



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

DATE: December 16, 2021

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Randy Romanski, Secretary
Steve Ingham, 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 December 16, 2021, Board meeting, the Department will request approval of a hearing draft rule, regarding ch. ATCP 78 relating to Recreational and Educational Camps. Board approval will allow the Department to submit the hearing draft rule to the Legislative Council Rules Clearinghouse and hold public hearings on the proposed rule.

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 input received and is modernization of ch. ATCP 78. Highlights of the rule revision include the following:

- A significant overhaul of the definitions sections.
- Modernization of health services qualifications and data management options.
- Enhancement of provisions ensuring camper health, safety and security through camp staff background checks and camper sexual abuse prevention training.
- Modernization of the license and fee model so that license fees 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.
- Incorporation into the licensing structure of 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.

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- Provisions for prevention and control of diseases spread by animals, along with assurance of safe food and drinking water, both on-premises and during primitive camping activities.
- New requirements for reporting death, injury or illness that require an emergency medical service (EMS) response.
- Simplification of life safety and public health standards by 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 will hold five public hearings on the preliminary rule draft. The hearings will take place February 15-17, 2022 in Eau Claire, Wausau, and Rhinelander, as well as in Madison on March 2, 2022. There will also be a virtual public hearing on March 3, 2022.

List of Public Hearing Attendees and Commenters for ATCP 78

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

Name and Address	Position Taken (Support or Opposed)	Method of Commenting (Oral or Written)	Considerations
Pat Murphy	Support	Written	Importance of further standards and rules for ropes courses.
Peter Hatlestad	Support	Written	Recognition of other standards such as the Professional Ropes Course Association (PRCA), ANSI National Safety Standards.
Andrew Voit	Neither	Written	
Kate Holmquist	Neither	Written	
Phillip Bramley	Neither	Written	
Ryan Olson	Support	Written	Recognition of other standards such as the Professional Ropes Course Association (PRCA), ANSI National Safety Standards.
Olen Johnson	Support	Oral	
Amanda A. Schellinger	Support	Oral	Seeking general clarification.
Scott Grenon	Support and Oppose in Part	Oral	
Maria Rudesill	Support and Oppose in Part	Oral	Impracticality of third-party inspectors for ropes courses.
Thomas Mooney	Support	Written	
Dave Green	Oppose in Part	Written	General concern about increase in regulation. Provided question regarding the provided definition of a firearm. Does not see necessity for outside training certificates. Also seeking general clarification on sleeping quarters criteria, background check policy, age difference in the leader of “non-specialized program activity”, clarity on “high and low element challenge courses”, open swim skill-level area distinctions, and expressed impracticality of a system of check-in for vendors or contracted services. Concern over added health history requirements for staff over age 18, and the high fiscal impact of the requirement of a separate toilet and handwashing facility for person’s suspected of having a communicable disease or foodborne illness.

**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 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;" 97.67(1) and (4) "Recreational licenses and fees," Stats.

Statutory Authority

Statutory Authority: Sections 93.07 (1), 97.67 (1) and (4), 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, 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.

Related Statutes and Rules

Since the transfer of several programs from the 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, inter-related 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 Department of Natural Resources are referenced in ch. ATCP 78, particularly boating safety rules related to training required to operate a motorboat, NR30.62 (3) and Code of Federal Regulation, 33 CFR part 175. NR 809 and 812 are also referenced for water supply and drinking water standards.

Reference to 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 230 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, but 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 for consistency and creates a clear understanding of how the rule is applied to the recreational and educational camp setting. 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, and there is no value to recreational and educational camp supervision regulations being applied 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 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 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 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 Department of Public Instruction is a one example of how the Department is being a responsible steward of state resources and avoiding unnecessary expenses.

The proposed ch. ATP 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. ATP 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. ATP 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 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.

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 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. 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 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.

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 cost savings 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	Economic Impact

		License Fees	
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 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 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. 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 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 (CPR) courses. This will save money and time spent on advanced CPR 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

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

Email: Bradford.Steinel@wisconsin.gov

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Department Contact Person

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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

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

2 SUBCHAPTER I

3 DEFINITIONS, AUTHORITY AND PURPOSE

4 **ATCP 78.01 Authority and purpose.** This chapter is promulgated under the authority of ss. 97.67 (4),
5 97.30 (2) (a), 97.625 and 227.11 (2) (a), Stats., to prescribe rules for recreational and educational camps
6 and hospitality activities for enforcement by the department and agent local health departments to protect
7 public health and safety.

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

10 **(2) VARIANCES.** When it appears to the department that strict adherence to a provision of this chapter
11 is impractical for a particular camp, the department may approve a variance from that provision requested
12 by that camp's operator if the operator provides the department with satisfactory proof that the approval of
13 the variance will not jeopardize the public's health, safety, or welfare.

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

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

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

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

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

29 **(4) CONFORMANCE WITH AN APPROVED VARIANCE.** If the department grants a variance as
30 specified in sub. (2), the license holder shall: (a) Comply with the department's conditions for the variance
31 approval^P and

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

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

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

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

41 **Note:** To obtain a form for requesting a variance, e-mail datcpdfsrec@wisconsin.gov or contact the Bureau
42 of Food and Recreational Businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin

43 53708–8911.

44 **ATCP 78.03 Definitions.** In this chapter:

45 (1) “Adirondack shelter” means an open-fronted shelter typically made from wood and having a roof
46 that slopes backward.

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

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

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

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

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

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

63 (8) “Bed” means a piece of furniture for sleep or rest, typically a framework with a mattress and
64 coverings, including a cot or bunk. A bed can also mean a sleeping pad, air mattress or yoga mat placed
65 on the floor for an individual camper in a permanent sleeping quarter.

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

68 (10) “Boat” or “vessel” means every description of watercraft used or capable of being used as a

69 means of transportation on water, except a seaplane on the water and a fishing raft.

70 (11) "Camp" means a premises, including temporary and permanent structures that are operated as
71 overnight living quarters, where food or lodging are provided for a camper. The camp provides a
72 combination of planned program activities established for the primary purpose of providing an indoor or
73 outdoor group living experience for campers with social, recreational, spiritual, and educational objectives
74 during one or more seasons of the year. The camp is advertised or offered free of charge or in return for
75 payment of a fee by a person or by the state or a local unit of government. "Camp" does not include any of
76 the following:

77 (a) An overnight planned program of recreation or education for families or non-developmentally
78 disabled adults.

79 (b) An overnight planned program of recreation or education for fewer than 4 consecutive nights and
80 without permanent facilities for food and lodging.

81 (c) An overnight planned program for credit at an accredited academic institution.

82 (d) A tournament, competition, visitation, recruitment, campus conference, or a professional sports
83 team training camp.

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

86 (13) "Camp staff" means paid or unpaid personnel involved with camp operations.

87 (14) "Camper" means: (a) a minor child who receives care and supervision, and

88 (b) An adult with developmental disability, or

89 (c) Children, youth and adults under legal guardianship or court directed conservatorship.

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

92 (16) "Cathole" means an alternative disposal method of burying human solid waste on primitive
93 camping trips by campers.

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

95 **(18)** “Core item” means a provision in this Code that is not designated as a priority item or a priority
96 foundation item. “Core item” includes an item that usually relates to general sanitation, operational
97 controls, sanitation standard operating procedures, facilities or structures, equipment design, or general
98 maintenance.

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

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

103 **(21)** “Developmental Disability” has the meaning given in s. 51.01 (5) (a)-(b), Stats.

104 **(22)** “Easily cleanable” means readily accessible and made of material and finish that allows residue to
105 be completely removed by normal cleaning methods.

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

110 **(24)** “EMS response” means Wisconsin emergency medical services provided, including an ambulance
111 service response in a geographic area, that is staffed by certified rescue professionals such as an Emergency
112 Medical Technician (EMT) or Emergency Medical Responder (EMR).

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

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

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

118 **(28)** “Firearm” means a portable gun, pistol, or rifle from which a projectile can be discharged.

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

121 (30) “Gender neutral” means referring to people in general, not by individual sex.

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

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

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

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

128 (35) “High element” means equipment installed for a challenge course activity that requires a
129 participant using the equipment to be connected to a life safety system. Examples of high element activities
130 include: ascending, descending, or traversing the course at the established height. Activities such as a tree
131 climbing, zip lines, and climbing walls may be a part of a high element challenge course.

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

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

141 (38) "Life safety system" means a configuration of components including life lines, belay beams, and
142 anchorages that support fall restraint and arrest systems, personal safety systems, belay systems, and rope
143 rigging systems.

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

147 department.

148 **Note:** A listing of approved courses may be obtained by contacting the department. E-mail
149 datcpdfsrec@wisconsin.gov or contact the Bureau of Food and Recreational Businesses at (608) 224-4702
150 or PO Box 8911, Madison, Wisconsin 53708-8911.

151 (40) “Livestock” has the meaning given in s. 97.42(1) (em).

152 (41) “Low element” means equipment installed for a challenge course activity in which the participant
153 is spotted if needed by other persons in order to limit the risk of an injurious fall and the use of a life safety
154 system is not required. Examples of low elements include balancing on a low beam, or walking across a
155 pole, while holding a rope, or activities involving such factors as strengthening, agility, balancing, team
156 work, and problem solving.

157 (42) “New building” means a building first available for occupancy on or after July 1, 2023.

158 (43) “New camp” means a camp operating with a license first issued by the department or its agent on
159 or after July 1, 2023.

160 (44) “Non-specialized program activity” means a general camp activity that does not require a special
161 technical skill, equipment, or safety regulation other than those that generally apply throughout camp.
162 Examples include, but are not limited to: singing, nature studies, religious instruction, arts and crafts.

163 (45) “Operator” means the owner of a camp or the person responsible to the owner for the operation of
164 the camp.

165 (46) “Pest” means an animal or insect of public health significance that is a nuisance and may or may
166 not transmit disease to the general public. Pest in this definition includes, but is not limited to: cockroaches,
167 bed bugs, flies, mosquitos, bats, rodents, and ticks.

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

171 (48) “Personal watercraft” means a motorboat that uses an outboard or inboard motor as its primary
172 source of motive power and that is designed to be operated by a person standing on, kneeling on, or sitting
173 astride the watercraft.

174 (49) “Planned program” means an experience that provides an activity undertaken for the purpose of
175 exercise, relaxation or pleasure, or any activity that imparts knowledge or skill in a group setting typically
176 occurring in the outdoors under the supervision of camp staff.

177 (50) “Platform tent” means a tent on a platform usually made of manufactured timber products,
178 constructed to provide a solid, level floor for the tent, with or without partial walls consisting of flame
179 retardant material, in accordance with National Fire Protection Association Standards, and not exceeding
180 three feet in height above the ground.

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

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

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

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

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

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

195 (57) “Primitive camping” also referred to as backcountry camping, means a designated, remote portion
196 of a camp or other off-premises area used by the camp without amenities such as a water supply system,

197 toilets, and permanent food or lodging facilities.

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

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

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

201 (61) “Recreational and educational camp” has the meaning prescribed for “camp”, as defined in (11).

202 (62) “Recreational vehicle” (RV) means a vehicle that has walls of rigid construction, does not exceed
203 45 feet in length, is designed to be towed upon a highway by a motor vehicle or has a motor of its own, and
204 is equipped and used, or intended to be used, primarily for temporary or recreational human habitation. A
205 recreational vehicle includes camping trailers, motor homes, and park models.

206 (63) “Rental group” means another group or program that has a written agreement to rent or use a
207 licensed camp’s facilities, and perhaps some services, to operate their own camping program or retreat. The
208 group may even be from within the camp’s parent organization.

209 (64) “Rescue boat” means a boat or vessel that can provide assistance quickly to a camper during water
210 activities that extend beyond the designated swimming area.

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

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

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

215 (68) “Sanitize” means effective bactericidal treatment of the clean surfaces of equipment or utensils by
216 a process that has been approved by the department as being effective in destroying microorganisms,
217 including pathogens.

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

223 (70) “Spotting” means a practice at a camp that offers a low element challenge course intended to
224 reduce the potential of risk of physical injury to a participant. Typically, spotting requires no specialized
225 equipment and involves one or more persons working together to be ready to catch, lift, physically support,
226 or slow the descent of the participant, if necessary.

227 (71) “Standing orders” means a written protocol developed in cooperation with the camp operator and
228 signed by the staff physician or consulting physician that delineates health ailments such as minor illness
229 and injury that may routinely occur and be treated at camp, when EMS response should be used, and
230 procedures for any emergency medications and equipment that may be used by qualified camp staff
231 including: epinephrine, albuterol, nitroglycerine, AED, and oxygen.

232 (72) “Supervisor” means a person who is responsible for the care of campers and can intervene to
233 prevent harm or respond to incident - the practice of supervision.

234 (73) “Tempered water” means water ranging in temperature from 85°F. (29°C.) to less than 110°F.
235 (43°C.).

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

239 (75) “Trained Adult” means an individual whose competency is affirmed by local statute or regulation
240 through holding a license or certification, or camp personnel who have documented training and experience
241 in a specific area or field.

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

243 (77) “Vendor provided: means a third party that provides equipment and access to a program site or
244 facility, with persons other than the camp staff responsible for the site, equipment, and supervision of the
245 activity. Camp staff may accompany a group and may assist with supervision of campers, but are not
246 responsible for the supervision of the activity.

247 (78) “Vessel” means “boat” as defined in (10).

248 (79) “Visual Obstruction” means, in reference to aquatic program activity, a feature that is manmade

249 or natural and is on, in or near the water, that is larger than 10 feet in length by six feet in height by five
250 feet in width and that obscures a lifeguard or attendant’s line of sight.

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

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

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

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

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

257 SUBCHAPTER II

258 LICENSING AND FEES

259 **ATCP 78.035 License holder qualifications.** To qualify for holding a license, an applicant shall do all of
260 the following:

261 (1) Be an owner of the camp or an officer of the legal entity owning the camp.

262 (2) Comply with the requirements of this chapter.

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

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

266 **ATCP 78.036 License holder responsibilities.** Upon acceptance of the license issued by the department
267 or its agent, the license holder shall do all of the following in order to retain the license:

268 (1) Comply with the provisions of this chapter and any other applicable chapters.

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

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

273 (4) Replace existing facilities and equipment that no longer comply with the criteria set forth in this
274 chapter according to time period pursuant to s. ATCP 78.07 (2).

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

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

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

281 **ATCP 78.04 Plan review. (1) APPROVAL REQUIRED.** An operator shall obtain plan approval from
282 the department or its agent before any one of the following occurs:

283 (a) *New construction.* The operator begins construction of a new building or a new camp.

284 (b) *Modifications.* The operator modifies an existing building or existing camp that was subject to a
285 previous plan review by the department or its agent.

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

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

293 2. A copy of the plans and specifications drawn to scale or a drawing indicating distance of separation
294 measured in feet in accordance with the applicable requirements of this chapter.

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

297 **Note:** To obtain a copy of the plan approval application form, e-mail datcpdfsrec@wisconsin.gov or
298 contact the Bureau of Food and Recreational Businesses at (608) 224-4702 or PO Box 8911, Madison,
299 Wisconsin 53708-8911.

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

303 2. Within 30 days after receipt of a completed plan pursuant to subd. 1., the department or its agent
304 shall approve or deny the plan. If the department or its agent approves the plan, the department or its agent
305 shall issue a plan approval letter to the operator. If the department or its agent denies a plan, the applicant
306 shall be given the reason, in writing, for the denial. The applicant may appeal the decision made by the
307 department pursuant to s. ATCP 78.09. If the decision was made by a department's agent, the applicant
308 may appeal the decision pursuant to s. ATCP 78.10.

309 **ATCP 78.05 Licenses. (1) LICENSE REQUIRED.** (a) *Conditions requiring a license*. No person may
310 operate a new camp without holding a license from the department or its agent. The following requirements
311 apply:

312 1. A separate license is required for each camp

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

316 3. Pursuant to s. 97.67 (2) (b) and (c), Stats., an individual may transfer a license to an immediate family
317 member, if the individual is transferring operation of the camp. A sole proprietorship that reorganizes as a
318 business entity, as defined in s. 179.70 (1), Stats., or a business entity that reorganizes as a sole
319 proprietorship or a different type of business entity may transfer a license to the newly formed business
320 entity or sole proprietorship if the camp remains at the location for which the license was issued and at least
321 one individual who had an ownership interest in the sole proprietorship or business entity to which the
322 license was issued has an ownership interest in the newly formed sole proprietorship or business entity.

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

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

326 **Note:** To notify the department of a transfer of ownership, please e-mail datcpdfsrec@wisconsin.gov or
327 contact the Bureau of Food and Recreational Businesses at (608) 224-4702 or PO Box 8911, Madison,
328 Wisconsin 53708-8911.

329 6. A person who operates a licensed recreational and educational camp and operates a retail food
330 establishment, campground, hotel, motel, bed and breakfast establishment, or tourist rooming house that is
331 solely operated independently and separately from the recreational and educational camp operation shall
332 obtain an additional license, as applicable: a. Retail food establishment license as required pursuant to ch.
333 ATCP 75.

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

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

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

337 7. The operator of a recreational and educational camp that also offers an additional activity such as, a
338 retail food establishment, campground, hotel, motel, bed and breakfast establishment or tourist rooming
339 house within the confines of the recreational and education camp, utilizing the same camp structures to
340 serve other adult guests and their families shall pay the fee associated with applicable licensing category
341 including the term “with hospitality” as indicated pursuant to s. ATCP 78.06 Table B or C. A person that
342 operates a retail food establishment, campground, bed and breakfast establishment, hotel, motel, or tourist
343 rooming house under a recreational and educational camp license shall follow and is subject to the
344 applicable administrative rules for that activity: a. Retail food establishment, ch. ATCP 75.

345 b. Campground, ch. ATCP 79.

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

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

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

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

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

358 **Note:** To arrange a preinspection from the department contact the Bureau of Food and Recreational
359 Businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

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

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

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

367 1. The applicable fees specified pursuant to s. ATCP 78.06 or s. 97.615 (2) (d), Stats., and any fees
368 previously due to the department or its agent under this chapter.

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

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

376 **Note:** To obtain a copy a copy of the camp license application form for a state-licensed camp, contact the
377 Bureau of Food and Recreational Businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin
378 53708-8911.

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

381 (4) LICENSE RENEWAL. (a) *Payment.* To renew a license, the operator shall pay the department the
382 applicable license fee specified pursuant to s. ATCP 78.06 before the license expires. If payment to renew
383 a license fee is not filed with, or received by the department on or before the expiration date of the license,
384 the late fee specified pursuant to s. ATCP 78.06 Table B or C shall be paid in addition to the license fee.
385 Submission of an application for a renewal license is not required.

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

388 2. The department shall refuse to renew an existing camp license as provided pursuant to s. 93.06 (7),
389 Stats, and sub. (5) (b).

390 (5) DEPARTMENT ACTION ON A LICENSE APPLICATION. (a) *Department discretion on a*
391 *license.* The department or its agent may not issue a new camp license or renew an existing camp license
392 unless all of the following conditions are met:

393 1. The operator has corrected a condition for which the department or agent has issued a written health
394 or safety-related order.

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

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

400 (b) *License prohibited.* The department or its agent shall refuse to issue a new license or renew an
401 existing license to operate a camp under any of the following circumstances:

402 1. A fully and accurately completed, signed and dated application has not been received by the
403 department or its agent.

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

405 3. The department or its agent has not approved the plan for the camp pursuant to s. ATCP 78.04.

406 4. The operator has not paid all of the applicable fees pursuant to s. ATCP 78.06.

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

409 (c) *Conditional license.* Except as provided in s. 93.135, Stats., the initial issuance, renewal, or
410 continued validity of a license may be conditioned pursuant to s. 93.06 (8), Stats., upon the requirement
411 that the license holder correct a violation of this chapter, s. 97.67, Stats., or ordinances adopted pursuant to
412 s. 97.615 (2) (g), Stats., within a specified period of time. If the condition is not satisfied within the specified
413 time or after an extension of time approved by the department, the license is void. No person may operate
414 a camp after the camp license has been voided. Any person who does so shall be subject to the penalties
415 pursuant to ss. 97.72 and 97.73, Stats., and payment of fees pursuant to s. ATCP 78.06 (2) (e). An operator
416 whose license is voided under this paragraph may appeal the decision pursuant to s. ATCP 78.09. If the
417 decision was made by a department's agent, the applicant may appeal the decision pursuant to s. ATCP
418 78.10.

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

422 2. If the department or its agent denies an application for a license, the applicant shall be given the
423 decision and reason, in writing, for the denial and information regarding appeal rights provided pursuant to
424 s. ATCP 78.09. If the decision is issued by a department's agent, the applicant may appeal the decision
425 pursuant to s. ATCP 78.10.

426 (6) VOIDED LICENSE FOR FAILURE TO PAY FEES. (a) *Payment deadline.* If an applicant or
427 operator fails to pay all applicable fees, late fees, and processing charges pursuant to s. ATCP 78.06,

428 within 45 days after the expiration of the license, the license is void.

429 (b) *Notice of insufficiency.* If the department receives a notice of an insufficiency pursuant to s. ATCP
430 78.06 (3), the applicant or operator shall have 15 days after receipt of notice from the department of the
431 insufficiency to pay all applicable fees and processing charges or the license is void.

432 (c) *Appeal rights.* An operator whose license is voided by the department under this subsection may
433 appeal the decision as provided pursuant to s. ATCP 78.09. Pursuant to s. 97.67 (5), Stats., the license
434 applicant or operator shall demonstrate that all applicable fees, late fees and processing charges have been
435 paid. In an appeal concerning voiding of a license under this subsection, the burden is on the license
436 applicant to show that the entire applicable fees, late fees and processing charges have been paid. During
437 any appeal process concerning payment dispute, operation of the establishment in question is considered
438 to be operation without a license.

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

441 **ATCP 78.06 Department fees. (1) CAMP LICENSE CATEGORY ASSIGNMENT.** (a) *Criteria:*

442 1. The department or its agent shall assign a camp to a license category by evaluating the complexity
443 of the camp based on the criteria specified in s. ATCP 78.06, Table A.

444 2. A camp whose point value is 5 or less, shall be assigned to the simple license category.

445 3. A camp whose point value is 6 to 10 shall be assigned to the moderate license category.

446 4. A camp whose point value is 11 or more shall be assigned to the complex license category.

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

448 **ATCP 78.06 Table A**

Determining Factors	Point Value
The camp provides on-premises or off-premises waterfront activities including: swimming, kayaking, boating, sailing, canoeing, or inflatables (excluding vendor provided waterfront	2

activities) to campers.	
The camp offers camper firearm activity (portable gun, pistol, or rifle) on-premises-excluding activities involving one or more paintball guns and slingshots.	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 (one or more high elements such as a zip line, climbing wall, or aerial adventure park).	3
The camp offers low element challenge course to campers on-premises (one or more low elements such as balancing on a low beam, or walking across a pole while holding a rope, or activities involving such factors as strengthening, agility, balancing, team work, and problem solving)	1
The camp offers horseback riding to campers on-premises.	1
The camp offers motorized vehicle activity for campers on-premises (e.g. go-kart, UTV).	1
The camp serves one or more rental groups like school, church groups, or scouts, etc.	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 three 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 (cabin, bunkhouse, yurt, covered wagon, Adirondack shelter, platform tent) throughout premises.	1
*The Camp has 11-20 stand-alone sleeping structures (cabin, bunkhouse, yurt, covered wagon, Adirondack shelter, platform tent) throughout premises.	2

*The camp has 21 or more stand-alone sleeping structures (cabin, bunkhouse, yurt, covered wagon, Adirondack shelter, platform tent) 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

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

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

452 **Note:** To request evaluation of license category assignment call the Bureau of Food and Recreational
453 businesses at 608-224-2720 or send your written request to the Bureau of Food and Recreational businesses
454 at P.O. Box 8911 Madison, WI 53708-8911 or if licensed by a local health department, contact that local
455 health department.

456 (2) **FEE SCHEDULE.** Pursuant to s. 97.67 (5), Stats., no license may be issued until all applicable fees
457 have been paid. Fee amounts listed in s. ATCP 78.06 Table B or C apply to camp licenses issued by the
458 department under this chapter.

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

462 (3) **TYPES OF FEES.** (a) *Preinspection fee.* The operator shall pay the applicable preinspection fee
463 listed in s. ATCP 78.06 Table B or C to the department before a new license is issued pursuant to s. ATCP
464 78.05 (3).

465 (b) *License fee.* The operator of a camp shall pay the applicable license fee listed in s. ATCP 78.06 Table
466 B or C to the department for each camp for which the operator applies for a new or renewal license.

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

468 the license, the operator of the camp shall pay to the department a late fee as specified in s. ATCP 78.06 Table
469 B or C pursuant to s. ATCP 93.21(5) (b) in addition to the renewal license fee.

470 (d) *Reinspection or administrative follow-up fee.* If the department conducts a reinspection or an
471 administrative follow-up of a camp pursuant to s. ATCP 78.07 (1) (b) 1. or 4., the operator shall pay to the
472 department the applicable reinspection or administrative follow-up fee listed in s. ATCP 78.06 Table B or
473 C. The department shall assess an additional fee as listed in s. ATCP 78.06 Table B or C, whichever is
474 applicable, for any second or subsequent reinspection or administrative follow-up conducted pursuant to s.
475 ATCP 78.07 (1) (b) 4.

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

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

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

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

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

491 **ATCP 78.06 Table B**

492 **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

493 * Provides a hospitality activity.

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

498 **ATCP 78.06 Table C**

499 **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 Hospitality*	\$661	\$1322	\$200	\$300	\$132
Complex	\$593	\$1186	\$200	\$300	\$119
Complex/w Hospitality*	\$744	\$1488	\$200	\$300	\$149

* Provides a hospitality activity.

Note: Hospitality activity does not include 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 ss. ATCP 72, 73, 75, and 79.

SUBCHAPTER III

ENFORCEMENT AND APPEALS

ATCP 78.07 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

519 the following conditions: a. Presence of an imminent hazard that cannot be corrected during the inspection.

520 b. An inspection reveals six or more priority violations, regardless if they have been corrected during
521 the inspection.

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

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

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

529 3. A reinspection fee shall be charged for the reinspection or administrative follow-up in the amount
530 listed in s. ATCP 78.06 Table B or C, or the applicable amount as determined by an agent of the department.

531 4. If an additional reinspection or administrative follow-up is required because a violation has not been
532 corrected in the scheduled time, the department shall assess a second or subsequent reinspection fee listed
533 in s. ATCP 78.06 Table B or C pursuant to s. ATCP 78.06 (2) (d), and the department may order the operator
534 to show just cause why the license should not be suspended or revoked pursuant to s. ATCP 78.08.

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

541 (b) *Failure to correct a violation.* 1. If a violation is not corrected by the expiration of the time period
542 stated in the order given pursuant to par. (a), or any extension of time granted pursuant to par. (c), the
543 department or agent may issue a special order pursuant to s. ATCP 78.08 to suspend or revoke the license
544 to operate the camp. An order for suspension or revocation shall take effect as provided pursuant to s. ATCP

545 78.08.

546 2. Pursuant to s. 97.12 (5), Stats., any person who fails to comply with an order of the department may
547 be required to forfeit \$50 for each day of noncompliance. A person may appeal a forfeiture pursuant to s.
548 ATCP 78.09.

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

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

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

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

571 other evidence.

572 2. No operation or method of operation prohibited by the temporary order may be resumed without the
573 approval of the department or agent until the order has terminated or the time period specified in subd. 1.
574 has expired, whichever occurs first, unless as provided pursuant to par. (c), the department or its agent
575 provides notice that an immediate danger to health or safety is present. If, upon completed analysis or
576 examination, the department or agent determines that construction, sanitary condition, operation, or method
577 of operation of the premises or equipment does not constitute an immediate danger to health or safety, the
578 department or agent shall immediately notify the owner, operator or responsible supervisor in writing and the
579 temporary order shall terminate upon receipt of the written notice.

580 (c) *Notice of findings upon analysis or examination.* If the analysis or examination pursuant to sub (1),
581 shows that the construction, sanitary condition, operation or method of operation of the premises or
582 equipment constitutes an immediate danger to health or safety, the department or agent, within the effective
583 period of the temporary order specified in par. (b) 1., shall provide written notice of the findings to the
584 owner, operator or responsible supervisor. Upon receipt of the notice, the temporary order remains in effect
585 until a final decision is issued pursuant to s. ATCP 78.09. The notice shall include a statement that the facility
586 has a right to request a hearing pursuant to s. ATCP 78.09 within 15 days after issuance of the notice.

587 (d) *Failure to comply with temporary order; forfeitures and penalties.* Pursuant to s. 97.65 (5) (a),
588 Stats., any person who fails to comply with a temporary order issued by the department may be fined not
589 more than \$10,000 or imprisoned not more than one year in the county jail, or both. A person may appeal a
590 forfeiture pursuant to s. ATCP 78.09.

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

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

597 (b) *Continued noncompliance.* The department or its agent shall void the camp license pursuant to s.
598 ATCP 78.05 (5) (b), if the operator continues to be out of compliance or fails to meet the objectives outlined
599 in the action plan past the date provided in the action plan.

600 **ATCP 78.08 Suspension or revocation of license.** Pursuant to s. 97.12 (3) (b), Stats., the department
601 may, by summary order and without prior notice or hearing, suspend a license issued under this chapter if
602 the department finds that there has been a substantial failure to comply with the applicable requirements of
603 this chapter and that the continuation of the violations constitutes a serious danger to public health. The
604 order shall be in writing, have the force and effect of an order issued pursuant to s. 93.18, Stats., and is
605 subject to right of hearing before the department, if requested within 10 days after date of service.

606 **ATCP 78.09 Appeals of actions by the department.** If requested in writing within 10 days after date of
607 the service of an order, a hearing shall be conducted as specified in ch. ATCP 1. Enforcement of the order
608 shall not be stayed pending action on the hearing. A request for hearing does not automatically stay or
609 modify a summary special order.

610 **Note:** A request for hearing shall be submitted to the DATCP Secretary via e-mail at
611 datcappelle@wisconsin.gov, faxed to (608) 224-5034, mailed to PO Box 8911, Madison, Wisconsin
612 53708-8911, or hand delivered to 2811 Agriculture Drive, Madison, Wisconsin 53718. The hearing may be
613 conducted by the department secretary or designee.

614 **ATCP 78.10 Appeals of actions by agent health departments.** If an agent issues a license under this
615 chapter, the operator shall appeal an enforcement action to the agent health department.

616 SUBCHAPTER IV

617 STANDARDS FOR RECREATIONAL AND EDUCATIONAL CAMPS

618 **ATCP 78.105 Qualifications of an authorized representative conducting inspections.** An authorized
619 representative of the department or its agent who inspects a camp or conducts a plan review for compliance
620 with ch. ATCP 78, shall meet the staffing qualification requirements set forth in s. ATCP 74.08.

621 **ATCP 78.106 Inspections (1) REFUSED INSPECTION; PROCESS.** If a person denies access to the
622 department or its agent, the department or its agent shall inform the person of all the following:

623 (a) *Access*. The license holder is required to allow access to the department or its agent as specified
624 pursuant to s. 97.12, Stats.

625 (b) *License conditions*. Access is a condition of the acceptance and retention of a license to operate a
626 camp as specified pursuant to s. ATCP 78.035 (3).

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

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

634 (3) FREQUENCY OF INSPECTION. The department or its agent shall inspect a camp at least once
635 during the licensing period, except as provided for pursuant to s. ATCP 78.107 or as approved in writing
636 by the department.

637 (4) INSPECTION DOCUMENTATION. The department or its agent shall document all of the
638 following on an inspection report form:

639 (a) *Facility information*. Administrative information about the camp's legal identity, street and mailing
640 addresses, type of establishment and operation, inspection date, and other information such as type of water
641 supply and sewage disposal, status of the license, and personnel certificates that may be required at the
642 camp.

643 (b) *Violation documentation*. The conditions or other violations from this chapter or applicable chapters
644 shall be documented to include the required corrective action by the license holder. An accompanying
645 narrative shall contain all of the following:

- 646 1. A factual description of the violation observed, including location of the observed violation.
- 647 2. Citation and a brief description of the statute, administrative rule, or local ordinance that was
648 observed to be violated.

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

651 4. Unless otherwise indicated on the inspection report, each violation shall have a corrective action
652 deadline. The corrective action deadline shall be based on the following criteria:

653 a. The nature of the potential hazard involved and the complexity of the corrective action needed. The
654 department or its agent may agree to or specify additional time, not to exceed 72 hours after the inspection,
655 for the license holder to correct violations of a priority item as defined in ch. ATCP 78.

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

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

663 **(5) ISSUING A REPORT AND OBTAINING ACKNOWLEDGMENT OF RECEIPT.** At the
664 conclusion of the inspection, an authorized representative of the department or its agent shall sign the
665 completed inspection report. The department or its agent shall then perform an exit interview and obtain a
666 signature on the inspection report from the license holder's designated person in charge. A copy of the
667 inspection report shall be left with the person in charge at the completion of the inspection or emailed or
668 otherwise presented within two business days after completion of the inspection.

669 **(6) REFUSAL TO SIGN INSPECTION REPORT.** If the license holder's designated person in charge
670 refuses to sign the inspection report, the department or its agent shall do all of the following:

671 (a) *Signature is not agreement with findings.* Inform the person who declines to sign the inspection
672 report that a written acknowledgment of receipt is not an agreement with findings.

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

675 specified.

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

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

679 **ATCP 78.107 Active (effective) managerial control. (1) INSPECTION FREQUENCY.** An annual
680 inspection may be waived for not more than two out of every three license years, if the camp has exhibited
681 active (effective) managerial control of public health hazards. (a) *Criteria*: The operator shall meet all the
682 following criteria to demonstrate active (effective) managerial control that may qualify for a reduced
683 inspection frequency by the department or its agent: 1. No reinspections have occurred after the last three
684 routine inspections related to ch. ATCP 78 or any other license issued by the department or its agent
685 pursuant to ss. 97.30, 97.605, and 97.67, Stats.

686 2. The camp has written standard operating procedures for: a. Rental group agreements pursuant to s.
687 ATCP 78.11.

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

692 c. Supervision, safety and staff coverage pursuant to s. ATCP 78.18, including specific procedures for
693 specialized and non-specialized program activities.

694 d. Health staffing and medication administration as required pursuant to s. ATCP 78.19.

695 e. Primitive camping and backcountry trips as specified pursuant to s. ATCP 78.24.

696 3. The camp has implemented monitoring, corrective action and documentation procedures for standard
697 operating procedures.

698 4. The camp has implemented a verification and documentation process for the standard operating
699 procedures.

700 **Note:** Camps with a written strategic plan and involvement within professional organizations are

701 indicators that a camp is focused on the continuous process of effective control over public health hazards.

702 SUBCHAPTER V

703 GENERAL PROVISIONS

704 **ATCP 78.11 Camps serving rental groups. (1) WRITTEN AGREEMENT.** (a) *Signed.* A written use
705 agreement shall be signed by both authorized representatives of the camp and the rental group. ^{Pf}

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

708 (c) *Agreement contents.* When the rental group provides specific services, the written use agreement shall
709 indicate how the rental group will meet the minimum requirements pursuant to ch. ATCP 78, including, but
710 not limited to, the following: 1. Food service requirements pursuant to s. ATCP 78.16. ^{Pf}

711 2. Health services staff requirements pursuant to s. ATCP 78.19. ^{Pf}

712 3. Health services staff required certifications pursuant to s. ATCP 78.19 (2). ^{Pf}

713 4. Responsibility for collecting a camper and camp staff health history as required pursuant to s. ATCP
714 78.19 (1) (d) and (e). ^{Pf}

715 5. Documentation of medication and treatment for campers and staff as required pursuant to s. ATCP
716 78.19 (5) (b). ^{Pf}

717 6. Camp vehicle requirements pursuant to s. ATCP 78.19 (1) (c). ^{Pf}

718 7. Specialized program activities and required certifications pursuant to s. ATCP 78.18 (3). ^{Pf}

719 8. Adult staff to camper ratio requirements pursuant to s. ATCP 78.175. ^{Pf}

720 9. Confirmation that background checks have been done on all staff as required pursuant to s. ATCP 78.18
721 (1). ^{Pf}

722 10. Camper sexual abuse prevention training has been provided as required pursuant to s. ATCP 78.18 (5)
723 (c). ^{Pf}

724 11. Primitive camping requirements for water and waste are provided as required pursuant to s. ATCP
725 78.24. ^{Pf}

726 12. The rental group has been informed of the reporting requirements for death, injury or illness to the

727 department or its agent as required pursuant to s. ATCP 78.21. ^{Pf}

728 (d) *Validation of written use agreement requirements.* The camp operator shall retain copies of form
729 templates and certifications for validating par. (c), in the written agreement or provide a written statement with
730 the reviewer's name or initials that provisions pursuant to par (c) have been reviewed and validated.

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

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

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

738 (d) *Camp register retention time.* The rental group shall keep a register and a method of tracking individuals
739 entering and leaving the camp during operation, as required pursuant to s. ATCP 78.20, and make the register
740 and tracking document available upon request to the department or agent within two business days of the
741 request. ^{Pf}

742 **ATCP 78.115 Location of the camp. (1) REQUIREMENTS.** (a) *Well-drained.* The camp's physical
743 facilities shall be located on a well-drained site not subject to flooding.

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

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

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

752 (2) SOURCES OF ODOR OR FLIES. Cooking, dining and sleeping quarters shall not be located within
753 100 feet of a barn or enclosure housing livestock, a petting zoo, or other source of odors or flies.

754 **ATCP 78.12 Water supply. (1) WATER SYSTEMS.** (a) *General.* The water source used to supply the
755 camp shall be a public or a private water system.

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

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

762 (b) *Water test report.* The operator shall provide a copy of the water system bacteriological analysis for
763 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
764 to the department or its agent for each well that supplies water to the camp: 1. If the camp operates
765 seasonally, the operator shall have the water tested and the report available within the preceding two months
766 before the season begins for review by the department or its agent, or

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

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

771 (c) *Unsafe potable water.* 1. The operator shall discontinue use of a public or private water system used
772 to supply water to the camp, whenever the potable water from the system does not meet nitrate and
773 bacteriologically safe drinking water standards in ch. NR 809. ^P

774 **Note:** Bottles for collection of water samples may be obtained by writing to the State Laboratory of
775 Hygiene, 2601 Agriculture Drive, Madison, WI 53708 or by calling 800-442-4618. Use of any private or
776 public certified laboratory is acceptable to satisfy the requirement.

777 (3) PLUMBING. (a) *General.* All plumbing shall comply with the requirements of chs. SPS 382 and

778 384, as enforced by the department of safety and professional services, that apply to camps.

779 (b) *Backflow prevention, air gap.* An air gap between any water supply inlet and the flood level rim of
780 the plumbing fixture or equipment shall comply with State Uniform Plumbing codes, chs. SPS 381-387, as
781 enforced by the department of safety and professional services. ^P

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

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

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

794 **Note:** To minimize the risk of *Legionella* growth and other diseases associated with water, adequate
795 provisions should be made to ensure that all water systems (e.g., sink faucets, drinking fountains, and
796 showers) are safe particularly with regard to any water aged over three weeks that is at greater risk for
797 proliferation of *Legionella*. It is strongly advised that each camp develop and implement a water
798 management program as recommended by the CDC Water Management Program Toolkit.

799 (5) CONTAINERS FOR TRANSPORTING DRINKABLE WATER. (a) *Labeling and construction.*
800 Containers for transporting water for human consumption shall be: 1. Labeled and easily distinguishable
801 from other containers,

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

804 3. Easily cleanable.

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

806 (6) DRINKING FACILITIES. (a) *General.* Water shall be provided to campers from: 1. An approved
807 drinking fountain as required pursuant to s. SPS 362.2902., ^P

808 2. Individual disposable drinking cups ^{Pf} or

809 3. Personal water containers. ^{Pf}

810 (b) *Water containers for reuse.* Reusable individual water containers shall be cleaned and sanitized daily
811 or when returning from primitive camping trips during which full cleaning and sanitizing were not possible.

812 ^P

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

814 **ATCP 78.13 Sewage disposal system. (1) SEWAGE.** Sewage, including all liquid and water-carried
815 wastes from sinks, bathing and toilet facilities, may not discharge onto the ground surface. ^P

816 (2) PLUMBING FIXTURES. (a) *Connection.* All plumbing fixtures shall be connected to the building
817 drainage system, ^P and

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

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

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

822 (4) PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS (POWTS) DISPOSAL. (a)

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

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

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

829 (b) *Failing private sewage system.* A failing private sewage system shall be brought into compliance,

830 replaced or its use discontinued. A failing private sewage system has the meaning given in s. 145.245 (4),
831 Stats. ^P

832 (c) *Required approvals.* A camp shall submit plan and installation details for the design and
833 construction, alteration or extension of a private sewage disposal system to the Wisconsin department of
834 safety and professional services or its designated agent for approval and shall acquire a sanitary permit before
835 altering or extending the private sewage disposal system. ^{Pf}

836 **Note:** Local jurisdictions may require additional approvals.

837 **ATCP 78.14 Toilet and shower facilities.**

838 (1) **REQUIREMENTS.** (a) *Toilet facilities.* Toilet facilities shall comply with chs. SPS 361 to 365 as
839 enforced by the department of safety and professional services.

840 (b) *Ratio.* A camp shall provide a minimum of one toilet and one handwash facility for every 10 campers
841 and staff or fraction thereof. Urinals may be substituted for up to one-half of the required number of toilets
842 for males.

843 (c) *Designation 1.* When two or more toilet facilities are provided the required number of toilets shall
844 be distributed proportionally by gender.

845 2. *Alternative toilet designation.* a. The operator may use gender neutral toilets if the total number of
846 required toilets is the same or higher than specified in par. (1) (b), of this section.

847 b. Gender neutral toilet facilities shall be designed for single occupancy.

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

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

850 (f) *Operation.* Toilet facilities shall be: 1. Equipped with a functional privacy lock for each stall.

851 2. Provided with exterior self-closing doors,

852 3. Maintained in a fly-tight and pest-proof condition,

853 4. Effectively screened. ^{Pf}

854 5. Maintained in clean and good repair, and

855 6. Provided with an adequate supply of toilet paper in each stall.

856 (g) *Privies*. 1. Shall be constructed in accordance with chs. SPS 361 to 365 and 391, as enforced by
857 the department of safety and professional services.

858 2. Maintained in good repair.

859 3. A vault privy may not be located within 15 feet of a building used for human occupancy.^{Pf}

860 4. A distance between 15 and 75 feet from a building used for human occupancy may be approved by
861 the department for other approved privy or toilet types.

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

864 (i) *Handwashing sinks*. 1. Handwashing sinks shall be provided in all rooms having flush toilets and at
865 all shower or bathing facilities.^{Pf}

866 2. Tempered water shall be provided for handwashing in all rooms having flush toilets and at all shower
867 or bathing facilities.^{Pf}

868 3. Handwashing sinks shall be provided with an adequate supply of soap.^{Pf}

869 4. Handwashing sinks shall be provided with single-use toweling or a hand drying device in locations
870 that are accessible to all campers, staff and visitors.^{Pf}

871 5. Each toilet facility shall be provided with a waste receptacle.

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

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

874 3. Flooring shall be nonabsorbent and easily cleanable.

875 4. Flooring shall be maintained in good repair.

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

879 **ATCP 78.145 Camper sleeping quarters. (1) PERMANENT.** The following requirements apply to
880 structures that are enclosed and are permanent in nature, such as but not limited to, buildings, cabins, dorms,
881 yurts, recreational vehicles (RV's), covered wagons or tents covering a non-collapsible framework, and that

882 are used as sleeping quarters for more than 30 consecutive days.

883 (a) *Layout*. 1. Each camper shall be provided an individual bed. ^{Pf}

884 2. Each permanent sleeping quarters shall have a ceiling height of at least seven feet.

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

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

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

891 6. If an RV is provided by the camp for overnight sleeping quarters for campers, the RV shall have: a.
892 An affixed label, symbol, or other identifying mark of approval by a nationally recognized testing
893 laboratory, inspection agency, or other organization, which evaluates products to nationally recognized
894 standards NFPA 1192 or ANSI 119.5, and periodically inspects production of equipment and materials to
895 show compliance with those standards for usage in a specified manner.

896 **Note:** Examples of nationally recognized testing agencies include the Recreational Vehicle Industry
897 Association (RVIA) and the Recreational Park Trailer Industry Association (RPTIA).

898 b. The chassis and axles remain on the RV with the tow bar or hitch and wheels left at the camp.

899 (b) *Platform tents*. Platforms constructed to provide a solid, level floor for the tent shall not exceed
900 three feet in height above the ground. ^{Pf}

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

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

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

906 4. Bunk beds shall be located away from potential hazards, including, but not limited to, heat sources,
907 ceiling fans, or other ceiling protrusions. ^{Pf}

908 5. When campers sleep in upper bunks, guardrails shall be installed to prevent occupants from rolling
909 out. ^{Pf} a. The top of the rail shall be at least five inches above the top of the mattress, ^{Pf} and

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

912 6. A bunk bed constructed after June 19, 2001, shall meet the requirements for bunk bed construction
913 pursuant to 16 CFR 1513. 5 as enforced by consumer product safety commission.

914 (d) *Screening*. 16 mesh wire or other effective screening kept in good repair shall be provided on all
915 openings in sleeping quarters to prevent the entry of pests. ^{Pf}

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

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

920 3. Every mattress shall be: a. Covered with a nonabsorbent cover, pad or have an easily cleanable
921 nonabsorbent mattress surface. ^{Pf}

922 b. Maintained clean.

923 c. Maintained in good repair.

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

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

927 6. Sleeping pads provided by the camp to include air mattresses, sleeping pads or yoga mats, shall be:

928 a. Designed to be easily cleanable and nonabsorbent.

929 b. Maintained clean.

930 c. Maintained in good repair.

931 d. Cleaned before being assigned to a different camper and more often if necessary.

932 (2) OPEN AIR SLEEPING EXPERIENCES. Open air sleeping experiences, include but are not limited
933 to, sleeping in collapsible tents or tents covering a non-collapsible framework that remains in a single

934 location for less than 29 consecutive days, sleeping outdoors without any structure, or in hammocks, under
935 a pavilion, and or sleeping in Adirondack shelters. (a) *Capacity*. The capacity for campers in a tent shall
936 not exceed the manufacturer's specification for maximum occupancy.

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

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

940 **Note:** Using a cave for overnight sleeping when bats are present October 1-May 15 is not recommended
941 (and may be prohibited if federally threatened or endangered bat species are present). Campers entering
942 caves are subject to compliance with the Department of Natural Resources-approved White-Nose
943 Syndrome decontamination protocols required by s. NR 40.07 (8) (b) 1., 2. and 3., and by s. NR 40.07 (8)
944 (c).

945 **ATCP 78.15 Garbage and refuse. (1) CONTAINERS.** (a) *Container design*. Garbage and refuse shall
946 be kept in durable, easily cleanable, insect resistant, leak-proof and nonabsorbent containers. Plastic bags
947 may be used to line these containers.

948 (b) *Covered and emptied*. 1. Containers used in food preparation and utensil washing areas for holding
949 garbage and refuse shall be kept covered or closed when not in use.

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

952 (c) *Outdoor storage containers and drain plugs*. 1. Containers stored outside as well as dumpsters,
953 compactors and compactor systems shall be: a. Easily cleanable.

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

955 c. Kept covered or closed when not in use.

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

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

959 disposal.

960 (e) *Cleaning frequency.* Soiled containers shall be cleaned at a frequency sufficient to prevent insect and
961 rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does
962 not contaminate food, equipment, utensils or food preparation areas.

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

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

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

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

972 (c) *Outdoor storage capacity.* 1. Outdoor storage areas or enclosures shall be large enough to store the
973 garbage and refuse containers that accumulate.

974 2. Outdoor storage areas shall be kept in a clean condition.

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

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

979 (b) *DNR compliance.* Solid waste disposal sites on the premises shall comply with chs. NR 500 to 538,
980 as enforced by the Wisconsin department of natural resources.

981 **ATCP 78.16 Food preparation and service.**

982 (1) STANDARDS. The preparation and service of food and the equipment used for that purpose at
983 camp dining halls, commissary operations, concession stands and outdoor food service operations shall

984 comply with ch. ATCP 75 Appendix.

985 **Note:** Chapter ATCP 75 and its Appendix are the department's administrative rules relating to retail food
986 establishments.

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

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

994 **(4) OUTDOOR FOOD SERVICE.** (a) *General.* 1. Camps shall ensure that food is protected from
995 contamination.

996 2. Camps shall provide reasonable protection of food from animals or pests.

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

1000 **ATCP 78.17 Buildings and grounds. (1) WISCONSIN BUILDING CODE.** Except as specified in
1001 this section, all buildings at a camp shall comply with applicable department of safety and professional
1002 services standards as enforced by the department of safety and professional services.

1003 **(2) HANDRAILS, GUARDS AND STAIRS.** Except as provided in par. (d), handrails and guards shall be
1004 provided as follows: (a) *Handrails.* A flight of stairs with more than three risers shall be provided with at
1005 least one handrail with a height of 30 to 38 inches above the step for the full length of the flight.

1006 (b) *Guards.* 1. a. Guards shall be provided on all open sides of stairs consisting of more than three
1007 risers, and

1008 b. All elevated surfaces in interior and exterior structures shall be provided with guards on all open
1009 sides that are elevated more than 24 inches above the floor or grade. Examples include: lofts, open sides
1010 of landings, platforms, decks, balconies or porches.

1011 2. The guard height shall extend to at least 36 inches above the floor or to the underside of a stair
1012 handrail.

1013 3. Except as specified in subd. 4., a guard shall not have openings that allow passage of a sphere not
1014 less than four and 3/8 inches in diameter.

1015 4. A rope, cable, or similar material used in guard infill shall not have openings that allow passage of a
1016 sphere three and a half inches in diameter with vertical supports a maximum of four feet apart.

1017 (c) *Stairs*. 1. The triangular openings at the open sides of a stair, formed by the riser, tread and bottom
1018 rail shall not have openings that allow passage of a sphere six inches in diameter.

1019 2. Stairs with open risers shall not exceed more than four inches in height.

1020 (d) *Exemptions*. This section, does not apply to window wells, egress wells, retaining walls, other
1021 landscaping features or detached walkways or stairs that are not part of the building structure.

1022 (3) MEANS OF EGRESS. 1. *Door; readily opened*. a. Doors must be arranged to be readily opened
1023 from the occupant's side whenever the building is occupied.

1024 b. A latch or other fastening device on a door must be provided with a knob, panic bar, or other simple
1025 type of releasing device having a method of operation that is obvious under all lighting conditions.

1026 2. *Exit signage*. All exits and access ways in a commercial building must be marked by an approved
1027 sign readily visible from any direction of exit access as enforced by the department of safety and
1028 professional services.

1029 (4) MAINTAINED CLEAN AND IN GOOD REPAIR. (a) *Interior*. 1. The walls, ceiling, floors and
1030 equipment in buildings shall be maintained in a clean condition and in good repair.

1031 2. Hot water pipes, steam radiators, fireplaces and permanently installed space heaters and registers
1032 shall be shielded, screened or otherwise equipped to protect campers from burns. ^P

1033 (b) *Exterior*. 1. Roofs, exterior walls, doors and windows shall be maintained in good repair.

1034 2. Openings to the outside shall be protected from the entrance of pests.

1035 (c) *Grounds*. The premises shall be maintained in a clean condition free from refuse and pests.

1036 (d) *Parking and roadways*. Parking areas and roadways shall be maintained to minimize dust and dirt.

1037 (5) LIGHTING. All rooms shall be adequately illuminated to permit cleaning and maintenance.

1038 (6) PEST CONTROL. (a) *Effective measures*. 1. Effective measures to minimize the presence of pests

1039 shall be utilized.

1040 2. Pest control measures shall be used in a safe manner.

1041 3. Pest control measures shall be applied according to label instructions. ^P

1042 (b) *Restricted use pesticides*. A restricted use pesticide shall be applied only by an applicator certified

1043 and licensed in accordance with ss. 94.704 and 94.705, Stats.; and ss. ATCP 29.25, 29.26 and 29.40. ^{Pf}

1044 (7) HAZARDOUS SUBSTANCES. (a) *Use*. Chemicals, flammable materials and other hazardous

1045 substances shall be used for their intended purpose and according to the manufacturer's directions stated

1046 on the container label. ^P

1047 (b) *Storage*. 1. Chemicals and other hazardous substances shall be: a. Stored in their original, covered

1048 and labeled containers. ^P

1049 b. Stored in a separate, secure area accessible only to appropriate staff. ^P

1050 2. Hazardous substances shall be stored in appropriate, easily identifiable or labeled containers when

1051 removed from the storage area for use. ^P

1052 3. Flammable materials shall be stored: a. Following safety data sheet storage instructions. ^P

1053 b. Separately from areas occupied by campers and staff. ^P

1054 (c) *Disposal*. Hazardous substances shall be disposed of in a manner and location as directed on the

1055 manufacturer's label or the safety data sheet by the local agency having jurisdiction over handling hazardous

1056 substances and the applicable sections of chs. NR 660 to 670, as enforced by the department of natural

1057 resources. ^{Pf}

1058 (8) FIRE PREVENTION (a) *Written notification of intent to operate*. Local fire fighting and law

1059 enforcement officials shall be notified in writing when the camp is planning to be in operation or annually

1060 if the camp is open year round. ^{Pf}

1061 **Note:** Camps should invite local fire and law enforcement to the camp, so they are familiar with the camp road
1062 systems and building structures.

1063 (b) *Fire extinguisher location.* A fire extinguisher shall be located in all public buildings or places of
1064 employment according to the local fire official.

1065 (c) *Fire extinguisher maintenance.* Where provided, annual maintenance shall be performed and then
1066 recorded on a tag or label attached to each fire extinguisher that indicates the month and year the
1067 maintenance was performed, the initials of the person performing the service and the name of the company
1068 performing the service. ^{Pf}

1069 **Note:** Camps should consult with local fire officials to determine what buildings require a fire extinguisher.

1070 (c) *Smoke detectors.* The operator shall install and maintain smoke detectors in compliance with the
1071 requirements of s. 101.145, Stats. ^P

1072 (d) *Fire alarm and detection systems.* When required, the operator shall install and maintain a fire alarm
1073 system in compliance with ss. SPS 362.0907 and SPS 314.13, as required and enforced by the department
1074 of safety and professional services. 1. a. The fire alarm system shall be operational at all times that the
1075 building is occupied. ^P

1076 b. A camp operator shall immediately notify the fire alarm technician or other fire inspection or testing
1077 personnel in response to any illuminated indicator for alarm, trouble or supervisory notifications on the fire
1078 alarm panel.

1079 2. The camp operator shall maintain documentation that verifies the fire alarm system has been
1080 inspected and tested annually by a fire alarm system service company. ^{Pf}

1081 3. Documentation required in subd. 2. shall be provided to the department or its agent upon request. ^{Pf}

1082 **Note:** Documentation can include the fire alarm and emergency communication system inspection and
1083 testing form provided by the service company or the fire inspection report provided by the local fire
1084 department.

1085 (e) *Building evacuation diagrams.* Building evacuation diagrams shall be prepared and posted in all
 1086 buildings that have two or more exit doors to the outside, and shall comply with the following: The building
 1087 evacuation diagram shall: 1. Be conspicuously posted, ^{Pf}
 1088 2. Indicate the viewer's location, ^{Pf}
 1089 3. Indicate a minimum of two evacuation routes to fire exits, ^{Pf} and
 1090 4. Indicate the location of all fire extinguishers and fire alarm pull stations. ^{Pf}

1091 (9) CARBON MONOXIDE ALARMS. (a) *Installation.* The operator shall install and maintain carbon
 1092 monoxide alarms in compliance with the requirements of s. 101.149, Stats. ^P

1093 (b) *Prohibitions.* The use of unvented furnaces and space heaters fueled by natural gas, kerosene,
 1094 alcohol or other fuel shall be prohibited due to concerns about oxygen depletion; contamination from carbon
 1095 monoxide, carbon dioxide, nitrogen dioxide, formaldehyde and other combustion related contaminants; and
 1096 water vapor buildups.

1097 **ATCP 78.175 Adult camp staffing.** During camp operation the adult camp staff to camper ratio shall
 1098 be as required pursuant to s. ATCP 78.175 Table A. ^P For the purposes of determining staff to camper ratio,
 1099 kitchen and maintenance staff are not included.

1100 **ATCP 78.175 Table A. 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

1101 **ATCP 78.18 Camper supervision and safety (1) CAMP STAFF SCREENING.** (a) *General*
 1102 *requirements.* Camps shall take into account criminal background check information during the hiring of
 1103 camp staff and any additional individuals residing on the camp's premises with access to campers. 1.
 1104 Written employment application forms shall require the applicant to provide the following: a. Legal first
 1105 and last name, date of birth, and address; ^{Pf}

1106 b. Disclosure of sexual criminal history; ^{Pf} and

1107 c. Permission for a background check. ^{Pf}

1108 (b) *Background check completed.* 1. Prior to hiring any camp staff, the camp shall review the national
1109 sex offender public registry of the US department of justice and other relevant available public record
1110 information. ^P

1111 2. For international camp staff, review with the State Department sponsor to determine what criminal
1112 background check information will be provided by that country.

1113 (c) *Background check threshold.* Each camp shall set a policy that prevents employment or volunteer
1114 selection of any person who at minimum has: 1. a. A record of a violent crime against a person or animal,
1115 ^{Pf}

1116 b. Crimes against nature where children were affected, ^{Pf}

1117 c. Any crime involving a child as the victim, ^{Pf} or

1118 d. Possession or facilitation of child pornography. ^{Pf}

1119 2. This policy shall be reviewed, signed and dated by legal counsel or a human resources professional
1120 within the last three years. ^{Pf}

1121 (d) *Background Check Frequency.* All existing camp staff prior to extending employment shall have a
1122 background check performed at least every two years. This requirement also applies to any additional
1123 individuals who reside on the camp's premises with access to campers. ^P

1124 (2) NON-SPECIALIZED PROGRAM ACTIVITY. (a) *General supervision.* 1. A non-specialized
1125 program activity may be directly led by a non-adult camp staff member provided the staff member is at
1126 least two years older than the campers in that activity. ^{Pf}

1127 2. Non-specialized program activities shall be under the general supervision of adult camp staff. ^P

1128 (3) SPECIALIZED PROGRAM ACTIVITIES. (a) *General supervision.* 1. Except as specified
1129 pursuant to par. (c) 5., of this section, a trained adult shall directly supervise each specialized program
1130 activity. ^P

1131 2. The trained adult supervisor shall provide prior training and instruction to camp staff that assist with
1132 a specialized program activity. ^{Pf}

1133 3. The trained adult supervisor shall document camp staff training provided, relevant to their assigned
1134 duties. ^{Pf}

1135 4. Provision of firearms or archery equipment to campers shall be considered a specialized program
1136 activity at the camp. ^P

1137 a. All firearms, ammunition and archery equipment not being used shall be securely stored and locked.
1138 ^P

1139 b. The camp shall provide signage that communicates clear safety signals and range commands to
1140 control activity at the firing line and during the retrieval of arrows or targets. ^{Pf}

1141 5. Specialized program equipment shall be securely stored when not in use by utilizing fencing, barriers
1142 or other access prevention strategies. ^{Pf}

1143 6. A vendor provided specialized program activity is under the supervision of the third party provider,
1144 although camp staff may assist in overall supervision of campers.

1145 (b) *High and low element challenge courses.* 1. A camp offering one or more challenge courses shall
1146 have all of the following: a. Written evidence of an inspection conducted by a third party that is qualified
1147 from the Association for Challenge Course Technology (ACCT), Professional Ropes Course Association
1148 (PRCA) or is a structural engineer licensed in Wisconsin. ^P

1149 b. Undergone the third party inspection within the past 24 months. ^P

1150 c. Documentation that corrective action was taken based on the findings of the third party inspection. ^P

1151 2. The third party inspection documentation shall include: a. The name of person or company
1152 performing the inspection, their certification information and the inspection date. ^{Pf}

1153 b. A list of elements inspected. ^{Pf}

1154 c. A list of elements not inspected (if known) and explanation for omission. ^{Pf}

1155 d. Condition of each element at the time of inspection or any prohibitions on the element's use in its
1156 observed condition. ^{Pf}

1157 e. Concerns warranting continued observation which may be critical for ensuring safety of campers and
1158 camp staff. ^{Pf}

1159 f. A list of life safety system equipment inspected. ^{Pf}

1160 g. A list of life safety system equipment not inspected and an explanation for any omissions when
1161 apparent. ^{Pf}

1162 h. The condition of each piece of life safety system equipment at the time of the inspection or any
1163 prohibitions against its use in the observed condition. ^P

1164 3. A camps challenge course shall operate under the supervision of an individual certified according to
1165 applicable ANSI/ACCT 03-2019 or ANSI/PRCA 1.0-3-2014 challenge course industry standards. ^P

1166 4. A camp offering a challenge course shall maintain operational policies and procedures. ^{Pf}

1167 5. A camp's challenge course staff shall participate in an annual documented training that is site-specific
1168 and includes hands-on skills assessment, relevant to the staff member's duties. ^{Pf}

1169 6. Any newly constructed challenge course after July 1, 2023, shall complete an initial acceptance
1170 validation inspection by a qualified third party from the Association for Challenge Course Technology
1171 (ACCT), Professional Ropes Course Association (PRCA) or a structural engineer licensed in Wisconsin,
1172 before beginning operation. ^P

1173 (c) *Program aquatics* 1. All swimming and watercraft activities at a camp shall be under the direction
1174 of an adult aquatic supervisor who holds a current lifeguard certification, including certification for first aid
1175 and professional CPR with AED included in the course or AED certification earned separately. ^P

1176 2. The camp shall develop a written lifeguard and attendant staffing plan. ^{Pf} The camp shall keep a
1177 copy of the plan on the premises and the plan shall made available for review by the department or its agent.

1178 The plan shall include all of the following: a. A diagram of recreational areas of water used by campers. ^{Pf}

1179 b. Designated areas for each aquatic program activity. ^{Pf}

1180 c. The hours of operation; with a description of how adequate artificial lighting is provided if an area
1181 is operated beyond daylight hours. ^{Pf}

1182 d. Indication of how visual obstructions are addressed by lifeguard placement. ^{Pf}

- 1183 e. The location of each first aid kit. ^{Pf}
- 1184 f. A method of communication between lifeguards and attendants when two or more attendants or
- 1185 lifeguards are present. ^{Pf}
- 1186 g. A description of a reliable communication system used to reach 911 from the waterfront. ^{Pf}
- 1187 h. The number of lifeguards and attendants per s. ATCP Table 78.18 for each aquatic program activity,
- 1188 including off-premises aquatic program activities, such as where boating, canoeing, swimming, or water skiing
- 1189 occurs: ^P

ATCP Table 78.18 Lifeguard and Attendant Staffing Per Activity.

Actual Aquatic Participant Load	Lifeguards (per activity)	Attendants (per activity)
1-50	1	1 for every 10 participants or fraction thereof.
51-100	2	1 for every 10 participants or fraction thereof.
101-150	3	1 for every 10 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 10 participants or fraction thereof.

1191 3. Every person serving as a lifeguard at a camp shall hold a current lifeguard certification with first

1192 aid and professional CPR with AED certification included in the course or AED certification earned

1193 separately. If the camp is going to serve infant campers, then the lifeguard must have a CPR course that

1194 includes infants.^P

1195 **Note:** Obtain a list of approved certification courses for lifeguarding, first aid, and CPR from the Bureau
1196 of Food and Recreational Businesses at (608) 224-4682 or PO Box 8911, Madison, Wisconsin
1197 53708-8911.

1198 4. Lifeguards shall have training, as required by the U.S. occupational safety and health administration
1199 pursuant to 29 CFR 1910.1030, bloodborne pathogens standard.^{Pf}

1200 5. If the lifeguards and attendants are all under the age of 18, the adult aquatics program supervisor or
1201 other designated lifeguard meeting the requirements pursuant to par. (c) 3., of this section, shall provide
1202 direct supervision.^P

1203 6. Lifeguard identification, assignment and equipment. a. At all times when on duty a lifeguard shall
1204 wear clothing that is conspicuously marked "Lifeguard" or "Guard".

1205 b. A lifeguard who is assigned to supervise aquatic program activities may not be assigned duties that
1206 may distract the lifeguard's attention from observing an individual or that may hinder the lifeguard's ability
1207 to provide immediate assistance to an individual.^P

1208 c. A lifeguard shall be equipped with a rescue tube with a harness as instructed in approved lifeguard
1209 certification courses.^P

1210 d. A lifeguard shall be equipped with a whistle or other signaling device for communicating to aquatic
1211 participants or other staff.^P

1212 7. Personal flotation devices (PFD). a. Every boat, except a sailboard and except as provided in
1213 subdpar. c., shall carry at least one PFD prescribed as specified pursuant to 33 CFR part 175, subpart B for
1214 each person on board or being attended by the boat, so placed as to be readily accessible and available to
1215 the persons.^P

1216 b. No person may use a recreational vessel 16 feet or more in length unless one throwable PFD is
1217 onboard in addition to the total number of wearable PFDs required in subdpar. a. of this section.^P

1218 c. No person may operate a recreational vessel with any child under 13 years old aboard unless each
1219 such child is wearing an appropriate PFD approved by the Coast Guard.^P

1220 8. Pursuant to s. NR 30.678 (d), no person who was born on or after January 1, 1989, and who is 16
1221 years of age or older may operate a motorboat unless one of the following applies:

1222 a. The person holds a valid boating safety certificate pursuant to s. 30.74 (1) (a), Stats., or a valid boating
1223 safety certificate that is honored pursuant to s. 30.74 (1) (c), Stats. ^P

1224 b. The person is accompanied in the motorboat by another person who is at least 18 years of age and
1225 that person holds a valid boating safety certificate issued pursuant to s. 30.74 (1) (a), Stats., or a valid
1226 boating safety certificate that is honored pursuant to s. 30.74 (1) (c), Stats., or was born before January 1,
1227 1989. ^P

1228 9. Aquatic activity participant area and tracking. a. The adult aquatic supervisor shall designate a
1229 separate area for each aquatic program activity. ^{Pf}

1230 b. Access to each aquatic program activity area shall be controlled and the area used for swimming shall
1231 be clearly marked and separated into sections based on the participant's evaluated ability: non-swimmers,
1232 beginners, intermediates, and proficient swimmers. ^{Pf}

1233 c. No person may go into a section marked for a swimming beyond their evaluated ability except when
1234 being tested under supervision for the next higher level. ^{Pf}

1235 d. The adult aquatic supervisor shall establish and enforce a method for checking persons in and out of
1236 each aquatic program activity, such as but not limited to a buddy board. ^{Pf}

1237 e. The adult aquatic supervisor shall establish and enforce a method for supervising persons in the water
1238 such as the buddy system, buddy check, or a combination of methods of supervising persons. ^{Pf}

1239 10. Safety equipment shall be maintained and in the immediate vicinity of the aquatic activity area,
1240 including: ^P a. An equipped and maintained first-aid kit appropriate for its intended use as determined by
1241 the adult aquatic supervisor or the camp health supervisor. ^P

1242 b. Backboard equipped with head immobilizer and sufficient straps. ^P

1243 c. A ring buoy, rescue tube or throw bag. ^P

1244 11. The adult aquatic supervisor shall conspicuously post the camp's swimming rules and restrictions and
1245 boating regulations in the aquatic program activity area. When participating in an aquatic program activity off

1246 the camp premises, swimming and boating regulations and restrictions shall be verbally discussed with
1247 campers.

1248 12. Rescue boat. A rescue boat shall be readily available when the aquatic program activity extends
1249 beyond the designated swimming area. ^P The boat shall be provided with: a. A ring buoy, rescue tube or
1250 throw bag attached to 50 feet of ¼ inch rope, ^P

1251 b. A rescue pole. A standard length oar or paddle may substitute for a rescue pole, and ^P

1252 c. PFD's shall be U.S. coast guard approved and shall be sized properly for each individual. ^P

1253 13. The aquatic program activity area and equipment shall be: a. Free of hazards. ^P

1254 **Note:** Blue-Green algae blooms can produce toxins that can make people sick after they swallow, breathe in,
1255 or have contact with water. Email the Department of Natural Resources at DNRHABS@wisconsin.gov to
1256 report a bloom or ask questions. More information is also available from the Wisconsin Department of Health
1257 Services "Staying Safe at the Lake: What Summer Camps Should Know about Blue-Green Algae" at
1258 www.dhs.wisconsin.gov/publications/p02438.pdf

1259 b. Maintained in good repair. Equipment includes, but is not limited to, docks, ladders, rafts, diving
1260 boards, boats, life jackets, and paddles.

1261 c. If netting below swim area buoy lines is used for weed control, the netting shall be inspected annually
1262 for holes or rips in the netting that could cause swimmer entrapment.

1263 14. A camp may allow swimming after dark if adequate lighting is provided to identify swimmers. ^P

1264 (d) *Horseback riding*. 1. When horseback riding is provided on the camp premises, the camp shall: a.
1265 evaluate and classify each camper's riding ability and assign each camper to a horse and equipment
1266 appropriate for their ability. ^{Pf}

1267 b. Require protective head gear to be worn by campers or staff under the age of 18, except that this
1268 provision does not apply to pony rides where a horse or pony is led by a trained individual on foot or the
1269 animal is controlled by a mechanical device that leads its walk. ^P

1270 2. Horse and livestock medications shall be secured in an area away from camper access and locked
1271 when not in use. ^P

1272 3. Stables, corrals, riding rings, or other livestock areas shall be located away from lodging areas as
1273 specified pursuant to s. ATCP 78.115 (2).^{Pf}

1274 4. Livestock areas shall be maintained free from the accumulation of manure.

1275 (e) *Use of motorized vehicles.* 1. When a go-kart or similar motorized vehicle, excluding a golf cart, is
1276 provided for a camp program, the camp shall: a. Equip the go-kart or similar motorized vehicle with a
1277 restraint device such as a seat belt or safety harness.^P

1278 b. Require protective head gear to be worn by a camper or staff under the age of 18 who is using the
1279 vehicle.^P

1280 c. Establish a camper vehicle use policy that provides guidelines for when and where a vehicle may be
1281 used pursuant to s. 23.33 Stats., and ch. NR 64 as enforced by the Wisconsin department of natural
1282 resources.^{Pf}

1283 d. Provide safety and operating instructions to the camper prior to use.^{Pf}

1284 2. When an all-terrain vehicle or utility-terrain vehicle is provided for a camp program, the camp shall:

1285 a. Require protective head gear to a camper or staff under the age of 18 using the vehicle.^P

1286 b. Use only a vehicle with a minimum of four wheels.^P

1287 c. Establish a camper vehicle use policy that provides guidelines for when and where a vehicle may be
1288 used per s. 23.33, Stats., and ch. NR 64 as enforced by the Wisconsin department of natural resources.^{Pf}

1289 d. Provide safety and operating instructions to the camper prior to use.^{Pf}

1290 **(4) POOLS AND WATER ATTRACTIONS.** Any public swimming pool, water attraction, wading
1291 pool, whirlpool or similar structure shall comply with the design and construction requirements in ch. SPS 390
1292 and the camp operator shall obtain a license and operate the pool in accordance with ch. ATCP 76.

1293 **(5) PLANS FOR CAMPER SECURITY AND DEALING WITH EMERGENCIES.** (a) *General camp*
1294 *security.* Camps shall have a written security plan for addressing the following: 1. A system of check-in for visitors,
1295 vendors, or contracted services.^{Pf}

1296 2. Firearms and ammunition used by staff for non-program activities.^{Pf}

1297 3. Active threats and possible intruders on camp premises.^{Pf}

1298 (b) *Emergency response and recovery plans.* 1. A camp shall have a written plan for actions to be taken
1299 in response to: a. Fire. ^{Pf}

1300 b. Severe weather and a power outage, including steps for taking appropriate shelter. ^{Pf}

1301 c. Lost camper. ^{Pf}

1302 d. Lost swimmer. ^{Pf}

1303 e. Communicable disease and foodborne illness outbreak, including reporting and notification to the health
1304 department. ^{Pf}

1305 **Note:** A list of reportable communicable diseases can be found in appendix A to ch. DHS 145. For more information
1306 on diagnosis and symptoms of foodborne illness refer to ch. ATCP 75, section 2-201.11 (A) (1) and (2).

1307 2. The camp's written plan shall include the frequency of training and rehearsal provided to camp staff.
1308 ^{Pf}

1309 (c) *Camper sexual abuse prevention training requirements.* Camper sexual abuse prevention training shall
1310 be conducted annually. ^{Pf} 1. a. The camp shall maintain a copy of the curriculum, ^{Pf} and

1311 b. Maintain the individual certificate or dated documentation, with each participant's name, for training that
1312 occurred. ^{Pf}

1313 2. The curriculum shall be made available to the department or agent upon request.

1314 3. The camper sexual abuse and prevention training shall cover the following topic areas:

1315 a. Understanding the dynamics of camper to camper sexual abuse and sexualized behaviors. ^{Pf}

1316 b. Recognizing red flags (inappropriate conduct) in camp staff behavior with campers. ^{Pf}

1317 c. Managing camp staff-to-camper and camper-to-camper one-on-one interactions. ^{Pf}

1318 d. Defining inappropriate physical and verbal contact or interaction with campers. ^{Pf}

1319 e. Identification and reporting of low level concerns. ^{Pf}

1320 f. Responding to disclosure or suspicion of abuse. A process for ensuring that known or suspected cases of
1321 child abuse, neglect or sexual misconduct are immediately reported to the proper authorities. ^{Pf}

1322 g. Communication strategies for staff, campers, parents and media. ^{Pf}

1323 **ATCP 78.19 Camp wellness and health staff. (1) CAMP WELLNESS.** (a) *Physician on staff or*
1324 *consulting physician.* Before a camp opens for the first time, and at least annually thereafter, the camp
1325 operator shall make written arrangements for medical care of campers and camp staff by a staff physician,
1326 consulting physician or the consulting physician's practice. ^P

1327 (b) *Staff physician or consulting physician standing orders.* Health services staff shall work under the
1328 delegation of a physician licensed pursuant to ch. 448, Stats., who is available on-site during the camping
1329 season or for consultation services. 1. The staff physician or consulting physician, in cooperation with the
1330 camp operator, shall develop standing orders, signed by the physician, for the administration of medications,
1331 routine health care and emergency medical care at the camp. ^P

1332 **Note:** Wisconsin is identified in a high incidence category for Lyme disease, therefore it is recommended
1333 that a written protocol should include tick bite identification and removal techniques, such the following
1334 resource provided by the Centers for Disease Control (CDC): [https://www.cdc.gov/lyme/resources/FS-](https://www.cdc.gov/lyme/resources/FS-Guidance-for-Clinicians-Patients-after-TickBite-508.pdf)
1335 [Guidance-for-Clinicians-Patients-after-TickBite-508.pdf](https://www.cdc.gov/lyme/resources/FS-Guidance-for-Clinicians-Patients-after-TickBite-508.pdf)

1336 **Note:** Bats are the leading rabies vector in Wisconsin. It is recommended that camp staff are trained in bat
1337 education and that a written protocol be developed that includes: how to prevent and recognize a bat
1338 exposure, safe capture of a bat and what to do in the event a bat is found in a room with sleeping campers.
1339 A copy of the Rabies Algorithm can be found at the Department of Health Services website at:
1340 <https://www.dhs.wisconsin.gov/rabies/algorithm/index.htm>.

1341 2. The physician shall review, sign and date the standing orders annually. ^P

1342 (c) *Camp vehicle.* A camp shall have a vehicle available at all times to transport a camper or staff member
1343 requiring urgent medical services to a hospital or clinic when the camp cannot provide the needed services
1344 or as approved by the department or its agent. ^{Pf}

1345 (d) *Camper health history.* 1. Each camper upon arrival at the camp, shall present to the health services
1346 staff or to the rental groups health services staff as required pursuant to s. ATCP 78.11, an up-to-date written
1347 health history. ^P Health histories shall include: a. Any physical condition or limitations, ^P

1348 b. Medications, ^P

1349 c. Allergies,^P

1350 d. Immunization status,^P

1351 **Note:** A signed document by the legal guardian presented to the camp objecting to the immunization
1352 requirements for a camper for reasons of health, religion or personal conviction meets the requirements
1353 pursuant to s. 252.04(3), Stats.

1354 **Note:** Immunization status is in alignment with Wisconsin student immunization record reporting for:
1355 DTap/DTP/Td, polio, hepatitis B, MMR, and varicella.

1356 e. Any special health and behavioral considerations (mental, emotional, social and developmental needs
1357 or restrictions of the camper), and^{Pf}

1358 f. Permission from the family that allows for a camper to self-carry and administer emergency
1359 medication, such as epinephrine, inhalers, or insulin, if applicable.^P

1360 2. For a camper under 18 years of age, the written health history shall be prepared and signed by a parent
1361 or legal guardian.^P

1362 3. Parent or legal guardian's written consent to treat camper in case of an emergency.^{Pf}

1363 4. Signed permission by the parent or legal guardian for camp health services staff to provide routine
1364 healthcare treatment, identifying over-the-counter (OTC) medications that can be administered.^{Pf}

1365 **Note:** It is recommended that each camper upon arrival at the camp, also present to the health services staff
1366 a written report of a physical examination performed within the preceding 24 months by a physician, a
1367 physician assistant or a nurse practitioner.

1368 (e) *Camp staff health history.* 1. Each camp staff member, upon arrival at the camp, shall present to the
1369 health services staff or to the rental groups health services staff as required pursuant to s. ATCP 78.11, an
1370 up-to-date written health history.^P Health histories shall include: a. Any physical condition or limitations,

1371 ^P

1372 b. Medications,^P

1373 c. Allergies,^P

1374 d. Based on the staff member's job description, clarification of any camp activities from which the staff

1375 member should be exempted or limited for health reasons as indicated by qualified medical personnel, ^{Pf}

1376 e. A statement indicating if the staff member requires any medication that might impair their ability to
1377 perform the essential functions of their position, ^{Pf}

1378 f. Who to contact in case of emergency, and

1379 g. Immunization status as determined by the consulting physician and camp health supervisor. ^P

1380 2. For camp staff under 18 years of age, the written health history shall be provided as required
1381 pursuant to par. (d). ^P

1382 (f) *Health center.* 1. A camp shall have written procedures and space for the temporary isolation of sick
1383 or injured campers and staff members. ^P

1384 2. Any person suspected of having a communicable disease or foodborne illness shall be suitably
1385 isolated with designated separate toilet and handwashing facilities. ^P

1386 **Note:** Reportable communicable diseases are listed in appendix A to ch. DHS 145. Cases are to be reported to
1387 the local health officer or the Department pursuant to s. 252.05, Stats., and ch. DHS 145.

1388 (g) *First-aid supplies.* A camp shall have first-aid supplies as determined by the staff physician or
1389 consulting physician standing orders. ^{Pf}

1390 (h) *Emergency Phone.* 1. A telephone capable of connecting with 911 or emergency dispatch services
1391 shall be accessible at all times during camp operation. ^P

1392 2. Other telephone technology may be used that has continuous power backup and a reliable service
1393 connection. ^P

1394 3. The installation and location of the telephone shall be in close proximity to the camp buildings or
1395 lodging units and the telephone shall be available to camp staff and campers. ^{Pf}

1396 4. A current list of emergency numbers, including 911, and the facility's location shall be attached to
1397 or posted near the telephone. ^P

1398 (i) *Automated external defibrillator (AED).* If provided, the camp shall ensure the AED is: 1.
1399 Maintained in operational condition in accordance with manufacturer guidelines, ^P

1400 2. Tested in accordance with any operational guidelines of the manufacturer, ^{Pf} and

1401 3. Continually available on camp premises when camp is in session. ^{Pf}

1402 **Note:** Camp administration is encouraged to consider placement of multiple AED(s) based on the
1403 population served and activities conducted.

1404 **(2) HEALTH STAFF REQUIREMENTS FOR A CAMP OR RENTAL GROUP OPERATING FOR**
1405 **THREE NIGHTS OR MORE.** (a) *Camp health services supervisor.* Except as provided pursuant to sub. (3),
1406 a camp shall have an adult camp health supervisor who shall be responsible for routine and urgent health care
1407 supervision at the camp and meet the requirements pursuant to par. (b) 1.-5. ^P

1408 (b) *Health services qualifications.* 1. The health staff shall include at least one of the following: ^P

1409 a. A physician licensed in Wisconsin pursuant to s. 448.033, Stats.

1410 b. A registered nurse licensed in Wisconsin pursuant to s. 441.115 (3), Stats.

1411 c. A physician assistant licensed in Wisconsin.

1412 d. A practical nurse licensed in Wisconsin.

1413 e. A national athletic trainers association certified trainer and meeting subd. (2) (b) 4.

1414 f. An emergency medical services practitioner as defined in s. 256.01 (5) Stats., and meeting subd.
1415 (2) (b) 4.

1416 g. A person currently certified as completing the American Red Cross responding to emergencies
1417 course or equivalent and meeting subd. (2) (b) 4.

1418 h. A person currently certified as completing a wilderness first aid course as approved by the
1419 department and meeting subd. (2) (b) 4.

1420 2. Health services staff at a camp shall hold current certification from the American Red Cross or
1421 American Heart Association for basic CPR/AED or equivalent age-appropriate cardiopulmonary
1422 resuscitation. ^P A camp shall follow the staffing requirement for CPR/AED as follows: a. If the local
1423 ambulance service provider or emergency medical services states in writing that there is a target response time
1424 of 30 minutes or less to the camp, the camp shall meet the requirements pursuant to s. ATCP 78.19 Table A,
1425 for all programs going to a physical location. ^P

1426 b. If the local ambulance service provider or emergency medical service response is greater than 30-
1427 minutes, the camp shall meet the requirements pursuant to s. ATCP 78.19 Table A. ^P

1428 3. Health services staff at a camp shall hold a current certificate for the completion of the American Red
1429 Cross or American Heart Association first-aid course or equivalent. ^P

1430 4. Health services staff administering medication and only meeting the requirements pursuant to subd.
1431 (2) (b) 2. and 3., shall annually take the department of public instruction (DPI) online course, Medication
1432 Administration Principles and shall maintain documentation of the assessment test and passing grade. ^P

1433 **Note:** The DPI course Medication Administration Principles can be found at the following link.
1434 https://media.dpi.wi.gov/sspw/av/bmap/story_html5.html.

1435 5. Epinephrine auto-injector. If a camp is prescribed an epinephrine auto-injector as an authorized
1436 entity that is not patient specific or the camp plans to have health services staff help administer an
1437 epinephrine auto-injector to a camper, health services staff shall complete an anaphylaxis training program
1438 required pursuant to s. 255.07(5), Stats., and meet the following: a. The health services staff member shall
1439 complete a training program conducted by a nationally recognized organization experienced in training
1440 laypersons in emergency health treatment or an organization approved by the department of health services.
1441 ^P

1442 b. The training certificate shall be maintained on the camp premises. ^P

1443 c. The training certificate shall be made available to the department or its agent upon request.

1444 (c) *Health services coverage.* A camp shall meet the requirements pursuant to s. ATCP 78.19 Table
1445 A. for health service staff coverage at the camp at all times during camp operations. ^P

1446 (d) *Health services staff coverage for off-premises trips and primitive camping.* 1. If the local
1447 ambulance service provider or emergency medical services states in writing that there is a target response
1448 time of 30 minutes or less to the camp, the camp shall meet the requirements pursuant to s. ATCP 78.19
1449 Table A, for all off-premises trips and primitive camping. ^P

1450 2. If the local ambulance service provider or emergency medical service response time is greater than
1451 30-minutes, the camp shall meet the requirements pursuant to s. ATCP 78.19 Table A, for all off-premises

1452 trips and primitive camping. ^P

1453 (3) ALTERNATIVE HEALTH SERVICES REQUIREMENTS FOR A RENTAL GROUP THAT
1454 OPERATES FOR A PERIOD OF THREE NIGHTS OR LESS. A rental group, such as a school class, a
1455 church group, or a scout troop that provides their own health services staff shall meet the requirements
1456 pursuant to s. ATCP 78.19 Table A. ^P

1457 **ATCP 78.19 Table A. 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 an epinephrine auto-injector they shall also meet subd. (2) (b) 4. and 5.

Rental Group- Less than 3- nights	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 an epinephrine auto-injector 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 an epinephrine auto-injector they shall also meet subd. (2) (b) 4. and 5.

1458 **(4) MEDICATIONS BROUGHT TO CAMP.** (a) *Prescription medication.* All medications brought to
1459 camp by a camper or staff member shall be: 1. a. In containers that are clearly labeled to include the name
1460 of the camper or staff member, ^P
1461 b. The name of the medication, ^P
1462 c. The dosage, ^P
1463 d. The frequency of administration, ^P
1464 f. The route of administration, ^P
1465 g. Name of the prescribing physician, ^P
1466 h. The prescription number, ^P and
1467 i. The date prescribed, ^P or
1468 2. A prepackaged pill pack provided by a pharmacy service accompanied by paperwork meeting the
1469 requirements as specified pursuant to subd. 1. ^P
1470 (b) *Additional information.* Information regarding possible adverse reactions, the specific conditions

1471 when contact should be made with the physician and other special instructions shall be documented in the
1472 camper health history. ^P

1473 (c) *Over-the-counter (OTC) medications including vitamins, supplements and natural remedies.* All
1474 OTC medications brought to camp by a camper or staff member shall be: 1. Clearly labeled with the name
1475 of the camper, ^P and

1476 2. In a container labeled with the name of the medication and directions for use. ^P

1477 (d) *Medication administration and storage.* Except as allowed in par. (e) and (f), all medication brought
1478 to camp by a camper or staff member under 18 years of age shall be: 1. Kept in a locked unit, ^P and

1479 2. Administered by health services staff qualified pursuant to par. (2) (b), except that epinephrine auto-
1480 injector, inhaler, and insulin or other medication or device used in the event of life-threatening situations
1481 may be carried by a camper or staff member. Each camper or staff member 18 years of age or older may take
1482 responsibility for the security of their personal medication. ^P

1483 3. A parent or legal guardian who is serving as camp staff member may: a. Retain and administer their
1484 own child's medications as long as this information is included in the camps medication record. ^{Pf}

1485 b. Take responsibility for the security of their child's personal medication. ^{Pf}

1486 (e) *Delegation for administration of medication.* For a camp that lasts longer than three days, the
1487 department shall allow qualified health services staff to designate an individual at the camp to administer,
1488 to a camper or staff member who is under 18 years of age, medications brought to the camp by that camper
1489 or staff member, other than medications that a camper or staff member may carry themselves pursuant to s.
1490 97.67 (5m) (b). Any individual designated by health services staff to administer medication brought to
1491 camp by campers, not meeting the qualifications pursuant to subd. (2) (b) 1., shall meet the requirement
1492 pursuant to subd. (2) (b) 4., for completion of the DPI course, Medication Administration Principles. ^P

1493 **Note:** The DPI course Medication Administration Principles can be found at the following link.
1494 https://media.dpi.wi.gov/ssp/av/bmap/story_html5.html.

1495 (f) *Rental group administration of medication.* When a camp's facilities are used by a rental group for three
1496 nights or less, an adult leader of the group shall: 1. Keep all medications brought to camp by a camper or

1497 staff member under 18 years of age in a locked unit, ^P

1498 2. Meet the requirements pursuant to s. ATCP 78.19 Table A, ^P and

1499 3. A parent or legal guardian who is serving as camp staff may retain and administer their own child's
1500 medications as long as information is included in that rental group's medication record. ^{Pf}

1501 **(5) HEALTH AND TREATMENT RECORDS.** (a) *Health history records.* A camp's health services
1502 supervisor shall keep available, the health history required pursuant to par. (1) (d) and (e), for each camper
1503 and staff member. ^{Pf}

1504 (b) *Medication and treatment log.* When a medication is administered or treatment provided to a camper
1505 or staff member, health services staff shall, as soon as possible, make a record of the action using any one
1506 of the following: 1. In a bound book with preprinted page numbers, ^P or

1507 2. By electronic entry into a software program that documents each change to the health record and that
1508 does not allow previous changes to the health record to be edited or deleted, ^P or

1509 3. By making an electronic medication administration record (MAR), printed with a date stamp, from a
1510 health software program pursuant to subd. 2., to be used for manual recording with a signature on the form
1511 of the individual making entries. ^P

1512 (c) *Medication and treatment record requirements.* The record shall indicate the following information:

1513 1. Legal name of the person receiving the medication or treatment, ^{Pf}

1514 2. Ailment, ^{Pf}

1515 3. Name of the medication or treatment, ^{Pf}

1516 4. Quantity given, ^{Pf}

1517 5. Date and time administered, ^{Pf}

1518 6. Initials of the person administering the medication or providing treatment, ^{Pf} and

1519 7. Comments.

1520 (d) *Medication and treatment record storage.* 1. The logging of medication and other treatment
1521 administered shall support accurate medication and treatment administration in a clear, complete and
1522 organized manner. ^{Pf}

1523 2. Health history and treatment records shall be accessible, upon request, to the department or its agent.

1524 (e) *Record retention.* The camp shall retain health history and treatment records for at least three
1525 calendar years.

1526 (f) *Rental group health history, medication and treatment records.* 1. The rental group using a camp's
1527 facilities and providing their own health services staff shall maintain the health histories and treatment
1528 records for their campers and staff. ^P

1529 2. The health history and treatment records shall be accessible, upon request from the department or its
1530 agent.

1531 (g) *Rental group record retention.* 1. The rental group, if providing health supervision, shall maintain
1532 all camper health histories, medication and treatment records for a minimum of three calendar years and make
1533 the records available upon request to the department or agent within two business days of the request.

1534 2. The rental group shall keep a register and a method of tracking individuals entering and leaving the
1535 camp during operation, pursuant to s. ATCP 78.20, and make the register and tracking document available
1536 upon request to the department or agent within two business days of the request.

1537 **ATCP 78.20 Camp register. (1) REQUIREMENTS.** A camp shall maintain a written or electronic camp
1538 register with the following information for each camper and staff member: (a) Legal name, ^{Pf}

1539 (b) Home address, ^{Pf}

1540 (c) Phone number, ^{Pf}

1541 (d) E-mail address, and ^{Pf}

1542 (e) The name, phone number and e-mail of persons to notify in case of an emergency. ^{Pf}

1543 **(2) RENTAL GROUP CAMP REGISTER REQUIREMENTS.** (a) *Rental group contact information.*

1544 Each rental group shall provide the contact information for their authorized representative to the licensed
1545 camp operator that includes: 1. The name of the authorized representative, ^{Pf}

1546 2. Phone number, ^{Pf}

1547 3. Email address, ^{Pf} and

1548 4. Home address. ^{Pf}

1549 (b) *Register responsibility*. Each rental group shall be responsible for maintaining a camp register as
1550 required pursuant to sub. (1).^{Pf}

1551 (3) **CAMP REGISTER RETENTION**. The camp register shall be retained for a minimum of three
1552 years.

1553 **ATCP 78.21 Death, injury or illness reports**. The camp shall report incidents resulting in serious injury,
1554 illness or death where an EMS response is required, by the end of the next working day following the
1555 incident by phone or e-mail to the department or its agent.^{Pf}

1556 **Note**: Report deaths, injuries, or illnesses to the Bureau of Food and Recreational Businesses by calling
1557 (608) 224-4682 or email datcpdfsrec@wisconsin.gov. or if licensed by an agent, by contacting your agent
1558 health department.

1559 **ATCP 78.22 Playground equipment. (1) INSTALLED AND MAINTAINED IN GOOD REPAIR.**

1560 Playground equipment shall be: (a) *Installed*. Installed to manufacturer's directions,^{Pf} and

1561 (b) *Maintained*. Shall be maintained in good repair.

1562 (2) **ENTANGLEMENT AND IMPALEMENT**. (a) *Hazards*. Playground equipment shall be free of:

1563 1. Open "S" hooks,^P

1564 2. Bolt ends protruding more than two threads beyond the end of the nut.^P

1565 3. Sharp points or edges.^P

1566 (3) **TRIP AND FALL HAZARDS**. (a) *Exposed footing*. Concrete footings shall not be exposed above
1567 ground level.^P

1568 (b) *Protective surfacing*. Fall hazards shall be minimized by providing protective surfacing material
1569 such as but not limited to wood chips, pea gravel, sand, or a unitary surface.^{Pf}

1570 **ATCP 78.23 Petting zoo and other animal education interactions. (1) HAND HYGIENE.**

1571 (a) *Hand washing station*. If the camp includes a petting zoo or other animal interaction for campers,
1572 the operator shall provide a hand washing station with running water, soap, and single-use toweling in close
1573 proximity to encourage hand washing after handling animals,^{Pf} or

1574 (b) *Hand sanitizing station*. If soap and water are not available, a hand sanitizing station using an

1575 alcohol based sanitizer containing at least 60% ethanol shall be provided. ^{Pf}

1576 (2) SUPERVISION. Camp staff shall ensure that campers are washing their hands or using hand
1577 sanitizer after handling animals or being in their environment. ^{Pf}

1578 **Note:** Direct contact with species known to serve as reservoirs for rabies virus (e.g., bats, raccoons,
1579 skunks, foxes, and coyotes) is not recommended. If the camp will provide a petting zoo or animals for
1580 interactive display or educational programming, it is recommended the operator minimize risk of zoonotic
1581 disease transmission to participants and staff by designing and operating the display in accordance with
1582 the recommendations in the most current National Association of Public Health Veterinarians (NASPHV)
1583 Compendium of Measures to Prevent Disease Associated with Animals in Public Settings.”
1584 <http://nasphv.org/documentsCompendiumAnimals.html>.

1585 **ATCP 78.24 Primitive camping and backcountry trips. (1) GENERAL.** The operator of a camp shall
1586 maintain each primitive camp area in a safe and clean manner conducive to public health.

1587 **Note:** An itinerary shall be filed or arrangement shall be made with the national forest service office
1588 if such land is used by the primitive camping trip. The camp director should familiarize the staff and
1589 campers with rules governing such property.

1590 (2) TRIP DOCUMENTATION AND EMERGENCY INFORMATION. The trip leader shall be
1591 provided with the following health information and resources: (a) *Health histories.* A description of any
1592 individual camper specific health conditions, ^{Pf}

1593 (b) *Medication and treatment record.* Documentation per s. ATCP 78.19 (b) and (c) for any medications
1594 and treatment provided while off premises of the licensed camp, ^{Pf}

1595 (c) *First aid.* A fully stocked first aid kit, ^P and

1596 (d) *Communication.* Reliable means of communication to summon emergency help and communicate
1597 with the camp health supervisor. ^P

1598 (3) TRIP STAFFING. Camper to staff ratios shall follow the requirements pursuant to s. ATCP 78.175.
1599 ^P

1600 (4) WATER SUPPLY. (a) *Water provided by the camp.* Drinking water taken on primitive camping and

1601 backcountry trips away from camp shall be: 1. Except as specified pursuant to par. (b), taken from a potable
1602 water source. ^P

1603 2. Transported and stored in clean, sanitized containers. ^P

1604 (b) *Alternative water sources.* Where it is not practical to transport drinking water, drinking water
1605 treatment (purification) methods shall be provided. Water shall be visibly clear and free from debris, foam,
1606 blue-green algal blooms or scum, trash and organic matter. ^P Water shall be treated using one or more of
1607 the following methods:

1608 1. a. Brought to a rolling boil for a minimum of one minute. ^P

1609 b. Filtered using a filter with an absolute pore size not greater than 1 micron (NSF Standard 53 or 58)
1610 and disinfected with a chemical product labeled for the treatment of drinking water, or ^P

1611 c. Treated with a water treatment method not covered under this section for which a request for a
1612 variance has been granted by the Department. ^P

1613 (c) *Use and maintenance.* 1. A camp operator shall safely maintain devices used for water treatment
1614 (e.g., filters, cartridges, etc.) according to manufacturer's instructions to ensure devices are in proper
1615 working order, ^{Pf} and

1616 2. Shall maintain a maintenance log or receipts for any device replacement parts or accessories. ^{Pf}

1617 3. a. A Camp operator shall ensure chemical treatment products are stored appropriately according to
1618 manufacturer's directions, ^{Pf} and

1619 b. Are not expired. ^P

1620 (d) *Trained staff.* 1. A camp operator shall ensure staff performing drinking water treatment are trained
1621 in the proper use of all practices, devices, time requirements and chemical treatments. ^{Pf}

1622 2. Only persons trained to properly treat water using the designated treatment methods shall treat
1623 drinking water in the field. ^{Pf}

1624 (5) OFF SITE WRITTEN FOOD SAFETY PLAN. (a) *Plan contents.* A written food safety plan shall
1625 be provided for primitive camping and backcountry trips and shall incorporate the following components:

1626 1. General food safety practices as provided in ch. ATCP 75 for the type and method of food service

1627 provided. ^{Pf}

1628 2. Hand hygiene. ^{Pf}

1629 3. Utensil washing procedures, if applicable. ^{Pf}

1630 4. Protection of food from animals and other pests. ^{Pf}

1631 (b) *Plan available to regulatory authority.* The written food safety plan shall be made available to the
1632 department or its agent upon request.

1633 (6) TOILETS. (a) *Usage.* Except as specified pursuant to par. (c), at minimum, toilet usage in these
1634 areas shall comprise a slit trench with earth backfill or cathole at least eight inches deep. ^P

1635 (b) *Location.* The toilet areas shall be located at least 200 feet from a stream, lake, well or established trail,
1636 camp, tent or other sleeping or housing arrangement. ^P

1637 (c) Solid human waste can be carried out and disposed of back at the camp premises or other toilet
1638 facility. ^P

1639 **Note:** See “Leave No Trace” from the Center for Outdoor Ethics: <https://lnt.org/>

1640 (7) SOLID WASTE. Garbage and refuse generated in primitive camping areas shall be carried back to
1641 the camp premises or other approved area for proper disposal pursuant to s. ATCP 78.15.

1642 **Note:** See “Leave No Trace” from the Center for Outdoor Ethics: <https://lnt.org/>

1643 SECTION 2. EFFECTIVE DATE: This rule shall take effect 90 days following publication in the Wisconsin
1644 administrative register, as provided pursuant to s. 227.22 (2), Stats.

(END OF RULE TEXT)

Dated this _____ day of _____, 2021

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By: Randy Romanski, Secretary

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date November 17, 2021
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Wis. Admin. Code ch. ATPC 78, Recreational and Educational Camps	
4. Subject Recreational and Educational Camps	
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	6. Chapter 20, Stats. Appropriations Affected Wis. Stat. § 20.115(1)(gb) Food, lodging, and recreation.
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	
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)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$	
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	
11. Policy Problem Addressed by the Rule The Department is proposing to update Wis. Admin. Code ch. ATPC 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." 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 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. In short, there is no value to applying recreational and educational camp supervision regulations to these situations.	

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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. ATP 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. ATP 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.

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 revised rule also creates more flexibility for compliance related to health services recordkeeping by codifying expanded medication documentation data management options widely available to camp stakeholders. This update will allow existing medication bound book variances to sunset and decrease the need for new variance applications. This mutually reduces burden on small business and the Department’s time to process variance requests.

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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 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

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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.

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, s. 97.67(3), Stats. Meeting the new requirements would allow camp operators to demonstrate effective managerial control of public health hazards.

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.

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

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)

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

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.

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. ATCP 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 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)

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. 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 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

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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.

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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)

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

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

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
-

Wisconsin Department of Agriculture, Trade and Consumer Protection

Regulatory Flexibility Analysis

Rule Subject: Recreational and Educational Camps
Adm. Code Reference: ATCP 78
Rules Clearinghouse #: Not assigned
DATCP Docket #: 19-R-06

Rule Summary

The Department and its agent local health departments combined license approximately 230 recreational and educational camps throughout the state. The estimated direct annual Wisconsin economic impact of these camps, based on the 2020 American Camp Association Wisconsin Camp Economic Impact Findings Report, is 5,003 employees and \$109.2 million in labor income. Wisconsin recreational and educational camps have a rich history, with 73% in operation for more than 50 years. A recreational and educational camp holds supervisory responsibility for campers who stay overnight using temporary and permanent structures where food or lodging are provided. Camps conduct planned program activities for the primary purpose of providing an indoor or outdoor group living experience for campers. The activities meet social, recreational, spiritual, and educational objectives, and are offered during one or more seasons of the year.

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

Small Businesses Affected

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

applicable licenses separately. Licensing fees have not increased since 2007, but basing the licensing fee on risk and hospitality activity will help to moderate the impact of a fee increase. The proposed changes in criteria for license fees were tested by applying the proposed criteria to all 59 state-inspected recreational and educational camps. Results of the survey indicated an even distribution across all three proposed license categories with: 17 camps categorized as simple, 24 camps as moderate, and 18 camps as complex.

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

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

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

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

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

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

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

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

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

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

Camps with aquatic program activities will save money going forward due to a rule clarification on rescue poles at waterfront and on a rescue boat. The use of an existing standard oar or paddle as a reaching pole in a rescue boat is now recognized in the proposed revision. The revision also includes the removal of the reaching pole requirement at the waterfront since ch. ATCP 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. Examples of certification course costs 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 biannual 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 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 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.

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

Dated this 30th day of November, 2021.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Steven C. Ingham
Steven C. Ingham, Administrator,
Division of Food and Recreational Safety

**State of Wisconsin
Department of Agriculture, Trade and Consumer Protection**

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD

The Department of Agriculture, Trade and Consumer Protection announces that it will hold public hearings on a permanent rule to repeal and recreate ATCP 78, relating to the regulation of recreational and educational camps and affecting small business*, at the times and places shown below.

Hearing Information

Date: Tuesday, February 15, 2022

Time: 11:00 a.m. – 2:00 p.m.

Location: 718 W. Clairemont Avenue, Eau Claire State Office Building, Conference Room 129, Eau Claire, WI 54701

Date: Wednesday, February 16, 2022

Time: 11:00 a.m. – 2:00 p.m.

Location: DWD – Marathon County Job Center, 731 North 1st Street, Oak Conference Room, Ste #4000, Wausau, WI 54403

Date: Thursday, February 17, 2022

Time: 11:00 a.m. – 2:00 p.m.

Location: Rhinelander Regional Office, 2187 North Stevens Street, Conference Room Rhinelander A, Rhinelander, WI 54501

Date: Wednesday, March 2, 2022

Time: 11:00 a.m. – 2:00 p.m.

Location: Prairie Oaks State Office Building, Board Room 106, 2811 Agriculture Dr., Madison, WI 53708

Date: Thursday, March 3, 2022

Time: 11:00 a.m. – 2:00 p.m.

Location: Virtual

Microsoft Teams meeting

Join on your computer or mobile app

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Accessibility

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by February 1, 2022 by writing to Caitlin Jeidy at caitlin.jeidy@wisconsin.gov, or by phone at (608) 977-0565. Alternatively, you may contact the Department of Agriculture, Trade and Consumer Protection TDD at (608) 224-5058.

Appearances at the Hearing and Submittal of Written Comments

The proposed rule may be reviewed and comments made at https://datcp.wi.gov/Pages/About_Us/AdministrativeRules.aspx no later than March 11, 2022.

Initial Regulatory Flexibility Analysis

The proposed rule will have minimal effect on small businesses, as defined under s. 227.114 (1). The Initial Regulatory Flexibility Analysis is attached.

Agency Small Business Regulatory Coordinator

The Department's Regulatory Review Coordinator may be contacted by email at Bradford.Steinel@wisconsin.gov or by phone at (608) 224-5024.

Dated this 1st day of December, 2021

STATE OF WISCONSIN,
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION

By 

Randy Romanski, Secretary