

*The City of New York
Office of the Comptroller
Bureau of Management Audit*

William C. Thompson, Jr.
Comptroller

**Audit of the Licensing and Monitoring
of Summer Day Camps by the
New York City Department of Health**

MH01-175A

January 22, 2002

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of Summer Day Camps by the
New York City Department of Health**

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EXECUTIVE SUMMARY

INTRODUCTION

A summer day camp is defined as any facility (private or municipal) that operates on a scheduled basis at any time between June 1 and September 15 in any year; is occupied by ten or more children under the age of 16 with general supervision; is used for organized group activities 24 hours or less on any day; and has no provisions for overnight occupancy.¹ A facility meeting this definition is considered to be a summer day camp and must obtain a permit each year to operate legally in New York City. To obtain a permit, each day camp must satisfactorily pass inspection by the New York City Department of Health (DOH) and submit all required application documentation to DOH at least 30 days prior to the opening of the camp.

The DOH Bureau of Regulatory and Environmental Health Services' Office of Field Operations and Inspections (Field Operations) is responsible for processing and approving permits for summer day camps. As of July 9, 2001, at the beginning of the summer 2001 season, Field Operations had processed and approved permits for 447 day camps of the 754 permit applications it received for the summer 2001 season.

DOH must also inspect the camps at least twice each year to ensure that they are in compliance with provisions of Sub-part 7-2 of the New York State Sanitary Code (NYS Sanitary Code) and Article 48 of the New York City Health Code (NYC Health Code).

¹ NYS Sanitary Code Chapter 1, Subpart 7-2.2

The first inspection—the pre-permit inspection—must be conducted before DOH approves a permit for the camp to begin its operation. DOH allows camps with good previous records to perform their own pre-permit inspection. A second inspection by a DOH Public Health Sanitarian (inspector) must be conducted while the camp is in operation. During an inspection, DOH may issue a Notice of Violation to a camp for conditions not in compliance with the NYS Sanitary Code and the NYC Health Code. Violations are categorized for “critical items” and “general items.”

According to the NYS Sanitary Code and NYC Health Code, critical items are related directly to the protection and safety of children who attend summer day camp and include staffing and supervision, safety plans, medical, water, recreational, transportation, and fire safety, food protection, and facility and site maintenance. Critical items also include conditions referred to as “public health hazards.” Public health hazards must be corrected immediately. Failure to correct any one of these items on any inspection could result in DOH closing off the affected area (i.e., a kitchen or swimming pool) or ultimately closing the camp until the violation is corrected. General items relate to the operation and cleanliness of the day camp. All types of violations are considered in determining the results of an inspection and follow-up actions to be taken.

In New York City, an estimated 140,000 children under the age of 16 attend summer day camps each summer.²

Objectives

Our audit objectives were to determine whether DOH ensures that all summer day camps in New York City are licensed to operate and adequately monitors summer day camps to ensure their compliance with the NYS Sanitary Code and the NYC Health Code.

Scope and Methodology

The audit focused on the administrative and enforcement policies, procedures, and practices of DOH’s Field Inspection Unit as they related to the monitoring and licensing of summer day camps. The scope period included summer seasons 2000 and 2001.

To obtain an understanding of the regulations and responsibilities of DOH

² Statistics for the number of children that attend summer day camps each year were not available. Based on the approximately 4,000 children enrolled at the 58 day camps visited during this audit (predominantly ranging from 22 to 350 children per camp, as reported by the day camp representatives), we calculated an average enrollment of 186 children per camp. We therefore estimated a total of 140,000 children enrolled in approximately 750 summer day camps.

and of day camp operators, we reviewed Sub-part Chapter 1, 7-2 of the NYS Sanitary Code and Article 48 of the NYC Health Code. We also interviewed DOH officials, conducted a walkthrough of DOH's permit process, and reviewed documentation to obtain an understanding of DOH's procedures and controls over the operation and management of Field Operation's Day Camp Unit

To determine the number of summer day camps that opened prior to DOH approving a permit, we reviewed DOH's lists of day camps with permits for the summers of 2000 and 2001 and compared the permit approval dates to the camp opening dates. Moreover, to ensure that DOH had received all required documentation from the day camps before approving the issuance of a permit, we obtained and reviewed files of day camps approved for permits for summer 2001

We visited 58 randomly selected private and municipal day camps to observe the physical conditions of the facilities to ensure that the camps were in compliance with State and City regulations, and that they possessed a valid permit to operate in the summer 2001 season. We also reviewed and analyzed DOH's list of summer day camps cited for violations in the summer season 2000 and determined whether these summer day camps were re-inspected by DOH inspectors, the violations were cleared, and whether camps with uncorrected violations opened the following season, in 2001.

This audit was conducted in accordance with generally accepted government auditing standards (GAGAS) and included tests of the records and other auditing procedures considered necessary. This audit was performed in accordance with the City Comptroller's audit responsibilities as set forth in Chapter 5, § 93, of the New York City Charter.

RESULTS IN BRIEF

DOH is responsible for ensuring that all summer day camps operating in New York City are safe and comply with the NYS Sanitary Code and NYC Health Code. One way of doing this is through the permit process, which requires DOH to review essential application documents and perform physical inspections of each camp. Although the Field Operations Day Camp Unit takes its responsibility very seriously, it needs to do more to expedite the permit process. In addition, Field Operations needs to do more to ensure through its inspections that camps comply with State and City regulations and adequately provide for the safety and well being of children who attend those camps. Our audit found the following:

Summer Day Camps Operating Illegally Without a Permit

On or before July 9, 2001, at the beginning of the summer 2001 season, 280 of 727 day camps opened and operated illegally, without a valid permit. The NYS Sanitary Code and NYC Health Code require that all day camps obtain a permit before opening. In addition, camp operators must submit their applications at least 30 days in advance of the camp's opening, but a 30-day time frame is not sufficient for DOH to complete its review of permit application documents and inspect the camps. We found that DOH staff took an average of 42 days to process and approve camp permits.

Moreover, according to DOH officials, Field Operation's Day Camp Unit is understaffed and it has had difficulty filling vacant positions. Therefore, DOH officials expect delays in the processing, review, and approval of summer day camp permits.

As the oversight agency for summer day camps, DOH should not allow any camp to open and operate without an approved permit. Without DOH ensuring that all day camp applications are properly reviewed, all inspections completed, and all permits approved prior to a day camp opening, there is no assurance that a camp is in compliance with State and City regulations. Nor is there assurance that a camp will provide a safe and healthy environment for the children attending the summer day camps.

Inadequate Enforcement Measures for Camps Chronically in Violation of Regulations

During the summer 2000 season, 184 (24%) of the 753 summer day camps that received permits to operate were cited by DOH during operational

inspections for 1 to as many as 11 critical violations each—some of which were also public health hazards. DOH inspectors conducted follow-up inspections of many of the 184 summer day camps that were cited for critical violations and, on re-inspection, cited many of them again for the same violations.

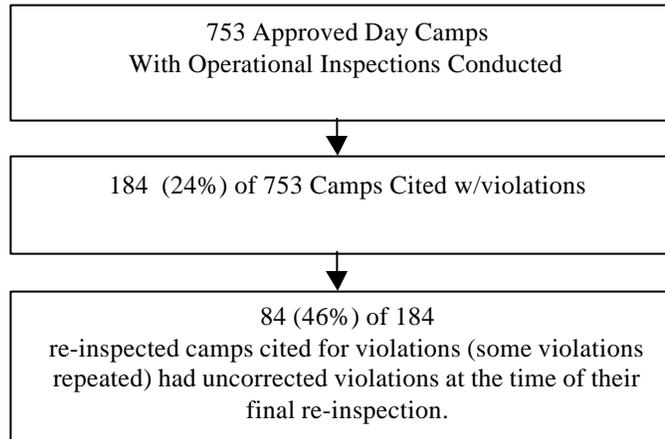
Despite DOH's re-inspections during the summer 2000 season, 84 of the 184 camps with violations demonstrated repeated poor compliance. At the time of the last re-inspection, these 84 camps still had from 1 to 8 critical violations each. (See Appendix A for a list of these camps.) Some of these camps were brought before DOH's Administrative Tribunal, which, among other things, is responsible for the adjudication of cases and imposition of fines. (The DOH's Administrative Tribunal and its treatment of day camps cited for violations were outside the scope of this audit.)

A review of DOH's documentation for the summer 2001 season determined that 71 of the 84 camps with uncorrected critical violations at the time of their final inspections in the summer 2000 season opened for business in summer 2001. DOH does not consider the previous year's violation(s) of a day camp as a reason for not approving a permit for the current year, since the camps are seasonal, close at the end of each summer, and start afresh each new season.

During the summer 2001 season, as of August 11, 2001, DOH performed comprehensive operational inspections at 57 of the 71 day camps that had uncorrected critical violations at the time of their final inspections in the summer 2000 season. DOH cited 15 of the 57 camps for 1 to 6 critical violations each. Overall, 10 of these 15 camps inspected during the summer 2001 season were cited for some of the same violations they were found to have had during the summer 2000 season. (See Chart I, following.) DOH re-inspected 7 of the 15 camps; 3 of the re-inspected camps had cleared the violations, and the remaining 4 camps were once again cited for from 1 to 3 repeated or other violations.

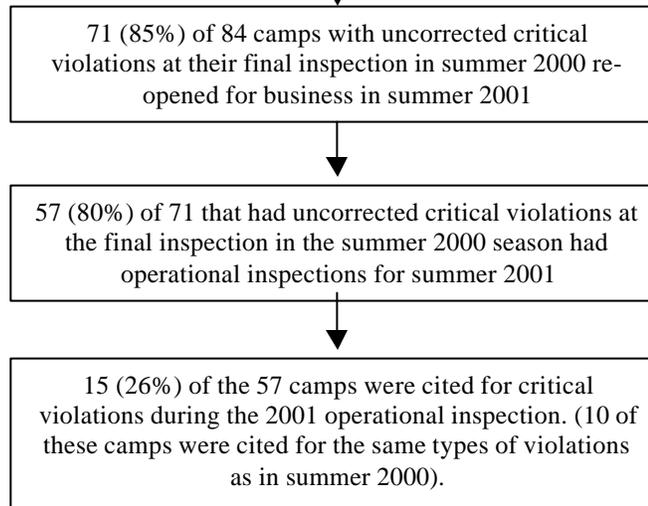
Chart I
Number of Camps Cited with Violations during Operational
Inspections and Repeated Violations on Re-Inspections During Summer
Seasons 2000 and 2001

Summer 2000



Summer 2001

(as of August 11, 2001)



Despite Field Operations' re-inspections of camps with repeated violations and the fact that some camps are brought before the Administrative Tribunal and possibly fined, DOH's enforcement efforts do not contain strong enough measures for camps that repeatedly fail to comply with State and City regulations.

Overall Physical Conditions at 56 of 58 Summer Day Camps Inspected by Auditors were Generally Satisfactory

Although the overall physical conditions of most of the day camps we inspected appeared to be satisfactory, most of the camps were not in compliance with various State and City regulations. Thirty-one of the 58 camps we inspected did not have a valid permit approved by DOH to operate in the summer 2001 season. We also observed hazardous conditions related to fire safety, including obstructed or locked fire exits at nine camps; two means of egress in areas of assembly (i.e., gyms, auditoriums, cafeterias) not provided at one camp; fire extinguishers not inspected or tagged at five day camps; and fire extinguishers not easily accessible or strategically placed at one camp.

Two of the 58 day camps we inspected—the New York City Housing Authority’s Butler Houses Day Camp in the Bronx and the Brownsville Parks and Recreation Summer Day Camp in Brooklyn—had a number of critical violations. We reported the conditions observed in the camps to DOH officials so they could pursue immediate correction of the conditions. Table III, which appears in the body of this report, summarizes the four safety areas, the 25 critical items within these areas, and the number of camps where non-compliant conditions were observed. (See Appendix B for further detail.)

Day Camp Files Lack Key Documents

Our review of 45 randomly selected application files of day camps with approved permits for the summer 2001 season found that most of the required documents were on file. However, 20 (44%) of the sample files did not contain a notification letter from the Office of Child and Family Services (NYS Family Services) of the New York State Department of Social Services. According to DOH officials, the NYC Health Code does not require that the background check of a prospective camp director be completed prior to DOH approving a day camp’s permit. The only requirement is that DOH review the Clearance Form submitted by the camp director and subsequently forward it to NYS Family Services. However, without notification from NYS Family Services attesting to the clean record of a director, DOH has no assurance that the camp director is eligible to serve in that position. Clearly, there is a potential risk to the safety and welfare of the children who attend a day camp when DOH approves a permit prior to receiving a letter from NYS Family Services stating the results of the investigation.

In addition, 23 (51%) of the 45 sampled day camp files lacked notification from the New York City Fire Department (FDNY) stating that the camp premises

complied with laws and regulations pertaining to fire control and prevention³ (see Appendix C for a list of these camps). DOH requires the FDNY notification letter (stating that the camp complied with laws and regulations pertaining to fire control and prevention) to be on file prior to its approving a camp's permit for the current season.. According to DOH officials, Field Operations has assumed the responsibility of obtaining the compliance notifications from FDNY for each camp, but lately has had problems obtaining those notifications

By approving a camp's permit without a FDNY compliance notification letter to verify that a camp complies with FDNY regulations, DOH cannot ensure that the facility is, in fact, safe and poses no threat to the people who occupy the premises.

The audit made 13 recommendations, including the following major recommendations that DOH should:

- Ensure that day camps do not open and operate without approved permits.
- Consider reassigning staff members temporarily from other units within the agency to the Field Operations Day Camp Unit to address the shortage of staff and increased workload for permit review and approval.
- Propose a change in the NYC Health Code or institute procedures requiring camp operators to submit all required permit documentation at least 60 days prior to the opening of a day camp.
- At the beginning of the following season, immediately inspect those camps that ended the previous season with uncorrected violations. If any of those camps are found operating without a permit and are cited for the same violations as in the previous year, shut them down. If a camp is not yet operating, but is cited for violations during the inspection, notify the camp that it will not be allowed to open until all violations are cleared.
- Track each day camp's history of violations from year to year and place those camps with repeated violations under greater scrutiny. The Administrative Tribunal should impose greater fees and penalties against those camps that chronically violate the health codes.

³ New York City Health Code Section 48.19(2)

- Indicate in its annual Directory of Summer Camps and on its website the previous year's uncorrected critical violations next to the names of those day camps that had such violations, or include a separate list of day camps with such violations.
- Instruct camp operators to keep all designated means of egress from a building or structure unobstructed and unlocked.
- Implement a mandatory education program in conjunction with FDNY's Bureau of Fire Prevention, requiring camp operators and directors to attend the program to educate them and ensure compliance with fire safety regulations.
- Meet with officials from NYS Family Services and devise measures to expedite the background investigation of proposed camp directors and the communication of the investigation results. For example, DOH could request access to the State Central Register's database or DOH could request NYS Family Services to use electronic mail for notification purposes.
- Meet with officials from FDNY to devise measures to expedite FDNY notification of a camp's compliance with fire safety regulations.

This audit was conducted in accordance with generally accepted government auditing standards (GAGAS) and included tests of the records and other auditing procedures considered necessary. This audit was performed in accordance with the City Comptroller's audit responsibilities as set forth in Chapter 5, § 93, of the New York City Charter.

DOH Response

The matters covered in this audit report were discussed with officials from DOH during, and at the conclusion of, this audit. A preliminary draft report was sent to DOH officials and was discussed at an exit conference held on August 22, 2001. On August 24, 2001, we submitted a draft report to DOH officials with a request for comments. We received a written response from DOH officials on October 31, 2001. Of the 13 recommendations made in this audit, DOH generally agreed with 10 and disagreed with two others (#6 and #8). DOH did not directly address the remaining recommendation (#5).

DOH stated:

“The Department of Health has reviewed the subject report issued by your office. We appreciate the professionalism of your staff, and the consideration given to our views at the exit conference. Summer Camps provide an essential community service for thousands of working families. Our primary responsibility is to assure the safety of children attending camps. We believe that your report substantiates our belief that this safety is well assured. A major area of concern in your report is the permitting process and the number of camps in operation without valid permitsWe cannot disagree that some day camps operate in the absence of all required documentation. The Department is exploring alternatives to existing documentation requirements that would provide equivalent assurances of camper safety and health. We are also exploring administrative changes that would allow us to complete the permitting process on a timelier basis.”

“We believe that our program is much more effective than your report suggests. We do, however, agree with many of your recommendations. Recommendations about expediting the permits process are especially appropriate and the Department is reviewing Day Camp operations to implement them. Contemplated changes include a more proactive application process, which includes meeting with individual applicants to review permit packages and mandatory operator training.”

Auditor Comment: We recognize that DOH is inundated with a large volume of summer day camp applications preceding each season and attempts to expedite the review and processing of these applications in a relatively short time frame. However, the results of our audit clearly indicated that DOH must do more to expedite its summer day camp application processing to ensure that no camp will open and operate without an approved permit. To this end, DOH should do more to ensure that there is sufficient personnel assigned to Field Operations for processing summer day camp permit applications. Furthermore, to increase its ability expedite the processing and approval of permit applications, DOH should review and make appropriate revisions to its day camp permit processing procedures.

The full text of DOH’s comments is included as an addendum to this report.

Table of Contents

INTRODUCTION.....	1
Background.....	1
Objectives.....	3
Scope and Methodology.....	3
DOH Response.....	4
FINDINGS AND RECOMMENDATIONS.....	6
Summer Day Camps Operating Illegally Without a Permit.....	7
Recommendations.....	9
Inadequate Enforcement Measures for Camps Chronically in Violation of Regulations.....	11
Recommendations.....	13
Overall Physical Conditions at 56 of 58 Summer Day Camps Inspected by Auditors were Generally Satisfactory.....	15
Recommendations.....	18
Day Camp Files Lack Key Documents.....	19
Day Camp Permits Approved Before Receipt Of Background Check on Camp Director.....	19
Permits Approved without Documentation of Compliance from FDNY.....	21
Recommendations.....	22
APPENDIX A.....	A-1
APPENDIX B.....	B-1
APPENDIX C.....	C-1
ADDENDUM : DOH Response	

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INTRODUCTION

Background

The New York City Department of Health (DOH) protects and promotes the health and quality of life of New York City residents through a wide range of services and enforces compliance with New York State and City health regulations. Accordingly, DOH inspects, permits, licenses, and monitors a wide range of enterprises that deal with the public health, including summer day camps.

In New York City, an estimated 140,000 children under the age of 16 attend summer day camps each summer.¹ For the summer 2000 season, the DOH Bureau of Regulatory and Environmental Health Services', Office of Field Operations and Inspections (Field Operations), processed and approved permits for 743 private (for profit and not-for-profit) and municipal summer day camps to operate in New York City for that year's summer season. As of July 9, 2001, DOH had approved 447 day camp permits of the 754 permit applications it received for the summer 2001 season.

A summer day camp is defined as any facility (private or municipal) that operates on a scheduled basis at any time between June 1 and September 15 in any year; is occupied by ten or more children under the age of 16 with general supervision; is used for organized group activities 24 hours or less on any day; and has no provisions for overnight occupancy.² A facility meeting this definition is considered to be a summer day camp and must obtain a permit each year to

¹ Statistics for the number of children that attend summer day camps each year were not available. Based on the approximately 4,000 children enrolled at the 58 day camps visited during this audit (predominantly ranging from 22 to 350 children per camp, as reported by the day camp representatives), we calculated an average enrollment of 186 children per camp. We therefore estimated a total of 140,000 children enrolled in approximately 750 summer day camps.

² NYS Sanitary Code Chapter 1, Subpart 7-2.2

operate legally in New York City. To obtain a permit, each day camp must satisfactorily pass inspection by DOH and submit all required application documentation to DOH at least 30 days prior to the opening of the camp. The camps are required to employ qualified personnel, conduct employee background checks, maintain adequate ratios of staff to campers, and obtain all required insurance, permits, and licenses to ensure the safety of children that attend the camps.

On average, 80 percent of all day camps are operated by private not-for-profit and for-profit entities such as churches and synagogues, schools, and community-based organizations. The remaining 20 percent are municipal camps, which are operated by the New York City Housing Authority (NYCHA) and the New York City Department of Parks and Recreation.

DOH's Field Operations is responsible for processing and approving permits for summer day camps. It is also responsible for inspecting the day camps to ensure that the camps are in compliance with provisions of Sub-part 7-2 of the New York State Sanitary Code (NYS Sanitary Code) and Article 48 of the New York City Health Code (NYC Health Code). The inspections are conducted to ensure that all physical facilities are properly operated and maintained, and that supervision is adequate to provide a healthy and safe environment for campers. Once a camp has passed a pre-permit inspection and all documents have been approved, Field Operations authorizes the Department of Consumer Affairs' Citywide Licensing Center (DCA Licensing) to print and issue the permit. Once the permit is received, the camp must display it in a conspicuous place on the premises.

DOH must inspect the camps at least twice each year. The first inspection—the pre-permit inspection—must be conducted before DOH approves a permit for the camp to begin its operation. DOH allows camps with good previous records to perform their own pre-permit inspection. A second inspection by a DOH Public Health Sanitarian (inspector) must be conducted while the camp is in operation. During an inspection, DOH may issue a Notice of Violation to a camp for conditions not in compliance with NYS Sanitary Code and NYC Health Code. Violations are categorized for “critical items” and “general items.”

According to the NYS Sanitary Code and NYC Health Code, critical items are related directly to the protection and safety of children who attend summer day camp and include staffing and supervision, safety plans, medical, water, recreational, transportation, and fire safety, food protection, and facility and site maintenance. Critical items also include conditions referred to as “public health hazards.” Public health hazards are critical and must be corrected immediately. Failure to correct any one of these items on any inspection could result in DOH closing off the affected area (i.e., a kitchen or swimming pool) or ultimately closing the camp until the violation is corrected. General items relate to the operation and cleanliness of the day camp. All types of violations are considered in determining the results of an inspection and follow-up actions to be taken. When a Notice of Violation is issued, DOH will schedule a re-inspection of the day camp. All general items and critical items not considered public health hazards should be corrected by the scheduled re-inspection.

DOH is also responsible for investigating reports of serious incidents of injury, illness, and allegations of abuse or maltreatment.

Objectives

Our audit objectives were to determine whether DOH:

1. Ensures that all summer day camps in New York City are licensed to operate.
2. Adequately monitors summer day camps to ensure their compliance with New York State and New York City health and safety regulations.

Scope and Methodology

The audit scope period included summer seasons 2000 and 2001. The audit focused on the administrative and enforcement policies, procedures, and practices of DOH's Field Inspection Unit, as they related to the monitoring and licensing of summer day camps. To accomplish our audit objectives we:

- Reviewed Chapter 1, Sub-part 7-2 of the NYS Sanitary Code and Article 48 of the NYC Health Code to determine the regulations and responsibilities of DOH and of day camps.
- Interviewed DOH officials and personnel and conducted a walkthrough of DOH's permit process to obtain an understanding of DOH procedures and controls over the operation and management of the Field Operation's Day Camp Unit.
- Documented our assessment of DOH's procedures, the responsibilities of key personnel involved in permit processing, and the flow of documentation from intake of permit applications to the issuance of a day camp permit.
- Obtained and reviewed files of day camps approved for permits for summer 2001 to ensure that DOH had received all required documentation from the day camps before approving the issuance of a permit.
- Visited 58 private and municipal day camps to observe the physical conditions of the facilities to ensure that the camps were in compliance with State and City regulations and possessed a valid permit to operate in the summer 2001 season.
- Reviewed DOH's lists of day camps with permits for the summers of 2000 and 2001 and determined the number of summer day camps that opened prior to DOH approving a permit.
- Reviewed and analyzed DOH's list of summer day camps cited for violations in the summer season 2000 and determined whether these summer day camps were re-inspected by DOH inspectors, the violations were cleared, and whether camps with uncorrected violations opened the following season in 2001.

This audit was conducted in accordance with generally accepted government auditing standards (GAGAS) and included tests of the records and other auditing procedures considered necessary. This audit was performed in accordance with the City Comptroller's audit responsibilities as set forth in Chapter 5, § 93, of the New York City Charter.

DOH Response

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DOH stated:

“The Department of Health has reviewed the subject report issued by your office. We appreciate the professionalism of your staff, and the consideration given to our views at the exit conference. Summer Camps provide an essential community service for thousands of working families. Our primary responsibility is to assure the safety of children attending camps. We believe that your report substantiates our belief that this safety is well assured. A major area of concern in your report is the permitting process and the number of camps in operation without valid permitsWe cannot disagree that some day camps operate in the absence of all required documentation. The Department is exploring alternatives to existing documentation requirements that would provide equivalent assurances of camper safety and health. We are also exploring administrative changes that would allow us to complete the permitting process on a timelier basis.

“We believe that our program is much more effective than your report suggests. We do, however, agree with many of your recommendations. Recommendations about expediting the permits process are especially appropriate and the Department is reviewing Day Camp operations to implement them. Contemplated changes include a more proactive application process, which includes meeting with individual applicants to review permit packages and mandatory operator training.”

Auditor Comment: We recognize that DOH is inundated with a large volume of summer day camp applications preceding each season and attempts to expedite the review and processing of these applications in a relatively short time frame. However, the results of our audit clearly indicated that DOH must do more to expedite its summer day camp application processing to ensure that no camp will open and operate without an approved permit. To this end, DOH should do more to ensure that there is sufficient personnel assigned to Field Operations for processing summer day camp permit applications. Furthermore, to increase its ability expedite the processing and approval of permit

applications, DOH should review and make appropriate revisions to its day camp permit processing procedures.

The full text of DOH's comments is included as an addendum to this report.

**OFFICE OF THE COMPTROLLER
NEW YORK CITY
DATE FILED: January 22, 2002**

FINDINGS AND RECOMMENDATIONS

DOH is responsible for ensuring that all summer day camps operating in New York City are safe and comply with the NYS Sanitary Code and NYC Health Code. One way of doing this is through the permit process, which requires DOH to review essential application documents and perform physical inspections of each camp. Although the Field Operations Day Camp Unit takes its responsibility very seriously, it needs to do more to expedite the permit process. In addition, Field Operations needs to do more to ensure, through its inspection function, that camps comply with State and City regulations and adequately provide for the safety and well being of children who attend those camps.

At the beginning of the audit, which coincided with the start of the summer 2001 season, we concentrated on the physical conditions of the day camps to determine whether they were safe. We conducted inspections of 58 day camps. Overall, we found that 2 of the 58 day camps had unsafe conditions. We then proceeded to concentrate on DOH's administrative process, including its day camp permit process and its monitoring of the day camps during the summer season. Our audit found the following:

- 280 of 727 day camps that opened at the beginning of the summer 2001 season (on or before July 9, 2001) opened illegally and operated without a valid permit.
- DOH took an average of 42 days to process and approve camp permits. The NYS Sanitary Code and NYC Health Code require that camp operators submit their applications at least 30 days in advance of the camp's opening, but a 30-day time frame is not sufficient for DOH to complete its review of permit application documents and inspect the camps.
- DOH does not have adequate enforcement measures for camps with a history of repeated violations.
- Although the overall physical conditions of 56 of the 58 day camps we inspected appeared to be satisfactory, we observed some hazardous conditions that related to fire safety, such as fire exits and extinguishers (see Table III on page 11).
- DOH did not have a response from NYS Family Services notifying it of the results of the background investigation of camp directors for 20 (44%) of the 45 day camps we sampled that DOH had approved for permit for the summer 2001 season.
- DOH approved permits for 23 (51%) of the 45 sampled day camps without the required notification from FDNY stating that the camp premises complied with laws and regulations pertaining to fire control and prevention.

The details of our findings appear in the following sections of this report.

Summer Day Camps Operating Illegally Without a Permit

We reviewed DOH's lists of summer day camps that obtained a permit for 2000 and 2001. For the summer season 2000, DOH approved permits for 743 camps to operate. However, 234 (31.5%) of the 743 camps opened before DOH had actually approved their permit applications. Therefore, these camps opened and operated illegally—without a permit—for as little as one day to more than seven weeks prior to DOH's approval of their permits.

We also reviewed DOH's Application Review Status report for the summer 2001 season. As of July 9, 2001, DOH had received 754 permit applications. Of these applications, 727 (96.4%) were for camps that opened on or before July 9. However, DOH had not yet completed its mandatory review of applications for 280 (38.5%) of these 727 camps by that date.³ These 280 camps did not receive a permit as of July 9, 2001, but had opened and begun operating illegally, without a permit, at the beginning of the 2001 summer season.

Further review showed that 180 of the 280 permit applications for the summer 2001 season, not approved as of July 9, 2001, had a "Problem" status, meaning that the application packet lacked required information or documentation. The remaining 100 permit applications were classified as "Sent for Approval," "Waiting for Inspection," or "To be Reviewed." Our analysis of DOH's permit application status report for summer 2001 is summarized in Table I below:

Table I

Summer Day Camp Application Review Status Of Day Camps Opening on or before July 9, 2001

Permit Application Status	Quantity	Percentage (%)
Completed/Approved	447	61.5%
Problem	180	24.8%
Sent for Approval	71	9.8%
Waiting for Inspection	10	1.3%
To Be Reviewed	19	2.6%
Total	727(a)	100.00%

Note:(a) DOH's Application Review Status Report, dated July 9, 2001, included a total of 754 summer day camp permit applications for 2001. The analysis reflects the status of the permit applications for 727 camps that opened on or before July 9, 2001.

Camps that open and operate without an approved permit from DOH are in clear violation of the law. The NYS Sanitary Code, Chapter 1, Subpart 7-2 § 5(a) states, "No person shall operate a children's camp, or cause or allow the same to operate without a permit from the permit-issuing official." In addition, Article 48 § 5 of the NYC Health Code states, "No person shall operate or

³ The remaining 27 day camps had opening dates after July 9, 2001.

hold himself [herself] out as operating a summer day camp without a permit issued by the Commissioner.”

We discussed these matters with DOH officials who stated that in most instances, the 280 applications not approved by July 9, 2001, were held up in processing, primarily because applications lacked documentation or contained errors made by the camp operators in completing the applications. DOH officials also stated that in some instances they were awaiting a statement from the New York City Fire Department (FDNY) that the camp was in compliance with all applicable laws and regulations pertaining to fire control and prevention.

However, our analysis showed that in some cases DOH was responsible for the delay in processing a permit. There were 19 day camp permit applications that were still “To Be Reviewed” and another 10 camps that were “Waiting for Inspection.”

To determine the length of time it took DOH to review and approve the documents we randomly selected 40 files for summer day camps for which DOH has already approved permits for the summer 2001 season.⁴ It took the DOH staff an average of 42 days to process and approve all the required documents. Table II, which follows, illustrates the range of days required for DOH staff to process and approve the application documentation of these 40 files.

Table II

Number of Days to Process and Approve Day Camp Application Documents

Range of Days	Number of Day Camps Sampled	Percent (%)
1 through 15 days	4	10.0%
16 through 30 days	6	15.0%
31 through 45 days	9	22.5%
46 through 60 days	17	42.5%
More than 60 days	4	10.0%
Total	40	100.00%

NYC Health Code §48.07 specifies that day camp operators must submit an application and all documents at least 30 days before the first day of operation. Correspondence DOH sends to summer day camp operators states that this “time frame allows the Department sufficient time to review the application, obtain additional information when necessary, conduct a pre-permit inspection and allows the operator sufficient time to correct any safety hazards or program deficiencies before commencing operations.”

⁴ The original sample size was 45 summer day camp files, however, five of the files lacked information needed to perform this test.

Based on the above analysis, if camps submit their applications and documents 30 days in advance of opening, DOH will not be able to approve the permits before the camps open, since processing most of the camps' documents took longer than 30 days. Moreover, an additional 7 to 10 days can be added to the process for the time it takes DCA Licensing to print and mail the permits and the camps to receive them. Therefore, the 30-day time frame is not sufficient for approving a permit. This contributes to the frequency of camps operating without a permit.

We brought these matters to the attention of DOH officials, who stated that the Field Operation's Day Camp Unit works as expeditiously as possible to process all permit applications and conduct required pre-permit inspections in a timely manner. However, the Unit is understaffed and it has had difficulties filling vacant positions. Therefore, DOH officials expect delays in the processing, review, and approval of summer day camp permits.

We understand the complexity of the permit process and the difficulty imposed by limited staff. However, as the oversight agency for summer day camps, DOH should not allow any camp to open and operate without an approved permit. Without DOH ensuring that all day camp applications are properly reviewed, all inspections are completed, and all permits are approved prior to a day camp opening, there is no assurance that a camp is in compliance with State and City regulations. Nor is there assurance that a camp will provide a safe and healthy environment for the children attending the summer day camps.

Recommendations

DOH should:

1. Ensure that day camps do not open and operate without approved permits.

DOH Response: DOH generally agreed with the recommendation stating: "The Department of Health (DOH) agrees that day camps should be permitted prior to operations. Each year the Departments Office of Field Operations (OFO/I) makes substantial accommodations to review and process approximately 800 summer day [camp] applications within a short period of time so that permits may be issued as early as possible."

Auditor Comment: We recognize that DOH is inundated with a large volume of summer day camp applications preceding each season and attempts to expedite the review and processing of these applications in a relatively short time frame. However, the results of our audit clearly indicate that DOH must be more aggressive in its permit processing to ensure that summer camps have approved permits prior to opening.

2. Consider reassigning staff members temporarily from other units within the agency to the Field Operations Day Camp Unit to address the shortage of staff and increased workload for permit review and approval.

DOH Response: DOH generally agreed with the recommendation stating: “The Office of Field Operations/Inspection (OFO/I) mobilizes quickly to cope with a flood of applications that must be quickly reviewed and approved. This year we hired four additional college interns, reassigned two Associate Public Health Sanitarians Level I to work full-time, and two Associate Public Health Sanitarians Level II and an Assistant Director to work part-time with the Day Camp Unit in processing of over 800 received applications.”

3. Re-evaluate its permit review process to identify areas where greater efficiency can be achieved and design procedures that will result in a more timely and realistic approval process for summer day camp permits.

DOH Response: DOH generally agreed and stated: “The Department is . . . exploring administrative changes that would allow us to complete the permitting process on a timelier basis.” In addition, DOH explained some of the steps included in the permit process, and stated: “The application and permit process has many facets. . . . Certain documents present significant obstacles to approval. . . . Also many Day Camp facilities . . . do not have Certificates of Occupancy, a costly and difficult document to obtain.”

4. Propose a change in the NYC Health Code or institute procedures requiring camp operators to submit all required permit documentation at least 60 days prior to the opening of a day camp.

DOH Response: DOH generally agreed and stated: “The Department initiated the process to amend Article 48 of the New York City (NYC) Health Code earlier this year and the recommendations for change will be submitted to the Board this December. Many of the proposed amendments speak to restructuring front-end application processes and tightening enforcement policies, and speak to the recommendations made by the auditors. The proposed amendments include: requiring the submission of permit applications sixty days before the start of operations.”

Inadequate Enforcement Measures for Camps Chronically in Violation of Regulations

DOH is required to inspect each summer day camp at least twice each season to ensure each camp's compliance with NYC Sanitary Code and NYC Health Code. One inspection—a pre-permit inspection—of the physical conditions of a facility is conducted as part of the permit approval process. (Camps with a good previous record may be eligible to conduct a certified pre-permit self-inspection, but DOH conducts pre-permit inspections at approximately 5 percent of those camps that conduct self-inspections to check compliance within this group of camps.) A second, more comprehensive operational inspection is conducted while the camps are operating. An operational inspection includes a review of the physical facilities as well as of criteria related directly to the protection and safety of campers, such as staff qualifications, adequate staff-to-camper ratios, staff supervision, safety plans, food protection, facility and site maintenance, and medical, water, recreational, transportation, and fire safety. During any inspection, DOH may issue a Notice of Violation to a camp for conditions not in compliance with NYS Sanitary Code and NYC Health Code. As discussed earlier, violations are categorized as either critical, which may include public health hazards, or general.

During the summer 2000 season, 184 (24%) of the 753 summer day camps that received permits to operate were cited by DOH, during operational inspections, for 1 to as many as 11 critical violations each—some of which were also public health hazards. Camps were issued violations for not having (1) on-site health directors, (2) an adequate number of first aid and CPR-certified personnel, (3) medical histories of campers on file, (4) functioning fire fighting equipment, (5) functioning emergency lights, and (6) records or performance of required fire drills.

State and City regulations require that all critical violations that are public health hazards be corrected immediately. Failure to correct any public health hazard on any inspection may result in DOH closing off the affected area (i.e., a kitchen or swimming pool) or ultimately closing the camp until the violation is corrected. However, DOH rarely closes a camp. (In our review, we did not come across any day camps that had been closed by DOH.) DOH officials stated that once a camp is in operation, closing it is generally avoided because of the difficulty of placing the children in another camp. Their policy is to work with the camps to bring them into compliance.

DOH considers all types of violations in determining follow-up actions to be taken. Specifically, DOH is required to re-inspect camps cited with five or more critical violations during a regular inspection, or three or more uncorrected repeat critical violations. Generally, when a Notice of Violation is issued, DOH will schedule a re-inspection of the day camp. All general and critical items must be corrected by the scheduled re-inspection, except for public health hazards, which must be corrected immediately. At the time of a re-inspection, if a camp is cited for the same or additional violations, another re-inspection may be scheduled. During the summer 2000 season, DOH inspectors conducted follow-up inspections of many of the 184 summer day camps that were cited for critical violations and, on re-inspection, cited many of them again for the same violations.

DOH's enforcement does not provide a strong enough deterrent for camps that repeatedly fail to comply with State and City health regulations. Despite DOH's re-inspections during the summer 2000 season, 84 of the 184 camps with violations demonstrated repeated poor compliance. At the time of the last re-inspection, these 84 camps still had from 1 to 8 critical violations each (see Appendix A for a list of these camps). Some of these camps were brought before DOH's Administrative Tribunal, which, among other things, is responsible for the adjudication of cases and imposition of fines. (The DOH's Administrative Tribunal and its treatment of day camps cited for violations were outside the scope of this audit.)

A further review of DOH's documentation for the summer 2001 season determined that 71 of the 84 camps with uncorrected critical violations at the time of their final inspections in the summer 2000 season, opened for business in summer 2001. According to DOH's documentation, the remaining 13 of the 84 camps, did not reopen for the summer 2001 season.

DOH does not consider the previous year's violation(s) of a day camp as a reason for not approving a permit for the current year, since the camps are seasonal, close at the end of each summer, and start afresh each new season. DOH inspections are intended to ensure that the camps are in compliance for the current season. For example, many camps were cited during summer 2000 season for not having a medical plan under the supervision of a qualified camp health director—a public health hazard. Since, this violation existed during the summer 2000 season, DOH did not take this violation into consideration for the summer 2001 season permit approval.

As of August 11, 2001, DOH performed comprehensive operational inspections at 57 of the 71 day camps that had uncorrected critical violations at the time of their final inspections in the summer 2000 season. During current operational inspections for summer 2001, as of August 11, 2001, DOH cited 15 of the 57 camps for 1 to 6 critical violations each—some of which were also public health hazards. Eight of these 15 camps were cited for not having a permit to operate; 5 camps were cited for not having medical, safety or fire plans; 7 camps were cited with fire safety violations; and 1 camp had an inadequate ratio of counselor-to-campers. In addition, 7 camps were cited for having neither a health director nor an adequate number of first aid and CPR-certified personnel; and 6 camps had incomplete camper medical histories on file. Overall, 10 of these 15 camps inspected for summer 2001 season were cited for some of the same violations they were found to have had during the summer 2000 season. As of August 11, 2001, DOH had re-inspected 7 of the 15 camps; 3 of the re-inspected camps had cleared the violations, and the remaining 4 camps were once again cited for from 1 to 3 repeated or other violations.

By simply ignoring the records of camps with repeated violations in prior years, DOH has no assurance that those camps will adequately provide for the health and safety of the children who attend those camps in the current summer season. Despite Field Operations' re-inspections of camps with repeated violations and the fact that some camps are brought before the Administrative Tribunal and possibly fined, DOH's enforcement efforts do not contain strong enough measures for camps that repeatedly fail to comply with State and City regulations. DOH should pay particular attention to those camps that in the previous year or years repeatedly failed to comply with State and City health codes. DOH should track each camp's history of violations from year to year and put those camps with repeated violations under greater scrutiny when

inspecting the camps' sites. In addition, DOH should cite and refer all such camps to the Administrative Tribunal, which in turn should impose greater fines on those camps that chronically violate the health codes.

Moreover, DOH should send out a strong message to day camp operators that chronically fail to comply with State and City regulations. DOH should make the public aware of those camps that repeatedly disregard health and safety regulations. Each year, DOH publishes Summer Camp Directories to help parents find licensed day camps in specific neighborhoods. The Directories and also the DOH website include the names and addresses of camps that operated with approved permits the previous summer. Although useful, this information does not reflect the uncorrected critical violations of camps cited during the previous summer season. Such information would assist parents to make a more informed decision and would provide an incentive for camps to clear up violations expeditiously.

Recommendations

DOH should:

5. Alert camps that end a season with uncorrected violations that they will be given special attention the following season.

DOH Response: DOH did not directly address this recommendation. Instead, DOH officials stated: "Camper safety is of paramount importance to the Department and no camp is allowed to operate where [a] child's well-being is in questions. To that end, the Department will restrict activities or access to areas of a camp where violations exist."

Auditor Comments: We recognize that DOH inspectors enforce the State and City health regulations through inspections of summer day camps and will take action to limit activities and access to unsafe areas within a camp. Nonetheless, these enforcement actions do not speak strongly enough to those camps that historically fail to comply with health regulations. DOH should employ stronger measures to improve compliance of those camps with a history of violations.

6. At the beginning of the following season, immediately inspect those camps that ended the previous season with uncorrected violations. If any of those camps are found operating without a permit and are cited for the same violations as in the previous year, shut them down. If a camp is not yet operating yet, but is cited for violations during the inspection, notify the camp that it will not be allowed to open until all violations are cleared.

DOH Response: DOH disagreed with this recommendation. Rather than directly address the recommendation, it stated: "No camp that has failed an inspection may self-certify instead of receiving a pre-operational inspection at the start of the next camping season and in that sense greater attention is paid to those camps that had serious violations or uncorrected violations in the previous operating season . . . The Department is reluctant

to close a camp unless an uncorrectable public health hazard exists or camper safety cannot be assured. Subpart 7.2 of the New York State Sanitary code outlines the public health hazards, condition or conditions that if left uncorrected the time of inspections will warrant the immediate closure of a summer day camp. Further, Section 5.17 of the New York City Health Code allows the Department to close an establishment for the offering of a bribe, failure to appear or pay monetary penalties associated with a fine, or for willful or continuing violation of the health code. The Department may not close a camp in an arbitrary or capricious way. Repeated violations may not be serious enough to warrant closing a camp on the spot.”

Auditor Comments: We recognize that DOH does not allow camps that had serious violations in the previous season to conduct a self-certified pre-operational inspection. In addition, we understand that DOH does not arbitrarily or capriciously close camps. In fact, it is reluctant to close a camp since it may inconvenience campers’ families. Nevertheless, as DOH clearly pointed out, it is empowered to close a camp for the “willful or continuing violation of the health code.” Therefore, if a camp with a history of violations is found to be in violation of the health code at the beginning of the current season, DOH should not allow that camp to open until all violations are cleared.

7. Track each day camp’s history of violations from year to year and place those camps with repeated violations under greater scrutiny. The Administrative Tribunal should impose greater fees and penalties against those camps that chronically violate the health codes.

DOH Response: DOH generally agreed, stating: “The Department will consider the recommendation to more closely monitor camps as it continues the process of amending Article 48 of the Health Code so that camps with repeated failed inspections receive special attention. As an alternative to stiffer fines and more punitive measures, the Department will investigate the efficacy of requiring operators to participate in additional off-season training so they are better prepared for the next season. This will enable camps to direct their resources to improved facilities or programming rather than violations.”

8. Indicate in its annual Directory of Summer Camps and on its website the previous year’s uncorrected critical violations next to the names of those day camps that had such violations, or include a separate list of day camps with such violations.

DOH Response: DOH disagreed with this recommendation. Rather than directly addressing the recommendation, it stated: “The Department currently publishes a directory of camps that were issued a permit in the previous year. It will consider adding a feature to its web-based edition of the directory that will enable parents or guardians to check on whether the camp has reapplied for and received its permit for the current operating season. This directory may be updated weekly.”

Auditor Comments: DOH’s proposal of adding a feature disclosing the permit status of a day camp on its on-line Summer Day Camp Directory has value. However, it is not sufficient enough information to allow parents to choose the safest camps for their child.

Overall Physical Conditions at 56 of 58 Summer Day Camps Inspected by Auditors were Generally Satisfactory

We conducted field inspections from July 9 to July 18, 2001, at 58 randomly selected summer day camps (24 private and 34 municipal) in the five boroughs,⁵ attended by approximately 4,000 children from 3 to 16 years of age to determine whether the day camps' physical facilities were properly operated and maintained in compliance with the NYS Sanitary Code, Chapter 1 Sub-part 7-2 and NYC Health Code, Article 48. We concentrated on four safety areas: Fire, Medical, Facility Maintenance, and Outdoor and Water Activity (see Appendix B). Within these areas, we focused on 25 critical items. Our field inspections were not conducted in tandem with, but were independent of, DOH Field Operations' scheduled inspections. Therefore, the conditions we observed may or may not have existed at the time DOH inspected any of the camps in our sample.

Although the overall physical conditions of most of the day camps we inspected appeared to be satisfactory, most of the camps were not in compliance with various State and City regulations. Thirty-one of the 58 camps we inspected did not have a valid permit approved by DOH to operate in summer 2001 season. We reviewed DOH's Application Review Status Report (previously discussed) to determine the application status for these 31 camps. As of July 9, 2001, the date of the status report, DOH had completed and approved permits for 5 of the camps and classified 17 as having a "Problem." Two camps were awaiting permit approval, one was "Waiting for Inspection," and three were "To Be Reviewed." The remaining three did not appear on DOH's status report, and may not have submitted permit applications for the summer 2001 season.

We also observed some conditions at the day camps that are defined by State and City regulations as public health hazards. Most of the hazardous conditions were related to fire safety, such as fire exits and extinguishers. The public health hazard conditions included:

- Obstructed or locked fire exits at nine day camps: J.W. Johnson Houses Community Center, East River Houses Community Center, Butler Houses Community Center, Washington Avenue Community Center, Brownsville (Parks) Recreation Center, Atlantic Terminal Community Center; Williamsbridge Oval, J. Hansborough (Parks) Recreation Center, and Manhattanville Community Center;
- Two means of egress in areas of assembly (i.e., gyms, auditoriums, cafeterias) not provided at the Bland Community Center Day Camp;
- Fire extinguishers that had not been inspected or tagged at five day camps: Melrose Community Center, Ocean Hill Community Center, East Chester

⁵ Of the 58-day camps inspected, 10 were in Queens, 19 in Brooklyn, 12 in Bronx, 12 in Manhattan, and 5 in Staten Island.

Community Center, Williamsbridge Oval, Manhattanville Community Center, and Tutor Time;

- Fire extinguishers not easily accessible or strategically placed at the Melrose Day Camp; and
- Broken glass and debris around the swimming pool area at the Grand Street Settlement Day Camp.

Two of the 58 day camps we inspected—the New York City Housing Authority’s Butler Houses Day Camp in the Bronx and the Brownsville Parks and Recreation Summer Day Camp in Brooklyn—had a number of critical violations. At Butler Houses we observed unfinished walls, a locked and gated exit door (as mentioned above). In the game room, there was a gaping hole in a wall, a leak in the ceiling, and a large puddle of water on the floor. At the Brownsville Camp, there were locked and obstructed fire exits doors (as mentioned above), missing and water-damaged ceiling tiles, and broken glass and debris in the playground area. We immediately reported the conditions at both camps to DOH officials and requested that action be taken to ensure that these hazardous conditions were immediately corrected. In a letter dated July 25, 2001, DOH stated that the Butler House Day Camp had corrected many of the items we observed.

In a letter dated August 8, 2001, regarding the conditions we reported at the Brownsville Parks and Recreation Summer Day Camp, DOH officials disagreed with some of our findings. In particular, DOH did not concur with our assessment that the locked and obstructed fire exit doors in the rear of the building were critical violations. DOH officials stated that NYC Health Code article 48.15(15) requires that two separate means of egress be provided from each floor of a multistory building; since there were two unlocked means of egress in the front of the building, the locked and obstructed rear exit doors did not constitute a violation.

We based our assessment that there were critical violations on NYC Health Code article 48.15 (7) that states, “the means of egress from all structures shall be maintained in an unobstructed, easily traveled condition at all times. . . .” as well as on our conversations with officials from FDNY’s Bureau of Fire Prevention. FDNY officials stated that all means of egress designated as fire exits should be unlocked and unobstructed.

The NYC Health Code is arguably ambiguous in relation to this topic. However, since the prime consideration is the safety of children, the best practice for DOH would be to instruct all camp operators to keep all designated means of egress from a building or structure unobstructed and unlocked. Although some of the other hazardous conditions we observed at the camp may not be precisely spelled out in the Health Code, they were nonetheless unsafe conditions and posed a danger to the health and safety of the children.

We also reported the public health hazard conditions observed in the other camps to DOH officials for them to pursue immediate correction of the conditions. Table III, which follows, summarizes the four safety areas, the 25 critical items within these areas, and the number of

camps where non-compliant conditions were observed (including the public health hazards previously mentioned).

Table III

**Results of Field Inspections of 58 Day Camps and
Non-Compliant Conditions Observed in Four Safety Areas**

Item #	PRIMARY AREA	Number of Non-Compliant Camps of the Total Camps Inspected (%)	Number of Non-Compliant Items of the Total Items Tested (%)
	<u>Non-Compliant Critical Condition</u>		
	DAY CAMP PERMIT/MEDICAL SAFETY		
1.	Valid permit to operate a summer day camp permit not yet issued or not displayed	31 of 57 camps (54%)	N/A
2.	Inadequate or no first aid kit on premises	2 of 58 camps (3%)	N/A
3.	Health director not on premises on the day of the field inspection.	12 of 58 camps (21%)	N/A
	FIRE SAFETY		
4.	Fire drill log not maintained.	11 of 57 camps (19%)	N/A
5.	Fire drill not held in the first week (first 48 hours) of camp.	21 of 57 camps (37%)	N/A
**6.	Two means of egress not provided in areas of assembly (i.e. auditoriums, cafeterias, gymnasiums)	1 of 58 camps (2%)	N/A
**7.	Fire exits locked or obstructed.	9 of 58 camps (16%)	24 of 266 fire exits tested (9%)
**8.	Fire extinguishers not easily accessible or strategically placed.	1 of 58 camps (2%)	N/A
**9.	Fire extinguishers not inspected or tagged to verify they are active and in working order.	5 of 58 camps (9%)	5 of 319 fire extinguishers tested (1.6%)
10.	Illuminated exit signs not working or not provided near stairwells, hallways, and in areas of assembly.	3 of 58 camps (5%)	39 of 457 exit signs observed (8.5%)
11.	Emergency lighting not working or not provided in all hallways, corridors, and stairways.	13 of 58 camps (22%)	18 of 170 emergency lights tested (at 52 camps) (11%)
12.	Electrical outlets, wiring, and /or fixtures not in good repair or working order.	11 of 58 camps (19%)	N/A
	BUILDING & FACILITY MAINTENANCE,		
**13.	Hazardous chemicals not properly labeled and/or stored.	4 of 58 camps (7%)	N/A
14.	Windows could be opened more than 4.5 inches.	8 of 56 camps (14%)	65 of 564 windows tested (11.5%)
15.	Window guards not provided where required.	9 of 23 camps (28%)	N/A
	OUTDOOR AND WATER SAFETY AT CAMP SITE		
16.	Outdoor playground or recreation area not clean, well maintained, or free of debris that could pose a hazard to campers.	4 of 32 camps w/outdoor activity areas (12%)	N/A

Item #	PRIMARY AREA	Number of Non-Compliant Camps of the Total Camps Inspected (%)	Number of Non-Compliant Items of the Total Items Tested (%)
	<u>Non-Compliant Critical Condition</u>		
17.	Camp playground equipment did not appear to be safe and free of defects that could pose a hazard.	1 of 32 camps w/playground equipment (3%)	N/A
18.	Area near and around the water sprinkler not clean or free of debris or other potential hazards.	1 of 19 camps w/ outdoor sprinkler (5%)	N/A
19.	Insufficient drainage for water sprinkler resulting in standing pools of water.	0 of 21 camps w/outdoor sprinklers (0%)	N/A
**20.	A qualified life guard not on duty	0 of 6 camps w/swimming pools (0%)	N/A
**21.	Water in the swimming pool not clean and/or the bottom of the pool not visible.	0 of 6 camps w/swimming pools (0%)	N/A
**22.	Swimming pool's main drain grate not appearing to be securely in place and/or in good repair.	0 of 6 camps w/swimming pools (0%)	N/A
**23.	Water depth markings not provided at the pool.	0 of 6 camps w/swimming pools (0%)	N/A
**24.	Swimming pool and/or deck area not well maintained or not free of debris or broken glass that could pose a hazard to campers.	1 of 6 camps w/swimming pools (17%)	N/A
**25.	Pool area not adequately enclosed or secured during non-use.	0 of 6 camps w/swimming pools (0%)	N/A

(**)Denotes critical items that are also public health hazards.

While the number of non-compliant conditions in the four safety areas listed above may be low, the potential risk to the health and safety of children and staff of summer day camps cannot be ignored. Most of the hazardous conditions we found were related to fire safety. The higher rate of non-compliance in this area may be due to camp operators' lack of knowledge regarding fire regulations. To address this, DOH should do more than simply offer voluntary workshops and training sessions that address health code compliance. DOH should establish a mandatory education program for camp operators that concentrates on public fire safety hazards as well as other health code requirements.

Recommendation

DOH should:

9. Instruct camp operators to keep all designated means of egress from a building or structure unobstructed and unlocked.

DOH Response: DOH agreed with this recommendation.

10. Implement a mandatory education program in conjunction with FDNY's Bureau of Fire Prevention, requiring camp operators and directors to attend the program to educate them and ensure compliance with fire safety regulations.

DOH Response: DOH agreed, stating: “The Department will work toward amending the Health Code so that it will include a requirement that all camp operators and/or directors attend an educational program on fire safety (including keeping designated means of egress unobstructed and unlocked), supervision, recreation, and other issues related to the safe operation of a children’s summer camp.”

Day Camp Files Lack Key Documents

The NYS Sanitary Code and NYC Health Code require that summer day camp operators submit various documents with their permit application and application fee (municipal and not-for-profit camps are exempt from the fee). These documents include written camp safety and medical plans, information about staff qualifications, ratios of staff to children, a notification letter from FDNY regarding a camp’s compliance with fire department codes, background information on the camp director, etc. The documents must be reviewed and approved by DOH before a permit is issued by DCA Licensing.

Our review of 45 randomly selected application files of day camps with approved permits for the summer 2001 season found that most of the required documents were on file. However, a majority of the sampled files lacked the compliance notification letter from FDNY and a response from the Office of Child and Family Services (NYS Family Services) of the New York State Department of Social Services confirming that a background check of the camp director had been completed and stating the director was not the subject of a report or investigation of child abuse or maltreatment.

Day Camp Permits Approved Before Receipt Of Background Check on Camp Director

The NYS Sanitary Code Chapter 1 § 7-2.5(a) states that “each children’s camp shall have a camp director, who may also be the operator . . .” The minimum qualifications for a camp director include, among other things, “a notification from the Department of Social Services State Central Register of Abuse and Maltreatment” that the director has not been the subject of “an indicated report, investigation, or qualifying statement of child abuse or maltreatment [§ 7-2.5(a)(3)].”

In accordance with the NYS Sanitary Code Chapter 1 § 7-2.5 (a)(4), all directors who operate a summer day camp are required to submit a completed “State Central Register Clearance Form.” Upon receipt, DOH retains a copy of the completed Clearance Form and forwards the original to NYS Family Services in Albany, thereby initiating a background investigation to determine whether a child abuse or maltreatment case exists against the director of the summer day camp. Once NYS Family Services completes its investigation, it mails a letter notifying DOH of its findings.

According to our review, DOH forwarded a Clearance Form to NYS Family Services for all summer day camps in our sample. However, 20 of the files did not contain a notification

letter from NYS Family Services (see Appendix C for a list of these camps). Despite a lack of response from NYS Family Services, DOH approved, and DCA Licensing issued, permits for these camps. These camps began operating without this background investigation having been completed.

We brought this matter to the attention of DOH officials. They explained that the NYC Health Code does not require that the background check of a prospective camp director be completed prior to DOH approving a day camp's permit. The only requirement is that DOH review the Clearance Form submitted by the camp director and subsequently forward it to NYS Family Services.

DOH officials also stated that it can take more than a month to receive a response from NYS Family Services with results of the background investigation. To test the validity of this statement, we obtained a DOH list of 167 summer camps for which DOH was awaiting a response. We calculated the time that elapsed between the date DOH sent the Clearance Form to NYS Family Services and July 9, 2001, the date of our audit test. We found that DOH waited for a response an average of 47 days (the range was 31 days to 77 days). This is too long a period of time, especially when the camps may submit documentation only 30 days in advance of their opening for the season.

According to DOH officials, there was one instance in May 2000 in which NYS Family Services found that a camp director was, in fact, the subject in a case of child abuse and maltreatment, as defined by the Social Services Law § 424-1. This notification disqualified the individual from being the director of the camp. Although DOH received this notification prior to the opening of the day camp, this instance clearly reflects the importance of requiring that a background investigation of the camp director is completed prior to a camp's opening date. DOH officials stated that if a negative report is received from NYS Family Services after a camp opens, it disqualifies an individual from acting as a camp director, and DOH would require the camp to remove the individual and appoint another.

Without notification from NYS Family Services attesting to the clean record of a director, DOH has no assurance that the camp director is eligible to serve in that position. Clearly, there is a potential risk to the safety and welfare of the children who attend a day camp when DOH approves a permit prior to receiving a letter from NYS Family Services stating the results of the investigation.

Permits Approved without Documentation of Compliance from FDNY

Twenty-three of the 45 sampled DOH summer day camp files for the summer 2001 season lacked notification from FDNY stating that the camp premises complied with laws and regulations pertaining to fire control and prevention⁶ (see Appendix C for a list of these camps). DOH requires this notification prior to approving a permit for the current season.

According to DOH officials, Field Operations has assumed the responsibility of obtaining the compliance notifications from FDNY for each camp, but lately has had problems obtaining those notifications. Therefore, when a notification letter is not received, a DOH employee calls FDNY asking to verify whether the camps for which DOH does not have a notification letter are, in fact, in compliance with the required codes. The employee keeps a log listing those camps verified to be in compliance through telephone calls to FDNY.

We compared a copy of the phone log provided by DOH to the files of 23 day camps in our sample that lacked an FDNY compliance notification letter. Only 2 of the 23 camps lacking a compliance letter were on DOH's phone log—the Salvation Army Day Camp in the Bronx, and the Alpha Summer Camp in Brooklyn. Regardless of the telephone inquiries, since DOH did not have written FDNY notification for any of the 23 day camps, there was no evidence that these camps complied with FDNY regulations.

Of greater concern, the permit file for the Cambria Center for the Gifted Day Camp in Queens contained a letter from FDNY dated March 26, 2001, stating that a fire inspection on March 16, 2001, found that the camp did not comply with the laws and regulations regarding fire extinguishers, sprinkler systems, and required certificates. There was no other FDNY letter in the DOH files indicating that the violations had been cleared. Nonetheless, on June 20, 2001, DOH approved the permit for this camp.

By approving a camp's permit without a compliance notification letter from FDNY to verify that a camp complies with FDNY regulations, DOH cannot ensure that the facility is, in fact, safe and poses no threat to the people who occupy the premises. Moreover, DOH is violating the NYC Health Code and jeopardizing the lives of the children and adults who attend and work at campsites that may, in fact, be in violation of fire safety regulations.

DOH Comment: DOH officials stated: “We do not agree with your findings that day camp permits are approved without all required documentation. FDNY documentation, which is required every two years, may have been missing from the hard copy file for this year's application. The approval process relies on information in our database, which expedited processing, we also accept verbal communications from the NYFD that written documentation is forth coming.”

⁶ New York City Health Code Section 48.19(2)

Auditor Comment: We disagree with DOH’s contention that FDNY documentation is required only every two years. Furthermore, DOH’s implication that day camps are therefore required to be inspected by FDNY just once every two years is incorrect. NYS Sanitary Code and NYC Health Code C both clearly state that fire inspection verification must be submitted each year with the application submission. Those regulations do not establish the frequency with which inspections are to be conducted. Rather, New York City Fire regulations and Building Codes determine the required frequency of fire inspections based on the type and use of a structure. For example, all New York City schools are required to undergo a fire inspection each year.

DOH should make a distinction between the various building types housing summer day camps and the required frequency of fire inspections for those buildings. This would enable DOH to ensure that all required application documentation submitted for the current year, particularly the required FDNY documentation, is current and accurate.

Recommendations

DOH should:

11. Meet with officials from NYS Family Services, and devise measures to expedite the background investigation of proposed camp directors and the communication of the investigation results. For example, DOH could request access to the State Central Register’s database or DOH could request NYS Family Services to use electronic mail for notification.

DOH Response: DOH generally agreed, stating: “The Department communicated with various representatives from NYS Family services regarding timely responses on background investigations for camp directors on numerous occasions. The need for every camp in New York State to have a complete background check for a director taxes their resources in the months prior to the camp season. However, the OFO/I will contact NYS Family Services to schedule a meeting for December or January to discuss ways in which this process may be expedited.”

12. Approve a camp permit only after it receives a compliance notification letter from FDNY verifying that the camp complies with FDNY regulations.

DOH Response: DOH generally agreed, however, it noted that: “The Department does not approve permits for camps that have not passed a fire inspections. It does, however, accept verbal notifications from the FDNY and has approved permits based on that notification. For the 2001 camp season, the Department received official written notification of a passed inspection for all of our permitted camps. There was one instance where an application reviewer erred by indicating that the FDNY report was approved,

but in actuality the response was negative, and based on that oversight a permit was issued.”

13. Meet with officials from FDNY to devise measures to expedite FDNY notification of a camp’s compliance with fire safety regulations.

DOH Response: DOH generally agreed, stating: “The Department recognizes the importance of the fire safety inspection and has worked with the FDNY to ensure fire inspections are performed in a timely fashion. . . . By working closely with FDNY, we have agreed to submit a list of camps that require inspection to the FDNY’s Chief of Fire Prevention. While this process still needs improvement, it facilitated quicker inspections and better services to children’s camps. Recognizing that there were lags in inspections, which the FDNY attributed to issues of prioritization, the Department has contacted the FDNY to request expedited inspections and proposed a meeting in September [2001] to discuss the issue of fire safety and inspection of day camps. In the wake of the World Trade Center disaster, a September meeting was impossible so we will try to meet with them at their earliest possible convenience to plan for the 2002 camp season.”

APPENDIX A
Day Camps Cited for Critical Violations during, and Remaining Uncorrected at,
Final Re-Inspection for Summer 2000

No.	Day Camp Name	Boro	Number of Critical Violations Cited During First Inspection for Summer 2000	Number of Critical Violations Cited During and Uncorrected as of Final Re-inspection for Summer 2000	Camps w/Critical Violations Cited During Inspections in Summer 2001
1	Garden Summer Camps	BX	8	8	
2	#1 Family Day Camp	BX	1	2	X
3	Inwood Summer Program For Youth	MH	3	3	
4	Epworth United Methodist Church Day Camp	BX	3	3	
5	Grand Street Settlement Day Camp	MH	1	1	
6	Casita Maria Carver Cmty Center Camp	MH	2	2	
7	Grosvenor Neighborhood House Day Camp	MH	2	2	
8	P.A.L. Foster-Laurie Day Camp	QN	4	4	
9	Holyrod Church Summer Day Camp	MH	1	1	
10	Kingsbridge Heights Cmty Ctr Day Camp	BX	3	3	
11	ACT Program at Cathedral St. John the Divine	MH	2	2	X
12	P.A.L. Duncan Youth Center Day Camp	MH	3	2	
13	Camp Blue Castle	QN	1	1	
14	Adventureland Day Camp	QN	2	2	
15	St. Andrews Summer Day Camp	BX	4	1	
16	Tolentine Zeiser Day Camp	BX	1	1	
17	NYCHA Prospect Plaza Cmty Ctr Day Camp	BK	4	1	
18	Manhattan North Summer Educ Project Day Camp	MH	5	2	
19	NYCHA O. Dwyer Gardens Cmty Ctr Camp	BK	1	1	
20	SISDA Youth Program	MH	2	2	
21	Community Protestant Church	BX	2	2	
22	East Side Houses Mott Haven Cmty Ctr	BX	3	3	
23	So. Queens Park Assoc. Day Camp	QN	2	2	
24	Parks St. Mary's Play Camp	BX	4	3	X
25	Waterside Day Camp	MH	4	4	X
26	A Child's Place Too Day Camp	QN	4	4	
27	Summer Fun Day Camp	QN	4	1	X
28	St. Martha's Episcopal Church Day Camp	BX	2	2	
29	St. Peter Claver Day Camp	QN	4	1	
30	St. Mary Mother of Jesus Day Camp	BK	2	2	
31	Salvation Army (Harlem) Summer Day Camp	MH	1	1	X
32	Universal Day Camp	MH	4	4	X
33	Camp Friendship	BK	3	3	
34	Newman Memorial Day Camp	BK	3	5	X
35	New Settlement Apts. Summer Day Camp	BX	4	4	
36	Jacob A. Riis Settlement Day Camp	QN	4	4	
37	Crown Heights Prevention Program	BK	2	4	
38	NYCHA Markham Gardens Cmty Ctr Camp	SI	4	1	
39	Community Orientation Center Day Camp	BK	1	1	
40	Parkhill Summer Day Camp	BX	1	1	X
41	Camp Enrichment at Our Lady of Grace School	BX	5	1	
42	Razzle Dazzle Day Camp	QN	6	3	

No.	Day Camp Name	Boro	Number of Critical Violations Cited During First Inspection for Summer 2000	Number of Critical Violations Cited During and Uncorrected as of Final Re-inspection for Summer 2000	Camps w/Critical Violations Cited During Inspections in Summer 2001
43	Sensational Kids at the Mary Louis Academy	QN	1	1	
44	Scan Mullaly Summer Day Camp	BX	2	2	
45	NYCHA Summer Day Camp	BK	3	3	
46	W.L. Boner Youth Enrichment Summer Day Camp	MH	4	4	
47	Aspira Project B.E.A.M 10 Camp	BX	6	5	
48	NYCHA J.W. Johnson Cmty Ctr Camp	MH	1	1	
49	Langston Hughes Cmty Ctr Camp	BK	4	4	
50	Catholic Charities Summer Day Camp	QN	7	7	
51	Cunningham Park Day Camp	QN	2	2	
52	NY Foundling Hospital Project Basem 542	MH	1	1	
53	NYCHA Marines Harbor Cmty Ctr Camp	SI	2	1	
54	Boys Harbor Upward Bound Day Camp	MH	1	1	X
55	Christ Fellowship Baptist Church Day Camp	BK	1	1	
56	Transfiguration Lutheran Church Day	BX	2	1	
57	Flushing Memorial Summer Day Camp	QN	3	2	
58	Wonder Works Camp	QN	2	2	
59	Tremont United Methodist Day Camp	BX	2	2	
60	A Place for Kids Camp	MH	1	1	
61	Anointed Minds Christian Camp	BK	3	2	
62	Hollis Presbyterian Church Camp	QN	3	3	
63	Tramontozzi Soccer Camp	SI	4	4	X
64	The Salvation Army Day Camp	QN	1	1	
65	Youth People's #1 Marin Park Camp	QN	1	1	
66	Youth People's Day Camp of Brooklyn	QN	2	1	
67	NYCHA Two Bridges Cmty Ctr	MH	3	1	
68	Holy Cross Summer Day Camp	MH	1	1	
69	Mil Basin Day Camp	BK	4	4	
70	Steven Sales Summer Camp	BX	3	1	
71	Harlem YMCA/Jackie Robinson Day Camp	MH	1	1	
72	NYCHA Louis H. Pink Houses Cmty Ctr Camp	BK	2	2	
73	Owen Dolan Summer Camp	BX	11	1	X
74	Torah Academy for Girls	QN	4	4	
75	University Heights Community Center	BX	1	1	
76	Beacon School/I.S. 131 Summer Day Camp	QN	5	1	X
77	NYCHA Rutgers Cmty Ctr Camp	MH	3	2	
78	Child Development Center of Kingsborough	BK	2	2	X
79	BCA Summer Day Camp at P.S. 200	BK	3	3	X
80	Parsons Globe Trotters Beacon Program	QN	2	1	
81	Camp Gan Israel	BK	4	4	
82	Little Tots at Play	QN	3	3	
83	IS 263 Beacon Summer Camp	BK	4	2	
84	Kenny Anderson Classic Summer Day Camp	QN	10	4	
	Total		247	191	15

APPENDIX B

**Summary of 58 Summer Day Camps Inspected and
the Number of Non-Compliant Conditions Found in Four Safety Areas**

No.	Summer Day Camp Name	Boro	Type*	Total Non-Compliant Critical Items Found			
				Camp Permit/ Medical Safety	Fire Safety	Facility Maintenance	Outdoor & Water Activity Safety
1	J.W. Johnson Houses CC-Day Camp	MH	MU-NYCHA	0	1	1	0
2	East River Houses CC-Wilson Day Camp	MH	MU-NYCHA	2	1	1	0
3	Polo Grounds	MH	MU-NYCHA	1	1	0	0
4	Ralph J. Rangel CC-Day Camp	MH	MU-NYCHA	1	2	0	1
5	Butler Houses CC-Day Camp	BX	MU-NYCHA	2	4	1	2
6	Washington Ave CC-Day Camp	BX	MU-NYCHA	0	2	2	1
7	Betances C.C. 146	BX	MU-NYCHA	2	1	0	0
8	Melrose	BX	MU-NYCHA	1	3	0	0
9	Tilden Houses CC	BK	MU-NYCHA	1	0	1	0
10	Brownsville (parks)	BK	MU-PKS	1	3	0	2
11	Van Dyke Houses CC	BK	MU-NYCHA	1	1	0	0
12	Ocean Hill CC	BK	MU-NYCHA	1	2	0	0
13	Bushwick CC	BK	MU-NYCHA	1	2	1	0
14	Atlantic Terminal CC-Day Camp	BK	MU-NYCHA	0	1	1	0
15	Weeksville CC-Day Camp	BK	MU-NYCHA	1	2	0	0
16	Edgemere CC-Day Camp	QN	MU-NYCHA	0	1	1	0
17	Sorrentino-New Start Day Camp (Parks)	QN	MU-PKS	0	0	1	0
18	Bland CC-Day Camp	QN	MU-NYCHA	0	2	0	0
19	Latimer Gardens CC	QN	MU-NYCHA	1	0	0	0
20	East Chester CC-Day Camp	BX	MU-NYCHA	1	1	1	0
21	Sound View CC	BX	MU-NYCHA	1	0	0	0
22	Farragut CC-Day Camp	BK	MU-NYCHA	1	2	0	0
23	Ingersoll CC-Day Camp	BK	MU-NYCHA	0	0	0	0
24	New Brighton Homes CC-Day Camp	SI	MU-NYCHA	1	2	1	0
25	Todt Hill CC-Day Camp	SI	MU-NYCHA	0	0	0	0
26	Fort Independence CC-Day Camp	BX	MU-NYCHA	0	0	0	0
27	Williamsbridge Oval (Parks)	BX	MU-PKS	2	2	0	0
28	Glenwood CC-Day Camp	BK	MU-NYCHA	1	0	0	0
29	Breklen CC-Day Camp	BK	MU-NYCHA	0	1	0	0
30	Manhattanville CC-Day Camp	MH	MU-NYCHA	0	4	1	1
31	J. Hansborough Rec Ctr (Parks)	MH	MU-PKS	2	4	1	2
32	Silver Lake Tennis	SI	MU-PKS	1	1	0	0
33	Cooper Park	BK	MU-NYCHA	1	1	0	0
34	Lafayette Gardens CC	BK	MU-NYCHA	0	1	0	0
35	All Saint's Kiddie Camp	SI	PVT	1	1	0	1
36	PS 121 – Camp 21st Century	QN	PVT	1	3	1	0
37	Tally-ho Day Camp	QN	PVT	1	1	0	1
38	Montessori Family School	MH	PVT	1	1	0	0
39	Goddard Riverside Beacon Camp	MH	PVT	1	1	1	0
40	Manhattan North Summer Ed Project	BX	PVT	1	1	1	0
41	Bronx Baptist Church	BX	PVT	1	1	2	0

APPENDIX B- continued

No.	Summer Day Camp Name	Boro	Type*	Total Non-Compliant Critical Items Found			
				Camp Permit/ Medical Safety	Fire Safety	Facility Maintenance	Outdoor & Water Activity Safety
42	Help Morris	BX	PVT	1	0	0	0
43	Columbus Clubhouse Day Camp	BX	PVT	0	0	0	0
44	Coleman's Corner Daycare /Day Camp	QN	PVT	2	0	0	0
45	Alpha & Omega Church	QN	PVT	1	1	0	0
46	Rochdale Village Summer Freedom Day	QN	PVT	1	0	0	0
47	Cambria Heights CC-Day Camp	QN	PVT	1	2	0	0
48	Tutor Time	BK	PVT	0	2	0	0
49	Camp Friendship	BK	PVT	0	2	0	0
50	P.A.L. Wynn Center	BK	PVT	1	0	1	0
51	Bedford Stuyvesant YMCA Camp	BK	PVT	1	1	0	1
52	Summer Youth Academy Skills	BK	PVT	1	3	1	0
53	St.Peter's Day Camp	SI	PVT	1	1	0	0
54	Breakaway Camp YMCA	BK	PVT	0	3	0	0
55	Grand Street Settlement Day Camp	MH	PVT	0	1	0	0
56	Waterside Day Camp	MH	PVT	1	0	0	0
57	Hudson Building	MH	PVT	0	0	0	0
58	Boys Club of NY	MH	PVT	0	1	0	2
Grand Total				45	75	21	14

* Day Camp Type: PVT= Private Day Camp;

MUN-NYCHA= Municipal Day Camp run in and/or by the New York City Housing Authority

MUN-Parks= Municipal Day Camp run by the New York City Department of Parks and Recreation

APPENDIX C
Sampled Day Camp Files for Summer 2001 Awaiting Response from NYS Family Services
and/or Missing FDNY Notification of Compliance

Sample#	CAMIS #	Camp Name	Boro	Awaiting Response from NYS OCFS	Missing FDNY Notification of Compliance
1	#40489214	Cardinal Spellman Center Day Camp	MH		X
2	#40489601	Educational Alliance Day Camp	SI		
3	#40490232	NYCHA Gravesend Cmty Houses Center Day Camp	BK		X
4	#40490603	Beth Elohim Summer Day Camp	BK		X
5	#40490725	P.A.L. Arnold & Marie Schwartz Center Day Camp	BK	X	X
6	#40490899	Immigrant Social Services Day Camp	MH		N/A
7	#40491015	Kim's Kids Summer Camp, Inc.	BK		X
8	#40491190	United Activities Unlimited Day Camp	SI		N/A
9	#40491402	Xavier Higher Achievement Program Day Camp	MH		X
10	#40491480	Duryea Vacation Day Camp	BK	X	X
11	#40579193	BCCC Summer Day Camps –Bensonhurst	BK		N/A
12	#40586471	NYCHA Bayview Houses Day Camp	BK		
13	#40692650	Steven Sales Summer Camp(Highbridge)	BX		X
14	#40746383	NYCHA Independence Community Day Camp	BK		X
15	#40758365	Parsons Globe Trotters Beacon Program Day Camp	QN	X	
16	#40489183	Hillcrest Jewish Center Day Camp	QN	X	
17	#40489266	Minisink Townhouse Day Camp	MH	X	
18	#40489421	NYCHA Highbridge Gardens Cmty Ctr Camp	BX	X	
19	#40489615	The Salvation Army Day Camp (Kings)	BX		X
20	#40489822	Kingsbridge Heights Cmty Ctr Day Camp	BX	X	
21	#40490200	NYCHA Ocean Hill Cmty Ctr Day Camp	BK	X	X
22	#40490360	St. Thomas the Apostle R.C. Day Camp	MH		
23	#4090629	Cambria Center for the Gifted Child Day Camp	QN	X	X
24	#40490732	Amity Baptist Church ABC Day Camp	QN	X	X
25	#40490989	National Youth Sports Program Camp	BX	X	
26	#40491066	Parkway Day Camp	BK	X	
27	#40491183	Cha Rosa Day Camp	QN		
28	#40491259	Genesis Homes Day Camp	BK	X	X
29	#40491366	NYCHA Jacob Riis Cmty Ctr Day Camp	MH		X
30	#40491443	Fine, Applied and Performing Arts Camp	SI		X
31	#40524190	St. Columbia Summer Enrichment Program Camp	MH		X
32	#40533512	Bethel Christian Learning Center Day Camp	QN		X
33	#40586291	Basketball World Camp	SI	X	X
34	#40634960	Alliance Christian Day Camp	QN		X
35	#40690884	Summerbridge Day Camp at the Town School	MH	X	
36	#40698020	P.A.L. Harlem Camp	MH	X	X
37	#40748687	Southern Queens Park Association Day Camp	QN	X	X
38	#40755424	Our Savior Lutheran Church Camp	QN	X	
39	#40758359	Lacasa Day Camp	MH	X	
40	#40825011	Alpha Summer Camp	BK	X	X
Totals				20	23

ADDENDUM- Agency Response



**THE CITY OF NEW YORK
DEPARTMENT OF HEALTH**

Rudolph W. Giuliani
Mayor

Neal L. Cohen, M.D.
Commissioner

October 31, 2001

Ms. Faige Hornung
Director of Management Audits
Office of the Comptroller
1 Centre Street, Room 1100 North
New York, New York 10007-2341

**Subject: Draft Audit of the Licensing and Monitoring Of Summer Day Camps
by the New York City Department of Health
Audit #MH01-175A, Issued August 24, 2001**

Dear Ms. Hornung:

The Department of Health has reviewed the subject report issued by your office. We appreciate the professionalism of your staff, and the consideration given to our views at the exit conference.

Summer Camps provide an essential community service for thousands of working families. Our primary responsibility is to assure the safety of children attending camps. We believe that your report substantiates our belief that this safety is well assured.

A major area of concern in your report is the permitting process and the number of camps in operation without valid permits. As the report clearly states, the New York City Health Code mandates that day camps have approved permits prior to operation. Certain documents present significant obstacles to permit approval. For instance, courses that provide CPR for the Professional Rescuer and Responding to Emergencies First Aid certifications are scarce and difficult to schedule and complete in the weeks prior to summer openings. Also, many day camp facilities (including public school buildings and Parks Department recreation centers) do not have current valid Certificates of Occupancy issued by the Department of Buildings to verify that a building or structure conforms to the requirements of all laws, rules, and regulations and is appropriate for its intended use.

We cannot disagree that some day camps operate in the absence of all required documentation. The Department is exploring alternatives to existing documentation requirements that would provide equivalent assurances of camper safety and health. We are also exploring administrative changes that would allow us to complete the permitting process on a timelier basis.

We do not agree with your finding that day camp permits are approved without all required documentation. FDNY documentation, which is required every two years, may have been missing from the hard copy file for this year's application. The approval process relies on information in our database, which correctly indicated that documentation was in place. Because of the need for expedited processing, we also accept verbal communications from the NYFD that written documentation will be forthcoming.

The Department does determine through its inspections that camps adequately provide for the safety and well-being of children who attend those camps. In so doing, the Department effectively determines that all physical facilities are properly operated and maintained, and that supervision is adequate to provide a healthy and safe environment for campers.

When health hazards are found, a camp is closed or the area or activity that represents a hazard is restricted. This is demonstrated in your report, which found no unsafe conditions in over 97% of day camps visited by your office. Additionally, our records indicate (as we indicated to your office) that no safety threats existed in the remaining 2% of day camps visited by your office.

We believe that our program is much more effective than your report suggests. We do, however, agree with many of your recommendations. Recommendations about expediting the permits process are especially appropriate and the Department is reviewing Day Camp operations to implement them. Contemplated changes include a more proactive application process, which includes meeting with individual applicants to review permit packages and mandatory operator training.

Attached to this letter are more detailed comments on the audit report and the response to each recommendation. We appreciate the courtesy and consideration of your audit staff in the performance of this audit. If you have any questions or need further information, please contact Charles Troob, Assistant Commissioner for Business Systems Improvement, at (212) 442-8413/8436.

Sincerely yours,


Benjamin A. Mojica, M.D., M.P.H.
Deputy Commissioner for Health

Attachment

**Copy: Neal L. Cohen, M.D., Commissioner of Health
Dan Still, Deputy Commissioner
Kelly R. McKinney, PE, Associate Commissioner
Ron Bergmann, Associate Commissioner
Allan Goldberg, Assistant Commissioner
Elliott S. Marcus, Assistant Commissioner**



THE CITY OF NEW YORK DEPARTMENT OF HEALTH

Rudolph W. Giuliani
Mayor

Neal L. Cohen, M.D.
Commissioner

DOH RESPONSE TO RECOMMENDATION MADE IN PRELIMINARY REPORT - AUDIT #MH01-175A

Summer Day Camps Operating Illegally Without a Permit

Recommendations

DOH should:

1. Ensure that day camps do not open and operate without approved permits.
2. Consider reassigning staff members temporarily from other units within the agency to the Field Operations Day Camp Unit to address the shortage of staff and increased workload for permit review and approval.
3. Reevaluate its permit review process to identify areas where greater efficiency can be achieved and design procedures that will result in a more timely and realistic approval process for summer day camp permits.
4. Propose a change in the NYC Health Code or institute procedures requiring camp operators to submit all required permit documentation at least 60 days prior to the opening of a day camp.

The Department of Health (DOH) agrees that day camps should be permitted prior to operations. Each year the Department's Office of Field Operations/Inspections (OFO/I) makes substantial accommodations to review and process approximately 800 summer day applications within a short period of time so that permits may be issued as early as possible. Often, camps that operated the previous year receive a pre-permit inspection prior to the receipt of an application so the approval process may be expedited.

The Office of Field Operations/Inspection (OFO/I) mobilizes quickly to cope with a flood of applications that must be quickly reviewed and approved. This year we hired four additional college interns, reassigned two Associate Public Health Sanitarians Level I to work full-time, and two Associate Public Health Sanitarians Level II and an Assistant Director to work part-time with the Day Camp Unit in processing of over 800 received applications.

The application and permit process has many facets, including: address,

BUREAU OF REGULATORY AND ENVIRONMENTAL HEALTH SERVICES
OFFICE OF FIELD OPERATIONS/INSPECTIONS
DAY CAMP UNIT

253 Broadway, 6th Floor, CN 59A, New York, New York 10007, (212) 676-1600, Fax (212) 442-2633

ownership and tax exemption verification; facility and staff qualifications review; and written safety plan review and approval. Certain documents present significant obstacles to approval. For instance, courses that provide CPR for the Professional Rescuer and Responding to Emergencies First Aid certifications are scarce and difficult to schedule and complete in the weeks prior to summer openings. Also, many Day Camp facilities (including public school buildings and Parks Department recreation centers) do not have Certificates of Occupancy,¹ a costly and difficult document to obtain.

The Department initiated the process to amend Article 48 of the New York City (NYC) Health Code earlier this year and the recommendations for change will be submitted to the Board of Health this December. Many of the proposed amendments speak to restructuring front-end application processes and tightening enforcement policies, and speak to the recommendations made by the auditors. The proposed amendments include: requiring the submission of permit applications sixty days before the start of operations; and mandatory attendance for application seminars at which the operator will complete an application that will receive immediate review by a program representative so that all forms are completed correctly.

Inadequate Enforcement Measures for Camps Chronically in Violation of Regulations

Recommendations

DOH should:

5. Alert camps that end a season with uncorrected violations that they will be given special attention the following season.
6. At the beginning of the following season, immediately inspect those camps that ended the previous season with uncorrected violations. If any of those camps are found operating without a permit and are cited for the same violations as in the previous year, shut them down. If a camp is not yet operating yet, but is cited for violations during the inspection, notify the camp that it will not be allowed to open until all violations are cleared.
7. Track each day camp's history of violations from year to year and place those camps with repeated violations under greater scrutiny and impose greater fees and penalties against those camps that chronically violate the health codes.
8. Indicate in its annual Directory of Summer Camps and on its website the

¹ Documentation issued by the Department of Buildings that verifies that a building or structure conforms to the requirements of all laws, rules, and regulations and is appropriate for its intended use.

previous year's uncorrected critical violations next to the names of those day camps that had such violations, or include a separate list of day camps with such violations.

Camper safety is of paramount importance to the Department and no camp is allowed to operate where child's well-being is in question. To that end the Department will restrict activities or access to areas of a camp where violations exist. Summer Camps provide an essential community service by providing supervision for working parents and in many instances one or two wholesome meals a day for a child. Often, they face dilemma of hiring qualified staff at minimum salaries. Many camps are run by faith-based institutions or community based voluntary not-for-profit organizations. As such, the Department is reluctant to close a camp unless an uncorrectable public health hazard exists or camper safety cannot be assured.

Subpart 7.2 of the New York State Sanitary code outlines the public health hazards, condition or conditions that if left uncorrected the time of inspections will warrant the immediate closure of a summer camp. Further Section 5.17 of the New York City Health Code allows the Department to close an establishment for the offering of a bribe, failure to appear or pay monetary penalties associated with a fine, or for willful or continuing violation of the health code. The Department may not close a camp in an arbitrary or capricious way. Repeated violations may not be serious enough to warrant closing a camp on the spot.

No camp that has failed an inspection may self certify instead of receiving a preoperational inspection at the start of the next camping season and in that sense greater attention is paid to those camps that had serious violations or uncorrected violations in the previous operating season. Additionally, the Department does not issue a permit to a camp that cannot pass the pre-permit inspection. The violation that is most frequently cited at a children's camp is not having qualified staff who possess the minimum certified requirement for the title. In cases where the summer camp cannot provide the minimum qualified staff, the Department will limit the activity of the children to a passive low risk setting. Camps often complain that it is difficult to get their staff enrolled and certified in existing programs for CPR for the Professional Rescuer and Responding to Emergencies First Aid. The Department will explore the possibility of creating additional courses offering them through the Health Academy for camps that are permitted by the Department. This too will require a Health Code amendment approved by the Board of Health.

The Department will consider the recommendation to more closely monitor camps as it continues the process of amending Article 48 of the Health Code so that camps with repeated failed inspections receive special attention. As an alternative to stiffer fines and more punitive measures, the Department will

investigate the efficacy of requiring operators to participate in additional off-season training so that they are better prepared for the next season. This will enable camps to direct their resources to improved facilities or programming rather than violations.

The Department currently publishes a directory of camps that were issued a permit in the previous year. It will consider adding a feature to its web-based edition of the directory that will enable parents or guardians to check on whether the camp has reapplied for and received its permit for the current operating season. This directory may be updated weekly.

Overall physical conditions at 56 of 58 Day Camps inspected by auditors were generally satisfactory

Recommendation

DOH should:

9. Instruct camp operators to keep all designated means of egress from the building or structure unobstructed and unlocked.
10. Implement a mandatory education program in conjunction with the FDNY's Bureau of Fire Prevention, requiring camp operators and directors to attend the program to educate them and ensure compliance with fire safety regulations.

The Department agrees with both of these recommendations. It will work toward amending the Health Code so that it will include a requirement that all camp operators and/or directors attend an educational program on fire safety (including keeping designated means of egress unobstructed and unlocked), supervision, recreation, and other issues related to the safe operation of a children's summer camp.

Day camp files lack key documents

Day camp permits approved before receipt of background check on camp director

Permits approved without documentation of compliance from FDNY

Recommendation

DOH should:

11. Meet with officials from NYS Family Services, and devise measures to expedite the background investigation of proposed camp directors and the communication of the investigation results. For example, DOH could request

access to the State Central Register's database or DOH could request NYS Family Services to use electronic mail for notification purposes.

12. Approve a camp permit only after it receives a compliance notification letter from FDNY verifying that the camp complies with FDNY regulations.
13. Meet with officials from FDNY to devise measures to expedite FDNY notification of a camp's compliance with fire safety regulations.

The Department has communicated with various representatives from NYS Family Services regarding timely responses on background investigations for camp directors on numerous occasions. The need for every camp in New York State to have a completed background check for a director taxes their resources in the months prior to the camp season. However, the OFO/I will contact NYS Family Services to schedule a meeting for December or January to discuss ways in which this process may be expedited.

The Department recognizes the importance of the fire safety inspection, and has worked with the FDNY to ensure fire inspections are performed in a timely fashion. The process in which fire inspections are performed has become centralized, and is better managed. Previously, individual camp operators had to apply for and obtain inspections reports from their local fire stations. By working closely with FDNY, we have agreed to submit a list of camps that require inspection to the FDNY's Chief of Fire Prevention. While this process still needs improvement it has facilitated quicker inspections and better services to children's camp. Recognizing that there were lags in inspections, which the FDNY attributed to issues of prioritization, the Department has contacted the FDNY to request expedited inspections and proposed a meeting in September to discuss the issue of fire safety and inspections at day camps. In the wake of the World Trade Center disaster, a September meeting was impossible so we will try to meet with them at their earliest possible convenience to plan for the 2002 camp season.

The Department does not approve permits for camps that have not passed a fire inspection. It does, however, accept verbal notifications from the FDNY and has approved permits based on that notification. For the 2001 camp season, the Department received official written notification of a passed inspection for all of our permitted camps. There was one instance where an application reviewer erred by indicating that the FDNY report was approved, but in actuality the response was negative, and based on that oversight a permit was issued.