



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

	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

	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

	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

	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
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

	<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>

		<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

		<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>

<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 met 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>

		<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.

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.

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>

	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.

		<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.

	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.

		<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.

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.

	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.

<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>

	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

		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>

**THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER
PROTECTION'S PROPOSED ORDER TO ADOPT PERMANENT RULES**

PROPOSED ORDER

The Wisconsin Department of Agriculture, Trade and Consumer Protection proposes an order *to repeal* and *recreate* ATCP 78, *relating to* the regulation of recreational and educational camps and affecting small business.

**Analysis Prepared by the Department of
Agriculture, Trade and Consumer Protection**

The Wisconsin Department of Agriculture, Trade and Consumer Protection (department) proposes an order to repeal and recreate Wis. Admin. Code ch. ATCP 78 (Recreational and Educational Camps), formerly DHS 175. Chapter DHS 175 had not been significantly modified by the Wisconsin department of health services since 2001. Chapter ATCP 78 has also not been significantly modified since the program was brought to the department on July 1, 2016. This new rule, if adopted, will bring Wisconsin into substantial accord with the current industry technology, innovations, and camper experiences.

Statutes Interpreted

Statutes Interpreted: Sections 93.07 (1) "Department of agriculture, trade and consumer protection;" 97.30 (2) (a) "Retail food license requirement;" 97.625 "Powers of the department and local health departments;" 97.67 (1) and (4) "Recreational licenses and fees;" and 227.11 (2) (a) "Agency rule-making authority," Stats.

Statutory Authority

Statutory Authority: Sections 93.07 (1), 97.30 (2) (a), 97.625, 97.67 (1) and (4), and 227.11 (2) (a), Stats.

Explanation of Statutory Authority

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 for the requirements for retail food establishment operations, pursuant to s. 97.30 (2) (a), Stats. The department and local health departments have the power to administer and enforce rules, pursuant to s. 97.625, Stats. The department has specific 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 specific authority for rule making, pursuant to s. 227.11 (2) (a), Stats.

Related Statutes and Rules

Since the transfer of several programs from the Wisconsin department of health service's food safety and recreational licensing section in July of 2016, the department has regulated recreational and educational camps. A recreational and educational camp holds supervisory responsibility for campers that stay overnight using temporary and permanent structures where food or lodging are provided. Campers participate in planned program activities established for the primary purpose of providing indoor or outdoor group living experience for campers with social, recreational, spiritual, and educational objectives during one or more seasons of the year.

Recreational and educational camps are regulated, pursuant to ch. 97, Stats., as well as various, interrelated administrative rules. The recreational and educational camp license types proposed in this rule will coordinate and enhance alignment across multiple relevant environmental health administrative rule chapters including retail food establishments (ATCP 75 and its Appendix), campgrounds (ATCP 79), bed & breakfast establishments (ATCP 73), hotels, motels and tourist rooming houses (ATCP 72).

Rules enforced by the Wisconsin department of natural resources are referenced in ch. ATCP 78, particularly boating safety rules related to training required to operate a motorboat, ss. 30.678 and 30.74, Stats., and chs. NR 809 and 812 are also referenced for water supply and drinking water standards.

Reference to Wisconsin department of safety and professional services rules can also be found in ch. ATCP 78 for new construction or building modifications plan approval per state building code, plumbing, and private onsite wastewater treatment systems and toilet and shower facilities per chs. SPS 382, 384, and 361-365. Rules related to life safety protection in structures with fuel burning appliances by installation and maintenance of carbon monoxide and smoke detectors are referenced in ss. 101.145 and 101.149, Stats.

Finally, ch. ATCP 78 revision took measures to assure health, safety and security of campers with a developmental disability by expanding the definition of 'camper' and by adding a definition for 'developmental disability' per s. 51.01(5) (a)-(b), Stats.

Plain Language Analysis

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 also conduct planned program activities for the primary purpose of providing 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 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. 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.”

The proposed modernized license and fee model will promote fairness to small business, with fees that will 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. More complex camps, which generally are larger operations, would pay a higher license fee. 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. 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 is much less expensive than obtaining the additional applicable licenses separately. Licensing fees have not increased since 2007, and basing the licensing fee on risk and hospitality activity will help to moderate the impact of a fee increase. The modernized license and fee model will include six possible categories: simple, simple with hospitality, moderate, moderate with hospitality, complex, complex with hospitality.

As previously stated, the proposed updates to 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 because it creates efficiency and an opportunity for both small business and authorized representatives conducting inspections to speak the same language used within the rule. An amended definition of ‘recreational and educational camp’ deregulates 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 camps offering a ‘challenge course’, firearms, archery, horseback riding, program aquatics, and motorized vehicle programming to campers. These terms align with industry voluntary standards of the American Camp Association to create greater consistency and efficiency.

Users of a recreational and educational camp coming 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. In other words, the camp staff function as temporary parents or guardians of their campers. The revised rule will modernize 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. 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. 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 an existing free training already hosted by the Wisconsin department of public instruction is one example of how the department is being a responsible steward of state resources and avoiding unnecessary expenses.

The proposed ch. ATPC 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 ch. ATPC 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 simplifies life safety and public health standards by removing the cubic footage by age provisions. This update has a positive impact on stakeholders by allowing for greater flexibility in setting cabin capacity and bed layout configurations while also promoting the reduction of respiratory illness.

Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations

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 preparation activities are required to follow ch. ATPC 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. Lastly, Code of Federal Regulation, 33 CFR part 175 is cited relative to the use of personal floatation devices at camps offering boating activities.

Summary of Comments Received during Preliminary Comment Period and at Public Hearing on Statement of Scope

The department held a preliminary hearing on the statement of scope (SS 126-19) on February 14, 2020 in Madison and February 17, 2020 in Wausau, with comments open until February 24, 2020. The department received four oral comments during the preliminary hearings and seven written comments. In response to public comments, the department considered the comments received on the recognition of other standards such as the Professional Ropes Course Association and ANSI National Safety Standards, the importance of further standards and rules for ropes courses, the impracticality of third-party inspectors for ropes courses, and seeking general clarification of the scope.

Comparison with Rules in Adjacent States

Illinois Youth camp health, safety and licensing are pursuant to Youth Camp Act 210 ILCS 100 and Ill. Admin. Code Title 77, part 810.

Camp health services pursuant to Ill. Admin. Code Title 77, s. 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. Indiana is also similar to Illinois health services staffing per 410 IAC 6-7.2-17a., in requiring that there shall be an individual present who is designated as the health supervisor and who has completed at least the Red Cross Standard First Aid Course or its equivalent.

Illinois requires a lifeguard for supervision at a swimming beach but does not provide any minimum ratio.

Iowa Resident camp licensing in Iowa is pursuant to childcare administrative rule, IAC ch. 109, 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 Administrative Rule s. 4630.2300-.4700.

Minnesota's 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 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 and Professional Ropes Course Association during the rule revision process.

Summary of Factual Data and Analytical Methodologies

Feedback on the rule was solicited from industry stakeholders, industry professional associations, as well as department and local health department agent representatives. The proposed changes in criteria for license fees were tested by applying the proposed criteria to all state-inspected recreational and educational

camps. Results of the survey indicated a relatively even distribution across simple, moderate and complex proposed license categories. Feedback on the ch. ATCP 78 revision was continuously sought from industry stakeholders to consider ways to minimize adverse impacts on small business.

***Analysis and Supporting Documents used to Determine Effect on Small Business
Or in Preparation of an Economic Impact Analysis.***

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. 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 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. 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 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 ch. ATCP 78.

Here are two examples of economic impact of revising the existing license and fee model:

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

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

	Proposed Rec Ed Camp License “Bundled” Fee	Current Combined License Fees	Economic Impact
Camp A= moderate with hospitality	\$635	\$880	Savings of \$245
Camp B= complex with hospitality	\$715	\$875	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 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 save money 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 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 ch. ATCP 78. 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: Wisconsin 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 element 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 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 EMS target response time from the existing 15 minutes up to the industry standard threshold of 30 minutes. The revised rule also reduces the required training for health services staff to only one or two basic first aid and cardiopulmonary resuscitation courses. This will save money and time spent on advanced cardiopulmonary resuscitation courses to meet the requirements of the existing rule.

Updates to ch. ATCP 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. This requirement already exists in 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 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.

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.

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on Small Business

See analysis and supporting documents used to determine effect on small business or in preparation of an economic impact analysis section, above. CR 21-109 was presented to the Small Business Regulatory Review Board on Wednesday, March 30, 2022 using Microsoft Teams. Clarification was provided for camps that offer challenge courses inspection costs.

The Department's Regulatory Review Coordinator may be contacted by:

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Where and When Comments May Be Submitted

Questions and comments related to this rule may be directed to:

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Comments will be accepted up to two weeks after the last public hearing is held on this rule. Hearing dates will be scheduled after this hearing draft rule is approved by the board of agriculture, trade and consumer protection.

RULE TEXT

SECTION 1. ATCP 78 is repealed and recreated to read:

SUBCHAPTER I

DEFINITIONS, AUTHORITY AND PURPOSE

ATCP 78.01 Authority and purpose. This chapter is promulgated under the authority of ss. 93.07 (1), 97.67 (1) and (4), 97.30 (2) (a), 97.625, and 227.11 (2) (a), Stats., to prescribe rules for recreational and educational camps and hospitality activities for enforcement by the department and agent local health departments to protect public health and safety.

ATCP 78.02 Scope. (1) APPLICABILITY. This chapter applies to the operators of recreational and educational camps and to the department and its agents.

(2) VARIANCES. When it appears to the department that strict adherence to a provision of this chapter is impractical for a particular camp, the department may approve a variance from that provision requested

by that camp's operator if the operator provides the department with satisfactory proof that the approval of the variance will not jeopardize the public's health, safety, or welfare.

(3) PROCEDURE FOR VARIANCE REQUEST. (a) *Application.* Request for modification or waiver of a requirement of this chapter shall be submitted in writing to the department or its agent having jurisdiction along with documentation specified in par. (d).

(b) *Local review.* A local inspector shall review the request and forward it to the department with recommendations for approval or disapproval.

(c) *Department action on a variance.* On receipt of a complete variance request as specified in this section, the department shall review the request and grant or deny the request in writing within 30 working days. A variance approved by the department shall be made conditional for a defined period of time, or shall expire 5 years from the date of issuance. The department or its agent shall maintain a copy of the variance in the establishment's inspection history file.

(d) *Application contents.* Documentation justifying a proposed variance from the requirements of this chapter shall include all of the following: 1. A statement of the proposed variance from this chapter requirement citing relevant chapter location numbers.

2. The rationale for how the potential public health hazards and nuisances addressed by the relevant chapter section will be alternatively addressed by the proposed variance.

(4) CONFORMANCE WITH AN APPROVED VARIANCE. If the department grants a variance as specified in sub. (2), the license holder shall meet all of the following requirements: (a) *Conditions.* Comply with the department's conditions for the variance approval. ^P

(b) *Records.* Maintain a copy of the approved variance at the camp.

(5) TRANSFERABILITY. An approved variance is not transferable to any other camp, entity, or licensee.

(6) REISSUANCE. (a) *Request.* A license holder who wishes to continue a variance after its expiration shall file a request with the department for reissuance of the variance at least 30 days prior to its expiration, unless permission for a later date has been granted by the department.

(b) Status of existing variance. When a license holder has made timely and sufficient application for the reissuance of a variance in reference to any activity of a continuing nature, the existing variance does not expire until the application has been finally acted upon by the department.

Note: To obtain a form for requesting a variance, email datcpdfsrec@wisconsin.gov or contact the bureau of food and recreational businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

ATCP 78.03 Definitions. In this chapter:

(1) “Adirondack shelter” means an open-fronted shelter having a roof that slopes backward.

(2) “Adult” means a person 18 years of age or older.

(3) “Active (effective) managerial control” means the purposeful incorporation, monitoring, and verification of systems in a camp that proactively reduce the risk of safety and health hazards.

(4) “Agent” means a local health department as defined in s. 250.01 (4), Stats., that has entered into a contract with the department and is authorized under the terms of that contract to administer a retail food establishment, lodging, and recreational safety regulatory program, pursuant to ss. 97.41 and 97.615 (2), Stats., in the health department’s area of jurisdiction.

(5) “Approved” means acceptable to the department, based on its determination of conformance with this chapter and good public health practices.

(6) “Aquatic program activity” means any recreational or instructional activity occurring in or on a natural or man-made body of water. Aquatic program activity does not include any of the following: fishing from a dock or shore or engaging in contact with water depths less than 12 inches, such as a tadpole or frog nature study.

(7) “Attendant” means a person trained to control patrons in a safe and orderly manner. The attendant can be any noncertified staff member assigned by and under direct supervision of certified aquatic personnel, utilized in addition to certified persons to be additional “eyes” watching swimmers or boaters. This person may also be referred to as a lookout.

(8) “Bed” means a piece of furniture for sleep or rest for an individual camper in a permanent sleeping quarter, including a framework with a mattress and coverings, cot, bunk, sleeping pad, air mattress, or

yoga mat placed on the floor.

(9) “Belay system” means the individual or group action of managing the tension in a climber’s life safety rope with the intention of protecting the climber at an elevated height.

(10) “Boat” means every description of watercraft used or capable of being used as a means of transportation on water.

(11) “Camp” means a recreational and educational camp.

(12) “Camp health supervisor” means an adult responsible for supervising routine and emergency health care at the camp.

(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.

(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.

(15) "Campus conference" means a meeting lasting fewer than 4 consecutive nights, which is organized for personal or professional development related to a particular subject or theme.

(16) "Cathole" means a hole in the ground, at least 8 inches deep, used as an alternative disposal method of burying human solid waste on primitive camping trips when permanent toilet facilities are unavailable.

(17) “Challenge course” means a facility or facilities consisting of one or more high or low elements.

(18) “Core item” means a provision in this Chapter that is not designated as a priority item or a priority foundation item, including general sanitation, operational controls, sanitation standard operating procedures, facilities or structures, equipment design, or general maintenance.

(19) “Death, injury or illness report” means the written record of all facts regarding an incident associated with a camp activity on or off the camp premises that resulted in bodily harm where an EMS response was necessary.

(20) “Department” means the Wisconsin department of agriculture, trade and consumer protection.

(21) “Developmental disability” has the meaning given in s. 51.01 (5) (a) to (b), Stats.

(22) “Easily cleanable” means a material or finish of a surface that allows effective removal of soil by manual or mechanical cleaning methods.

(23) “Element” means an apparatus that provides for a unit of activity on a challenge course. An “element” may be installed in trees, poles, portable structures, buildings, or be a part of a self-supporting structure, including items designed to simulate rocks for climbing, beams, bridges, cable traverses, climbing walls, nets, platforms, ropes, swings, towers, aerial adventures, zip lines, and jump systems.

(24) “EMS response” means a Wisconsin emergency medical service that provides ambulance service response in a geographic area and is staffed by certified rescue professionals such as an Emergency Medical Technician or Emergency Medical Responder.

(25) “Equipment” means an article used in the camp other than land and building structures, including furniture, decorative materials, fireplaces, heating units, and appliances.

(26) “Existing building” means a building available for occupancy before June 30, 2023.

(27) “Existing camp” means operating with a license first issued by the department or its agent before June 30, 2023.

(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.

(29) “First aid supplies” means a set of materials and tools used for giving emergency treatment to a sick or injured person.

(30) “Guard” means a barrier erected to prevent a person from falling to a lower level.

(31) “Hammock” means a sling made of fabric, rope, or netting, suspended between 2 or more points, and used for swinging, sleeping, or resting.

(32) “Handrail” means a horizontal or sloping rail intended for grasping by a hand, for guidance or support or preventing a fall down a stair.

(33) “Hazardous substance” has the meaning given in s. 289.01 (11), Stats.

(34) “High element” means equipment installed for a facilitated challenge course activity that requires a participant using the equipment to be connected to a life safety system, including ascending, descending, or traversing the challenge course at the established height. Activities including tree climbing, zip lines, and climbing walls.

(35) “Hospitality activity” means an additional activity offered by a camp operator including a retail food establishment, campground, hotel, motel, bed and breakfast establishment, or tourist rooming house within the confines of the camp, utilizing the same camp structures to serve other adult guests and their families. Hospitality activity does not include the following: The operation of a retail food establishment, campground, hotel, motel, bed and breakfast establishment, or tourist rooming house that is solely operated independently and separately from the recreational and educational camp operation.

(36) “Imminent health hazard” means a condition that presents a likelihood to cause severe adverse health consequences or death.

(37) “Life safety system” means a configuration of components, including life lines, belay beams, and anchorages that support fall restraint and arrest systems, personal safety systems, belay systems, and rope rigging systems.

(38) “Lifeguard” means a person holding a certificate from a course or courses that meet the criteria for lifeguarding, first aid, cardiopulmonary resuscitation, and automatic external defibrillator training and certification set forth in the 2018 Model Aquatic Health Code or as approved by the department.

Note: A listing of approved courses may be obtained by contacting the department. Email datcpdfsrec@wisconsin.gov or contact the bureau of food and recreational businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

(39) “Livestock” has the meaning given in s. 97.42 (1) (em), Stats.

(40) “Low element” means equipment installed for a facilitated 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, including 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.

(41) "New building" means a building first available for occupancy on or after July 1, 2023.

(42) "New camp" means a camp operating with a license first issued by the department or its agent on or after July 1, 2023.

(43) "Non-specialized program activity" means a general camp activity that does not require a special technical skill, equipment, or safety regulation other than those that generally apply throughout camp, including singing, nature studies, religious instruction, or arts and crafts.

(44) "Operator" means the owner of a camp or the person responsible to the owner for the operation of the camp.

(45) "Pest" means an animal or insect of public health significance that is a nuisance and may or may not transmit disease to the general public, including cockroaches, bed bugs, flies, mosquitos, bats, rodents, and ticks.

(46) "Person" means, for purposes of issuing a license, an individual, partnership, association, firm, company, corporation, municipality, county, town or state agency; whether acting as tenant, owner, lessee or licensee; or the agent, heir, or assignee of any of these, as applicable.

(47) "Planned program" means an experience that provides an activity undertaken for the purpose of exercise, relaxation or pleasure, or any activity that imparts knowledge or skill in a group setting under the supervision of camp staff.

(48) "Platform tent" means a tent on a platform made of manufactured timber products, constructed to provide a solid, level floor for the tent, with or without partial walls consisting of flame retardant material, in accordance with National Fire Protection Association Standards, and not exceeding 3 feet in height above the ground.

(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.

(50) “Plumbing system” has the meaning given in s. SPS 381.01 (179).

(51) “Potable” has the meaning given in s. NR 812.07 (75).

(52) “POWTS” or “private on-site wastewater treatment system” has the meaning given in s. 145.01 (12), Stats.

(53) “Premises” means the tract or tracts of land on which a camp is located and all buildings on that land.

(54) “Priority item” means a provision in this Chapter directly related to health and safety that if not met or is missing could significantly contribute to an increased risk for injury or illness. Priority item is an item that is denoted in this Chapter with a superscript P^{-P}.

(55) “Priority foundation item” means a provision in this Chapter whose application supports, facilitates, or enables one or more priority items. Priority foundation item is an item that is denoted in this Chapter with a superscript Pf^{-Pf}, including an item that requires the purposeful incorporation of specific actions, equipment or procedures by the operator including personnel training, infrastructure, documentation or record keeping.

(56) “Primitive camping” or “backcountry camping” means a designated, remote portion of a camp or other off-premises area used by the camp without amenities such as a water supply system, toilets, and permanent food or lodging facilities.

(57) “Private water system” has the meaning given in s. NR 812.07 (78).

(58) “Public sewer” has the meaning given in s. SPS 381.01 (198).

(59) “Public water system” has the meaning given in s. NR 809.04 (67).

(60) “Recreational and educational camp” means a camp premises, including temporary and permanent structures that are operated as overnight living quarters, where food or lodging are provided for a camper. The camp provides a combination of planned program activities established for the primary purpose of providing an indoor or outdoor group living experience for campers with social, recreational, spiritual, and

educational objectives during one or more seasons of the year.

(61) “Recreational vehicle” means a vehicle that has walls of rigid construction, does not exceed 45 feet in length, is designed to be towed upon a highway by a motor vehicle or has a motor of its own, and is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, including a camping trailer, motor home, and park model.

(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.

(63) “Rescue boat” means a boat that can provide assistance to a camper during water activities that extend beyond the designated swimming area.

(64) “Rescue pole” means a long, slender, rounded piece of wood, plastic or metal, a minimum of 7 feet in length, used to assist in a water rescue.

(65) “Restricted-use pesticide” has the meaning given in s. ATCP 29.01 (36).

(66) “Retail food establishment” has the meaning given in s. ATCP 75.04 (33).

(67) “Sanitize” means to apply cumulative heat or chemicals on cleaned food–contact surface that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999 percent reduction, of representative disease microorganisms of public health importance.

(68) “Specialized program activity” means an activity, under the onsite supervision and direction of at least one trained adult, including fire building for outdoor cooking, kilns and campfires, foraging for edible plants, ice fishing, pyrotechnics, horseback riding, challenge courses, air pillows, zip lines, archery, motorized vehicles, power tools, model rocketry, and use of firearms.

(69) “Spotting” means the assistance provided on a low element challenge course that involves one or more persons working together to be ready to catch, lift, physically support, or slow the descent of the participant, if necessary.

(70) “Standing orders” means a written protocol developed in cooperation with the camp operator and signed by the staff physician or consulting physician that delineates health ailments such as minor illness

and injury that may routinely occur and be treated at camp, when EMS response should be used, and procedures for any emergency medications and equipment that may be used by qualified camp staff including: epinephrine, albuterol, nitroglycerine, AED, and oxygen.

(71) “Supervisor” means a person who is responsible for the care of campers and can intervene to prevent harm or respond to an incident.

(72) “Tempered water” means water ranging in temperature from 85°F. (29°C.) to less than 110°F. (43°C.).

(73) “Tent” means a collapsible shelter made of flame retardant material, in accordance with National Fire Protection Association Standards, that is sustained or stretched over a supporting framework of poles, ropes, and pegs.

(74) “Trained adult” means an individual whose competency is affirmed by local statute or regulation through holding a license or certification, or the individual has documented training or experience in a specific area or field.

(75) “Vault privy” has the meaning given in s. SPS 391.03 (9).

(76) “Vendor provided” means a third party that provides equipment and access to a program site or facility, with persons other than the camp staff responsible for the site, equipment, and supervision of the activity.

(77) “Visual obstruction” means, in reference to aquatic program activity, a feature that is manmade or natural and is on, in or near the water, that is larger than 10 feet in length by 6 feet in height by 5 feet in width and that obscures a lifeguard or attendant’s line of sight.

(78) “Water distribution system” has the meaning given in s. SPS 381.01 (280).

(79) “Water service” has the meaning given in s. SPS 381.01 (282).

(80) “Water system” has the meaning given in s. NR 812.07 (118).

(81) “Yurt” means a round domed structure constructed of wood and fabric.

(82) “Zip line” means lifeline suspended between support structures that enables a camper attached to a pulley to traverse from one point to another along the lifeline propelled only by the force of gravity.

SUBCHAPTER II
LICENSING AND FEES

ATCP 78.04 License holder qualifications. To qualify for holding a license, an applicant shall do all of the following: **(1)** Be an owner of the camp or an officer of the legal entity owning the camp or an entity under a duly created and approved agreement in effect for the duration of the license period for use of lands as a camp.

(2) Comply with the requirements of this chapter.

(3) Allow authorized representatives of the department or its agent access to the camp and provide required information to those authorized representatives.

(4) Pay the applicable license fees at the time the application is submitted.

ATCP 78.05 License holder responsibilities. Upon acceptance of the license issued by the department or its agent, the license holder shall do all of the following in order to retain the license: **(1)** Comply with the provisions of this chapter and any other applicable chapters.

(2) Immediately contact the department or its agent to report an illness of a food employee or conditional employee pursuant to ch. ATCP 75, Appendix 2-201.11 (B).

(3) Immediately discontinue operations directly related to an imminent health hazard and immediately notify the department or its agent.

(4) Replace existing facilities and equipment that no longer comply with the criteria set forth in this chapter according to time period pursuant to s. ATCP 78.09 (2).

(5) Comply with directives of the department or its agent including meeting deadlines for taking corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the department or its agent for the license holder's camp or in response to community emergencies.

(6) Accept notices issued and served by the department or its agent according to law.

(7) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this chapter.

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: (a) *New construction.* The operator begins construction of a camp.

(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.

Note: In addition to meeting the department's plan review requirements, a person should consult with other agencies that may also require prior plan or construction approval, such as the Wisconsin department of safety and professional services, the Wisconsin department of natural resources, or the local building and zoning agency before commencing construction or modification of a camp.

(2) APPLICATION FOR PLAN APPROVAL. (a) *Required information.* An applicant for plan approval shall submit all of the following to the department or its agent: 1. A fully and accurately completed, signed, and dated application for plan approval on a form provided by the department.

2. 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.

3. Any other information required by the department or its agent regarding the operation of the camp as it relates to the health, safety, and welfare of the public.

Note: To obtain a copy of the plan approval application form, email datcpdfsrec@wisconsin.gov or contact the bureau of food and recreational businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

(b) *Determination.* 1. If the department or its agent receives a plan or application from an operator that is not completed as specified in par. (a), the department or its agent shall contact the operator to seek additional information necessary to complete the plan or application.

2. Within 30 days after receipt of a completed plan pursuant to par. (a), the department or its agent shall approve or deny the plan. If the department or its agent approves the plan, the department or its agent shall issue a plan approval letter to the operator. If the department or its agent denies a plan, the applicant shall be given the reason, in writing, for the denial. The applicant may appeal the decision made by the

department pursuant to s. ATCP 78.11. If the decision was made by a department's agent, the applicant may appeal the decision pursuant to s. ATCP 78.10.

ATCP 78.07 Licenses. (1) LICENSE REQUIRED. Except as specified in par. (c), a license is required when a camp is advertised or offered free of charge or in return for payment of a fee by a person or by the state or a local unit of government. (a) *Conditions requiring a license.* No person may operate a camp without holding a license from the department or its agent. The following requirements apply: 1. A separate license is required for each camp.

2. Except as provided pursuant to subd. 3., if a license holder sells or otherwise transfers ownership or operation of a camp to another person, a new license is required pursuant to s. 97.67 (2) (a), Stats., and the camp may not be opened to the public until the department or its agent has issued a new license.

3. A camp operator can transfer ownership of the camp under any of the following: a. Pursuant to s. 97.67 (2) (b) and (c), Stats., an individual may transfer a license to an immediate family member.

b. A sole proprietorship that reorganizes as a business entity, as defined in s. 179.70 (1), Stats., or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a license to the newly formed business entity or sole proprietorship if the camp remains at the location for which the license was issued and at least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was issued has an ownership interest in the newly formed sole proprietorship or business entity.

4. No license issued under this chapter is transferable from one premises to another.

5. A person who wishes to transfer a license shall notify the department or its agent prior to operation of the camp.

Note: To notify the department of a transfer of ownership, please email datcpdfsrec@wisconsin.gov or contact the bureau of food and recreational businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

6. A person who operates a licensed camp and operates a retail food establishment, campground, hotel, motel, bed and breakfast establishment, or tourist rooming house that is solely operated independently and

separately from the camp operation shall obtain an additional license, as applicable: a. Retail food establishment license as required pursuant to ch. ATCP 75.

b. Campground license as required pursuant to ch. ATCP 79.

c. Hotel, motel, or tourist rooming house license as required pursuant to ch. ATCP 72.

d. Bed and breakfast establishment license pursuant to ch. ATCP 73.

Note: An example when an additional retail food license is required. A college campus kitchen that 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.

Note: An example when additional recreational licenses are required. A camp that 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.

7. The operator of a camp that also offers an additional activity such as, a retail food establishment, campground, hotel, motel, bed and breakfast establishment or tourist rooming house within the confines of the camp, utilizing the same camp structures to serve other adult guests and their families shall pay the fee associated with applicable licensing category including the term “with hospitality” as indicated pursuant to s. ATCP 78.08 Table B or C. When the premises of a camp is used for hospitality activity, the operator is not required to meet ss. ATCP 78.16, 78.21, 78.25, 78.26, 78.27, 78.28, 78.29, and 78.32. A person that operates a retail food establishment, campground, bed and breakfast establishment, hotel, motel, or tourist rooming house under a camp license shall follow and is subject to the applicable administrative rules for that activity: a. Retail food establishment, ch. ATCP 75.

b. Campground, ch. ATCP 79.

c. Hotel, motel or tourist rooming house, ch. ATCP 72.

d. Bed and breakfast establishment, ch. ATCP 73.

Note: An example when an additional retail food license is not required. 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.

Note: An example when an additional retail food license is not required. 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.

Note: An example when additional recreational licenses are not required. 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.

Note: More information on the applicable administrative rule requirements for hospitality activities may be obtained by contacting the department by email datcpdfsrec@wisconsin.gov or contact the bureau of food and recreational businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

8. An operator may request evaluation by the department to clarify a subd. 6. or 7., licensing categorization decision made by the department or its agent. The operator shall follow the licensing requirement specified by the department following the evaluation. ^P

(b) *Preinspection required.* Before the department or its agent may issue a license to operate a camp pursuant to par. (a) and s. 97.67(1m), Stats., the department or agent shall conduct a preinspection. A preinspection is not required for a transfer pursuant to par. (a) 3.

Note: Pursuant to s. 97.67(1m), Stats., the department or a local health department granted agent status under s. 97.615 (2), Stats., may not, without a preinspection, grant a license to a person intending to operate a new camp or to a person intending to be the new operator of an existing camp. Please call the local health department to arrange for a preinspection.

Note: To arrange a preinspection from the department contact the bureau of food and recreational businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

(c) *License exemptions.* A license for a camp is not required under any of the following: 1. An overnight planned program of recreation or education for families or non-developmentally disabled adults.

2. An overnight planned program of recreation or education for fewer than 4 consecutive nights and without permanent facilities for food and lodging.

3. An overnight planned program for credit at an accredited academic institution.

4. A tournament, competition, visitation, recruitment, campus conference, or a professional sports team training camp.

(2) LICENSE DURATION AND RENEWAL. (a) *Expiration.* Each license issued under this chapter expires on June 30, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year.

(b) *Annual Renewal.* Each license shall be renewed annually as provided in par. (4) (a).

(3) NEW LICENSE. (a) *Application.* The license applicant shall apply on an application form provided by the department or its agent. The completed application form shall be accompanied by all of the following:

1. The applicable fees specified pursuant to s. ATCP 78.08 or s. 97.615 (2) (d), Stats., and any fees previously due to the department or its agent under this chapter.

2. Information, as required by the department or its agent, including documentation that indicates the camp will be maintained and operated in compliance with this chapter, any other chapter related to a hospitality activity, and applicable local, federal and state laws, as it relates to the health, safety, and welfare of the public.

Note: As provided pursuant to s. 97.615 (2) (d), Stats., a local health department can establish and collect fees for licenses. If you need a license application for an agent-licensed camp, contact the local health department.

Note: To obtain a copy of the camp license application form for a state-licensed camp, contact the bureau of food and recreational businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

(b) *Requests for preinspection.* The operator shall contact the department or its agent and arrange a time for the preinspection required pursuant to sub. (1) (b), before operating a camp.

(4) LICENSE RENEWAL. (a) *Payment.* To renew a license, the operator shall pay the department the applicable license fee specified pursuant to s. ATCP 78.08 before the license expires. If payment to renew

a license fee is not received by the department on or before the expiration date of the license, the late fee specified pursuant to s. ATCP 78.08 Table B or C shall be paid in addition to the license fee. Submission of an application for a renewal license is not required.

(b) *Department action on a license renewal.* 1. The department may refuse to renew a license pursuant to s. 93.06 (7), Stats., and under sub. (5) (a).

2. The department shall refuse to renew a license as provided pursuant to s. 93.06 (7), Stats., and sub. (5) (b).

(5) DEPARTMENT ACTION ON A LICENSE APPLICATION. (a) *Department discretion on a license.* The department or its agent may not issue a new license or renew an existing license for a camp unless all of the following conditions are met. 1. The operator has corrected a condition for which the department or agent has issued a written health or safety-related order.

2. The operator, applicant, or license holder has provided the department or its agent with the information required pursuant to sub. (3) (a) 2., or documentation indicating that the camp is designed and constructed in accordance with the state law and regulations stated in this chapter.

3. The department or its agent has determined that the operator, applicant or license holder is not in violation of ch. 97, Stats., or has only a minor violation as defined in s. 227.04 (1) (a), Stats.

(b) *License prohibited.* The department or its agent shall refuse to issue a new license or renew an existing license to operate a camp under any of the following circumstances: 1. A fully and accurately completed, signed and dated application has not been received by the department or its agent.

2. The department or its agent has not conducted the preinspection required pursuant to sub. (1) (b).

3. The department or its agent has not approved the plan for the camp pursuant to s. ATCP 78.06.

4. The operator has not paid all of the applicable fees pursuant to s. ATCP 78.08.

5. The operator has modified, repaired, or maintained the camp in a manner that is not in accordance with this chapter.

(c) *Conditional license.* Except as provided in s. 93.135, Stats., the initial issuance, renewal, or continued validity of a license may be conditioned pursuant to s. 93.06 (8), Stats., upon the requirement

that the license holder correct a violation of this chapter, s. 97.67, Stats., or ordinances adopted pursuant to s. 97.615 (2) (g), Stats., within a specified period of time. If the condition is not satisfied within the specified time or after an extension of time approved by the department, the license is void. No person may operate a camp after the camp license has been voided. Any person who does so shall be subject to the penalties pursuant to ss. 97.72 and 97.73, Stats., and payment of fees pursuant to sub. (3) (e). An operator whose license is voided under this paragraph may appeal the decision pursuant to s. ATCP 78.11. If the decision was made by a department's agent, the applicant may appeal the decision pursuant to s. ATCP 78.12.

(d) *Granting or denial of a license.* 1. The department or its agent shall issue or deny a new license or shall renew a license for a camp within 30 days after the applicant meets all of the requirements pursuant to subs. (3) or (4), as applicable.

2. If the department or its agent denies an application for a license, the applicant shall be given the decision and reason, in writing, for the denial and information regarding appeal rights provided pursuant to s. ATCP 78.11. If the decision is issued by a department's agent, the applicant may appeal the decision pursuant to s. ATCP 78.12.

(6) VOIDED LICENSE FOR FAILURE TO PAY FEES. (a) *Payment deadline.* If an applicant or operator fails to pay all applicable fees, late fees, and processing charges pursuant to s. ATCP 78.08, within 45 days after the expiration of the license, the license is void.

(b) *Appeal rights.* An operator whose license is voided by the department under this subsection may appeal the decision as provided pursuant to s. ATCP 78.11. Pursuant to s. 97.67 (5), Stats., the license applicant or operator shall demonstrate that all applicable fees, late fees and processing charges have been paid. In an appeal concerning voiding of a license under this subsection, the burden is on the license applicant to show that the entire applicable fees, late fees and processing charges have been paid. During any appeal process concerning payment dispute, operation of the establishment in question is considered to be operation without a license.

(7) LICENSE POSTING. A current license from the department or its agent shall be posted on the premises in a place visible to the public. A license may not be altered or defaced.

ATCP 78.08 Department fees. (1) CAMP LICENSE CATEGORY ASSIGNMENT. (a) Criteria: 1.

The department or its agent shall assign a camp to a license category by evaluating the complexity of the camp based on the criteria specified in Table A.

2. A camp whose point value is 5 or less, shall be assigned to the simple license category.
3. A camp whose point value is 6 to 10 shall be assigned to the moderate license category.
4. A camp whose point value is 11 or more shall be assigned to the complex license category.

(b) Point values for determining factors for assigning a camp license category.

ATCP 78.08 Table A

Determining Factors	Point Value
The camp provides on-premises or off-premises waterfront activities including: swimming, kayaking, boating, sailing, canoeing, or inflatables to campers. This does not include vendor provided waterfront activities.	2
The camp offers camper firearm activity on-premises.	1
Archery, ax, hatchet, or knife throwing is offered to campers on-premises.	1
The camp offers high element challenge course to campers on-premises.	3
The camp offers low element challenge course to campers on-premises.	1
The camp offers horseback riding to campers on-premises.	1
The camp offers motorized vehicle activity for campers on-premises including go-kart, all-terrain vehicle, or utility-terrain vehicle.	1
The camp serves one or more rental groups including a school, church group, or scout troop.	1
The camp premises includes structures that are utilized for lodging, dining, health services, waterfront activities, water supply systems, or challenge courses that require inspection travel beyond a half mile from the main centralized camper drop off or welcome location (basic services that are spread out, or distant service areas).	1
The camp utilizes more than 3 private wells to supply camp drinking water.	1
The camp utilizes more than one kitchen or physical building with kitchen preparation space to serve meals to campers.	1
Camp sleeping structures. Choose one of the following:	
*The Camp has one to 10 stand-alone sleeping structures including a cabin, yurt,	1

covered wagon, Adirondack shelter, or platform tent throughout premises.

*The Camp has 11-20 stand-alone sleeping structures throughout premises. 2

*The camp has 21 or more stand-alone sleeping structures throughout premises. 3

Hospitality add-on

Does the licensed recreational and educational camp also offer additional activity such as a retail food establishment, campground, hotel, motel, bed and breakfast, or a tourist rooming house within the confines of the recreational and education camp, utilizing the same camp structures to serve other adult guests and their families? Yes or No

* For college dorms, count individual sleeping rooms used by camp

(c) *Evaluation of assessment score.* The operator of a camp may ask the department to reconsider the camp license category assignment within 30 days of the category assignment.

Note: To request evaluation of license category assignment call the bureau of food and recreational businesses at (608) 224-2720 or send your written request to the bureau of food and recreational businesses at PO Box 8911 Madison, WI 53708-8911 or if licensed by a local health department, contact that local health department.

(2) **FEE SCHEDULE.** Pursuant to s. 97.67 (5), Stats., no license may be issued until all applicable fees have been paid. Fee amounts listed in s. ATCP 78.08 Table B or C apply to camp licenses issued by the department under this chapter.

Note: Local health departments that are agents for the department have authority pursuant to s. 97.615 (2) (d), Stats., to establish and collect fees for licenses issued by the local health department. If your establishment was licensed by a local health department, contact the local health department for its license fee schedule.

(3) **TYPES OF FEES.** (a) *Preinspection fee.* The operator shall pay the applicable preinspection fee listed in s. ATCP 78.08 Table B or C to the department before a new license is issued pursuant to s. ATCP 78.07 (3).

(b) *License fee.* The operator of a camp shall pay the applicable license fee listed in s. ATCP 78.08 Table B or C to the department for each camp for which the operator applies for a new or renewal license.

(c) *Late fee.* If the license fee for a license renewal is not paid on or filed before the expiration date of

the license, the operator of the camp shall pay to the department a late fee as specified in s. ATCP 78.08 Table B or C pursuant to s. 93.21 (5) (b), Stats., in addition to the renewal license fee.

(d) *Reinspection or administrative follow-up fee.* If the department conducts a reinspection or an administrative follow-up of a camp pursuant to s. ATCP 78.09 (1) (b) 1. or 4., the operator shall pay to the department the applicable reinspection or administrative follow-up fee listed in s. ATCP 78.08 Table B or C. The department shall assess an additional fee as listed in s. ATCP 78.08 Table B or C whichever is applicable, for any second or subsequent reinspection or administrative follow-up conducted pursuant to s. ATCP 78.09 (1) (b) 4.

(e) *Fees for operating without a license.* If a camp is found to be operating without a license, the operator shall pay to the department a fee of \$749.00, in addition to all applicable fees and any processing charges pursuant to sub. (4).

Note: Anyone operating a camp without a license is also subject to the penalties in ss. 97.72 and 97.73, Stats.

(f) *Duplicate license.* If an operator requests a duplicate license, the operator shall pay the department a fee of \$15.00.

(g) *Fees for special condition inspections.* For inspection or consultation activities that are not directly related to the department's responsibilities for issuing licenses, the department shall charge the operator or the entity requesting the inspection or consultation \$175.00.

Note: An example includes a buyer that wants an inspection or consultation prior to a real estate transaction.

(4) PENALTIES FOR INSUFFICIENCY OF PAYMENT. If the payment for a new or renewal license is by check or other draft drawn upon an account containing insufficient funds, the applicant or operator shall, within 15 days after receipt of notice from the department of the insufficiency, pay all applicable fees pursuant to sub. (1), and the financial institution's processing charges by cashier's check or other certified draft, or money order.

ATCP 78.08 Table B

For licenses issued April 1, 2023 through March 31, 2025

Recreational And Educational Camp License Category	License Fee	Preinspection Fee	First Reinspection or Administrative Follow-Up Fee	Second and Subsequent Reinspection or Administrative Follow-Up Fee	Late Fee
Simple	\$490	\$980	\$200	\$300	\$98
Simple/w Hospitality*	\$540	\$1080	\$200	\$300	\$108
Moderate	\$530	\$1060	\$200	\$300	\$106
Moderate/w Hospitality*	\$635	\$1270	\$200	\$300	\$127
Complex	\$570	\$1140	\$200	\$300	\$114
Complex/w Hospitality*	\$715	\$1430	\$200	\$300	\$143

* Provides a hospitality activity.

Note: Hospitality activity does not include the operation of a retail food establishment, campground, hotel, motel, bed and breakfast establishment, or tourist rooming house that is solely operated independently and separate from the recreational and educational camp operation. These separate activities shall obtain a license as required pursuant to chs. ATCP 72, 73, 75, and 79.

ATCP 78.08 Table C

For licenses issued on or after April 1, 2025

Recreational And Educational Camp License Category	License Fee	Preinspection Fee	First Reinspection or Administrative Follow-Up Fee	Second and Subsequent Reinspection or Administrative Follow-Up Fee	Late Fee
Simple	\$510	\$1020	\$200	\$300	\$102
Simple/w Hospitality*	\$562	\$1124	\$200	\$300	\$112
Moderate	\$555	\$1110	\$200	\$300	\$111
Moderate/w	\$661	\$1322	\$200	\$300	\$132

Hospitality*

Complex	\$593	\$1186	\$200	\$300	\$119
Complex/w Hospitality*	\$744	\$1488	\$200	\$300	\$149

* Provides a hospitality activity.

Note: Hospitality activity does not include the operation of a retail food establishment, campground, hotel, motel, bed and breakfast establishment, or tourist rooming house that is solely operated independently and separate from the recreational and educational camp operation. These separate activities shall obtain a license as required pursuant to chs. ATCP 72, 73, 75, and 79.

SUBCHAPTER III

ENFORCEMENT AND APPEALS

ATCP 78.09 Enforcement. (1) INSPECTIONS AND ACCESS TO THE PREMISES. (a) Inspections.

Pursuant to ss. 93.07 (24) (e) and 97.65 (1), Stats., an authorized employee or agent of the department, upon presenting proper identification, may enter any camp at any reasonable time, for any of the following purposes: 1. To inspect the camp.

2. To determine if there has been a violation of this chapter or s. 97.67, Stats.
3. To determine compliance with previously written orders to correct violations.
4. To secure samples or specimens.
5. To examine and copy relevant documents and records related to the operation of the camp.
6. To obtain photographic or other evidence needed to enforce this chapter.

(b) *Reinspections.* 1. The department or its agent may perform a reinspection at the camp or an administrative follow-up with a camp whenever an inspection or the investigation of a complaint reveals any of the following conditions: a. Presence of an imminent hazard that cannot be corrected during the inspection.

- b. An inspection reveals 6 or more priority violations, regardless if they have been corrected during the

inspection.

c. Repeat violations, whether corrected during the inspection or not, are documented on 3 consecutive inspections regardless of inspection type.

d. The department's authorized representative and that representative's supervisor determine there is a lack of active managerial control at the camp, based on the quantity and the criticality of the violations observed on the most recent inspection.

2. A reinspection or administrative follow-up shall be scheduled to allow the operator a reasonably sufficient time to correct the violations.

3. A reinspection fee shall be charged for the reinspection or administrative follow-up in the amount listed in s. ATCP 78.08 Table B or C or the applicable amount as determined by an agent of the department.

4. If an additional reinspection or administrative follow-up is required because a violation has not been corrected in the scheduled time, the department shall assess a second or subsequent reinspection fee listed in s. ATCP 78.08 Table B or C pursuant to s. ATCP 78.08 (2) (d), and the department may order the operator to show just cause why the license should not be suspended or revoked pursuant to s. ATCP 78.10.

(2) GENERAL ORDERS TO CORRECT VIOLATIONS. (a) *Written orders.* If upon inspection of a camp, the department or agent finds that the camp is not designed, constructed, equipped or operated as required under this chapter, the department or agent shall issue a written order to correct the violation. The order shall specify the correction needed for compliance and the time period within which the correction should be made. The time period specified in the order may be extended at the discretion of the department or agent as specified in par. (c).

(b) *Failure to correct a violation.* 1. If a violation is not corrected by the expiration of the time period stated in the order given pursuant to par. (a), or any extension of time granted pursuant to par. (c), the department or agent may issue a special order pursuant to s. ATCP 78.10 to suspend or revoke the license to operate the camp. An order for suspension or revocation shall take effect as provided pursuant to s. ATCP 78.10.

2. Pursuant to s. 97.12 (5), Stats., any person who fails to comply with an order of the department may

be required to forfeit \$50 for each day of noncompliance. A person may appeal a forfeiture pursuant to s. ATCP 78.11.

(c) *Requests for an extension to correct a violation.* 1. The department or its agent may extend the time to correct a violation based on a determination of the seriousness of the violation, the operator's progress towards correcting the violation, and the operator's previous history of compliance.

2. To request an extension to correct a violation, the operator shall contact the department or agent before the time specified in the written order to correct the violation expires. The operator shall provide information that demonstrates to the department or its agent that corrective action has been initiated, but additional time is needed to fully correct the violation.

(3) TEMPORARY ORDERS. (a) *Conditions for a temporary order.* As provided in s. 97.65 (2) (a), Stats., whenever, as a result of an inspection pursuant to sub. (1), the department or its agent has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation, or method of operation of the premises or equipment used on the premises creates, an immediate danger to health, the department or its agent may issue a temporary order and cause it to be delivered to the licensee, or to the owner or custodian of the food, or to both. The order may prohibit the sale or movement of the food for any purpose, prohibit the continued operation or method of operation of specific equipment, or require the premises to cease other operations or methods of operation which create the immediate danger to health, or set forth any combination of these requirements. The department may order the cessation of all operations authorized by the license only if a more limited order does not remove the immediate danger to health.

(b) *Duration of a temporary order; actions prohibited.* 1. A temporary order shall take effect upon delivery to the operator or responsible supervisor. Except as provided in par. (c), the temporary order shall remain in effect for 14 days from the date of delivery, but a temporary order may be reissued for one additional 14-day period if necessary to complete any analysis or examination of samples, specimens, or other evidence.

2. No operation or method of operation prohibited by the temporary order may be resumed without the

approval of the department or agent until the order has terminated or the time period specified in subd. 1., has expired, whichever occurs first, unless as provided pursuant to par. (c), the department or its agent provides notice that an immediate danger to health or safety is present. If, upon completed analysis or examination, the department or agent determines that construction, sanitary condition, operation, or method of operation of the premises or equipment does not constitute an immediate danger to health or safety, the department or agent shall immediately notify the owner, operator or responsible supervisor in writing and the temporary order shall terminate upon receipt of the written notice.

(c) *Notice of findings upon analysis or examination.* If the analysis or examination pursuant to sub (1), shows that the construction, sanitary condition, operation or method of operation of the premises or equipment constitutes an immediate danger to health or safety, the department or agent, within the effective period of the temporary order specified in par. (b) 1., shall provide written notice of the findings to the owner, operator or responsible supervisor. Upon receipt of the notice, the temporary order remains in effect until a final decision is issued pursuant to s. ATCP 78.11. The notice shall include a statement that the facility has a right to request a hearing pursuant to s. ATCP 78.11, within 15 days after issuance of the notice.

(d) *Failure to comply with temporary order; forfeitures and penalties.* Pursuant to s. 97.65 (5) (a), Stats., any person who fails to comply with a temporary order issued by the department may be fined not more than \$10,000 or imprisoned not more than one year in the county jail, or both. A person may appeal a forfeiture pursuant to s. ATCP 78.11.

(4) ACTION PLANS. (a) *Required components.* When required by the department, its agent, or this chapter, the camp operator and the department or its agent shall develop, on a form provided by the department, an action plan for compliance. The action plan shall include all of the following:

1. A description of the violation and code citation.
2. The steps the operator will take to correct the violation.
3. The date by which compliance will be achieved.

(b) *Continued noncompliance.* The department or its agent shall void the camp license pursuant to s. ATCP 78.07 (5) (b), if the operator continues to be out of compliance or fails to meet the objectives outlined

in the action plan past the date provided in the action plan.

ATCP 78.10 Suspension or revocation of license. Pursuant to s. 97.12 (3) (b), Stats., the department may, by summary order and without prior notice or hearing, suspend a license issued under this chapter if the department finds that there has been a substantial failure to comply with the applicable requirements of this chapter and that the continuation of the violations constitutes a serious danger to public health. The order shall be in writing, have the force and effect of an order issued pursuant to s. 93.18, Stats., and is subject to right of hearing before the department, if requested within 10 days after date of service.

ATCP 78.11 Appeals of actions by the department. If requested in writing within 10 days after date of the service of an order, a hearing shall be conducted as specified in ch. ATCP 1. Enforcement of the order shall not be stayed pending action on the hearing. A request for hearing does not automatically stay or modify a summary special order.

Note: A request for hearing shall be submitted to the department's secretary via email at datcpappeals@wisconsin.gov, faxed to (608) 224-5034, mailed to PO Box 8911, Madison, Wisconsin 53708-8911, or hand delivered to 2811 Agriculture Drive, Madison, Wisconsin 53718. The hearing may be conducted by the department secretary or designee.

ATCP 78.12 Appeals of actions by agent health departments. If an agent issues a license under this chapter, the operator shall appeal an enforcement action to the agent health department.

SUBCHAPTER IV

STANDARDS FOR RECREATIONAL AND EDUCATIONAL CAMPS

ATCP 78.13 Qualifications of an authorized representative conducting inspections. An authorized representative of the department or its agent who inspects a camp or conducts a plan review for compliance with ch. ATCP 78, shall meet the staffing qualification requirements set forth in s. ATCP 74.08.

ATCP 78.14 Inspections (1) REFUSED INSPECTION; PROCESS. If a person denies access to the department or its agent, the department or its agent shall inform the person of all the following: (a) *Access.* The license holder is required to allow access to the department or its agent as specified pursuant to s. 97.12, Stats.

(b) *License conditions.* Access is a condition of the acceptance and retention of a license to operate a camp as specified pursuant to s. ATCP 78.04 (3).

(c) *Inspection warrant.* If the camp license holder denies access to an authorized representative of the department or its agent, the department or its agent may apply for an inspection warrant to allow access as provided in law pursuant to s. 66.0119, Stats.

(2) REPORTING OF REFUSED ACCESS. If the person in charge continues to refuse access after the department or its agent presents credentials, provides the explanation in sub. (1), and makes a final request for access, the department or its agent shall document details of the denial of access on an inspection report form.

(3) FREQUENCY OF INSPECTION. The department or its agent shall inspect a camp at least once during the licensing period, except as provided for pursuant to s. ATCP 78.15 or as approved in writing by the department.

(4) INSPECTION DOCUMENTATION. The department or its agent shall document all of the following on an inspection report form: (a) *Facility information.* Administrative information about the camp's legal identity, street and mailing addresses, type of establishment and operation, inspection date, type of water supply and sewage disposal, status of the license, and personnel certificates that may be required at the camp.

(b) *Violation documentation.* The conditions or other violations from this chapter or applicable chapters shall be documented to include the required corrective action by the license holder. An accompanying narrative shall contain all of the following: 1. A factual description of the violation observed, including location of the observed violation.

2. Citation and a brief description of the statute, administrative rule, or local ordinance that was observed to be violated.

3. A statement indicating what corrective action the license holder has taken, or shall take, to regain compliance with the administrative rule, statute, or local ordinance.

4. Unless otherwise indicated on the inspection report, each violation shall have a corrective action

deadline. The corrective action deadline shall be based on the following criteria: a. A priority violation shall be corrected immediately. Depending on the nature of the potential hazard involved and the complexity of the corrective action needed, the department or its agent may agree to or specify additional time, not to exceed 3 calendar days after the inspection, for the license holder to correct violations of a priority item as defined in ch. ATCP 78.

b. The license holder has a maximum time of 10 calendar days after the inspection for the license holder to correct violations of a priority foundation item.

c. The license holder shall correct core items, as defined in ch. ATCP 78, by a deadline agreed to or specified by the department or its agent, but no later than 90 calendar days after the inspection. The department or its agent may approve a written compliance schedule that extends beyond 90 calendar days, if the license holder submits a written schedule of compliance and no health hazard exists, or will result, from allowing an extended schedule for compliance.

(5) ISSUING A REPORT AND OBTAINING ACKNOWLEDGMENT OF RECEIPT. At the conclusion of the inspection, an authorized representative of the department or its agent shall sign the completed inspection report. The department or its agent shall review the inspection findings with the operator and obtain a signature on the inspection report from the license holder's designated person in charge. A copy of the inspection report shall be left with the person in charge at the completion of the inspection or emailed or otherwise presented within 2 business days after completion of the inspection.

(6) REFUSAL TO SIGN INSPECTION REPORT. If the license holder's designated person in charge refuses to sign the inspection report, the department or its agent shall do all of the following: (a) *Signature is not agreement with findings.* Inform the person who declines to sign the inspection report that a written acknowledgment of receipt is not an agreement with findings.

(b) *Obligation to correct violations.* Inform the person that refusal to sign the inspection report will not affect the license holder's obligation to correct the violations noted in the inspection report by the deadlines specified.

(c) *Documentation.* Document the refusal to sign in the inspection report.

(7) POSTING OF INSPECTION REPORTS. The department and its agents shall make inspection report information available to the public on the internet.

ATCP 78.15 Active managerial control. (1) INSPECTION FREQUENCY. An annual inspection may be waived for not more than 2 out of every 3 license years, if the camp has exhibited active managerial control of public health hazards.

(2) CRITERIA: The operator shall meet all the following criteria to demonstrate active managerial control that may qualify for a reduced inspection frequency by the department or its agent: (a) *Reinspection history.* No reinspections have occurred after the last 3 routine inspections related to ch. ATCP 78, or any other license issued by the department or its agent pursuant to ss. 97.30, 97.605, and 97.67, Stats.

(b) *Standard operation procedures.* The camp has written standard operating procedures for all of the following, if applicable: 1. Rental group agreements pursuant to s. ATCP 78.16.

2. Food service operation procedures including: temperature monitoring, employee handwashing, employee illness restrictions and exclusions, cleaning and sanitizing utensils, surfaces and equipment; vomiting and diarrhea clean up, date marking, receiving delivery of food, no bare hand contact with ready-to-eat foods, and washing fruits and vegetables.

3. Supervision, safety and staff coverage pursuant to s. ATCP 78.26, including specific procedures for specialized and non-specialized program activities.

4. Health staffing and medication administration as required pursuant to s. ATCP 78.27.

5. Primitive camping and backcountry trips as specified pursuant to s. ATCP 78.32.

(c) *Monitoring and corrective action.* The camp has implemented monitoring, corrective action and documentation procedures for standard operating procedures.

(d) *Verification.* The camp has implemented a verification and documentation process for the standard operating procedures.

Note: Camps with a written strategic plan and involvement within professional organizations are indicators that a camp is focused on the continuous process of effective control over public health hazards.

GENERAL PROVISIONS

ATCP 78.16 Camps serving rental groups. (1) WRITTEN AGREEMENT. (a) *Signed.* A written use agreement shall be signed by both authorized representatives of the camp and the rental group.^{Pf}

(b) *Designated responsibilities.* The written use agreement shall clearly identify the responsibilities of the camp and the rental group.^{Pf}

(c) *Agreement contents.* When the rental group provides specific services, the written use agreement shall indicate how the rental group will meet the minimum requirements pursuant to ch. ATCP 78, including the following: 1. Food service requirements pursuant to s. ATCP 78.23.^{Pf}

2. Health services staff requirements pursuant to s. ATCP 78.27.^{Pf}

3. Health services staff required certifications pursuant to s. ATCP 78.27 (2).^{Pf}

4. Responsibility for collecting a camper and camp staff health history as required pursuant to s. ATCP 78.27 (1) (d) and (e).^{Pf}

5. Documentation of medication and treatment for campers and staff as required pursuant to s. ATCP 78.27 (5) (b).^{Pf}

6. Camp vehicle requirements pursuant to s. ATCP 78.27 (1) (c).^{Pf}

7. Specialized program activities and required certifications pursuant to s. ATCP 78.26 (3).^{Pf}

8. Adult staff to camper ratio requirements pursuant to s. ATCP 78.25.^{Pf}

9. Confirmation that background checks have been done on all staff as required pursuant to s. ATCP 78.26 (1).^{Pf}

10. Camper sexual abuse prevention training has been provided as required pursuant to s. ATCP 78.26 (5) (c).^{Pf}

11. Primitive camping requirements for water and waste are provided as required pursuant to s. ATCP 78.32.^{Pf}

12. The rental group has been informed of the reporting requirements for death, injury or illness to the department or its agent as required pursuant to s. ATCP 78.29.^{Pf}

(d) *Validation of written use agreement requirements.* The camp operator shall retain copies of form

templates and certifications for validating par. (c), in the written agreement or provide a written statement with the reviewer's name or initials that provisions pursuant to par (c), have been reviewed and validated.

(2) RECORD RETENTION. (a) *Agreement retention time.* The written use agreements shall be retained for a minimum of 3 years by the camp. ^{Pf}

(b) *Contact information retention time.* The camp shall maintain the rental group contact information for a minimum of 3 calendar years. ^{Pf}

(c) *Medication and treatment record retention time.* The rental group, if providing health supervision, shall maintain all camper medication and treatment records for a minimum of 3 calendar years and make the records available upon request to the department or its agent within 2 business days of the request. ^{Pf}

(d) *Camp register retention time.* The rental group shall keep a register and a method of tracking individuals entering and leaving the camp during operation, as required pursuant to s. ATCP 78.28, and make the register and tracking document available upon request to the department or agent within 2 business days of the request. ^{Pf}

ATCP 78.17 Location of the camp. (1) REQUIREMENTS. (a) *Well-drained.* The camp's physical facilities shall be located on a well-drained site not subject to flooding.

(b) *Graded.* The premises shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the camp's physical facilities or to the health and safety of the campers or camp staff.

(c) *Free from sources of contamination.* No camp's physical facilities may be located in an area that is situated so that drainage from any source of filth, including garbage or animal waste disposal, can be deposited on the site. ^{Pf}

Note: A camp's location with regard to flood plains and shore land areas shall comply with local zoning ordinances and with ch. NR 115 and s. NR 116.12 (2) (b), of the Wisconsin department of natural resources.

(2) SOURCES OF ODOR OR FLIES. Cooking, dining and sleeping quarters shall not be located within 100 feet of a barn or enclosure housing livestock, a petting zoo, or other source of odors or flies.

ATCP 78.18 Water supply. (1) WATER SYSTEMS. (a) *General.* The water source used to supply the

camp shall be a public or a private water system.

(b) *Well compliance with ch. NR 812.* The operation, construction, installation, materials, and maintenance of the water system used to supply water to the camp shall comply with ch. NR 812, as enforced by the Wisconsin department of natural resources. ^{Pf}

(2) POTABLE WATER SUPPLY. (a) *Drinking water standards.* A camp shall be supplied with potable water under pressure that meets the drinking water standards in ch. NR 809, as enforced by the Wisconsin department of natural resources. ^P

(b) *Water test report.* The operator shall provide a copy of the water system bacteriological analysis for total coliform and *E.coli* in ss. NR 809.30 and 809.31 (1), and analysis for nitrate in s. NR 809.115 (4), report to the department or its agent for each well that supplies water to the camp based on the following:

1. If the camp operates seasonally, the operator shall have the water tested and the report available within the preceding 2 months before the season begins for review by the department or its agent, or

2. If the camp is operated year round, the operator shall have the water tested and the report available for review by the department or its agent within one year prior to the requested review. ^{Pf}

Note: Public water systems may require additional water testing as required by the Wisconsin department of natural resources in ch. NR 809.

(c) *Unsafe potable water.* The operator shall discontinue use of a public or private water system used to supply water to the camp, whenever the potable water from the system does not meet nitrate and bacteriologically safe drinking water standards in ch. NR 809. ^P

Note: Bottles for collection of water samples may be obtained by writing to the Wisconsin state laboratory of hygiene, 2601 Agriculture Drive, Madison, WI 53708 or by calling (800) 442-4618. Use of any private or public certified laboratory is acceptable to satisfy the requirement.

(3) PLUMBING. (a) *General.* All plumbing shall comply with the requirements of chs. SPS 382 and 384, as enforced by the Wisconsin department of safety and professional services, that apply to camps.

(b) *Backflow prevention, air gap.* An air gap between any water supply inlet and the flood level rim of the plumbing fixture or equipment shall comply with State Uniform Plumbing codes, chs. SPS 381-387, as

enforced by the Wisconsin department of safety and professional services. ^P

(c) *Backflow prevention device, design standard.* A backflow or backsiphonage prevention device installed on a water supply system shall meet standards for construction, installation, maintenance, inspection, and testing as specified by the State Uniform Plumbing Code, chs. SPS 381 to 387, as enforced by the Wisconsin department of safety and professional services.

Note: Backflow or backsiphonage prevention devices stamped with ASSE 1011 or ASSE 1052 are common examples used on a hose bib connection that are recognized as in compliance with this section. The Wisconsin department of safety and professional services plumbing product online search is also available to confirm devices meet State Uniform Plumbing Code.

(4) WATER SERVICE CONNECTIONS. The plumbing system for the water service and water distribution system for a toilet building, shower building, food facility or other buildings supplied with water shall comply with chs. SPS 382 and 384, as enforced by the Wisconsin department of safety and professional services.

Note: To minimize the risk of *Legionella* growth and other diseases associated with water, adequate provisions should be made to ensure that all water systems including sink faucets, drinking fountains, and showers are safe particularly with regard to any water aged over 3 weeks that is at greater risk for proliferation of *Legionella*. It is strongly advised that each camp develop and implement a water management program as recommended by the United States centers for disease control water management program toolkit.

(5) CONTAINERS FOR TRANSPORTING DRINKABLE WATER. (a) *Labeling and construction.* Containers shall meet all of the following requirements for transporting water for human consumption and be:

1. Labeled and easily distinguishable from other containers.

2. Constructed of a food grade material that does not allow the migration of deleterious substances to the water or impart colors, odors or tastes. ^P

3. Easily cleanable.

(b) *Containers cleaned and sanitized.* Water containers shall be cleaned and sanitized between uses. ^P

(6) DRINKING FACILITIES. (a) *General.* Water shall be provided to campers using any of the following methods: 1. An approved drinking fountain as required pursuant to s. SPS 362.2902. ^P

2. Individual disposable drinking cups. ^{Pf}

3. Personal water containers. ^{Pf}

(b) *Water containers for reuse.* Reusable individual water containers shall be cleaned as often as necessary or when returning from primitive camping trips.

(c) *Prohibition.* Common drinking cups are prohibited. ^P

ATCP 78.19 Sewage disposal system. (1) **SEWAGE.** Sewage, including all liquid and water-carried wastes from sinks, bathing and toilet facilities, may not discharge onto the ground surface. ^P

(2) **PLUMBING FIXTURES.** Plumbing fixtures shall meet all of the following: (a) *Connection.* Connected to the building drainage system. ^P

(b) *Discharge.* Discharge to a public sewer or private sewage disposal system. ^P

(3) **PUBLIC SEWER.** When a public sewer facility is available to the camp, connection to, and use of, that facility are required.

Note: See s. SPS 383.03 (2), Public Sewer Connection.

(4) **POWTS DISPOSAL.** (a) *Designed, constructed and operated.* 1. Any POWTS system used by a camp under this chapter shall be located, designed, constructed and operated in accordance with chs. SPS 382, 383 and 384, as enforced by the Wisconsin department of safety and professional services. ^P

2. The operator shall ensure that access opening covers to a POWTS remain locked or secured, except for inspection, evaluation, maintenance, or servicing purposes. ^P

Note: See s. 145.195, Stats., regarding building on unsewered property.

(b) *Failing private sewage system.* A failing private sewage system shall be brought into compliance, replaced or its use discontinued. A failing private sewage system has the meaning given in s. 145.245 (4), Stats. ^P

(c) *Required approvals.* A camp shall submit plan and installation details for the design and construction, alteration or extension of a private sewage disposal system to the Wisconsin department of

safety and professional services or its designated agent for approval and shall acquire a sanitary permit before altering or extending the private sewage disposal system. ^{Pf}

Note: Local jurisdictions may require additional approvals.

ATCP 78.20 Toilet and shower facilities.

(1) REQUIREMENTS. (a) *Toilet facilities.* Toilet facilities construction shall comply with State Building code as enforced by the Wisconsin department of safety and professional services.

(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.

(c) *Lighting.* Toilet facilities shall be provided with adequate artificial lighting.

(d) *Location.* Toilet facilities shall be located within 400 feet of lodging units.

(e) *Operation.* Toilet facilities shall meet all of the following requirements and be: 1. Equipped with a functional privacy lock for each stall.

2. Provided with exterior self-closing doors.

3. Maintained in a pest-proof condition.

4. Effectively screened. ^{Pf}

5. Maintained in clean and good repair.

6. Provided with a supply of toilet paper in each stall.

(f) *Privies.* Privies shall meet the following requirements: 1. Constructed in accordance with chs. SPS 361 to 365 and 391, as enforced by the Wisconsin department of safety and professional services.

2. Maintained in good repair.

3. Not be located within 15 feet of a building used for human occupancy. ^{Pf}

4. Obtain approval by the department for a distance between 15 and 75 feet for other approved privy or toilet types.

(g) *Shower ratio.* A minimum of one shower or bathtub shall be provided for every 20 campers and staff or fraction thereof.

(h) *Handwashing sinks*. Handwashing sinks shall be provided in all rooms having flush toilets and shower facilities ^{Pf} and be provided with all of the following: 1. Tempered water ^{Pf}

2. A supply of soap. ^{Pf}

3. Single-use toweling or a hand drying device in locations that are accessible to all campers, staff and visitors. ^{Pf}

4. A waste receptacle.

(i) *Flooring surfaces*. 1. Carpeting is prohibited in toilet rooms and shower and bathing facilities.

2. Shower area floors and bathtubs shall be provided with an anti-slip surface or matting. ^P

3. Flooring shall be nonabsorbent and easily cleanable.

4. Flooring shall be maintained in good repair.

(2) TOILETS AND BATHING FACILITIES FOR PEOPLE WITH PHYSICAL DISABILITIES. The construction and accessibility of toilets, toilet rooms, toilet buildings, and bathing facilities shall comply with s. SPS 362.1210 (1m), as enforced by the Wisconsin department of safety and professional services.

ATCP 78.21 Camper sleeping quarters. (1) PERMANENT. This section applies to structures that are enclosed and are permanent in nature, including buildings, cabins, dorms, yurts, covered wagons or tents covering a non-collapsible framework, and that are used as sleeping quarters for more than 30 consecutive days. (a) *Layout*. Camper sleeping quarters shall meet all of the following requirements: 1. An individual bed is provided for each camper. ^{Pf}

2. A ceiling height of at least 7 feet is provided.

3. Camper sleeping arrangement shall be head to toe or in a bed layout configuration that provides at least 6 feet horizontally between the heads of sleepers. ^{Pf}

4. When beds are arranged side by side there shall be at least 3 feet between beds to provide an aisle for emergency egress and to help prevent transmission of respiratory illnesses. ^{Pf}

5. L-shaped or end to end bed configurations are acceptable if the heads of sleepers are positioned to meet the requirements pursuant to subds. 3 and 4. ^{Pf}

(b) *Platform tents*. Platforms constructed to provide a solid, level floor for the tent shall not exceed 3

feet in height above the ground. ^{Pf}

(c) *Bunk beds*. When a bunk bed is provided by the camp for campers, the operator shall ensure all of the following requirements are met: 1. No more than 2 beds may be stacked vertically. ^P

2. There shall be a vertical separation of at least 2 and a half feet measured from the top of the lower mattress to the bottom of the frame of the upper bed. ^{Pf}

3. A free space of at least 2 and a half feet shall be provided above the mattress of the upper bed. ^{Pf}

4. Bunk beds shall be located away from potential hazards, including heat sources, ceiling fans, or other ceiling protrusions. ^{Pf}

5. When campers sleep in upper bunks, guards shall be installed to prevent occupants from rolling out and shall meet all of the following: ^P a. The top of the rail shall be at least 5 inches above the top of the mattress. ^{Pf}

b. The bottom of the rail shall be no more than 3 and a half inches above the top of the bed frame. ^{Pf}

(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}

2. Individual camper mosquito-type netting shall be provided. ^{Pf}

(e) *Linens and bedding*. 1. If provided, pillowslips, sheets, towels, and washcloths shall be washed at least once a week and before being assigned to a different camper.

2. Blankets, spreads, mattresses, sleeping bags and pillows shall be kept clean and free of pest infestation.

3. Mattresses shall meet all of the following: a. Covered with a nonabsorbent cover, pad or have an easily cleanable nonabsorbent mattress surface. ^{Pf}

b. Maintained clean.

c. Maintained in good repair.

4. The cover, pad, or other approved protection shall be cleaned before being assigned to a different camper and more often if necessary to maintain cleanliness.

5. If provided, sleeping bags shall be washed before being assigned to a different camper.

(2) RECREATIONAL VEHICLES. If an recreational vehicle is provided by the camp for overnight sleeping quarters for campers, the recreational vehicle shall meet all of the following: (a) *Identification* Be provided with an affixed label, symbol, or other identifying mark of approval by a nationally recognized testing laboratory, inspection agency, or other organization, which evaluates products to nationally recognized standards NFPA 1192 or ANSI 119.5.

Note: Examples of organizations with recognized standards include the Recreational Vehicle Industry Association and the Recreational Park Trailer Industry Association.

(b) *Requirements.* The chassis and axles remain on the unit with the tow bar or hitch and wheels left at the camp.

(3) OPEN AIR SLEEPING EXPERIENCES. Open air sleeping experiences, include sleeping in collapsible tents or tents covering a non-collapsible framework that remains in a single location for less than 29 consecutive days, sleeping outdoors without any structure, in hammocks, under a pavilion, or sleeping in Adirondack shelters. (a) *Capacity.* The capacity for campers in a tent shall not exceed the manufacturer's specification for maximum occupancy.

(b) *Screening or netting.* Screening or netting may be provided to a camper upon request.

(c) *Sleeping bags.* If provided, sleeping bags shall be meet the requirements pursuant to subs. (1) (e) 2. and 5., of this section.

Note: Using a cave for overnight sleeping when bats are present October 1-May 15 is not recommended and may be prohibited if federally threatened or endangered bat species are present. Campers entering caves are subject to compliance with the Wisconsin department of natural resources-approved White-Nose Syndrome decontamination protocols required by s. NR 40.07 (8) (c).

ATCP 78.22 Garbage and refuse. (1) CONTAINERS. (a) *Container design.* Garbage and refuse shall be kept in durable, easily cleanable, pest resistant, leak-proof and nonabsorbent containers. Plastic bags may be used to line these containers.

(b) *Covered and emptied.* 1. Containers used in food preparation and utensil washing areas for holding

garbage and refuse shall be kept covered or closed when not in use.

2. Containers for holding garbage and refuse shall be emptied at a frequency that minimizes the development of objectionable odors and other conditions that attract or harbor pests.

(c) *Outdoor storage containers and drain plugs.* 1. Containers stored outside as well as dumpsters, compactors and compactor systems shall meet all of the following:

a. Designed to be easily cleanable.

b. Provided with tight-fitting lids, doors, or covers.

c. Kept covered or closed when not in use.

2. Containers designed with drains shall have the drain plugs in place at all times, except during cleaning.

(d) *Capacity.* A camp shall have a sufficient number of containers to hold its garbage and refuse until disposal.

(e) *Cleaning frequency.* 1. Soiled containers shall be cleaned at a frequency sufficient to prevent pest attraction.

2. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils or food preparation areas.

(2) STORAGE. (a) *General.* 1. Garbage and refuse stored inside shall be stored in a manner to make the garbage and refuse inaccessible to pests.

2. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing garbage or refuse is prohibited.

3. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.

(b) *Storage room design.* Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent materials, shall be kept clean, shall be pest-proof and shall be large enough to store all the garbage and refuse containers.

(c) *Outdoor storage capacity.* Outdoor storage areas or enclosures shall meet all of the following:

1. Be large enough to store all the garbage and refuse containers.

2. Kept in a clean condition.

(d) *Recyclable and returnable items.* Shall be stored in a clean and sanitary manner to prevent pest attraction.

(3) **DISPOSAL.** (a) *Frequency.* Garbage and refuse shall be disposed of often enough to prevent odor and attracting pests.

(b) *Wisconsin department of natural resources 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.

ATCP 78.23 Food preparation and service.

(1) **STANDARDS.** The preparation and service of food and the equipment used for that purpose at camp dining halls, commissary operations, concession stands and outdoor food service operations shall comply with ch. ATCP 75 Appendix.

(2) **KNOWLEDGE OF FOOD PROTECTION PRACTICES.** The operator or at least one manager of the food service facility at each camp shall have a certified food protection manager in compliance with the requirements of chapter 12 of the ch. ATCP 75 Appendix.

(3) **USE OF FOOD FACILITIES.** When a rental group uses a camp's food service facilities and the camp operator does not provide staffing, the operator, in consultation with the person certified pursuant to sub. (2), shall provide the group with written or video-presented procedures to be followed for the safe handling of food, personal hygiene, and proper washing and sanitizing of utensils and equipment.

(4) **OUTDOOR FOOD SERVICE.** (a) *General.* Outdoor food service at camps shall meet all of the following requirements: 1. Ensure that food is protected from contamination.

2. Provide protection of food from animals or pests.

3. Restrict campers from using campfires, camp stoves, or flammable liquids until campers are provided with adequate instruction on their proper use and care and supervised until competency is demonstrated. ^{Pf}

ATCP 78.24 Buildings and grounds. (1) WISCONSIN BUILDING CODE. Except as specified in this section, all buildings at a camp shall comply with applicable Wisconsin department of safety and professional services standards as enforced by the Wisconsin department of safety and professional services.

(2) HANDRAILS, GUARDS AND STAIRS. Except as provided in par. (d), handrails and guards shall be provided as follows: (a) *Handrails.* A flight of stairs with more than 3 risers shall be provided with at least one handrail with a height of 30 to 38 inches above the step for the full length of the flight. ^{Pf}

(b) *Guards.* 1. a. Guards shall be provided on all open sides of stairs consisting of more than 3 risers, ^{Pf} and

b. All elevated surfaces in interior and exterior structures shall be provided with guards on all open sides that are elevated more than 24 inches above the floor or grade, ^{Pf} including lofts, open sides of landings, platforms, decks, balconies or porches.

2. The guard height shall extend to at least 36 inches above the floor or to the underside of a stair handrail. ^{Pf}

3. Except as specified in subd. 4., a guard shall not have openings that allow passage of a sphere not less than 4 and 3/8 inches in diameter. ^{Pf}

4. A rope, cable, or similar material used in guard infill shall not have openings that allow passage of a sphere 3 and a half inches in diameter with vertical supports a maximum of 4 feet apart. ^{Pf}

(c) *Stairs.* 1. The triangular openings at the open sides of a stair, formed by the riser, tread and bottom rail shall not have openings that allow passage of a sphere 6 inches in diameter.

2. Stairs with open risers shall not exceed more than 4 inches in height.

(d) *Exemptions.* This section, does not apply to window wells, egress wells, retaining walls, other landscaping features or detached walkways or stairs that are not part of the building structure.

(3) MEANS OF EGRESS. (a) *Doors.* 1. Doors must be arranged to be opened from the occupant's side whenever the building is occupied.

2. A latch or other fastening device on a door must be provided with a knob, panic bar, or other simple type of releasing device having a method of operation that is obvious under all lighting conditions.

(b) *Exit signage.* All exits and access ways in a public building or place of employment must be marked by an approved sign visible from any direction of exit access as enforced by the Wisconsin department of safety and professional services.

(4) MAINTAINED CLEAN AND IN GOOD REPAIR. (a) *Interior.* 1. The walls, ceiling, floors and equipment in buildings shall be maintained in a clean condition and in good repair.

2. Hot water pipes, steam radiators, fireplaces and permanently installed space heaters and registers shall be shielded, screened or otherwise equipped to protect campers from burns. ^P

(b) *Exterior.* 1. Roofs, exterior walls, doors and windows shall be maintained in good repair.

2. Openings to the outside shall be protected from the entrance of pests.

(c) *Grounds.* The premises shall be maintained in a clean condition free from refuse and pests.

(d) *Parking and roadways.* Parking areas and roadways shall be maintained to minimize dust and dirt.

(5) LIGHTING. All rooms shall be illuminated to permit cleaning and maintenance.

(6) PEST CONTROL. (a) *Effective measures.* 1. Effective measures to minimize the presence of pests shall be utilized.

2. Pest control measures shall be used in a safe manner.

3. Pest control measures shall be applied according to label instructions. ^P

(b) *Restricted use pesticides.* A restricted use pesticide shall be applied only by an applicator certified and licensed in accordance with ss. 94.704 and 94.705, Stats., and ss. ATCP 29.25, 29.26 and 29.40. ^{PF}

(7) HAZARDOUS SUBSTANCES. (a) *Use.* Chemicals, flammable materials and other hazardous substances shall be used for their intended purpose and according to the manufacturer's directions stated on the container label. ^P

(b) *Storage.* 1. Chemicals and other hazardous substances shall meet all of the following: a. Stored in their original, covered and labeled containers. ^P

b. Stored in a separate, secure area accessible only to staff. ^P

2. Hazardous substances shall be stored in, easily identifiable or labeled containers when removed from the storage area for use. ^P

3. Flammable materials shall be stored: a. Following safety data sheet storage instructions. ^P

b. Separately from areas occupied by campers and staff. ^P

(c) *Disposal*. Hazardous substances shall be disposed of in a manner and location as directed on the manufacturer's label or the safety data sheet by the local agency having jurisdiction over handling hazardous substances and the applicable sections of chs. NR 660 to 670, as enforced by the Wisconsin department of natural resources. ^{Pf}

(8) FIRE PREVENTION (a) *Written notification of intent to operate*. Local fire fighting and law enforcement officials shall be notified in writing when the camp is planning to be in operation or annually if the camp is open year round. ^{Pf}

Note: Camps should invite local fire and law enforcement to the camp, so they are familiar with the camp road systems and building structures.

(b) *Fire extinguisher location*. A fire extinguisher shall be located in all public buildings or places of employment according to the local fire official.

(c) *Fire extinguisher maintenance*. Annual maintenance shall be performed and then recorded on a tag or label attached to each fire extinguisher that indicates the month and year the maintenance was performed, the initials of the person performing the service and the name of the company performing the service. ^{Pf}

(d) *Smoke detectors*. The operator shall install and maintain smoke detectors in compliance with the requirements of s. 101.145, Stats. ^P

(e) *Fire alarm and detection systems*. When required, the operator shall install and maintain a fire alarm system in compliance with ss. SPS 362.0907 and 314.13, as required and enforced by the Wisconsin department of safety and professional services and shall meet all of the following: 1. a. The fire alarm system shall be operational at all times that the building is occupied. ^P

b. A camp operator shall immediately notify the fire alarm technician or other fire inspection or testing personnel in response to any illuminated indicator for alarm, trouble or supervisory notifications on the fire alarm panel.

2. The camp operator shall maintain documentation that verifies the fire alarm system has been inspected and tested annually by a fire alarm system service company. ^{Pf}

3. Documentation required in subd. 2., shall be provided to the department or its agent upon request. ^{Pf}

Note: Documentation can include the fire alarm and emergency communication system inspection and testing form provided by the service company or the fire inspection report provided by the local fire department.

(f) *Building evacuation diagrams.* Building evacuation diagrams shall be prepared and posted in all buildings that have 2 or more exit doors to the outside, and shall comply with all of the following: 1. Be conspicuously posted. ^{Pf}

2. Indicate the viewer's location. ^{Pf}

3. Indicate a minimum of 2 evacuation routes to fire exits. ^{Pf}

(9) **CARBON MONOXIDE ALARMS.** (a) *Installation.* The operator shall install and maintain carbon monoxide alarms in compliance with the requirements of s. 101.149, Stats. ^P

(b) *Prohibitions.* The use of unvented furnaces and space heaters fueled by natural gas, kerosene, alcohol or other fuel shall be prohibited.

ATCP 78.25 Adult camp staffing. During camp operation the adult camp staff to camper ratio shall be as required 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 Table 78.25 Adult Staff to Camper Ratio

Camper Age	Number of Adult Camp Staff	Campers
7-17	1 per	Every 10 or fraction thereof
6 and Under	1 per	Every 4 or fraction thereof

ATCP 78.26 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. 1. Written employment application forms shall require the applicant to provide all of the following: a. Legal first and last name, date of birth, and address. ^{Pf}

b. Disclosure of sexual criminal history. ^{Pf}

c. Permission for a background check. ^{Pf}

(b) *Background check completed.* 1. Prior to hiring any camp staff, the camp shall review the national sex offender public registry of the United States department of justice and other relevant available public record information. ^P

2. For international camp staff, review with the United States department of state sponsor to determine what criminal background check information will be provided by that country.

(c) *Background check threshold.* 1. Each camp shall set a policy that prevents employment or volunteer selection of any person who meets any of the following: a. A record of a violent crime against a person or animal. ^{Pf}

b. Crimes against nature where children were affected. ^{Pf}

c. Any crime involving a child as the victim. ^{Pf}

d. Possession or facilitation of child pornography. ^{Pf}

2. This policy shall be reviewed, signed and dated within the last 3 years. ^{Pf}

(d) *Background Check Frequency.* All existing camp staff prior to extending employment shall have a background check performed at least every 2 years. This requirement also applies to any additional individuals who reside on the camp's premises with access to campers. ^P

(2) NON-SPECIALIZED PROGRAM ACTIVITY. (a) *General supervision.* 1. A non-specialized program activity may be directly led by a non-adult camp staff member provided the staff member is at least 2 years older than the campers in that activity. ^{Pf}

2. Non-specialized program activities shall be under the general supervision of adult camp staff. ^P

(3) SPECIALIZED PROGRAM ACTIVITIES. (a) *General supervision*. 1. Except as specified pursuant to subd 6. and par. (c) 5., of this section, a trained adult shall directly supervise each specialized program activity. ^P

2. The trained adult supervisor shall provide prior training and instruction to camp staff that assist with a specialized program activity. ^{Pf}

3. The trained adult supervisor shall document camp staff training provided, relevant to their assigned duties. ^{Pf}

4. Provision of firearms or archery equipment to campers shall be considered a specialized program activity at the camp and meet all of the following requirements: ^P a. When not being used shall be securely stored and locked. ^P

b. Signage shall be posted that communicates clear safety signals and range commands to control activity at the firing line and during the retrieval of arrows or targets. ^{Pf}

5. Other specialized program equipment shall be securely stored when not in use by utilizing fencing, barriers or other access prevention strategies. ^{Pf}

6. A vendor provided specialized program activity is under the supervision of the third party provider.

(b) *High and low element challenge courses*. 1. A camp offering one or more challenge courses shall have all of the following: a. Written evidence of an inspection conducted by a third party that is qualified from the Association for Challenge Course Technology, Professional Ropes Course Association or is a structural engineer licensed in Wisconsin. ^P

b. Undergone the third party inspection within the past 24 months. ^P

c. Documentation that corrective action was taken based on the findings of the third party inspection. ^P

2. The third party inspection documentation shall include all of the following: a. The name of person or company performing the inspection, their certification information and the inspection date. ^{Pf}

b. A list of elements inspected. ^{Pf}

c. A list of elements not inspected and explanation for omission. ^{Pf}

d. Condition of each element at the time of inspection or any prohibitions on the element's use in its observed condition. ^{Pf}

e. Concerns warranting continued observation which may be critical for ensuring safety of campers and camp staff. ^{Pf}

f. A list of life safety system equipment inspected. ^{Pf}

g. A list of life safety system equipment not inspected and an explanation for any omissions when apparent. ^{Pf}

h. The condition of each piece of life safety system equipment at the time of the inspection or any prohibitions against its use in the observed condition. ^P

3. A camps 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

4. A camp offering a challenge course shall maintain operational policies and procedures. ^{Pf}

5. A camp's challenge course staff shall participate in an annual documented training that is site-specific and includes hands-on skills assessment, relevant to the staff member's duties. ^{Pf}

6. Any newly constructed challenge course after July 1, 2023, shall complete an initial acceptance validation inspection by a qualified third party from the Association for Challenge Course Technology, Professional Ropes Course Association or a structural engineer licensed in Wisconsin, before beginning operation. ^P

(c) *Program aquatics* 1. All swimming and watercraft activities at a camp shall be under the direction of an adult aquatic supervisor who holds a current lifeguard certification, including certification for first aid and professional CPR with AED included in the course or AED certification earned separately. ^P

2. The camp shall develop a written lifeguard and attendant staffing plan. ^{Pf} The camp shall keep a copy of the plan on the premises and the plan shall made available for review by the department or its agent. The plan shall include all of the following: a. A diagram of recreational areas of water used by campers. ^{Pf}

b. Designated areas for each aquatic program activity, including swimming, boating, and diving areas.

Pf

c. The hours of operation; with a description of how artificial lighting is provided if an area is operated beyond daylight hours. Pf

d. Indication of how visual obstructions are addressed by lifeguard placement. Pf

e. The location of each first aid kit. Pf

f. A method of communication between lifeguards and attendants when 2 or more attendants or lifeguards are present. Pf

g. A description of a reliable communication system used to reach 911 from the waterfront. Pf

h. The number of lifeguards and attendants per s. ATCP Table 78.26, for each aquatic program activity, including off-premises aquatic program activities, such as where boating, canoeing, swimming, or water skiing occurs: P

ATCP Table 78.26 Lifeguard and Attendant Staffing Per Activity

Actual Aquatic Participant Load	Lifeguards (per activity)	Attendants (per activity)
1-50	1	1 for every 50 participants or fraction thereof.
51-100	2	1 for every 50 participants or fraction thereof.
101-150	3	1 for every 50 participants or fraction thereof.
Greater than 151	When the patron load exceeds 151 patrons, 1 lifeguard shall be provided for each additional 100 patrons or fraction thereof.	1 for every 50 participants or fraction thereof.

3. Every person serving as a lifeguard at a camp shall hold a current lifeguard certification with first aid and professional CPR with AED certification included in the course or AED certification earned separately. If the camp is going to serve infant campers, then the lifeguard must have a CPR course that

includes infants. ^P

Note: Obtain a list of approved certification courses for lifeguarding, first aid, and CPR from the bureau of food and recreational businesses at (608) 224-4682 or PO Box 8911, Madison, Wisconsin 53708-8911.

4. Lifeguards shall have training, as required by the United States occupational safety and health administration pursuant to 29 CFR 1910.1030, bloodborne pathogens standard. ^{Pf}

5. If the lifeguards and attendants are all under the age of 18, the adult aquatics program supervisor or other designated lifeguard meeting the requirements pursuant to par. (c) 3., of this section, shall provide direct supervision. ^P

6. Lifeguards shall meet all of the following: a. At all times when on duty, wear clothing or rescue equipment that is conspicuously marked "Lifeguard" or "Guard".

b. Shall not be assigned duties that may distract the lifeguard's attention from observing an individual or that may hinder the lifeguard's ability to provide immediate assistance to an individual. ^P

c. Equipped with a rescue tube with a harness as instructed in approved lifeguard certification courses. ^P

d. Equipped with a whistle or other signaling device for communicating to aquatic participants or other staff. ^P

7. a. Every boat, except a sailboard and except as provided in subdpar. c., shall carry at least one personal flotation device prescribed as specified pursuant to 33 CFR part 175, subpart B for each person on board or being attended by the boat, so placed as to be readily accessible and available to the persons. ^P

b. No person may use a boat 16 feet or more in length unless one throwable personal flotation device is onboard in addition to the total number of wearable personal flotation devices required in subdpar. a., of this section. ^P

c. No person may operate a boat with any child under 13 years old aboard unless each such child is wearing a properly sized personal flotation device approved by the Coast Guard. ^P

8. Pursuant to s. 30.678 (1) (d), Stats., no person who was born on or after January 1, 1989, and who is 16 years of age or older may operate a motorboat unless one of the following applies: a. The person holds

a valid boating safety certificate pursuant to s. 30.74 (1) (a), Stats., or a valid boating safety certificate that is honored pursuant to s. 30.74 (1) (c), Stats. ^P

b. The person is accompanied in the motorboat by another person who is at least 18 years of age and that person holds a valid boating safety certificate issued pursuant to s. 30.74 (1) (a), Stats., or a valid boating safety certificate that is honored pursuant to s. 30.74 (1) (c), Stats., or was born before January 1, 1989. ^P

9. a. The adult aquatic supervisor shall designate a separate area for each aquatic program activity. ^{Pf}

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, including non-swimmers, beginners, intermediates and proficient swimmers. ^{Pf}

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 personal flotation device. ^{Pf}

d. The adult aquatic supervisor shall establish and enforce a method for checking persons in and out of each aquatic program activity. ^{Pf}

e. The adult aquatic supervisor shall establish and enforce a method for supervising persons in the water such as the buddy system, buddy check, or a combination of methods of supervising persons. ^{Pf}

10. Safety equipment shall be maintained and in the vicinity of the aquatic activity area and include all of the following: ^P a. An equipped and maintained first-aid kit as determined by the adult aquatic supervisor or the camp health supervisor. ^P

b. Backboard equipped with head immobilizer and sufficient straps. ^P

c. A ring buoy, rescue tube, or throw bag. ^P

11. The adult aquatic supervisor shall conspicuously post the camp's swimming rules and restrictions and boating regulations in the aquatic program activity area. When participating in an aquatic program activity off the camp premises, swimming and boating regulations and restrictions shall be verbally discussed with campers.

12. A rescue boat shall be readily available when the aquatic program activity extends beyond the designated swimming area.^P The boat shall be provided with all of the following: a. A ring buoy, rescue tube, or throw bag attached to 50 feet of ¼ inch rope.^P

b. A rescue pole. A standard length oar or paddle may substitute for a rescue pole.^P

c. Personal flotation devices that are United States coast guard approved and shall be sized properly for each individual.^P

13. The aquatic program activity area shall be free of hazards.^P

Note: Blue-green algae blooms can produce toxins that can make people sick after they swallow, breathe in, or have contact with water. Email the Wisconsin department of natural resources at DNRHABS@wisconsin.gov to report a bloom or ask questions. More information is also available from the Wisconsin department of health services Staying Safe at the Lake: What Summer Camps Should Know about Blue-Green Algae at www.dhs.wisconsin.gov/publications/p02438.pdf.

14. Aquatic program equipment shall be maintained in good repair, including docks, ladders, rafts, diving boards, boats, life jackets, and paddles.

15. A camp may allow swimming after dark if lighting is provided to identify swimmers.^P

(d) *Horseback riding*. 1. When horseback riding is provided on the camp premises, the camp shall meet all of the following: a. Evaluate and classify each camper's riding ability and assign each camper to a horse and equipment that matches their ability.^{Pf}

b. Require protective head gear to be worn by campers or staff under the age of 18, except that this provision does not apply to pony rides where a horse or pony is led by a trained individual on foot or the animal is controlled by a mechanical device that leads its walk.^P

2. Horse and livestock medications shall be secured in an area away from camper access and locked when not in use.^P

3. Stables, corrals, riding rings, or other livestock areas shall be located away from lodging areas as specified pursuant to s. ATCP 78.17 (2).^{Pf}

4. Livestock areas shall be maintained free from the accumulation of manure.

(e) *Use of motorized vehicles.* 1. When a go-kart or similar motorized vehicle, excluding a golf cart, is provided for a camp program, the camp shall meet all of the following: a. Equip the go-kart or similar motorized vehicle with a restraint device such as a seat belt or safety harness. ^P

b. Require protective head gear to be worn by a camper or staff under the age of 18 who is using the vehicle. ^P

c. Establish a camper vehicle use policy that provides guidelines for when and where a vehicle may be used pursuant to s. 23.33, Stats., and ch. NR 64, as enforced by the Wisconsin department of natural resources. ^{Pf}

d. Provide safety and operating instructions to the camper prior to use. ^{Pf}

2. When an all-terrain vehicle or utility-terrain vehicle is provided for a camp program, the camp shall meet all of the following: a. Require protective head gear to a camper or staff under the age of 18 using the vehicle. ^P

b. Use only a vehicle with a minimum of 4 wheels. ^P

c. Establish a camper vehicle use policy that provides guidelines for when and where a vehicle may be used per s. 23.33, Stats., and ch. NR 64, as enforced by the Wisconsin department of natural resources. ^{Pf}

d. Provide safety and operating instructions to the camper prior to use. ^{Pf}

(4) POOLS AND WATER ATTRACTIONS. Any public swimming pool, water attraction, wading pool, whirlpool or similar structure shall comply with the design and construction requirements in ch. SPS 390 and the camp operator shall obtain a license and operate the pool in accordance with ch. ATCP 76.

(5) PLANS FOR CAMPER SECURITY AND DEALING WITH EMERGENCIES. (a) *General camp security.* 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}

2. Firearms and ammunition used by staff for non-program activities. ^{Pf}

3. Active threats and possible intruders on camp premises. ^{Pf}

(b) *Emergency response and recovery plans.* 1. A camp shall have a written plan for actions to be taken in response to all of the following: a. Fire. ^{Pf}

- b. Severe weather and a power outage, including identifying a designated shelter. ^{Pf}
- c. Lost camper. ^{Pf}
- d. Lost swimmer. ^{Pf}
- e. Communicable disease and foodborne illness outbreak, including reporting and notification to the health department. ^{Pf}

Note: A list of reportable communicable diseases can be found in appendix A to ch. DHS 145. For more information on diagnosis and symptoms of foodborne illness refer to ch. ATCP 75, s. 2-201.11 (A) (1) and (2).

2. The camp's written plan shall include the frequency of training and rehearsal provided to camp staff. ^{Pf}

(c) *Camper sexual abuse prevention training requirements.* Camper sexual abuse prevention training shall be conducted annually and meet all of the following: ^{Pf} 1. The camp shall maintain a copy of the curriculum. ^{Pf} and

2. Maintain the individual certificate or dated documentation, with each participant's name, for training that occurred. ^{Pf}

3. Provide the curriculum to the department or agent upon request.

4. The training shall cover all of the following topic areas: a. Understanding the dynamics of camper to camper sexual abuse and sexualized behaviors. ^{Pf}

b. Recognizing inappropriate conduct in camp staff behavior with campers. ^{Pf}

c. Managing camp staff-to-camper and camper-to-camper one-on-one interactions. ^{Pf}

d. Defining inappropriate physical and verbal contact or interaction with campers. ^{Pf}

e. Identification and reporting of low level concerns. ^{Pf}

f. Responding to disclosure or suspicion of abuse. A process for ensuring that known or suspected cases of child abuse, neglect or sexual misconduct are immediately reported to the proper authorities. ^{Pf}

g. Communication strategies for staff, campers, parents and media. ^{Pf}

(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 Camp wellness and health staff. (1) CAMP WELLNESS. (a) *Physician on staff or consulting physician.* Before a camp opens for the first time, and at least annually thereafter, the camp operator shall make written arrangements for medical care of campers and camp staff by a staff physician, consulting physician or the consulting physician's practice. ^P

(b) *Staff physician or consulting physician standing orders.* Health services staff shall work under the delegation of a physician licensed pursuant to ch. 448, Stats., who is available on-site during the camping season or for consultation services. 1. The staff physician or consulting physician, in cooperation with the camp operator, shall develop standing orders, signed by the physician, for the administration of medications, routine health care and emergency medical care at the camp. ^P

Note: Wisconsin is identified in a high incidence category for Lyme disease, therefore it is recommended that a written protocol should include tick bite identification and removal techniques, such the following resource provided by the United States centers for disease control and prevention: <https://www.cdc.gov/lyme/resources/FS-Guidance-for-Clinicians-Patients-after-TickBite-508.pdf>.

Note: Bats are the leading rabies vector in Wisconsin. It is recommended that camp staff are trained in bat education and that a written protocol be developed that includes: how to prevent and recognize a bat exposure, safe capture of a bat and what to do in the event a bat is found in a room with sleeping campers. A copy of the rabies algorithm can be found at the Wisconsin department of health services website at: <https://www.dhs.wisconsin.gov/rabies/algorithm/index.htm>.

2. The physician shall review, sign and date the standing orders annually. ^P

(c) *Camp vehicle.* A camp shall have a vehicle available at all times to transport a camper or staff member requiring urgent medical services to a hospital or clinic when the camp cannot provide the needed services or as approved by the department or its agent. ^{Pf}

(d) *Camper health history*. 1. Each camper upon arrival at the camp, shall present to the health services staff or to the rental groups health services staff as required pursuant to s. ATCP 78.16, an up-to-date written health history.^P Health histories shall include all of the following: a. Any physical condition or limitations.^P

b. Medications.^P

c. Allergies.^P

d. Immunization status or a signed document by the legal guardian presented to the camp objecting to the immunization requirements for a camper for reasons of health, religion or personal conviction meets the requirements pursuant to s. 252.04 (3), Stats.^P

e. Any special health and behavioral considerations, including mental, emotional, social and developmental needs or restrictions of the camper.^{Pf}

f. Permission from the family that allows for a camper to self-carry and administer emergency medication, such as epinephrine, inhalers, or insulin, if applicable.^P

2. For a camper under 18 years of age, the written health history shall be prepared and signed by a parent or legal guardian.^P

3. Parent or legal guardian's written consent to treat camper in case of an emergency.^{Pf}

4. Signed permission by the parent or legal guardian for camp health services staff to provide routine healthcare treatment, identifying over-the-counter medications that can be administered.^{Pf}

Note: It is recommended that each camper upon arrival at the camp, also present to the health services staff a written report of a physical examination performed within the preceding 24 months by a physician, a physician assistant, or a nurse practitioner.

(e) *Camp staff health history*. 1. Each camp staff member, upon arrival at the camp, shall present to the health services staff or to the rental groups health services staff as required pursuant to s. ATCP 78.16, an up-to-date written health history.^P Health histories shall include all of the following: a. Any physical condition or limitations.^P

b. Medications.^P

c. Allergies.^P

d. Based on the staff member's job description, clarification of any camp activities from which the staff member should be exempted or limited for health reasons as indicated by qualified medical personnel.^{Pf}

e. A statement indicating if the staff member requires any medication that might impair their ability to perform the essential functions of their position.^{Pf}

f. Who to contact in case of emergency.

g. Immunization status as determined by the consulting physician and camp health supervisor.^P

2. For camp staff under 18 years of age, the written health history shall be provided as required pursuant to par. (d).^P

(f) *Health center.* A camp shall have written procedures and space for the temporary isolation of sick or injured campers and staff members.^P

Note: Reportable communicable diseases are listed in appendix A to ch. DHS 145. Cases are to be reported to the local health officer or the department pursuant to s. 252.05, Stats., and ch. DHS 145.

(g) *First-aid supplies.* A camp shall have first-aid supplies as determined by the staff physician or consulting physician standing orders.^{Pf}

(h) *Emergency Phone.* 1. A telephone capable of connecting with 911 or emergency dispatch services shall be accessible at all times during camp operation.^P

2. Other telephone technology may be used that has continuous power backup and a reliable service connection.^P

3. The installation and location of the telephone shall be in close proximity to the camp buildings or lodging units and the telephone shall be available to camp staff and campers.^{Pf}

4. A current list of emergency numbers, including 911, and the facility's location shall be attached to or posted near the telephone.^P

(i) *AED.* If provided, the camp shall ensure the AED meets all of the following: 1. Maintained in operational condition in accordance with manufacturer guidelines.^P

2. Tested in accordance with any operational guidelines of the manufacturer.^{Pf}

3. Continually available on camp premises when camp is in session.^{Pf}

Note: Camp administration is encouraged to consider placement of multiple AED(s) based on the population served and activities conducted.

(2) HEALTH STAFF REQUIREMENTS FOR A CAMP OR RENTAL GROUP OPERATING FOR 3 NIGHTS OR MORE. (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}

(b) *Health services qualifications.* 1. The health staff shall include at least one of the following: ^P

a. A physician licensed in Wisconsin pursuant to s. 448.033, Stats.

b. A registered nurse licensed in Wisconsin pursuant to s. 441.115 (3), Stats.

c. A physician assistant licensed in Wisconsin.

d. A practical nurse licensed in Wisconsin.

e. A national athletic trainers association certified trainer and meeting subd. 4.

f. An emergency medical services practitioner as defined in s. 256.01 (5), Stats., and meeting subd.

4.

g. A person currently certified as completing the American Red Cross responding to emergencies course or equivalent and meeting subd. 4.

h. A person currently certified as completing a wilderness first aid course as approved by the department and meeting subd. 4.

2. Health services staff at a camp shall hold current certification from the American Red Cross or American Heart Association for basic CPR and AED.^P A camp shall follow the staffing requirement for CPR and AED as follows: a. If the local ambulance service provider or emergency medical services states in writing that there is a target response time of 30 minutes or less to the camp, the camp shall meet the

requirements pursuant to s. ATCP Table 78.27, for all programs going to a physical location. ^P

b. If the local ambulance service provider or emergency medical service response is greater than 30-minutes, the camp shall meet the requirements pursuant to s. ATCP Table 78.27. ^P

3. Health services staff at a camp shall hold a current certificate for the completion of the American Red Cross or American Heart Association first-aid course or equivalent. ^P

4. Health services staff administering medication and only meeting the requirements pursuant to subd. (2) (b) 2. and 3., shall annually take the Wisconsin department of public instruction online course, Medication Administration Principles and shall maintain documentation of the assessment test and passing grade. ^P

Note: The Wisconsin department of public instruction course Medication Administration Principles can be found at the following link. https://media.dpi.wi.gov/sspw/av/bmap/story_html5.html.

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: a. The health services staff member shall complete a training program conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or an organization approved by the Wisconsin department of health services. ^P

b. The training certificate shall be maintained on the camp premises. ^P

c. The training certificate shall be made available to the department or its agent upon request.

(c) *Health services coverage.* A camp shall meet the requirements pursuant to s. ATCP Table 78.27, for health service staff coverage at the camp at all times during camp operations. ^P

(d) *Health services staff coverage for off-premises trips and primitive camping.* 1. If the local ambulance service provider or emergency medical services states in writing that there is a target response time of 30 minutes or less to the camp, the camp shall meet the requirements pursuant to s. ATCP Table 78.27, for all off-premises trips and primitive camping. ^P

2. If the local ambulance service provider or emergency medical service response time is greater than 30-minutes, the camp shall meet the requirements pursuant to s. ATCP Table 78.27, for all off-premises trips and primitive camping.^P

(3) ALTERNATIVE HEALTH SERVICES REQUIREMENTS FOR A RENTAL GROUP THAT OPERATES FOR A PERIOD OF 3 NIGHTS OR LESS. A rental group, such as a school class, a church group, or a scout troop that provides their own health services staff shall meet the requirements pursuant to s. ATCP Table 78.27.^P

ATCP Table 78.27 Health Staff Coverage and Training Requirements

Recreational and Educational camp	Minimum number of health services staff available at all times during camp operations, for given EMS response time.		Health services staff - Minimum training requirements
	Ambulance service provider or EMS provides written documentation that response time is 30 minutes or less.	Ambulance service provider or EMS response time is greater than 30 minutes.	
More than 3 - nights	1	2	A health services supervisor as required pursuant to par. 2 (a). Additional health services staff providing coverage shall at least meet the requirements pursuant to subd. (2) (b) 2. and 3. and if they are administering medication or epinephrine they shall also meet subd. (2) (b) 4. and 5.
Rental Group- 3 nights or less	1	2	Adult leader – Meet requirements pursuant to sub. (2) (b) or sub. (2) (b) 2. and 3. and if they are administering medication or epinephrine they shall also meet subd. (2) (b) 4. and 5.
Off-premises and primitive camping	1	2	Health services staff – Meet requirements pursuant to par. (2) (b) or subd. (2) (b) 2. and 3. and if they are administering medication

or epinephrine they shall also meet
subd. (2) (b) 4. and 5.

(4) MEDICATIONS BROUGHT TO CAMP. (a) *Prescription medication*. 1. Except as specified in subd. 2., all medications brought to camp by a camper or staff member shall be properly labeled with all of the following: a. The name of the camper or staff member.^P

b. The name of the medication.^P

c. The dosage.^P

d. The frequency of administration.^P

e. The route of administration.^P

f. Name of the prescribing physician.^P

g. The prescription number.^P

h. The date prescribed.^P

2. A prepackaged pill pack provided by a pharmacy service accompanied by paperwork meeting the requirements as specified pursuant to subd. 1.^P

(b) *Additional information*. Information regarding possible adverse reactions, the specific conditions when contact should be made with the physician and other special instructions shall be documented in the camper health history.^P

(c) *OTC medications including vitamins, supplements and natural remedies*. All OTC medications brought to camp by a camper or staff member shall meet all of the following: 1. Clearly labeled with the name of the camper.^P

2. In a container labeled with the name of the medication and directions for use.^P

(d) *Medication administration and storage*. Except as allowed in pars. (e) and (f), all medication brought to camp by a camper or staff member under 18 years of age shall meet all of the following: 1. Kept in a locked unit.^P

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

3. Administered by a parent or legal guardian who is serving as camp staff member that: a. Retains and administers their own child's medications as long as this information is included in the camps medication record.^{Pf}

b. Takes responsibility for the security of their child's personal medication.^{Pf}

(e) *Delegation for administration of medication.* For a camp that lasts longer than 3 days, the department shall allow qualified health services staff to designate an individual at the camp to administer, to a camper or staff member who is under 18 years of age, medications brought to the camp by that camper or staff member, other than medications that a camper or staff member may carry themselves pursuant to s. 97.67 (5m) (b), Stats. Any individual designated by health services staff to administer medication brought to camp by campers, not meeting the qualifications pursuant to subd. (2) (b) 1., shall meet the requirement pursuant to subd. (2) (b) 4., for completion of the Wisconsin department of public instruction course, Medication Administration Principles.^P

Note: The Wisconsin department of public instruction course Medication Administration Principles can be found at the following link. https://media.dpi.wi.gov/sspw/av/bmap/story_html5.html.

(f) *Rental group administration of medication.* When a camp's facilities are used by a rental group for 3 nights or less, an adult leader of the group shall meet all of the following: 1. Keep all medications brought to camp by a camper or staff member under 18 years of age in a locked unit.^P

2. Meet the requirements pursuant to s. ATCP Table 78.27.^P

3. Administered by a parent or legal guardian who is serving as camp staff pursuant to subd. (d) 3.^{Pf}

(5) HEALTH AND TREATMENT RECORDS. (a) *Health history records.* A camp's health services supervisor shall keep available, the health history required pursuant to par. (1) (d) and (e), for each camper and staff member.^{Pf}

(b) *Medication and treatment log.* When a medication is administered or treatment provided to a camper or staff member, health services staff shall, as soon as possible, make a record of the action using any one

of the following: 1. In a bound book with preprinted page numbers.^P

2. By electronic entry into a software program that documents each change to the health record and that does not allow previous changes to the health record to be edited or deleted.^P

3. By making an electronic medication administration record, printed with the date and time stamp, from a health software program pursuant to subd. 2., to be used for manual recording with a signature on the form of the individual making entries.^P

(c) *Medication and treatment record requirements.* The record shall indicate all of the following information: 1. Legal name of the person receiving the medication or treatment.^{Pf}

2. Ailment.^{Pf}

3. Name of the medication or treatment.^{Pf}

4. Quantity given.^{Pf}

5. Date and time administered.^{Pf}

6. Initials of the person administering the medication or providing treatment.^{Pf}

7. Comments.

(d) *Medication and treatment record storage.* 1. The logging of medication and other treatment administered shall support accurate medication and treatment administration in a clear, complete and organized manner.^{Pf}

2. Health history and treatment records shall be accessible, upon request, to the department or its agent.

(e) *Record retention.* The camp shall retain health history and treatment records for at least 3 calendar years.

(f) *Rental group health history, medication and treatment records.* 1. The rental group using a camp's facilities and providing their own health services staff shall maintain the health histories and treatment records for their campers and staff.^P

2. The health history and treatment records shall be accessible, upon request from the department or its agent.

(g) *Rental group record retention.* 1. The rental group, if providing health supervision, shall maintain

all camper health histories, medication and treatment records for a minimum of 3 calendar years and make the records available upon request to the department or agent within 2 business days of the request.

2. The rental group shall keep a register and a method of tracking individuals entering and leaving the camp during operation, pursuant to s. ATCP 78.28, and make the register and tracking document available upon request to the department or agent within 2 business days of the request.

ATCP 78.28 Camp register. (1) REQUIREMENTS. A camp shall maintain a written or electronic camp register with all of the following information for each camper and staff member: (a) Legal name.^{Pf}

(b) Home address.^{Pf}

(c) Phone number.^{Pf}

(d) Email address.^{Pf}

(e) The name, phone number and email of persons to notify in case of an emergency.^{Pf}

(2) RENTAL GROUP CAMP REGISTER REQUIREMENTS. (a) *Rental group contact information.* Each rental group shall provide the contact information for their authorized representative to the licensed camp operator that includes all of the following: 1. The name of the authorized representative.^{Pf}

2. Phone number.^{Pf}

3. Email address.^{Pf}

4. Home address.^{Pf}

(b) *Register responsibility.* Each rental group shall be responsible for maintaining a camp register as required pursuant to sub. (1).^{Pf}

(3) CAMP REGISTER RETENTION. The camp register shall be retained for a minimum of 3 years.

ATCP 78.29 Death, injury or illness reports. The camp shall report incidents resulting in serious injury, illness or death where an emergency medical service response is required, by the end of the next working day following the incident by phone or email to the department or its agent.^{Pf}

Note: Report deaths, injuries, or illnesses to the bureau of food and recreational businesses by calling (608) 224-4682 or email datcpdfsrec@wisconsin.gov. or if licensed by an agent, by contacting your agent health department.

ATCP 78.30 Playground equipment. (1) INSTALLED AND MAINTAINED IN GOOD REPAIR.

Playground equipment shall be: (a) *Installed*. Installed to manufacturer's directions.^{Pf}

(b) *Maintained*. Shall be maintained in good repair.

(2) ENTANGLEMENT AND IMPALEMENT. (a) Hazards. Playground equipment shall be free of the following hazards: 1. Open "S" hooks.^P

2. Bolt ends protruding more than 2 threads beyond the end of the nut.^P

3. Sharp points or edges.^P

(3) TRIP AND FALL HAZARDS. (a) Exposed footing. Concrete footings shall not be exposed above ground level.^P

(b) *Protective surfacing*. Fall hazards shall be minimized by providing protective surfacing material, including wood chips, pea gravel, sand or a unitary surface.^{Pf}

ATCP 78.31 Petting zoo and other animal education interactions. (1) HAND HYGIENE. The camp operator shall provide any of the following: (a) *Hand washing station*. If the camp includes a petting zoo or other animal interaction for campers, the operator shall provide a hand washing station with running water, soap, and single-use toweling in close proximity to encourage hand washing after handling animals.^{Pf}

(b) *Hand sanitizing station*. If soap and water are not available, a hand sanitizing station using an alcohol based sanitizer containing at least 60 percent ethanol shall be provided.^{Pf}

(2) SUPERVISION. Camp staff shall ensure that campers are washing their hands or using hand sanitizer after handling animals or being in their environment.^{Pf}

Note: Direct contact with species known to serve as reservoirs for rabies virus (e.g., bats, raccoons, skunks, foxes, and coyotes) is not recommended. If the camp will provide a petting zoo or animals for interactive display or educational programming, it is recommended the operator minimize risk of zoonotic disease transmission to participants and staff by designing and operating the display in accordance with the recommendations in the most current National Association of Public Health Veterinarians Compendium of Measures to Prevent Disease Associated with Animals in Public Settings. <http://nasphv.org/documentsCompendiumAnimals.html>.

ATCP 78.32 Primitive camping trips. (1) GENERAL. The operator of a camp shall maintain each primitive camp area in a safe and clean manner conducive to public health.

Note: An itinerary shall be filed or arrangement shall be made with the national forest service office if such land is used by the primitive camping trip. The camp director should familiarize the staff and campers with rules governing such property.

(2) TRIP DOCUMENTATION AND EMERGENCY INFORMATION. The trip leader shall be provided with all of the following health information and resources: (a) *Health histories.* A description of any individual camper specific health conditions.^{Pf}

(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} 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}

b. Maintain 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 upon request.^{Pf}

(c) *First aid.* A fully stocked first aid kit.^P

(d) *Communication.* Reliable means of communication to summon emergency help and communicate with the camp health supervisor.^P

(3) TRIP STAFFING. Camper to staff ratios shall follow the requirements pursuant to ss. ATCP 78.25 and 78.27 (2) (d).^P

(4) WATER SUPPLY. (a) *Water provided by the camp.* Drinking water taken on primitive camping trips away from camp shall meet all of the following: 1. Except as specified pursuant to par. (b), taken from a potable

water source.^P

2. Transported and stored in clean, sanitized containers.^P

(b) *Alternative water sources.* Where it is not practical to transport drinking water, drinking water treatment purification methods shall be provided. Water shall be visibly clear and free from debris, foam, blue-green algal blooms or scum, trash and organic matter.^P 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

b. Treated water with a purifier meeting National Sanitation Foundation standard P231 or P248. The filter pore size shall be 0.02 microns or less.^P

c. Filtered using a filter with an absolute pore size not greater than 0.3 micron pursuant to National Sanitation Foundation Standard 53 or 58 and disinfected with a chemical product labeled for the treatment of drinking water.^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

(c) *Use and maintenance.* Water treatment filters and cartridges shall meet all of the following:

1. Maintained according to manufacturer's instructions to ensure devices are in proper working order.^{Pf}

2. Maintain a maintenance log or receipts for any device replacement parts or accessories.^{Pf}

3. Ensure chemical treatment products are stored according to manufacturer's directions.^{Pf}

4. Ensure chemical treatment products are not expired.^P

(d) *Trained staff.* 1. A camp operator shall ensure staff performing drinking water treatment are trained in the proper use of all practices, devices, time requirements and chemical treatments.^{Pf}

2. Only persons trained to properly treat water using the designated treatment methods shall treat drinking water in the field.^{Pf}

(5) OFF SITE WRITTEN FOOD SAFETY PLAN. (a) *Plan contents.* A written food safety plan shall be provided for primitive camping and backcountry trips and shall incorporate all the following components: 1. General food safety practices as provided in ch. ATCP 75, for the type and method of food service provided.^{Pf}

2. Hand hygiene.^{Pf}
3. Utensil washing procedures, if applicable.^{Pf}
4. Protection of food from animals and other pests.^{Pf}

(b) *Plan available to regulatory authority.* The written food safety plan shall be made available to the department or its agent upon request.

(6) TOILETS. (a) *Usage.* Except as specified pursuant to par. (c), at minimum, toilet usage in these areas shall comprise a slit trench with earth backfill or cathole at least 8 inches deep.^P

(b) *Location.* The toilet areas shall be located at least 200 feet from a stream, lake, well or established trail, camp, tent or other sleeping or housing arrangement.^P

(c) Solid human waste can be carried out and disposed of back at the camp premises or other toilet facility.^P

Note: See Leave No Trace from the Center for Outdoor Ethics: <https://lnt.org/>

(7) SOLID WASTE. Garbage and refuse generated in primitive camping areas shall be carried back to the camp premises or other approved area for proper disposal pursuant to s. ATCP 78.22.

Note: See Leave No Trace from the Center for Outdoor Ethics: <https://lnt.org/>

SECTION 2. EFFECTIVE DATE: This rule shall take effect 90 days following publication in the Wisconsin administrative register, as provided pursuant to s. 227.22 (2), Stats.

(END OF RULE TEXT)

Dated this 6th day of May, 2022

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION



By: Randy Romanski, Secretary

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<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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Fiscal Estimate & Economic Impact Analysis

costs to the Department for the inspection.

As previously stated, the proposed updates to Wis. Admin. Code ch. ATPC 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. ATPC 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. ATPC 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

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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.

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- Simple \$490
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- 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:

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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	Savings of \$245
Camp B= complex with hospitality					\$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. ATCP 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

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