

**Amusement Devices and Similar Equipment at
Children's Camps in New York State
Fact Sheet
March 2014**

The New York State Departments of Health (DOH) and Labor (DOL) have established a Memorandum of Understanding (MOU) to eliminate duplicative inspection and oversight responsibilities of certain equipment/activities at children's camps that are categorized as "amusement devices" under [12 NYCRR Part 45 of DOL rules and regulations](#). Under this agreement, inspecting and permitting responsibility may be transferred from DOL to DOH as described below for certain amusement devices including zip lines, high rope courses, climbing walls with mechanical belays, canopy tours, euro bungees, water slides 20 feet tall and higher, and similar non-motorized devices (including giant swings). These devices are referred to as "covered amusement devices" and/or "covered devices" in the MOU, fact sheet and related documents.

DOL has granted an "[Applicable Variance](#)" from Article 27 of Labor Law and Industrial Code Rule 45, 12 NYCRR Part 45 which exempts covered amusement devices operated at children's camps that are regulated by the Health Department. The variance specifies conditions that a camp operator must comply with in order to qualify for DOL exemption. The variance is issued Statewide. It is not necessary for a camp operator to individually apply to DOL for the variance.

A covered amusement device may be permitted by DOL or regulated by DOH in accordance with Subpart 7-2 of the New York State Sanitary Code (SSC) and the conditions outlined in the applicable variance. Covered devices that are regulated by local health departments (LHDs) must be operated in compliance with the DOL variance and the following:

1. Amusement devices must be constructed, installed, and maintained in accordance with manufactures recommendations. An operations manual, which specifies the operation, maintenance, and daily inspection requirements for use and is consistent with industry standards, must be provided by the manufacturer and maintained on site at the camp consistent with industry standards. The operator must maintain records documenting compliance with the schedule/requirements.
2. Covered amusement devices such as zip lines, high rope/challenge courses, climbing walls, canopy tours, water slides, and similar non-motorized devices that are manufactured onsite must be designed by a professional engineer licensed to practice in New York State. This includes the original design and subsequent modifications. Engineering Plans must be filed with the local health department and must demonstrate compliance with industry and regulatory standards such as the Association of Challenge Course Technology (ACCT) or equivalent; Subpart 6-1 of the New York State Sanitary Code (water slides), and Uniform Building and Construction Code. A written statement signed by a professional engineer certifying construction compliance with the design plan must be submitted to the local health department upon completion of construction.

3. Construction: It is recommended that a builder of a challenge course be an ACCT Professional Vendor Member or have similar training, and should have experience in building similar structures, devices or elements. A list of professional vendors is found at <http://www.acctinfo.org>.
 - If the builder is not an industry professional, it is recommended that an inspection is conducted by such professional upon completion of the course to certify that construction is in compliance with industry standards. Any deficiencies must be corrected prior to use.
4. Annual Inspection – Before use each year and as otherwise specified by the manufacturer, covered amusement devices and similar equipment must be inspected by a professional vendor member accredited by the ACCT, a person certified by the National Association of Amusement Ride Safety Officials, a professional engineer, or other qualified third-party inspector. Each device/element must be inspected for the integrity of all hardware, materials, equipment, and the condition of the environment in the vicinity of the device/element by the inspector. Any deficiency noted during the inspection must be corrected prior to use.
5. Certificate of Liability Insurance Coverage for Amusement Devices – Annually prior to use, the operator must provide the LHD with proof that insurance was purchased or cash or other security posted in an amount not less than one million dollars (\$1,000,000) per occurrence or a bond in an amount not less than two million five hundred thousand dollars (\$2,500,000) in the aggregate against liability for injury to persons arising out of the use of the amusement device.

Additional Information:

- Low rope courses, climbing walls without mechanical belays, water slides under 20 feet, water trampolines, and similar equipment do not meet the definition of an amusement device by DOL and, therefore, the DOL regulations and MOU requirements do not pertain to these devices.
- A professional engineer is not required to design low ropes/challenge course elements when the design is determined to not include the safeguarding of life, health or property. However, an inspection by an industry professional should be done after construction and annually thereafter when the device contains or attaches to trees, poles, or uses any other anchoring system where failure could result in injury.
- In addition to reporting injuries to the LHD as required by Subpart 7-2 SSC, camp operators must also immediately report serious injuries resulting from the use of the covered devices to [DOL District Offices](#). “Serious injury” means a personal injury which results in death; dismemberment; significant disfigurement; a compound or comminuted fracture; permanent loss of a body organ, member, function or system; or loss of consciousness resulting in hospitalization.
- DOL retains responsibility for inspecting and permitting motorized devices such as bumper boats, go-carts, and carnival rides.