

Swimming Pool Code Committee Minutes
West Wisconsin Technical College
1000 College Avenue
Mauston, WI 53948
April 21, 2011

Committee Members in Attendance:

Amy Pach, State Health Inspector, DHS Northeast Regional Office
Bob Wiess, WACO Member, Wilderness Campground in Montello
Doug Henry, WHLA Member, Best Western Quiet House & Suites in Dodgeville
Glen Jones, Public Swimming Pool Consultant/Plan Reviewer, DOC
Jerry Chilinski, Agent Health Inspector, Milwaukee Department of Neighborhood Services
Laurie Diaby-Gassama, Agent Health Inspector, St. Croix County Department of Health and Human Services
Mary Ellen Bruesch, State Health Inspector, DHS Southeast Regional Office
Sara Brown, Agent Health Inspector, Marathon County Health Department
Shane Sanderson, Recreational Waters Program Manager, DHS Central Office
Steve Matzl, WHLA Member, Kalahari Resorts in Wisconsin Dells
Susan Metko, YMCA Member, Fond du Lac Family YMCA
Terri Olivo, WPRA Member, Signicast Aquatic Center in Hartford
Tom Carrico, Swimming Pool Consultant, Carrico Aquatic Resources

Committee Members unable to attend:

David Sawvell, Agent Health Inspector, La Crosse County Health Department
Jim Kaplanek, Section Chief, DHS Central Office
Mike Nelson, Construction Manager, Neuman Pools Inc.
Peter Simon, Sales and Project Development, Neuman Pools Inc.
Shane Schwingle, Lifeguard Training and Staffing Consultant, Madison Area Technical College
Tim Blanchard, WLHA Member, Marcus Corp. Grand Geneva

Meeting Discussion:

Meeting began at 9:33 AM with approval of Minutes from last meeting. Jerry Chilinski motioned for approval and Sara Brown seconded.

Shane provided an overview of issues to discuss, including the operator certification requirement, and briefly covered some items from last time:

Items from last meeting:

1. Shane researched diving boards and platforms with a depth of water <12'. He found this number was going to be very difficult to obtain. This item will be left as-is but monitored in the reporting system over the coming years.

2. Shane also informed the group that slide measurement methods would be integrated into the code to make it clear that the slide should be measured vertically from the place a person sits to the end of the flume.
3. He also proposed to the group that we adjourn for the summer in consideration of seasonal business operations.
4. The Crypto/Giardia language was tabled until Jim Kaplanek returns for his input.

The discussion then moved to address whether certification/qualification of pool operators is needed and for which types of pools.

Shane provided background, including how other states are handling qualified/certified operator requirements and how the Model Aquatic Code will address this. Tom C added to background by stating that a certified operator was required during last revision of code by the committee, but that this became a problem for the hospitality industry (smaller businesses).

As a group, we discussed what things have changed in the last five years including that now there are more approved courses and blended programs no longer require the cost of an overnight. Shane also indicated that the state does not have to charge a “registration” fee for people who are certified. The group discussed numerous courses available for qualifying or certifying operators and the value of those courses. Bob Weiss from WACO noted their members would probably not find a requirement for certification a problem.

Shane also noted that perception of pool operator certification was an issue. A suggestion was made (Doug Henry) to check into WI Dept Tourism and what they know about education of pool operators in WI. Shane spoke of his interactions with travel authors and even AOL. The media knows about operator certifications and he is concerned that Wisconsin will appear to be run poorly because we don’t have an education requirement even though most pools are managed by trained personnel.

The group discussed possibly using a 2-tier system. One would simply state “employed by” and the other would set up requirements for those who contract an outside party to run the pool.

Jerry C mentioned that the City of Milwaukee already mandates operators to get certified if a facility has persistent operational problems. Shane stressed importance of requirement for certification of operators as a safeguard against chemical accidents and closures. He reminded the group that we need to find a way to reduce chemical releases incidents. He also pointed to two studies, one from 2007 that looked at 572 pools and spas that found the chemical parameters were more likely to be in compliance if the operator was certified and another study found closure rates are much higher for pools that are not under the supervision of a qualified operator and the qualified operators had less violations overall.

The group further discussed the value of the courses and the course content. (including favoring hands-on components). Tom C noted that the bottom line is the statistics support having a certified operator if we want better operation. Shane summarized these ideas and stated that there may be a new issue of public perception that is separate from the course’s actual value.

The group members participated in a Round Robin and further discussion and members stated support for requiring some form of certification of an operator.

Steve Matzl and Doug Henry stated a certification requirement would be OK, though Doug Henry stated there needs to be some flexibility in on-site vs. on-staff and perhaps allowing the certified operator to train a substitute. Shane proposed writing some language for the group to review in a future meeting. There seemed to be agreement in removing the idea of a mileage requirement and allowing contracted operators. Tom C expressed concern about accountability of a contracted operator, especially if the contracted operator has too many pools or is not familiar with the pool. This led the group to discuss the importance of reachability of the operator versus the time for the operator to get on-scene and determined reachability is the important one.

Other discussion revolved around how to document the presence of operator on-site or on-staff. There was a discussion of the capacity of a qualified operator to educate a number of people under him or her. The group looked on this favorably and saw it far less important for the operator to be there every day. The group discussed how to modify the current language in 172.20(a) to address the need for certified operators.

The group then discussed language related to lapses in time with certified/qualified operators and the target time for a new facility to get a certified operator. Susan, Bob and Tom Carrico each stated >90 days too long. The group discussed ways to handle this by allowing a contractor in the interim, using types of fines, and other types of enforcement. The group referenced the certified food managers in the discussion. The group then debated a 6 month time limit and discussed related enforcement. A proposal to remove the time frame was also discussed. Course availability vs. time available may be a problem and should be considered. Shane will research the topic and propose language at the next meeting.

172.20 did have a typo that referred to 172.11 instead of 172.14 which we agreed to correct.

The group broke for lunch at 12:00 PM and reconvened at 12:57 PM to discuss:

172.21 rewording of the language related to the authority of Responsibility of Responsible Supervisor. The committee ultimately agreed to just leave it as is.

Then the discussion turned to 172.24 Instructional Programs. The first topic Shane brought up was whether or not we should define what an instructional program is. Shane tried to get a member from the fitness industry, since this was a major concern of theirs, but he had no volunteers. Some members of the fitness industry did send comments stating that First Aid/CPR should be adequate.

Shane stated only WI requires this as far as he knew (water aerobics class/shallow pool) and suggested we reconsider. The data showed 2 recent history 911 incidents included deck injury and fainting in water, where a guard responded. Susan and Terri pointed out they have had a number of interventions in these situations where 911 was not called, so looking at just 911 calls

may not give the whole picture. Tom pointed out that actually Iowa has similar language in their code and this is a requirement.

Shane then suggested we consider defining "instructional program." It was determined that it is more inclusive and more useful in future to not define it. The group listed various activities to consider in the definition, including pool depth. Shane noted hotels sometimes rent pools out for water aerobics classes. There were two questions to answer: Should we require only FA/CPR and see what happens (collect data) or leave the code in place? The group discussed the data available and determined there is a need. The group also discussed the impact of cost and spoke of lifeguarding course costing between \$150 and \$200 dollars. Ultimately, the group feels the code language should be left as is and that we shouldn't define instructional activities because Susan and Terri both warned against defining it and limiting its application.

The second question revolved around lifeguarding while instructing in high schools and whether or not we should require an additional guard. Terri Olivo stated her objection on behalf of her group that plain and simple, a lifeguard can't teach while guarding. Shane pointed out in the current data set since 2008 there is no incident that occurred during a class, but he went on to say that he has identified this as a violation in schools when an instructor is working with some students while others are playing in another part of the pool. Shane asked if we should just leave it as-is and leave the evaluation of this to the health inspector there. This too could be a problem because classes may not be in session during inspection. Ultimately, the group agreed that inspectors must be trained to be aggressive on this requirement and the "can" will be replaced to indicate they "must" be supervising the group. The data will be watched closely for this.

172.23 includes exercise pool in the chart. Shane proposed to remove this confusing term from the code chart as it does not seem to apply. No objections were voiced from the group.

Then we moved on to the operations section of the code. Peter S (Newman Pools) wanted to discuss a proposal with the group on closing times so this discussion will be tabled until he is here.

There was a brief discussion about lightning and safety covering grounding and building safety. We also turned to pass-through indoor/outdoor pools and agreed that the entire pool should be closed during a storm. Shane will research neighboring states' codes and see how others deal with lightening.

Subchapter IV Operation and Maintenance

The first issue was revolving around doggie dips. They are usually on the last day of the season and the recirculation system is turned off. People are not supposed to be in water during these events, but reportedly they do enter the water. Shane will re-visit the policy and clarify it as needed.

Relating to diving board calculations in patrons loading in 172.25 (2)(a), the group agreed to simplify the language and remove the diving board part.

172.26 was discussed relating to spine boards. The group added the part about the head immobilizer and left the rest alone after discussing the optimal location for it.

The emergency phone section in 172.26 was also discussed. Shane suggested we change it to allow cell phones and satellite phones. The group generally opposed this but understood that the “approved alternative system” can open the door to specific options in remote locations.

The meeting adjourned 2:33 PM.

Next Meeting:

The next meeting is scheduled for Thursday, May 12, 2011 at West Wisconsin Technical College in Mauston from 9:30a.m. to 2:30p.m. The address is as follows:

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1000 College Avenue
Mauston, WI 53948
(608)847-7364