

Nichols, Jackson

From: Fritz Seving <fritz@campfernwood.com>
Sent: Monday, March 4, 2024 2:15 PM
To: HHS
Subject: LD 2230

This message originates from outside the Maine Legislature.

Dear HHS Committee Members:

My name Fritz Seving. I am one of the Director's at Camp Fernwood, a full summer girl's camp in Poland Maine which has been in operation since 1921.

I'm writing today in support of LD 2230, "An Act to Change Department of Health and Human Service Rules Regarding Youth Camps to Major Substantive Rules.". While I realize a bill asking the Legislature to change the Chapter 208 rule from "routine technical" to "major substantive" is significant, I feel this is the only way to have DHHS withdraw the current rulemaking and meet with youth camps' representatives in a collaborative manner.

This is a very sad letter for me to write. I collaboratively sat at the table with DHHS/HIP when 208 rules were written in 2007. I have yet to figure out why this process of rulemaking changed to the point where we are today.

Maine Summer Camps and Maine Youth Camp Association have always had a working relationship with DHHS and yet in this process, we have been blind-sided and have had not even an inkling of collaboration.

I appreciate your willingness to listen and try to help us put this process back on a level track.

I have tried to look at the proposed 208 rules by the numbers:

The current 208 rules are 25 pages long.
The proposed 208 rules are 58 pages long.

Under the current rule, there are 161 possible critical violations:
Of these, 140 are critical violations and 21 are swing violations.
Under the proposed new rule, there are 224 critical violations.
This is a 40% increase in critical rules.

It only takes 4 critical violations for a youth camp to "fail" the inspection; a failure becomes part of the camp's permanent record.

Camps want to be safe! Camps never want to fail an inspection!
MYCA records indicate that less than 2% of camps visited annually “fail”.

Site Visits by HIP can take between 4 and 8 hours and are unannounced.
Many camps have not been visited in the past 4 years. It seems impossible that HIP is going to be able to visit more camps, with 40% more criteria, and follow through with the anticipated higher percentage of camp failures resulting from the increased number of critical violations.

MYCA has followed the legal procedures of rulemaking and questioned 52 of the proposed rules:

- 34 rules were questioned because of ambiguity.
- 11 rules were questioned because of subjectivity.
- 6 rules were deemed as “unable to comply” and include: fingerprinting, driving records, driver qualifications, and ropes course accreditation standards (a commonly used national accrediting body for Ropes Courses was left out of the proposed rule).

In addition to these proposed over two hundred proposed “208 rules”, Maine Camps are governed by an additional 12 sets of Maine rules and regulations: I have attached the list.

Finally, in addition to the stringent oversight at the state level, almost 60% of Maine summer camps adhere to the rigorous American Camp Association National Standards. ACA standards are highly researched industry best practices and there are well over 200 rules to comply with annually. A comprehensive site visit is conducted every 5 years with thorough written documentation required in the non-visit years.

What is being asked of camps by DHHS, without any input from MYCA, is unrealistic. We are respectfully asking to be included at the table to come up with a set of rules that are clear and achievable.

Despite numerous requests for updates, we had no indication from DHHS/HIP that the rule making process had changed. The current process of rulemaking has cost MYCA, and our member camps, an immeasurable amount of time, effort, finances, and angst during our most intensive season of planning and preparation for the summer ahead.

MYCA is respectfully requesting a return to the collaborative process that has worked for 40 years: to sit at the same table with HIP and produce rules that will continue to prioritize the highest levels of camp safety.

Thank you for your time.

Respectfully,

Fritz Seving
Director

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