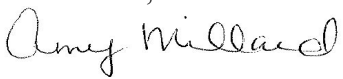
Regulatory partners, industry stakeholders and national and state level subject matter experts have all been part of this entire rule revision process through virtual communication methods concurrent with COVID-19 pandemic protocols. The Department also provided rule revision status updates to various industry and regulatory association meetings over the last year. Stakeholders have all shared their eagerness for rule revision.

This rule will have little effect on “small business” and is not subject to the delayed “small business” effective date provided in s. 227.22 (2) (e), Stats.

The Department will, to the maximum extent feasible, seek voluntary compliance with this rule.

Dated this 7th day of April, 2022.

STATE OF WISCONSIN DEPARTMENT OF
AGRICULTURE, TRADE AND CONSUMER PROTECTION

By: 
Amy Millard, Deputy Administrator
Division of Food and Recreational Safety