

To: Children's Camp Operator

The New York State Department of Health (DOH) and the New York State Department of Labor (DOL) have established a Memorandum of Understanding (MOU) to eliminate duplicative inspection and oversight responsibilities of certain equipment/activities at children's camps that are categorized as "amusement devices" under [12 NYCRR Part 45 of DOL rules and regulations](#). The MOU formalizes a longstanding policy in which the DOH regulates certain amusement devices at children's camps and provides a process for DOH's regulatory oversight to satisfy DOL's inspection and permitting requirements. Under this agreement, inspecting and permitting responsibility may be transferred from DOL to DOH as described below for certain amusement devices including zip lines, high rope courses, climbing walls with mechanical belays, canopy tours, euro bungees, water slides 20 feet tall and higher, and similar non-motorized devices (including giant swings). These devices are referred to as "covered amusement devices" and/or "covered devices" in the MOU and related documents. A covered amusement device may either be permitted by DOL or regulated by DOH in accordance with Subpart 7-2 and the conditions outlined in the applicable variance.

In order to transfer oversight of covered amusement devices to DOH, DOL has issued an "[Applicable Variance](#)" which exempts the devices from Article 27 of Labor Law and Industrial Code Rule 45, 12 NYCRR Part 45 when operated at children's camps that are regulated by DOH. The variance specifies conditions that a camp operator must comply with in order to obtain the exemption including obtaining structural inspections, purchasing insurance, posting of cash or other security, the reporting of serious injuries to DOL and complying with all DOH requirements. The variance is issued Statewide. It is not necessary for camp operators to individually apply to DOL for the variance.

DOL retains responsibility for inspecting and permitting motorized devices such as bumper boats, go-carts, and carnival rides. Low rope courses, climbing walls without mechanical belays, water slides under 20 feet, water trampolines, and similar equipment do not meet the definition of an amusement device by DOL and, therefore, the DOL regulations and MOU requirements do not pertain to these devices and require LHD oversight/regulation.

Using the attached survey form, please provide a list of amusement devices at your camp. During facility inspections, staff from this office will verify the presence of amusement devices and assess compliance with the Applicable Variance or presence of a DOL permit to operate.

A copy of the DOL MOU and Applicable Variance are attached for your use. If you have any questions or need additional information, please contact the district office that covers your facility:

Beacon District Office - Norman Pendleton (845) 838-4801
Millbrook District Office - Kathleen Schinella (845) 677-4001
Poughkeepsie District Office – Gena Mitchell (845) 486-3404

Attachments

- Fact Sheet- Amusement Devices and Similar Equipment at Children's Camps in NYS
- Department of Labor District Office Contact information

- Children's Camp Amusement Device Survey
- Memorandum of Understanding between Departments of Health and Labor
- Department of Labor Applicable Variance AV-123