



105 CMR 432.000: *Minimum Requirements for Personal Flotation Devices for Minor Children at Municipal and Recreational Programs and Camps*

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Presentation Overview

105 CMR 432.000: *Minimum Requirements for Personal Flotation Devices for Minor Children at Municipal and Recreational Programs and Camps*

- Background
- Proposed New Regulations: Definitions, Swim Tests, PFD Provision, Policies and Procedures
- Next Steps
- Questions



Background

- These new regulations implement requirements of M.G.L. Chapter 111, §127A^{1/2}, also known as “Christian’s Law”, to ensure that municipal and recreational programs and camps have a system in place to make available personal flotation devices (PFDs) to children who are determined to be either non-swimmers or at-risk swimmers.
- The law only applies to swimming or diving areas at marine or freshwater beaches and explicitly excludes swimming pools, wading pools and other artificial bodies of water.



Background

Christian's Law was enacted in 2012, and requires all municipal and recreational programs or licensed camps conducting swimming activities at fresh or saltwater beaches to:

1. Ensure that all minors are swim tested at the first swimming session.
2. Make available a Type I, II, or III personal flotation device (PFD) to all minor children determined to be either a non-swimmer or an at-risk swimmer, and
3. Allow parents or legal guardians to provide their own PFD to their child if they so choose.



Background

Proposed regulations informed by:

- Collaboration with stakeholders to solicit their input including the Christian E. Frechette (CEF) Foundation, the Safety Institute, the Massachusetts Camping Association (MCA), Massachusetts Municipal Association (MMA), the Alliance of Massachusetts YMCAs, and others.
- Industry Best Practice Standards (e.g. – United State Coast Guard guidelines, American Red Cross swimming levels, etc.).
- Guidance (documents/video) previously issued by the Department to operators of municipal and recreational programs and licensed recreational camps regarding these new requirements in 2012.



Proposed Regulations - Overview

105 CMR 432.000:

- Provides definitions;
- Specifies swim test requirements;
- Requires confinement to appropriate swim area;
- Outlines requirements for making PFDs available to non-swimmers and at-risk swimmers;
- Allows parents or guardians to provide their own PFD for their child if they choose; and
- Includes specific required policies & procedures, as well as recordkeeping.



Proposed Regulations

432.010: Definitions

Defines key terms, including: Municipal and Recreational Program(s) and Camp(s); Swim Test; Certified Swim Instructor (CSI); Swim Assessor; Non-Swimmer; and At-risk Swimmer.

- **Swim Test**: A swimming ability determination conducted at a minimum once per summer for every minor at each program or camp by a certified swim instructor or a swim assessor.
- **Non-Swimmers**: Program or camp participants (minors) that have not yet passed a Red Cross Level 3 or YMCA Minnow swim proficiency test, or other equivalent classification as approved by the Department.
- **At-risk Swimmers**: Program or camp participants (minors) that may or may not have passed a Red Cross Level 3 or YMCA Minnow swim proficiency test, or other equivalent classification, but have been determined to have a physical, psychological, medical or cognitive disability that could have a negative impact on their swimming ability.



Proposed Regulations

432.100: Swim Test Requirements

- All minors, including staff, at each program or camp must be swim tested at the first swimming session under close supervision and without a PFD;
- With limited exceptions, swim tests must be conducted at the marine or freshwater beach venue where swimming will occur.
- Swim tests must be conducted by a Certified Swim Instructor or Swim Assessor;
- Results of swim tests must be documented.



Proposed Regulations

432.110: Confinement to Certain Swimming Areas

- Minors determined to be non-swimmers or at-risk swimmers must be confined to swimming areas consistent with their swimming abilities.

432.120: PFDs Made Available by the Operator

- Operators must ensure that properly sized PFDs are made available for non-swimmers and at-risk swimmers and each minor is assessed for a proper fitting PFD prior to any swimming activity.
- Operators must have an adequate number and range of sizes of PFDs in serviceable condition for non-swimmers/at-risk swimmers.
- Operators may contract with off-site bathing beach operators for supply of PFDs.



Proposed Regulations

432.130: PFDs Provided by Parents or Guardians

- Operators must allow parents/guardians to provide a properly sized and fitted PFD for their child if they wish and ensure that child uses it.
 - Within this section of the regulation there are provisions in place to ensure the PFD that is being dropped off with the child is properly sized and fitted, as well as criteria for informing the parent/guardian if the PFD is not of a proper size and fit.
 - If the PFD provided by a parent or guardian does not meet fit test standards, the camp will provide the child with a properly fitted PFD.

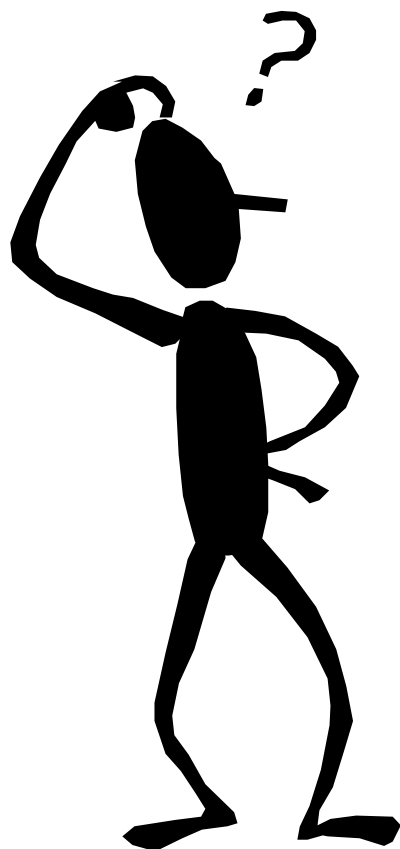
432.400: Policies and Recordkeeping

- Written policies and procedures must include:
 - An orientation plan for all staff and volunteers;
 - Procedures for identifying non-swimmers and at-risk swimmers;
 - A daily check-in routine for reviewing and confirming proper swimming level identification;
 - A plan to ensure an adequate inventory of serviceable PFDs and their proper storage;
 - Procedures for PFD distribution to participants;
 - Appropriate training for staff, and
 - Compliance with required recordkeeping.



Next Steps

- Following this presentation to the Public Health Council, a public hearing and comment period will be held.
- A summary of public comments and any changes to the proposed amendments will be presented at a subsequent meeting of the Public Health Council.



Questions

