

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</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 222 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>	

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

costs to the Department for the inspection.

As previously stated, the proposed updates to Wis. Admin. Code ch. ATCP 78 contain an overhaul of definitions that includes amendments, modernization and expansion of terms used in the rule for clarification. Expansion of the definitions section includes over 50 newly defined terms. This expansion is beneficial for consistency and creates a clear understanding of how the rule is applied to the recreational and educational camp industry. An amended definition of ‘recreational and educational camp’ does not include camps that only serve families or non-developmentally disabled adults, because supervision and health services requirements are not needed for groups of adults and families who know their children’s health needs. In short, there is no value to applying recreational and educational camp supervision regulations to these situations.

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 is a one example of how the Department is serving as a responsible steward of state resources and avoiding unnecessary expenses.

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

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

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

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

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 222 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 222 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,

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

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. 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 biannual 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

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

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, and there is no value to recreational and educational camp supervision regulations being applied to these situations.

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 preparation activities are required to follow ch. ATPC 75 and its Appendix that references and mirrors much of the 2013 FDA Model Food Code, as well as FDA Model Food Code updates accepted by the FDA since 2013. The newly

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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: 16 CFR 1513, which regulates bunk beds for minors constructed after June 19, 2001, is also referenced in the rule. Lastly, Code of Federal Regulation, 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/or 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 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.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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

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

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

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

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

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

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

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. 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 biannual 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 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

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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.

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

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

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

ss. 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 par. 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 subs. 93.06 (7) and (8), and s. 97.71, Stats. to set conditions on a license, suspend a license, or void a license. The Department may also issue special order requiring corrections before a camp resumes operations, pursuant to sub. 97.12 (3), Stats.

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

Yes No
