



**County  
Health Officials  
of New York**  
Leading the way to healthier communities

# OPPOSES

**Unfunded Mandate:  
Resources inadequate to support this legislation**

## **S3966 (REICHLIN-MELNICK)**

**AN ACT to amend the public health law and the social services law, in relation to requiring single-purpose day camps to ascertain whether an employee or volunteer is listed on the state sex offender registry pursuant to article six-C of the correction law**

**The New York State Association of County Health Officials (NYSACHO) opposes** the above-referenced legislation, as written, which adds single use day-camps to those camps which must be permitted. This is an unfunded mandate and state and local resources are inadequate to operationalize this legislation.

Local health departments are committed to protecting the health and safety of the communities they serve. Part of this mission is ensuring that policy changes directing public health work are evidence-based, both in identifying public health problems and in designing appropriate interventions. Local health departments must also be honest with the public and policy-makers regarding their capacity to implement new mandates. While the intent of this legislation is to ensure children's safety, no data is currently available that indicates that single-purpose camps pose a high risk to those who attend them. In the absence of supporting data and in light of the decades of erosion of state and local resources to support public health services, NYSACHO believes that enactment of this bill will have an opposite effect to that intended. It will, instead, dilute local health departments' abilities to mitigate the known dangers at high-risk camp facilities they currently inspect.

Local health department camp inspection staff are experts in camp safety and inspections. Enforcement data supports the need for the inspection requirements in current statute, on both overnight and multi-purpose day camps. The most significant risk at camps relates to water activities, which would be inspected and addressed under other existing statute and regulation. Additionally, multi-purpose summer day camps often include other sports activities that are carried out with staff who lack expertise in the activity and often involve campers who have no experience in the activity.

In contrast, single purpose camps are generally run by staff with the necessary expertise and training, with camp participants generally coming in with a higher level of knowledge and experience with the sport. Injuries related to a particular sport itself are not proven to be mitigated by camp inspections, but inspections of the high-risk multi-purpose camps does in fact allow local health departments to work with camps with less experienced staff to mitigate dangers. NYSACHO believes that the proposed changes will force local health departments to

reduce inspections of the high risk camps, and thus putting more children at risk. Local health departments have estimated that the regulation of single purpose camp will create a *two to four fold increase in workload*.

Public Health policy requires public health resources. Because public health services are a shared state/local expense, and because the majority of those expenses are paid for by local governments, state level public health policy changes that require a fiscal investment must also consider local governments' ability to support the policy change, and the proportionality of where the costs for the policy change mainly falls – on state revenues, or on local taxpayers. A frank and thorough assessment of the full fiscal implications of any new policy is crucial if the state wishes to maintain the promise made to local taxpayers through the state property tax cap, and if the state wishes to deliver on new public health promises that they wish to implement through state statute and regulations.

Local governments have been forced to make hard choices regarding the services they can afford to provide. Municipal governments statewide have been forced to reduce local health department staffing through lay-offs, retirements and attrition. This resource strain on local health departments has only been exacerbated by the immense resources needed for the COVID-19 pandemic response. Simply put, this legislation cannot be implemented with existing resources and within current funding restrictions.

While NYSACHO lauds the underlying intent of this legislation, the association must oppose this bill for the reasons referenced above. We strongly believe that this bill, as currently written, would draw limited resources away from the permitting and inspection of higher risk camps, ultimately increasing, not reducing risk to children attending the already regulated entities. The need to focus on these high risk camps will be even greater with the additional safety precautions that will likely be necessary should currently regulated camps open while the risk of COVID-19 remains high.

NYSACHO further believes that the stated purpose of the legislation, to require these camps to perform background checks on employees and volunteers, can be accomplished through amending General Business law Section 398-f to require these checks. This would also serve the purpose of requiring these background checks at the numerous single purpose camps that run throughout the year, not just during the summer months.

Finally, the bill does not acknowledge the lack of any Executive or Legislative action in the state budget process to mitigate the increased environmental health regulatory and statutory mandates enacted in recent years, nor the economic and workforce realities that local health departments currently operate under due to COVID-19 response. For these reasons, we urge that this proposal in its current form be defeated.

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