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Proposed Regulation Agency Background Document

Agency name	State Board of Health
Virginia Administrative Code (VAC) Chapter citation(s)	12 VAC5-440-10 <i>et seq.</i>
VAC Chapter title(s)	Regulations for Summer Camps
Action title	Amend and update the Regulations for Summer Camps
Date this document prepared	January 31, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The current Regulations for Summer Camps (12VAC5-440 *et seq.*) contain minimal and vague requirements for camp location, water supplies, food handling, sewage and solid waste disposal, general sanitation, swimming facilities, and the reporting of contagious disease and outbreaks. This regulatory action is a comprehensive update of the Regulations for Summer Camps, including the restructuring and updating of regulatory content for health and safety, clarity, and ease of understanding.

The comprehensive update and amendment will include the addition of sections related to general administrative provisions (definitions, variances, and permitting), inspections and enforcement, and staffing policies that are absent from current regulation. Many of the changes refine and provide further clarity to existing regulations, including camp location, water supplies, food handling, sewage and solid waste disposal, general sanitation, swimming facilities, and the reporting of contagious disease and outbreaks. Significant changes include replacing the title "Summer Camp" with "Resident Camp", amending out-of-date provisions, incorporating health and safety provisions that have become industry

standards since the inception of the regulations over 70 years ago, and reorganizing sections to make them easier to understand and follow.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"AED" means automated external defibrillator.

"American Camps Association" (ACA) means a national non-profit organization that provides a voluntary accreditation standard specific to camps.

"CPR" means cardiopulmonary resuscitation.

"Summer Camp," per § 35.1-1 (Definitions), means any building, tent, or vehicle, or group of buildings, tents, or vehicles, if operated as one place or establishment, or any other place or establishment, public or private, together with the land and waters adjacent thereto, that is operated or used in this Commonwealth for the entertainment, education, recreation, religious instruction or activities, physical education, or health of persons under 18 years of age who are not related to the operator of such place or establishment by blood or marriage within the third degree of consanguinity or affinity, if 12 or more such persons at any one time are accommodated, gratuitously or for compensation, overnight and during any portion of more than two consecutive days. Also referred to as "Overnight Summer Camp."

"Resident camp" means any building, tent, or vehicle, or group of buildings, tents, or vehicles, if operated as one place or establishment, or any other place or establishment, public or private, together with adjacent land and waters, that is operated or used for the entertainment, education, recreation, religious instruction or activities, physical education, or health of persons under 18 years of age who are not related to the operator of such place or establishment, if 12 or more such persons at any one time are accommodated, gratuitously or for compensation, overnight and during any portion of more than two consecutive days. This definition includes the historically used term "overnight summer camp." "Resident camp" does not include any of the following:

- (a) An overnight planned program of recreation or education for families;
- (b) An overnight planned program for credit at an accredited academic institution; or
- (c) A tournament, competition, visitation, recruitment, campus conference, or a sports team training camp that is provided overnight lodging in a Virginia Department of Health permitted facility, such as a hotel or campground.

"VDH" means the Virginia Department of Health.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

This regulatory action derives from a 2021 periodic review of this chapter and a subsequent Notice of Intended Regulatory Action published on December 5, 2022.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The promulgating agency is the State Board of Health.

Section 32.1-12 of the Code of Virginia states,

“The Board may make, adopt, promulgate, and enforce such regulations and provide for reasonable variances and exemptions therefrom as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by it, the Commissioner or the Department.”

Section 35.1-11 of the Code of Virginia states,

“The Board shall make, adopt, promulgate, and enforce regulations necessary to carry out the provisions of this title and to protect the public health and safety. In promulgating regulations, the Board shall consider the accepted standards of health including the use of precautions to prevent the transmission of communicable diseases, hygiene, sanitation, safety, and physical plant management.”

Section 35.1-16 of the Code of Virginia states,

“The regulations of the Board governing summer camps shall include, but not be limited to: (i) an approved drinking water supply; (ii) an approved sewage disposal system; (iii) an approved solid waste disposal system; (iv) the adequate and sanitary preparation, handling, protection and preservation of food; (v) the proper maintenance of buildings, grounds, and equipment; (vi) vector and pest control; (vii) toilet, swimming, and bathing facilities, including shower facilities; (viii) a procedure for obtaining a license.”

Section 35.1-20 of the Code of Virginia requires an inspection to be performed before issuance of a permit.

Section 35.1-22 of the Code of Virginia mandates the annual inspection of summer camps and authorizes the Commissioner to revoke or suspend a summer camp’s permit if the camp is found not to be in compliance with the Code or Regulations.

Section 32.1-37 mandates the reporting of certain diseases and outbreaks by the person in charge of a summer camp.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

- 1) The purpose of this action is to amend the Regulations for Summer Camps to update and clarify the requirements for summer camp design, operation, maintenance, safety, and staffing. The proposed amendments will provide the requirements necessary for overnight summer camps to protect health, safety, and welfare of campers by providing clear and consistent protective regulatory standards.

- 2) The Board of Health promulgated the Regulations for Summer Camps in or before 1950; there have been no known amendments since the initial promulgation. Since the 1950's there have been substantial changes to camp design, operation, and public health and safety standards. Over the past 70 years, the overnight summer camp industry has evolved, establishing national standards and voluntary certification from accreditation organizations, including the American Camps Association and Boy Scouts of America. Not every overnight summer camp in Virginia is accredited or part of a national organization. Inconsistency in camp operations throughout the Commonwealth and varying levels of participation in accreditation or adherence to national standards supports the need for statewide regulations that establish minimal health and safety provisions for overnight summer camp operations.

§ 35.1-16 of the Code of Virginia outlines the minimal content of the required regulations governing summer camps. The Regulations as written do not meet all the Code requirements, including provisions that clearly define and outline the requirements to meet and maintain:

- An approved drinking water supply,
- An approved sewage disposal system,
- Solid waste disposal provisions,
- Adequate and sanitary preparation, handling, protection, and preservation of food,
- Vector and pest control
- Toilet, swimming, and bathing facilities, including showers, or
- A procedure for obtaining a license.

- 3) The VDH Office of Environmental Health Services and a stakeholder workgroup of over 40 industry representatives, collectively drafted, edited, and recommended the proposed amendments to the Regulations for Summer Camps. As part of the agency's efforts to clarify and improve the readability and understanding of the Regulations, VDH also addressed the establishment of and consistent use of defined terms and the style and formatting of regulatory content. The goal of the amendment is to collectively establish up-to-date basic health and safety standards for overnight summer camps. In addition, the agency proposes to rename the title of the regulations and definition of a summer camp to "Resident Camp" to reflect the overnight component rather than a seasonal assumption, as some overnight camps operate beyond the summer season. Henceforth the regulations are referred to as the "Regulations for Resident Camps." Further, the effort seeks to amend and clarify the vague regulatory language and content that contributes to inconsistencies in interpretation and the enforcement of the regulation across the Commonwealth.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The proposed amendments reorganize the way information is provided; add new sections to clarify existing provisions or incorporate new provisions; delete sections in whole to remove obsolete information

and duplication; revise references and/or citations; and correct sentence structure, grammar, spelling, and typographical errors. VDH reviewed and revised technical terms and word use to improve consistency throughout the Regulations for Resident Camps. Substantive changes include:

1. Adding definitions.
2. Adding new sections on enforcement requirements consistent with the Virginia Administrative Process Act and Title 35.1 of the Code of Virginia.
3. Adding a section on variances.
4. Adding a section on compliance with the Uniform Statewide Building Code and local requirements.
5. Adding sections on permitting, including plan review and inspections.
6. Adding sections on rental groups.
7. Adding sections on employee requirements, supervision, and staffing ratios.
8. Adding a section on camp register.
9. Adding a section on health care and safety, including medical provisions.
10. Revising and clarify communicable disease reporting.
11. Adding section on emergency response plan and provisions.
12. Revising and clarify camp location requirements.
13. Revising and clarify water supply requirements.
14. Revising and clarify sewage disposal requirements.
15. Revising and clarify storage, handling, and preparation of food.
16. Revising and clarify sanitary facility requirements.
17. Revising and clarify garbage and refuse disposal requirements.
18. Adding a section on chemical use and storage.
19. Revising and clarify requirements for camp structures and sleeping quarters.
20. Adding a section on specialized program activities.
21. Revising and clarify requirements for aquatic activities and swimming facilities, including boating and other watercraft activities.
22. Adding a section on animals.
23. Adding a section on transportation.
24. Adding a section for Documents Incorporated by Reference.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

1. Primary advantages to the public, including private citizens and businesses, include increased health and safety protections for campers and staff at resident camps. Increased protections will come from updated requirements for resident camps that align with current industry and public health and safety standards. Private citizens who send their children to camp will be able to reference modern and up-to-date regulations that outline basic health and safety standards that are easy to read and understand. Businesses will also be able to increase health and safety protections through updated standards that are well defined, easy to read and understand, consistently implemented across the state, and that align with current industry standards and expectations.

There are no primary disadvantages to the public, including private citizens. Potential primary disadvantages to businesses may include the need and additional cost to update resident camp services to meet the amended standards.

- 2. Primary advantages to the agency include regulations that outline processes and expectations that align with other agency programs, thus creating statewide consistency in regulating resident camps. The addition of definitions will improve understanding and application of terms during inspections and enforcement. The amendments will provide regulations that are easy to read and understand. The amendments remove vague, outdated, and unenforceable standards and recommendations. The updated regulations align with up-to-date public health standards for water supply, sewage disposal, and food handling, which will reduce inconsistencies in interpretation during inspection and enforcement of resident camps.

Primary disadvantages to the agency may include minor costs associated with potential increased inspections (see ORM form).

- 3. Other pertinent matters of interest to the regulated community, government officials, and the public include the fact that the Regulations have not been revised or amended in over 70 years. Failure to update state standards for the operations of resident camps would indicate that the agency and the Commonwealth supports the use of outdated regulations that do not meet the most basic and minimal health and safety provisions that are consistent with current industry standards.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

The agency is not aware of any federal requirements that apply to this regulatory action or program.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

There are no other state agencies particularly affected by the regulatory change.

Localities Particularly Affected

There are no localities particularly affected by the regulatory change.

Other Entities Particularly Affected

There are no other entities particularly affected by the regulatory change.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including:</p> <ul style="list-style-type: none"> a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources. 	<p>The projected cost for the agency is outlined in the ORM Economic Impact form on Table 1a, specifically related to the potential cost of an additional inspection.</p> <ul style="list-style-type: none"> a) The fund source would be General Funds specific to the local health district. b) The cost or expenditure would be on-going. c) The agency cannot ensure that costs can be absorbed within existing resources. However, costs to the agency are considered negligible overall, and may be successfully absorbed within existing health district resources (see ORM form). There are no anticipated revenue gains or losses associated with the change.
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There are no projected costs, savings, fees, or revenues predicted for other state agencies related to or resulting from the regulatory change.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>For all agencies, the regulatory change will produce a benefit of statewide consistency in regulating resident camps through improved understanding and application of regulation. The updated regulations align with up-to-date public health and industry standards and improve public health and safety protections specific to children and resident camp staff.</p>

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

<p>Projected costs, savings, fees, or revenues resulting from the regulatory change.</p>	<p>This analysis has been reported on the ORM Economic Impact form on Table 2.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>This analysis has been reported on the ORM Economic Impact form on Table 2.</p>

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	This analysis has been reported on the ORM Economic Impact form on Tables 1a, 3, and 4.
Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	This analysis has been reported on the ORM Economic Impact form on Tables 1a, 3, and 4.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	This analysis has been reported on the ORM Economic Impact form on Tables 1a, 3, and 4.
Benefits the regulatory change is designed to produce.	This analysis has been reported on the ORM Economic Impact form on Tables 1a, 3, and 4.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

The no-action alternative to revising the Regulations for Resident Camps would allow resident camp permitting, design, operation, maintenance, and health requirements to continue to remain unclear, conflicting, and outdated. This no-action alternative would result in inconsistent interpretation and enforcement of resident camp standards. In addition, there would be no adequate provisions for lodging, sanitary facilities, vector and disease control, camper safety, or administrative processes. In addition, a no-action alternative would not align with the purpose and intent of the periodic review process required by Code of Virginia § 2.2-4017. Periodic review of regulations., and the Periodic Review of Existing Regulations process outlined in the August 2022 ORM Procedure Memo (Memo). The Memo that states that existing regulations shall be reviewed to “determine whether they should be continued without change or be amended or repealed, consistent with the stated objectives of applicable law, to minimize

the economic impact on small businesses.” Providing clear and up-to-date standards helps provide consistent oversight and management while reducing the risk of illness and injury at resident camps throughout the Commonwealth. For the reasons previously stated, the agency is proposing to update and clarify all sections of the Regulations for Resident Camps where needed, and to re-organize the overall content in a manner that is easy to follow, read, and understand.

The economic analysis for Costs and Benefits under the Status Quo (No change to the regulations) has been reported on the ORM Economic Impact form in Table 1b.

During the development of the proposed amendments, stakeholders voiced the idea of exempting resident camps that are accredited by the American Camps Association (ACA), a national non-profit organization that provides a voluntary accreditation standard specific to camps, from the regulations. Exempting ACA accredited camps from the regulations would, in a sense, establish performance standards for small businesses to replace design or operational standards required in the proposed regulation. This exemption would result in the agency issuing a permit to operate a resident camp based on the ACA accreditation. However, not all resident camps in Virginia are accredited through the ACA. Some camps are associated with different organizations, such as the Boy Scouts of America, and would not consider accreditation through the ACA. Other camps choose not to be accredited and still maintain sufficient operation and management of their camp. In addition, the ACA is made up of volunteers who undertake accreditation training through the ACA. It is these volunteers who travel across the state or country to inspect camps and provide approval for accreditation. The agency would have no influence or oversight over a national accreditation service that may or may not meet Virginia standards of health or safety or other regulatory requirements through other Virginia agencies or departments. This in turn could result in inconsistent permitting as some camps would be required to meet the regulations, while other camps would be permitted as ACA accredited without agency confirmation of meeting health and safety standards. For example, ACA accreditation does not fully address environmental health considerations important to the agency, including water supply considerations in alignment with the State of Virginia, or approved sewage handling or other wastewater disposal methods. Further, such inconsistent implementation of standards may result in improper management of a facility permitted by the agency and an inability for the agency to enforce efforts to protect health and safety of campers and camp staff.

The economic analysis for Costs and Benefits under Alternative Approach(es) has been reported on the ORM Economic Impact form in Table 1c.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

The Board of Health is directed through the Code of Virginia § 35.1-11 to “make, adopt, promulgate, and enforce regulations ... and to protect the public health and safety. In promulgating regulations, the Board shall consider the accepted standards of health including the use of precautions to prevent the transmission of communicable diseases, hygiene, sanitation, safety, and physical plant management.” Further, § 35.1-16 identifies the content of the regulation to include, but not be limited to: (i) an approved drinking water supply; (ii) an approved sewage disposal system; (iii) an approved solid waste disposal system; (iv) the adequate and sanitary preparation, handling, protection and preservation of food; (v) the

proper maintenance of buildings, grounds, and equipment; (vi) vector and pest control; (vii) toilet, swimming, and bathing facilities, including shower facilities; (viii) a procedure for obtaining a license.”

If the Board considered establishing less stringent compliance requirements for resident camps, accepted standards of health would not be met. Current regulations do not meet acceptable standards of health specific to the transmission of communicable diseases, hygiene, sanitation, safety, and physical camp management, or the majority of regulatory requirements outlined in § 35.1-16, specifically the adequate and sanitary preparation, handling, protection and preservation of food; the proper maintenance of buildings, grounds, and equipment; vector and pest control; toilet, swimming, and bathing facilities, including shower facilities; or a procedure for obtaining a license. An example of concern are the existing sections that prescribe unsafe food temperature (12VAC5-440-40) and the allowance to serve unpasteurized milk (12VAC5-440-30). Such allowances directly conflict with the Food Regulations (12VAC5-421 et seq.) and the Regulations Governing Grade "A" Milk (2VAC5-490 et seq.) and may encourage the improper handling and service of food.

The agency worked with industry stakeholders and the ACA to establish the proposed amendments that best align with Virginia’s public health standards. In addition, any potential exemptions to the regulations can be pursued by a camp owner through the variance process that is now outlined in the proposed regulations.

Current regulations prescribe reporting requirements for contagious disease and outbreaks of disease (12VAC5-440-80). The requirement includes notice that shall be sent “*immediately* to the State Health Commissioner” for any “epidemic, outbreak of usual number of cases of any illness including diarrhea, gastroenteritis and food poisoning.” The proposed amendments clarify the term “immediately” to mean within 24 hours and expand the reporting requirements to the agency for communicable disease and death, injury, or illness. Reporting requirements to parents or guardians is also prescribed in the proposed amendments for the instance of medical emergencies. The agency considers the proposed reporting requirements as minimal and align with the baseline expectation of industry standards. The act of reducing the reporting requirements may be considered negligent when considering the health and safety of campers and camp staff.

The current regulations do not provide any schedule or deadline for any component of the regulation, other than the interpretable term of “immediately” when referring to contagious disease reporting (12VAC-440-80). This lack of prescribed schedules or deadlines has historically resulted in confusion and inconsistency when a camp applies for a permit, undergoes a review of any camp alteration or design changes, receives an inspection, or pursues a variance or other process. Camp operators have voiced concerns about inconsistency in permitting and inspections that creates an environment of confusion and irregularity. Regulations that do not specify how and when actions should occur do not help the regulated industry or the agency. The proposed regulations provide minimal and simplified schedules for applications, inspections, administrative processes, and reporting.

**Periodic Review and
Small Business Impact Review Report of Findings**

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic

conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This Proposed Regulation is not being used to announce a periodic review or a small business impact review.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

During the Notice of Intended Regulatory Action public comment period that ended January 4, 2023, no public comments were received.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

The Virginia Department of Health is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Briana Bill, 109 Governor Street, 5th Floor, Richmond, VA 23219, briana.bill@vdh.virginia.gov, or fax (804) 864-7475. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
12VAC5-440-10	12VAC5-440-270	<p>Camp location. Provides that camps shall be located free of drainage that may pollute water supplies or the campground, that camps shall be free of stagnant pools, manure piles, garbage heaps, or other vector breeding places, and shall be located away from highways.</p>	<p>Intent - Repeal existing section 12VAC5-440-10 and replace with new section titled "Resident camp location."</p> <p>Rationale – Clarifies the vague location language of "pollution," "impossible," "close proximity," and "adequate provision" to include clearer standards that require a camp's physical facilities be located on well-drained sites not subject to frequent or sustained flooding or ponding, be graded to prevent water accumulation and hazards, and to comply with local zoning ordinances. Prohibits the placement of a camp within 200 feet of natural and man-made hazards such as mine pits, shafts, and quarries. Prohibits the location of camps in or around landfills, or other areas that may impact health and safety of campers and camp staff. Provides that the camp operator will limit and restrict camper access to natural hazards within the camp, where possible, and provide signage identifying the hazards and any applicable safety information or advisories.</p> <p>Impact - Improved understanding and application of the regulation. Provides for improved protection of campers and camp staff in relation to camp facility location. Location requirements may require restructuring of camp operations or the application of a variance for existing camps.</p>
12VAC5-440-20	12VAC-440-280	<p>Water supply. Requires that an adequate supply of drinking water of an approved sanitary quality is provided, that the source of water and its storage and distribution is protected from surface drainage and other pollution, and that the use of</p>	<p>Intent - Repeal existing section 12VAC5-440-20 and replace with new section titled "Water supply."</p> <p>Rationale – Clarifies the vague language of "sanitary quality" by prescribing that a camp's water source be a permitted waterworks or an approved private well. Prescribes lead</p>

		<p>common drinking cups shall be prohibited.</p>	<p>testing requirements for all water supplies. Prescribes total coliforms and nitrate-nitrogen testing for private wells. Requires water be provided and protected from contamination. Outlines provisions for ice and water distribution, and the management of water containers or treatment of water during field outings. Requires unapproved wells or springs be inaccessible to campers and that warning signs are posted with a sign that states, in effect, "WARNING – DO NOT DRINK." Provides provisions for water connections at campsites.</p> <p>Impact - Improved understanding and application of the regulation. Provides for improved protection of campers and camp staff in relation to camp water supplies and distribution. Lead testing provisions will require additional testing for all water supplies, as will coliform and nitrate-nitrogen testing for private wells. Water connection locations, if present, may require review by the camp owner and the local health department.</p>
12VAC5-440-30		<p>Milk. Provides that all milk served at the camp shall be graded, and refrigerated at or below a temperature of 50°F until used.</p>	<p>Intent – Repeal section.</p> <p>Rationale – Section is unnecessary. Milk is considered a food and will be regulated under the new chapter section 12VAC5-440-300 titled "Storage, handling, and preparation of food."</p> <p>Impact – Removes the allowance to serve unpasteurized milk, thus removing conflicting requirements outlined in other state regulations. Provides for improved protection of campers and camp staff in relation to milk consumption.</p>
12VAC5-440-40	12VAC5-440-300	<p>Storage, handling and preparation of food. Provides that all perishable foods or drinks shall be refrigerated at 50°F or below and that refrigerators shall maintain a temperature at or below a temperature of 50°F; requires hand and utensil washing facilities with adequate heath and detergent; requires bactericidal treatment and washing of utensils.</p>	<p>Intent – Repeal section and replace with new section titled "Storage, handling, and preparation of food."</p> <p>Rationale – Removes incorrect and dangerous provisions to refrigerate perishable foods or drinks at or below a temperature of 50°F and to maintain refrigerators at a temperature of 50°F or below. Removes and replaces the vague language of "adequate" and "convenient" in relation to food handling, and "bactericidal treatment," "approved detergent," and "approved solution of proper strength," by requiring the preparation and service of food and the</p>

			<p>equipment used at resident camps to comply with and be permitted through the Virginia Food Regulations (12VAC5-421 et seq), as appropriate. Outlines that if food for campers and staff is not prepared by the camp, that food be obtained from a permitted food establishment or other approved provider.</p> <p>Impact – Improved understanding and application of the regulation. Provides for improved protection of campers and camp staff in relation to camp food services.</p>
12VAC5-440-50	12VAC5-440-290	<p>Excreta disposal. Provides that every camp shall have adequate and approved toilet facilities provided in a manner that is inaccessible to flies and that does not endanger drinking water. Requires toilets to be provided for both sexes, be plainly marked, and kept clean, in good repair, well lighted, and ventilated.</p>	<p>Intent – Repeal section and replace with new section titled “Sewage disposal.”</p> <p>Rationale – Clarifies the vague language of “...of a type which provides for the disposal of human wastes or excrements in such a manner that they shall not ... endanger a source of drinking water” and “conform to the standards of the State Health Department” by requiring that sewage and liquid waste be disposed of in accordance with the Sewage Handling and Disposal Regulations (12VAC5-610 et seq.) or other applicable Virginia sewage regulations. Outlines provisions for sewer connections for camping vehicles, if provided.</p> <p>Impact – Improved understanding and application of the regulation. Provides for improved protection of campers and camp staff in relation to sewage handling and disposal. If camping vehicles are used in a camp, the sewer connections may require review by the camp owner and the local health department.</p>
12VAC5-440-50	12VAC5-440-310	<p>Excreta disposal. Provides that every camp shall have adequate and approved toilet facilities provided in a manner that is inaccessible to flies and that does not endanger drinking water. Requires toilets to be provided for both sexes, be plainly marked, and kept clean, in good repair, well lighted, and ventilated.</p>	<p>Intent – Repeal section and replace with new section titled “Sanitary facilities.”</p> <p>Rationale – Clarifies the vague language of “adequate toilet facilities conveniently located” and “well lighted” by requiring all bathing facilities be in accordance with the applicable building code, are provided within 500 feet of all overnight lodging accommodations and be provided with lighting that meets at least 10-foot candles 30 inches from the floor. Requires non-absorbent and easily cleanable surfaces and equipment, self-</p>

			<p>closing doors, and screening. Outlines that a minimum of one toilet and one handwash sink be provided for every 10 campers and staff, provides requirements for equipment and supplies, and gender specific or gender-neutral distribution of facilities. Allows for the use of privies. Requires the presence of handwashing facilities and supplies. Prescribes that a minimum of one shower be provided for every 20 campers and staff with the exception of overnight excursions of four nights or less. Requires that all facilities and equipment be maintained clean and in good repair.</p> <p>Impact – Improved understanding and application of the regulation. Provides for improved protection of and provisions for campers and camp staff in relation to sanitary facilities. If sanitary facilities do not meet the requirements, facility specifications may require review by the camp owner and the local health department. Minor renovations may be necessary. Extreme variations in sanitary facility location and/or design for existing camps may require substantial renovation or the owner may consider an application for a variance.</p>
<p>12VAC5-440-60</p>	<p>12VAC5-440-320</p>	<p>General sanitation. Provides that all waste be properly disposed of, and garbage be kept in suitable receptacles and disposed of in a sanitary manner. Requires structures, furniture, and equipment be kept tidy, clean, and in a sanitary condition. Requires screens or equivalent in permanent kitchens and dining rooms to prevent fly access.</p>	<p>Intent – Repeal section and replace with new section titled “Garbage and refuse disposal.”</p> <p>Rationale – Clarifies section requirements by focusing on garbage and refuse disposal and removes provisions specific to general cleanliness of facility buildings and equipment and screening of kitchens and dining rooms. Requires the storage, collection, and disposal of solid waste be conducted in a manner to avoid pest harborage, accidents, and the creation of health and fire hazards. Requires all waste containers be easily accessible and emptied at a frequency to avoid overflow. Requires solid waste to be stored in durable and easily cleanable containers, to maintain containers in a clean condition and in good repair, and to provide containers sufficient in number and size to accommodate camp waste.</p>

			<p>Impact – Improved understanding and application of the regulation. Provides for improved protection of and provisions for campers and camp staff in relation to solid waste handling, disposal, and management.</p>
12VAC5-440-70	12VAC5-440-360	<p>Swimming facilities. Requires reasonable precautions be taken to prevent pollution of swimming water by human excreta from sources in the vicinity of the camp. States that if a swimming pool is made of concrete or other impervious material, that arrangements be made to change the water at intervals.</p>	<p>Intent – Repeal section and add new section titled “Aquatic activities.”</p> <p>Rationale – Replaces content with the requirement to have all swimming and watercraft activities under the supervision of a lifeguard. Requires that aquatic equipment be maintained in good repair. Outlines the lifeguard and attendant to camper ratio, including one lifeguard provided for every 25 campers and one attendant provided for every 10 campers. Requires the permit holder maintain a lifeguard and attendant staffing plan that identifies recreational water areas, designated areas of use for program activities, location of potential hazards, equipment location, emergency response information, hours of operation, and staffing locations. Provides that the camp’s aquatic rules and restrictions be posted in aquatic program activity areas. Requires that camps that use natural or untreated waters provide signage identifying hazards associated with natural waters, including physical hazards and potential waterborne illness prevention and education. Prohibits swimming in stormwater ponds.</p> <p>Impact - Improved understanding and application of the regulation. Provides for improved protection of campers and camp staff in relation to aquatic activities, including swimming, boating, or other watercraft or water-based activities through safety and supervision requirements. Lifeguard and attendant ratio requirements and hazard avoidance may require restructuring of camp operations and increased or additional signage and staffing.</p>
12VAC5-440-70	12VAC5-440-370	<p>Swimming facilities. Requires reasonable precautions be taken to prevent pollution of swimming water by human excreta from sources in the vicinity of the camp. States that if a swimming pool is</p>	<p>Intent – Repeal section and add new section titled “Swimming facilities.”</p> <p>Rationale – Removes vague language of “all reasonable precautions to prevent pollution” and “arrangements should be made to change the water at intervals”</p>

		<p>made of concrete or other impervious material, that arrangements be made to change the water at intervals.</p>	<p>when referring to swimming pools. Requires that any swimming pool at a resident camp, if provided, shall be subject to the applicable building code, Regulations Governing Tourist Establishment Swimming Pools and Other Public Pools (12VAC5-460 et seq.), and the Swimming Pool Regulations Governing the Posting of Water Quality Test Results (12VAC5-462 et seq.). Requires the provision of safety equipment be maintained and within the immediate vicinity, or no less than 30 feet, of the natural or untreated swimming area, including an equipped and maintained first-aid kit; a reaching pole or shepherd's crook; a ring buoy, rescue tube, or throw bag; and a backboard equipped with head immobilizer and sufficient straps. Prescribes restrictions for night swimming.</p> <p>Impact - Improved understanding and application of the regulation. Provides for improved protection of campers and camp staff in relation to swimming pools and other natural or untreated water activities, including swimming, boating, or other water-based activities through safety equipment requirements and compliance with public pool regulations. Safety equipment requirements may require restructuring of camp operations and increased or additional safety equipment.</p>
<p>12VAC5-440-80</p>	<p>12VAC5-440-250</p>	<p>Report of contagious diseases and outbreaks of disease. Provides that the camp director shall immediately notify the State Health Commissioner of any contagious, infectious, or communicable disease in any camper or employee, or any epidemic or outbreak of usual number of cases of any illness including diarrhea, gastroenteritis, and food poisoning.</p>	<p>Intent – Repeal existing section 12VAC5-440-80 and replace with new section titled “Communicable disease reporting.”</p> <p>Rationale – Clarifies the vague language of “notice shall be sent immediately” and better outlines provisions for reporting within 24 hours to the local health department the presence or suspected presence of an outbreak as required by the Regulations for Disease Reporting and Control (12VAC5-90-90.D), as well as acute environmental exposures, including chemical poisoning. Requires camp staff to report to a supervisor health information related to communicable</p>

			<p>disease and outlines isolation and exclusion provisions for campers and camp staff to reduce disease transmission.</p> <p>Impact – Improved understanding and application of the regulation. Provides for improved protection of campers and camp staff in relation to communicable disease. Isolation and exclusion requirements may require restructuring of camp operations.</p>
12VAC5-440-90		<p>Recommendations. Outlines recommendations to be observed, including gentle slopes and sand or porous soil as preferable campsites, avoidance of areas infested with ticks or snakes, and the service of only pasteurized milk as a beverage and to serve it in the container it was originally bottled.</p>	<p>Intent – Repeal section.</p> <p>Rationale – Section is unnecessary and inappropriate as recommendations cannot be regulated or enforced.</p> <p>Impact – None.</p>
	12VAC5-440-100	<p>None</p>	<p>Intent – Add new section 100 titled “Definitions.” Add new definitions: Adult, Administrative Process Act, Applicable building code, Aquatic activity, Attendant, Bed, Boat, Camp health supervisor, Camp staff, Camper, Campsite, Camping unit, Commissioner, Communicable disease, CPR, Department, Health care provider, Lifeguard, Minor, Operator, Outbreak, Pest, Permanent structure, Physical facilities, Planned program, Potable water, Private well, Rental group, Resident camp, Sanitary facility, Semi-permanent structure; Sewage, Specialized program activity, Tent, Waterworks.</p> <p>Rationale – Definitions for terms and acronyms will enhance reader understanding and provide consistency throughout the regulation. The rationale for the exclusions to the definition of “resident camp” are to prevent possible confusion on who/when a permit is or isn't required, clarifying the current practice in a way that makes it easier for those organizations to understand that the legal definition (and permit requirement) doesn't apply to them.</p>

			Impact – Improved understanding and application of the regulation.
	12VAC5-440-110	None	Intent – Reserved section. Rationale – Held for any applicable future use. Impact – None.
	12VAC5-440-120	None	Intent – Add new section 120 titled “Enforcement not limited.” Rationale – The regulation section will identify the authority to enforce the chapter and references the Code of Virginia applicable to penalties. Impact – Improved understanding and application of the regulation.
	12VAC5-440-130	None	Intent – Add new section 130 titled “Variances.” Rationale – The regulation section outlines the ability and process to request a variance to the chapter. Impact – Improved understanding and application of the regulation. Provides camp owners a clear pathway to requesting a variance.
	12VAC5-440-140	None	Intent – Add new section 140 titled “Compliance with the Uniform Statewide Building Code and local requirements.” Rationale – The regulation section provides the requirement for camps to comply with building and fire code, and other local codes. Impact – Improved understanding and application of the regulation. Provides an enforcement pathway to promote health and safety protections that can be achieved through building, fire, and local codes.
	12VAC5-440-150	None	Intent – Add new section titled “Plan review.” Rationale – Requires preliminary review of camp plans to ensure adequate sanitation and that the design and proposed operation of the camp will meet the provisions of the chapter. Outlines when a plan review is not required.

			<p>Impact – Camp owners must submit a plan review prior to new construction or construction related to additions or renovations prior to opening a camp. A plan review will require an approval or denial from the local health department. Construction must occur within two years of approval and must be done in accordance with the approved plans.</p>
	12VAC5-440-160	None	<p>Intent – Add new section titled “Permit to operate.”</p> <p>Rationale – Requires a camp owner to apply for a permit to operate a resident camp at least 30 days prior to opening; requires a separate permit for each camp; provides that a camp cannot operate without a permit and that a permit will be issued to the camp owner if the camp complies with the chapter; requires permits to be posted; and provides that permits shall expire annually.</p> <p>Impact – Improved understanding and application of the regulation. Provides a permitting pathway as required by §35.1-16 of the Code of Virginia. Local health departments currently process applications and associated fees as outlined in the state budget, and already issue permits to operate resident camps throughout the Commonwealth.</p>
	12VAC5-440-170	None	<p>Intent – Add new section titled “Rental groups.”</p> <p>Rationale – The section requires a group operating as a resident camp that rents a location or facility that is not owned or primarily and consistently operated by the rental group to ensure the camp and/or facility is permitted.</p> <p>Impact – Includes a requirement for overnight camps that are often hosted at a campus or campus-like facility, such as a college or university, to comply with the chapter and acquire a permit to operate a resident camp.</p>
	12VAC5-440-180	None	<p>Intent – Add new section titled “Inspection.”</p> <p>Rationale – Provides that all camps will be inspected before permitting and/or once during the permit period and that an inspection report be provided.</p>

			<p>Impact - Improved understanding and application of the regulation. Provides the requirement that camps be inspected by local health departments on a regular frequency.</p>
	12VAC5-440-190	None	<p>Intent – Add new section titled “Performance-based and risk-based inspections.”</p> <p>Rationale – Provides the allowance for local health departments to increase the frequency of inspections based on risk and/or compliance history.</p> <p>Impact - Improved understanding and application of the regulation. Provides a pathway to better protect the health and safety of campers through a potential increase in inspections based upon an individual camp’s operations and compliance history.</p>
	12VAC5-440-200	None	<p>Intent – Add new section titled “Enforcement, notices, informal conferences.”</p> <p>Rationale – Outlines the ability and process for the commissioner to revoke or suspend a permit or otherwise enforce the chapter; provides a permit holder the process to challenge such actions.</p> <p>Impact - Improved understanding and application of the regulation. Provides clarity to the suspension and revocation process and allowances, as well as opportunities for appeal.</p>
	12VAC5-440-210	None	<p>Intent – Add new section titled “Employee requirements.”</p> <p>Rationale – Requires a camp to have and enforce a written policy for hiring staff, including background checks and the review of the national sex offender public registry; restricts the ability to hire persons who have specific types of arrests or convictions; outlines the frequency to conduct background and sex offender checks.</p> <p>Impact – Provides a standard that aims to protect child health, safety, and welfare from potential predators.</p>
	12VAC5-440-220	None	<p>Intent – Add new section titled “Supervision.”</p>

			<p>Rationale – Prescribes camper to staff ratios and outlines supervisory roles for specialized and non-specialized program activities.</p> <p>Impact – Provides a standard that aims to protect child health, safety, and welfare by prescribing supervision requirements to better protect children while at camp.</p>
	12VAC-440-230	None	<p>Intent – Add new section titled “Resident camp register.”</p> <p>Rationale – Requires that a camp maintain a registry for each camper that includes camper information, parental or guardian contacts, and attendance dates.</p> <p>Impact - Provides a minimal standard that aims to protect child health, safety, and welfare as it relates to recording campers present at camp and basic information on each camper.</p>
	12VAC5-440-240	None	<p>Intent – Add new section titled “Health care and safety.”</p> <p>Rationale – Requires each camp to have a camp health supervisor who supervises health care at the camp, including medications, first aid, and emergency medical care, and who is certified in basic first aid and life support. Requires a camp maintain a medical history record for campers and staff; have provisions and a plan for emergency response; and have signed permission from a parent or guardian for the camp to provide routine health care. Outlines requirements related to the handling, storage, and administration of medication. Requires the provision and identification of first aid equipment and that a staff member be certified in First Aid CPR/AED appropriate to the age of children at camp. Requires the camp report to the local health department incidents or accidents that result in death, injury, or illness. Requires the training of employees on health and safety topics.</p> <p>Impact - Provides a minimal standard that aims to protect child health, safety, and welfare as it relates to medical</p>

			<p>services for children while at camp. Camp owners may need to provide or increase CPR/AED and health and safety training opportunities for staff.</p>
	12VAC5-440-260	None	<p>Intent – Add new section titled “Emergency response plan and provisions.”</p> <p>Rationale – Requires a phone capable of contacting 911 or emergency dispatch be accessible at all times. Requires a written plan for response to emergencies, including evacuation, lost or missing persons, weather and natural disasters, fire, power outages, water supply loss, hazardous materials, wildlife, unauthorized persons, injury, and communicable disease.</p> <p>Impact – Provides a minimal requirement for emergency planning and response at a camp that increases protections for camper and staff health and safety. Camp owners may have to develop new or increased emergency response plans.</p>
	12VAC5-440-330	None	<p>Intent – Add new section titled “Chemical use and storage.”</p> <p>Rationale – Requires a camp to use chemicals and hazardous materials or substances for their intended purposes and according to manufacturer instructions. Requires chemicals and hazardous materials to be stored in containers appropriate for use, easily identifiable and labeled, and in a separate and secure area accessible only to appropriate staff.</p> <p>Impact - Provides a minimal requirement for chemical and hazardous material handling that increases protections for camper and staff health and safety. Camp owners may have to develop new or different storage areas for various chemicals and hazardous materials, if applicable to the camp.</p>
	12VAC5-440-340	None	<p>Intent – Add new section titled “Requirements for camp structures and sleeping quarters.”</p> <p>Rationale – Requires all permanent and semi-permanent camp structures be in accordance with the applicable building code and fire code, provide ventilation,</p>

			<p>be maintained clean and in good repair, and provide unobstructed exits in the event of fire or other emergencies. Requires tents be of flame-retardant materials or maintain minimum setback distances from open flames, including campfires. Requires outer tent openings to be screened and maintained in good repair. Requires permanent and semi-permanent sleeping quarters meet occupancy limits, as applicable, or provide a minimum of 30 square feet of floor space for each camper, provide a minimum of 2 feet separation between beds, and not less than 27 inches of separation between a top of the lower mattress and the bottom of the upper bunk or ceiling in all permanent and semi-permanent structures used for sleeping. Temporary structures used as sleeping quarters, including tents, shall provide ventilation and protection from the elements and be used per manufacturer’s instruction, including occupancy. Requires that all bedding and furniture, if provided, be clean and in good repair, that mattress covers are impervious to moisture, and that bedding is changed and cleaned between campers, when soiled, or at least weekly. Requires bunk beds, if provided, not exceed two bunks and be equipped with guardrails attached to the upper bunk and meet manufacturer specifications.</p> <p>Impact - Provides minimal requirements for camp structures and sleeping quarters that increases protections for camper health and safety. Camp owners may have to modify sleeping areas to meet distance requirements or other design or structural components that may impact the number of campers in sleeping areas.</p>
	12VAC5-440-350	None	<p>Intent – Add new section titled “Specialized program activities.”</p> <p>Rationale – Requires specialized program activity equipment and structures be maintained in good repair and as designed by manufacturer’s specifications, as applicable. Requires inspection prior to use by trained staff and documentation of inspections to be maintained. Outlines that specialized program equipment be securely stored</p>

			<p>or restricted when not in use. Requires protective equipment, including helmets designed and approved for the specific activity use when appropriate, and safety provisions be made available and required for campers engaged in specialized program activities and equipment. Requires playground equipment be installed according to manufacturer's instruction and maintained in good repair.</p> <p>Impact – Provides minimal requirements for specialized program activities and related equipment that increases protections for camper health and safety. Camp owners may have to review and modify specialized program activities and equipment to meet requirements or other use, design, or structural components.</p>
	12VAC5-440-380	None.	<p>Intent – Add new section titled “Boating or other watercraft activities.”</p> <p>Rationale – Requires that every boat or watercraft be provided at least one U.S. Coast Guard approved personal floatation device for each person on board. Requires that at least one boat or watercraft involved in aquatic activities beyond the designated swimming area be designated as a rescue boat and be provided with a rescue pole or a throw rescue device attached to a minimum of 25 feet of ¼ inch rope.</p> <p>Impact – Provides minimal requirements for boating and watercraft activities and related equipment that increases protections for camper health and safety. Camp owners may have to review the presence of personal floatation devices, rescue equipment, and review staffing provisions for boating activities.</p>
	12VAC5-440-390	None.	<p>Intent – Add new section titled “Animals.”</p> <p>Rationale – Prohibits stray dogs, cats, fowl, or other stray domestic animals from running at large within the limits of any resident camp. Requires that all animals owned or under the supervision of an occupant of any camp be currently vaccinated against rabies in compliance with Virginia law. Requires all camp</p>

			<p>animals be licensed in compliance with local requirements, and that all vaccination and licensure documentation be maintained at the camp facility. Requires that horse and livestock prescription medication be secured away from camper access and locked when not in use and that livestock areas be maintained free from excessive accumulation of manure.</p> <p>Impact - Provides minimal requirements for animal vaccination and supervision. Camp owners may have to review animal vaccination requirements and records, and animal related operations.</p>
	<p>12VAC5-440-400</p>	<p>None.</p>	<p>Intent – Add new section titled “Transportation.”</p> <p>Rationale – Requires that all vehicles be insured as required by § 46.2-472 of the Code of Virginia, as applicable, meet the safety standards set by the Department of Motor Vehicles, be kept in satisfactory condition to assure the safety of children, and operated in a safe and legal manner. Requires that at least one camp staff or the driver always remain in the vehicle when campers are present within the vehicle and to verify that children have been removed from the vehicle at the conclusion of any trip. Requires vehicles be equipped with a first aid kit, fire extinguisher, maps, and other appropriate emergency response equipment, including a communication device. Requires that when traveling beyond camp boundaries, camper emergency contact information, any applicable life-saving medications, and camp contact information be carried in the vehicle. Requires that operators and passengers use safety belts and child restraints in accordance with § 46.2 Motor Vehicles of the Code of Virginia and Article 13 (§ 46.2-1095 et seq.) of Chapter 10 of Title 46.2 of the Code of Virginia, and any other applicable law and manufacturer’s guidelines. Requires that all staff receive instructions in transportation safety precautions, including the use of developmentally appropriate safety restraints, camp or</p>

			<p>camper specific emergency medical response procedures, the location of emergency facilities and driving directions, and child supervision during transport.</p> <p>Impact - Provides minimal requirements for transportation vehicles, equipment, and supervision that increases protections for camper health and safety. Camp owners may have to review transportation plans, equipment, and staffing for transportation related to camp activities.</p>
	<p>DIBR</p>	<p>None</p>	<p>Intent – Provide Documents Incorporated by Reference (DIBR): EPA’s 3Ts for Reducing Lead in Drinking Water.</p> <p>Rationale – The EPA document related to lead water sampling requirements may be easily accessed and referenced.</p> <p>Impact – Providing the document in English and Spanish will provide consistency in understanding of regulatory requirements and consistency in lead water sampling process.</p>