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March 5, 2024

Joint Standing Committee on Health and Human Services In **Support** of L.D. 2230, "*An Act to Change Department of Health and Human Services Rules Regarding Youth Camps to Major Substantive Rules*" March 5th, 2024

Senator Baldacci, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services: I am Jonathan Kenerson, an owner of Treworgy Family Orchards in Levant, Maine. Please accept my testimony in support of L.D. 2230, "*An Act to Change Department of Health and Human Services Rules Regarding Youth Camps to Major Substantive Rules.*"

I'm one of the four owners of a second generation family farm in Levant, Maine. My in-laws started Treworgy Family Orchards as a pick your own orchard in the 1980s with a vision of creating a place where families could spend time together in nature. In 2003 my mother-in-law saw a need for children to learn more about life on the farm and started a farm camp. She created programs and policies from scratch, pioneering something that was not readily available in our area. From the start it was a wild success and we now have children of former campers attending camp as second generation campers. Our program is wildly successful, we opened registration on Monday with 342 spots for this summer and have already sold 78% of those available spots in just four days. We routinely have long waiting lists, and rave reviews from satisfied campers and parents. Many of our campers go on to seek employment at our farm and learn to become meaningful contributors to not only the economy, but our community.

The two guiding priorities of camp have always been fun and safety. We have kept activities fun by working hard to not let kids catch on to the fact that they are learning - education is obviously a priority, but we embrace the dictum that it is a sin to bore a child. We have many return campers for whom farm camp is the highlight of their year and is because our staff works hard to make each day fun and engaging.

We are a working farm and therefore safety is our highest priority. Every year we measure success only by these two metrics - did the kids have fun and did we prevent injuries and illnesses. We have tractors, animals, pesticides, hay lofts, machinery, ponds and more hazards than a typical camp. Aside from scrapes and scratches we have never had an injury at farm camp. Our staff are trained to be vigilant and aware of potential hazards and know this is the measure by which we evaluate ourselves and their performance. Our policies and system have worked for 20 years of camp representing more than 20,000 camper days. Parents trust us and routinely give feedback on how confident they are that our practices are keeping their kids safe. We were able to operate at 100% capacity through the pandemic by creatively adopting policies that prevented a single case of COVID. We were able to provide an experience that many families said was the highlight of 2020. Aside from farm camp we also welcome tens of thousands of visitors to our farm each year. They interact with the animals and eat the food we serve and in almost three decades we have never had a report of illness related to human/animal interactions. We have a proven track record of safe farm experiences that spans hundreds of thousands of interactions with animals.

Therefore we were surprised and distraught when we learned at the beginning of this year about revisions to "Youth Camps Rule 10-144 CMR Ch 208" which regulates Maine youth camps. These changes were made without the input of camp directors, camp associations, or constituents. This was especially surprising since many of the changes were not routine. The proposed rule book grew from 24 pages to 58 pages. There previously was no section which pertained to farm camps specifically, but the proposed rules included 35 new rules regulating specific farm camp activities. Many of these changes were not in line with common sense or common practice, went against peer reviewed studies on safety and were proposed without any corroboration with camp directors.

These rules included new fingerprint requirements for all staff, extensive and impractical boot washing and disinfecting requirements following any human/animal interactions, and the most distressing of all it proposed prohibiting interacting with baby animals under 60 days old. These rules posed an existential threat to our service of the community.

The fact that this type of rule change could be made without legislative oversight is unacceptable. These rules which would have been enacted days before our camp was scheduled to open should be classified as major substantive. This is why I urge you to support L.D. 2230. Thank you for your consideration.

Jonathan Kenerson

Testimony regarding proposed rules regarding youth camps

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Link to proposed rules

<https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/rule-2023-12/Youth%20Camps%20Rule%2010-144%20CMR%20Ch%20208.pdf>

Attached: Hearing Announcement

Thursday January 18, 2024, 10:30 AM, 32 Blossom Lane,
Augusta, Maine, Marquardt Building (former AMHI Campus) Conference Room 118
COMMENT DEADLINE: January 28, 2024

My name is Jonathan Kenerson, I'm one of the four owners of a second generation family farm in Levant, Maine. My in-laws started Treworgy Family Orchards as a pick your own orchard in the 1980s with a vision of creating a place where families could spend time together in nature. In 2003 my mother-in-law saw a need for children to learn more about life on the farm and started a farm camp. She created programs and policies from scratch, pioneering something that was not readily available in our area. From the start it was a wild success and we now have children of former campers attending camp as second generation campers.

The two guiding priorities of camp have always been fun and safety. We have kept activities fun by working hard to not let kids catch on to the fact that they are learning - education is obviously a priority, but we embrace the dictum that it is a sin to bore a child. We have many return campers for whom farm camp is the highlight of their year and is because our staff works hard to make each day fun and engaging.

We are a working farm and therefore safety is our highest priority. Every year we measure success only by these two metrics - did the kids have fun and did we prevent injuries and illnesses. We have tractors, animals, pesticides, hay lofts, machinery, ponds and more hazards than a typical camp. Aside from scrapes and scratches we have never had an injury at farm camp. Our staff are trained to be vigilant and aware of potential hazards and know this is the measure by which we evaluate ourselves and their performance. Our policies and system have worked for 20 years of camp representing more than 20,000 camper days. Parents trust us and routinely give feedback on how confident they are that our practices are keeping their kids

safe. We were able to operate at 100% capacity through the pandemic by creatively adopting policies that prevented a single case of COVID. We were able to provide an experience that many families said was the highlight of 2020. Aside from farm camp we also welcome tens of thousands of visitors to our farm each year. They interact with the animals and eat the food we serve and in almost three decades we have never had a report of illness related to human/animal interactions. We have a proven track record of safe farm experiences that spans hundreds of thousands of interactions with animals.

We oppose many aspects of the newly proposed rules for youth camps. We agree with the overall intent of the document which appears to be concerned with protecting the welfare of children in camping situations. Many of our camp policies are already reflected in these new rules. We found that of the 35 new rules specifically pertaining to farm camps we wholeheartedly agree with and are practicing some form of 26 of them, believe that 3 need clarification or modification, and 6 are unnecessary, counter-productive and/or present an undue burden upon campers and staff.

The common theme of our feedback is that not all farm environments present a uniform or standard risk to camper health. Different animals and livestock and different activities present varying risks and the same blanket rules do not allow space for a common sense approach. Wrestling with cattle and pigs is not the same as holding rabbits or using a future fork to muck a goat stall. One activity would require full coveralls and a shower, while the other could simply require washing of hands and changing of footwear. Wading ankle deep through pig manure and walking through a goat pen do not require the same boot cleaning procedures. The specific rules we object to are those that go beyond the standard guidance issued by the national CDC as it relates to public interaction with animals. (as found here:

<https://www.cdc.gov/healthypets/specific-groups/stay-healthy-animal-exhibits.html>

The Compendium of Measures to Prevent Diseases Associated with Animals in Public Settings <https://avmajournals.avma.org/view/journals/javma/251/11/javma.251.11.1268.xml> provides standardized recommendations for public health officials, veterinarians, animal venue operators, animal exhibitors, and others concerned with disease control and with minimizing risks associated with animals in public settings. This document contains 244 peer reviewed studies with actual data regarding health risks, outbreaks, and safety measures. National Association of State Public Health Veterinarians also provides a toolkit with examples of regulations on animal exhibitions, printable posters with messages on how to stay safe while enjoying animals, and a checklist of petting zoo best practices. The specific guidance they point to can be found at the <http://www.nasphv.org/documentsCompendiumAnimals.html> Many of the newly proposed rules are not in alignment and/or go unnecessarily above and beyond these standard best practices and will result in increased burdens upon camps and a diminished experience for campers.

Our farm camp follows the guidelines stipulated in the above referenced documents and we have never had a farm camp incident. The proposed rules go far beyond these practices, are overly prescriptive, and are burdensome and unnecessary to protect camper wellbeing.

Those rules that we feel would be best to be modified are those related to 1) signing every individual area of the farm as either animal or non-animal (hose storage, 2) consumption of unpasteurized products, and 3). We believe that the intent of these is valid, but the wording should be changed to allow multiple ways to achieve the intended objective rather than mandating a specific process.

The specific rules we oppose are 1) requiring the health supervisor to be on site at all times (p.26 Section 8.B.2), 2) mandatory fingerprinting for all staff (p.30 Section 9.B.3), 3) prohibiting contact with animals under 60 days (p.43 Section 10.G.2.b), 4) mandating long pants for all animal activities (p.43 Section 10.G.2.m), 5) requiring a full outfit change after any animal activity (p.43 Section 10.G.2.n and p.43 Section 10.G.2.o), and 6) the boot cleaning procedure and (p.44 Section 10.G.2.u-v).

What follows is concerns we have with proposed rules from the DHHS regarding youth camps and in particular farm camps.

Rules we believe should be modified or eliminated

p.43 Section 10.G.1.g - Animal and non-animal areas must be conspicuously marked with signage declaring that it is an animal or non-animal area and with rules for that area of the camp.

It is unreasonable to label every area of the farm as either an animal or non-animal area. I believe the intended objective is to prevent cross contamination of animals and food. I believe it would be more appropriate to ONLY label animal areas - labeling non-animal areas (such as our gift shop...our kitchen) as such is ridiculous and unnecessary - that is clearly not an area for animals. I believe the rule - if necessary - should state that there should be a designated and marked area for animals and that they should remain in that area. This would accomplish the objective without an undue burden of labeling every area of the farm.

p.43 Section 10.G.2.h - Consumption of raw milk, raw cider, or other unpasteurized products including butter and cheese is prohibited.

While we do not typically serve unpasteurized products at our camp this rule is not in accordance with current state law. Title 7 §543 on cider and §2902-B on milk and milk products both allow the sale and consumption of raw cider and milk products when clearly labeled "not pasteurized" and when containing a warning for consumers.

Unpasteurized products are not recommended for those with suppressed immune systems and the reason for this law is to give those people the opportunity to avoid consuming something that could potentially be dangerous for them. The law does not and should not prohibit healthy people from voluntarily choosing to consume these products. I would suggest adopting a rule that would be in keeping with this spirit. If a camp wants to serve unpasteurized products as part of its program they should be required to give informed consent to the guardians and be required to have a signed waiver from the guardian. As a part of our registration process we have forms signed releasing our staff to apply sunscreen and bug spray and inform guardians of many risks. We don't have current plans to serve unpasteurized products, but we do sell unpasteurized cider at our farm. When prepared using safe food practices, fresh unpasteurized products are safe for most people who are not immune compromised and can provide a farm experience that may not be able to be replicated elsewhere.

p.43 Section 10.G.2.k Hoses used to supply water activities must be stored by hanging at least one foot above the ground in a clean location and be kept free from animal contamination at all times. Critical

There is more than one way to store a hose such that it prevents contamination. This rule is overly prescriptive and burdensome. Our hoses are stored on a hose reel, but I'm not sure if it's 12 inches from the ground. If necessary, the rule should state "Hoses used to supply water activities must be stored in a manner to prevent animal contamination at all times."

Rule changes we oppose

p.26 Section 8.B.2 - A residential youth camp must have one of the following Maine-licensed adult health supervisors on site at all times.

It is unreasonable to expect a small operation in which we have limited staff who sometimes have to call out due to personal issues or illness to have a backup health supervisor on site at all times. Our farm is located 300 feet from 24 hour EMS services. This again is a specific situation in which I don't believe our campers would be less safe if our health supervisor is not present 24/7.

p.30 Section 9.B.3 - Mandatory fingerprinting

We oppose the mandatory use of fingerprints for all hired staff. Many of our staff are well known to us and have been campers in the past. We have known many of these individuals since they were children and while we do conduct background checks on individuals 18 years and older, the use of fingerprints adds an additional level of complication to our hiring process. This would prevent us from having known and trusted individuals fill in when there are staff call outs and we must maintain adequate staffing.

Our farm has never hired someone that is completely unknown to us for one of these positions and this represents an unnecessary burden logistically and financially for our particular situation. If there was a timely, easy, free process for this requirement we would be more than happy to use this to protect our children. However I don't believe that is currently the case and the burden placed upon our small business is beyond the scope of the benefit.

p.43 Section 10.G.2.b - Camper physical contact with farm animals under 60 days of age is prohibited. Critical

We strongly oppose this rule. There is no guidance in the CDC guidelines that would prohibit animal interaction based on animal age. If the other guidelines are followed - specifically those prohibiting interacting with ill animals - animal age will not have an affect on camper health risks. One of the highlights of the camper experience is interacting with baby goats and bunnies. Beyond not having an apparent justification in camper or animal safety this rule would pose a significant burden upon our program and drastically decrease the camper satisfaction. Many campers have been able to witness goats giving birth during farm camp. The experience of being present when new life comes into the world, witnessing the mother care for her young, seeing a newborn goat stand on its feet for the first time, and holding a day old baby goat is an experience of a lifetime and is a highlight for many of our lucky campers.

p.43 Section 10.G.2.m Campers must wear appropriate apparel including boots or suitable shoes and long pants while engaged in animal care. Critical See also p.39 10.D.2.d.Riders must wear appropriate apparel including helmets, boots or suitable shoes and long pants. Critical

We routinely have children choose to wear shorts when interacting with animals when it is deemed safe. This is most often chosen when summer temperatures are high enough that heat stroke and overheating are a concern. Spending time with goats, bunnies, sheep and horses does not necessitate wearing pants for a safe interaction.

p.43 Section 10.G.2.n-o Farm camp apparel is prohibited to be worn during recreational activities exclusive of farm animal care. Critical. Farm camp apparel is prohibited in camper recreational activity areas, food preparation areas and camper eating areas. Critical.

The definition of "farm camp apparel" on page 4 is inadequate to clearly define or enforce this rule. Does this apply only to the protective clothing specifically worn in addition to regular clothing such as gloves and boots or does this include shirts and pants worn in the barn? It is true that campers should use discernment when going between animal and recreational activities, however many animal interactions do not require a full outfit change. If the rule were rewritten to indicate that "soiled farm apparel" shall not be worn during recreational activities, food preparation, etc. this would be acceptable. Again this rule does not leave enough room for a common sense

approach. Unnecessary outfit changes during farm camp is a logistical problem when the human/animal interactions are not soiling the campers' clothes.

p.44 Section 10.G.2.u-v The following barn boot cleaning and disinfecting procedure must be followed: Critical At the edge of the barn area provide a hose with backflow protection that is hung neatly on a hook off the ground, that can be used to rinse boots of big clumps of dirt or manure. This area must have good drainage such as a gravel pad that will direct the wash water away from any area where people will be walking with clean shoes after boots have been cleaned. Place a sign above the hose that informs people not to use this hose for drinking or for any other purpose except boot cleaning. The requirement is to first clean and then to disinfect. Cleaning requires removal of visible debris from the boots followed by a scrub with a mild detergent, such as dish soap, applied with a clean boot brush. Step 1. Preclean: Spray the boots with the hose to remove as much dirt and muck from all surfaces of the boot. It is important that most of the dirt and muck from boots is removed during the initial rinse in order to keep the boot brush clean for the next step. Step 2. Wash: Scrub all surfaces of the boots with a mild detergent solution. Step 3. Rinse: Rinse soap from boots by spraying with clean water. Step 4. Disinfect: This step is to be done by adult staff only. Spray all surfaces of boots with a 10% chlorine solution using 1/4 cup disinfecting bleach to 2 1/4 cups of water. Step 5. Dry: Leave boots on a clean tray to dry in an area where they cannot become contaminated from dirt and manure. Ideally this should be in a changing area adjacent to the barn such as a mudroom. v. Barn boot cleaning procedure must be posted at the boot cleaning station **This entire boot cleaning procedure is unnecessary. I'm not sure what the rationale behind this procedure is, but I can only imagine that it has been adopted from a veterinary procedure in which those traveling from farm to farm should disinfect their boots so as to not spread disease from one herd to another. This is however not needed for children that are interacting with the same herd day after day. Most barn boots will not even be visibly dirty after spending time in the barn. If the rationale is to reduce the potential of humans coming into contact with animal fecal matter, the procedure of spraying it with a hose is potentially counterproductive if not done properly spreading fecal matter. Obviously this is another case in which the nature of how soiled the boots are should determine how to respond. Our standard practice is to leave the boots alone. If they are particularly dirty and must be used outside the barn area and must be rinsed, that is acceptable if done carefully. However if the boots are not visibly dirty there is no need to rinse them before leaving the barn area. There is never a need to disinfect boots unless traveling from farm to farm.**

In summary, we are in support of the aim of these rules which is to protect children in camp environments. We are not however in support of these rules themselves. The previous rules grew from 24 pages to 58 pages. As small business owners these are not the only regulations we are subject to, we exert significant energy maintaining compliance with other rules from the

Department of Environmental Protection, the Department of Labor, the Maine Food Code, the Department of Agriculture, the Maine Board of Pesticide Control, and on and on. Sometimes it's overwhelming to keep up with all the regulations, but we have always been eager to adopt best practices and have often been held up by inspectors as the "model farm" because we have not only complied with the letter of the law, but gone above and beyond by compiling with the spirit of the law. We are already providing a safe camper experience. The entire section which deals specifically with us as a farm camp was a complete surprise. We heard about this regulation not because we are following the rule making process closely - trust me as a farmer and small business owner I have plenty of other things to keep up with - but we heard about this from a friend of a friend. I would think it would benefit the agency to consult and study the current best practices - not as defined by academics and policy makers - but by those who have been running farm camps for decades and those scientists who have studied those camps as referenced in the CDC guidelines above. I would urge you to reconsider the passage of this as written before further consultation with camp directors and those who will be responsible for implementing these rules. Many of the new requirements increase the burden upon staff who are already concerned with the safety of kids. We would be pleased to share our practices as a way of helping other farm camps provide a safe and fun environment for children. I would encourage you to adopt language for the farm camp requirements that is more in line with what is used in section 10.H Other Activities - this language simply states that safety procedures in accordance with applicable industry standards must be implemented. This generic language will facilitate creative solutions, allow policies to adapt to the plethora of unique situations, and create the freedom to update policies as new information and knowledge develops. Thank you for your time and attention.

A handwritten signature in black ink, appearing to read 'Jonathan Kenerson', with a stylized flourish at the end.

Jonathan Kenerson