



NEW YORK STATE SENATOR

Patty Ritchie

## Wiffleball, "Red Rover" Not Dangerous

PATTY RITCHIE April 14, 2011

| ISSUE: **HEALTH**

### **Asks Health Commissioner To Reconsider New Regulations**

State Senator Patty Ritchie is asking the New York State Department of Health to ease new regulations that could close down local summer youth programs by classifying traditional children's activities and games like "capture the flag," horseshoes, cooking, wiffleball and even "red rover" as posing "significant risk of injury."

State health department officials want to reclassify many summer youth recreational activities as "children's day camps" that would give agency officials broad regulatory authority over them.

"Summer recreation programs run on very limited budgets, but provide great opportunities for children," Senator Ritchie said in her letter. "The additional state mandated expenditure for medical staff, record keeping and permit fees without ample time to put a plan in place will very likely put an end to these programs, and will leave a vast gap in our region's ability to provide children with a safe place to play and learn during the summer months."

The letter she sent to the Commissioner of Health follows:

April 12, 2011

Nirav R. Shah, MD, MPH, Commissioner

New York State Department of Health

Corning Tower

Empire State Plaza

Albany, NY 12237

Dear Commissioner Shah:

I write to bring to your attention the burden suddenly placed on our local communities under New York State Public Health law expanding the definition of summer day camps as required by Chapter 439 of the PHL, signed by the Governor in September, 2009. This broader definition went into effect April 1, 2011. As you may be aware, under this new definition, many of our local towns and municipalities that have operated summer recreation programs for decades for our region's school children, will now be unable to provide these same programs due to added staffing expense and permit fees.

Summer recreation programs run on very limited budgets, but provide great opportunities for children. The additional state mandated expenditure for medical staff, record keeping and permit fees without ample time to put a plan in place will very likely put an end to these programs, and will leave a vast gap in our region's ability to provide children with a safe place to play and learn during the summer months.

Additionally, the expanded definition for children's day camp is based on the definition of nonpassive recreational activities with significant risk of injury. (NPRASRI). If a summer youth program includes at least one activity that is NPRASRI, then that program must be regulated as a camp. Though I can agree that rock climbing and horseback riding pose that risk for injury as defined in Section 7-2.2(l) of Subpart 7-2, it is the addition of activities such as kickball and Red Rover that will burden local youth recreation programs who attempt to provide summer recreation programs without being defined under law as a "day camp".

While I can understand the need to ensure our children's safety during the summer months, local programs were not provided with ample notice relative to the new guidelines. I am requesting that your Department postpone implementation of the expanded guidelines and also reexamine the lengthy list of activities that are deemed as non-passive recreational activities with significant risk of injury.

Sincerely,

Patty Ritchie