

October 25, 2017  
Pools Meeting on Critical Violations  
Wye Mills, MD

Notes:

- Goal of the meeting is to discuss what should be a critical violation vs a major violation with the goal of preventing injury or harm.
- There was discussion that while pool owners should be well-versed in the regulations, a short document concisely listing in plain English the critical and major violations may help with compliance.
- Concerns were raised about whether or not the previous 2015 proposal could still be submitted in its entirety as drafted by the previous workgroup. The Department noted that while the current direction is to do smaller proposals based on the language from the 2015 draft, it is not opposed to considering a larger proposal in the future. Others noted that the 2015 proposal was close but still needed work, especially regarding the classification of critical and major violations. It was proposed that the Secretary of Health's presence at a future meeting would allow the stakeholders to directly convey the direction in which they would like to proceed.
- There were questions about how to interpret "immediately" in the context of the correction of a critical violation. This conforms to how other regulations are written and provides the inspector with the discretion to provide additional time to make the correction. This will be an important item to discuss under LHD Standardization.

## **CRITICAL VIOLATIONS**

- **pH Requirements**
  - Slide #8
  - Discussion: Most test kits don't read below 6.8 and can be inaccurate at extremes of scale.
  - Status: The range outside of which is a critical violation should be changed to 7.0 - 8.0.
- **Free of Pathogens**
  - Slide #8, Regulation .48B
  - Discussion: Questions were raised about whether pool owners would have to regularly test for pathogens. It was explained that pool water is only tested for the presence of pathogens if there is a complaint. This only applies to pathogenic organisms and not coliform bacteria and is part of the current regulations.
- **Barriers**
  - Slide #8, Regulation .21 except for .21A(10)(a), (d)-(f), and B(2).
  - Discussion: Because gates at public pools are either left open (with an employee in attendance) or locked (when pool is closed), the height of the latch release on the gate does not pose a risk to health and safety. This requirement is more applicable to .21B, which covers semipublic pools.

- Discussion: The barrier requirements for spray grounds is not clear in the regulations. Like .21B for semipublic pools, a separate section that details the barrier requirements for spray grounds would be helpful.
- Discussion: There was some discussion about whether violations related to barriers would be better addressed under the construction permitting process or more broadly as a general risk to health and safety. Other feedback received by the Department indicated a need for a specific list of critical violations, and barriers is included due to possible unintentional changes due to damaging weather, vandalism, tree damage, etc.
- Status: Additional changes needed to address gate latch height and spray grounds.
- **Circulation Systems**
  - Slide #8, Regulation .25 except for .25A.
  - Discussion: Questions were raised about if and how many of these items related to construction would be tested regularly. While not all items may be inspected each time, they can be used to close a pool if a problem is present (such as if a pool is changed without a permit).
  - Status: It was recommended to keep turnover rate (.25B) as a critical violation and move all items under Regulation .25 to the list of major violations.
- **Entrapment**
  - Slide # 8, Regulation .28 except for .28H(7-8) and .28I
  - Discussion: There was discussion regarding a newer ANSI standard related to self-closing and self-latching vacuum fittings.
  - Status: Possible options under discussion include updating ANSI standards in this or a future regulations proposal.
- **Lighting**
  - Slide #8, Regulation .32
  - Discussion: There was discussion about how practical or reasonable it would be to test these lighting requirements.
  - Status: Only .32A (even illumination of the water, deck, and walkways) should be a critical violation, given that .45A(7) (main drain is clearly visible) is also a critical violation.
- **Public Pool and Spa Safety**
  - Slide #8, Regulation .40D and E
  - Discussion: There was discussion about whether the telephone requirement should be a critical violation or not, including whether it could be a cell phone or VOIP and the potential challenges of each (i.e. emergency calls being tied to a specific address and going to the right EMS provider, reliability, availability).
  - Status: Additional discussions needed to address adding .40B to list of critical violations.
- **Pool and Spa Operation**
  - Slide #8, Regulation .43A and B
  - No comments.
- **Water Clarity**

- Slide #8, Regulation .45A(7)
- No comments.
- **Temperatures**
  - Slide #8
  - Status: Add language to the definitions that clarifies these only apply to mechanically-heated pools and spas (consistent with Regulation .45).
- **Free Chlorine & Bromine**
  - Slide #8
  - Discussion: There was a discussion about the inclusion of combined chlorine as a critical or major violation. It is included as a major violation (.44A(2)).
  - Status: Add language to the definitions that clarifies these only apply to public pools or spas.
  - Are we leaving combined chlorine alone for now?
    - In this proposal, combined chlorine is not a critical or major violation. We want LHDs to monitor combined chlorine unless there is an issue.
    - There will be some bad actors that will see this as not having to comply with limits for combined chlorine.
      - Combined chlorine (.44A(2)) is included as a major violation.

## **MAJOR VIOLATIONS**

- Slide #9
- Discussion: There was discussion about whether a violation of Regulation .06, .06-1, or .08 - in absence of any other critical violation - should be sufficient cause to summarily close a pool. A non-summary suspension would still allow the Department to take action without the immediate closure of a pool for a paperwork violation.
- No comments on inclusion of .21B(2), .25A, .28I, .29, .40, .43 under major violation definition.
- Status: Remove permitting regulations from major violations (.06, .06-1, .08).