



PUBLIC HEALTH

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DOH Request for Rulemaking Delegation — Amending Water Recreation Facilities Rules for Consistency with the Federal Pool and Spa Safety Law

Washington State Board of Health
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State Rules

Two chapters of State Board of Health rules:

- Water Recreation Facilities / WAC 246-260
 - Swimming pools, hot tubs, spas
 - Last revised 2004
- Recreational Water Contact Facilities / WAC 246-262
 - Water parks and features: slides, wave pools, wave riders, spray fountains, etc.
 - Last revised 1988

Federal Law

- Virginia Graeme Baker Pool and Spa Safety Act
 - Adopted 12/19/07 and Effective 12/19/08
- New requirements to improve drowning prevention
 - Entrapment prevention for all public pool facilities
 - Suction outlets must meet new ASME standard
 - Single main drain pools must add entrapment prevention equipment
 - Barrier enhancement and entrapment prevention awareness education for private facilities
- Enforced by Consumer Product Safety Commission

Proposed Rule Amendments

WILL:

- Remove conflicts in technical design standards between state rule and federal law.

WILL NOT:

- Shift enforcement of the federal requirement that all existing public pools upgrade their facilities, to either Local Health Jurisdictions or the Department of Health.

Stakeholders / Controversy

Who will be impacted by these proposed rules?

- Water Recreation Facilities (WRF)
 - Designers and Builders
 - Owners and Operators
- WRF Plan Reviewers:
 - Local Health Jurisdictions (five jurisdictions)
 - Department of Health

Will these proposed rules be controversial?

- Potential for controversy is low

Request for Rule Delegation

WHY?

- Federal law preempts portions of state rules.
- Changes will align state rules with the federal law.
- Request meets the Board's criteria for delegating rulemaking to the department.
- Updated rules will reduce confusion about which technical design standards apply.

Rule Development Plan and Timeline

- Develop and distribute Informal Draft to stakeholders for review and comment (Late October 2009)
- Compile comments and develop Proposed Rule (December 2009)
- File CR-102 and notify interested parties (January 2010)
- Hold public hearing (February 2010)
- Review and respond to comments (March 2010)
- File CR-103 (March 2010)
- Rule Effective (April 2010)

Questions?

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