



Public Pools and Water Attractions, Code Revisions

Mary Ellen Bruesch MS, REHS/RS

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

2023

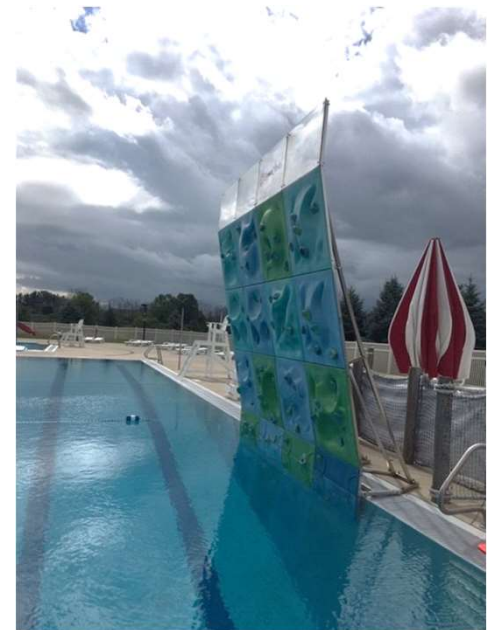
INTRO TO THE PROPOSED REVISED POOL CODE

- To be in effect September 24, 2023
 - Unless imminent health and safety item, time to come into compliance.
- Major areas of change described.
- Key regulations that did not change listed.
- Major changes described.
- Resources such as Rec Email Box and DATCP Pool Web address.



BACKGROUND, MAJOR AREAS OF UPDATE

- Licensing
- Some need for variances eliminated
- Definitions
- New technologies, best practices
- Trends in water recreation
- ‘Death, illness and injury’ addressed
- Align with other retail and rec codes



WHAT DIDN'T CHANGE?

- Key items that did not change:
 - Most chemical parameters (other than noted in this presentation).
 - Basic turnover requirements.
 - Certified operators required for water attractions.
 - Lifeguard Table ATCP 76.23 A.
 - Enclosure heights.
 - Drinking fountain requirements.
 - Max patron loads allowed.



AND NOW THE CHANGES

- See the revised ATCP 76 for all changes.
- See the 'Key Revisions' flyer.
- Pools page address provided at end of presentation for above documents.
- We'll show a few of the major changes here.



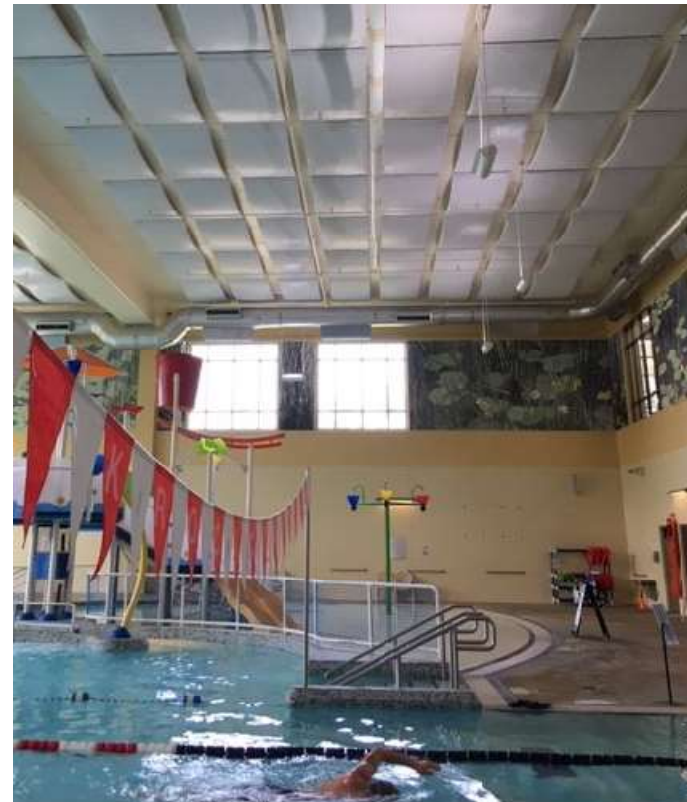
LICENSING, 76.03 (34) AND 76.06 TABLES A AND B

- License fee = Complexity fee plus feature fee (if any)
- 76.03 (34) and 76.06 Tables A and B



HOW TO DETERMINE LICENSE NEEDED FOR A POOL

1. Determine the complexity.
2. Determine if any features.
 1. If yes, add a feature fee on to fee associated with complexity.



DETERMINING LICENSE FEE CATEGORY 76.06

- Points system:
 - Basin is 1 point
 - Recirculation is 1 point
 - Other characteristics add more points
- A pool with between 0-2 points is a simple pool (example, condo or motel pool).
- A pool with >2 and 3 points is a moderate pool.
- A pool with more than 3 points is a complex pool
- If there are feature (one or more) a feature fee is added on.



(34) “Feature” means a pool with a depth greater than 16 feet, a pool with a surface area greater than 20,000 sq. ft., or a physical object permanently installed in a pool that is intended for recreational use including, a pool slide, waterslide, pad walk, basketball hoop, diving board, wave generator, treadmill, vortex pool, climbing wall, current pool, swim-up bar, vanishing edge pool, tethered or nontethered floatable, or a spray feature.



RESTRICTING PATRONS DURING MAINTENANCE

- Interlock tests 76.24(2).
- Adding chemicals to basin 76.12(3)(c).
- Pump room, other maintenance unless specifically trained 76.13(2)(a), 76.24(1).
- Interruption of recirculation 76.24(2).
- If there is no door-signage 76.13(2)(b).
 - Older hotels with rooms accessed via pool enclosure.
 - Multiple pools in an enclosure.



INTERLOCK DISCUSSION, 76.24(2)

For discussion with operator:

- A. The owner or their designee must be able to demonstrate or describe:
 1. The location of chemical feeders and chemical feed into the pool water return.
 2. Documentation that shows date of interlock test, person testing, result of test, and actions taken if necessary.
 3. The location of the power connection(s) for the chemical feeder(s) (see figure 5a).
 4. The location of the power connection for the recirculation pump (see figure 5a).
 5. How the electrical interlock works for their system.
 6. The type of flow interlock present (if applicable) (see figure 5b).
 7. How the flow interlock works for their system (if applicable).
 8. How monthly testing is performed.
 9. The safety measures taken to protect staff and patrons during interlock testing.

- B. If the operator cannot demonstrate knowledge as applicable, this is a priority violation.



BROMINE AND CYANURIC

- Bromine range 3-10 ppm, ATCP 76.13(5).
 - Align lower limit with Model Aquatic Health Code.
 - Align upper limit with EPA regulations and product labels.
- Above 300 ppm cyanuric, now closing criteria ATCP 76.30(1)(j).



COMBINED CHLORINE 76.14(5)(E)

(e) *Combined chlorine*. 1. The operator shall develop and implement a plan to minimize combined chlorine in the pool. ^{Pf}

2. The plan shall contain all the following components: ^{Pf} a. The combined chlorine action level, taking into account monochloramine in the source water.

Note: It is recommended that an action level of 0.4 ppm be used for combined chlorine for either breakpoint chlorination or water replacement or a combination of both to occur.

- b. Volume of pool.
- c. Range of volume of fresh source water added to pool each day.
- d. Description of showering requirements and how communicated to patrons.
- e. A record shall be maintained documenting combined chlorine test results, date and times breakpoint chlorination was performed, and any complaints of eye or respiratory irritation.



CERTIFIED OPERATOR, ATCP 76.20 (2)

- Still required for all water attractions.
- Will be required for a pool that has 2 reinspections in 3 years.
- A facility may contract with a certified operator.
- Response within 3 hours.



ATCP 76.34(4), ENTRANCES

(4) ENCLOSURES AND ENTRANCES. Enclosures and entrances shall meet all of the following:

(a) *Gates and doors.* Except as provided under subd. 5. And sub. (b), of this section, all pool areas shall be enclosed^P and have gates and doors that are all of the following: 1. Self-closing.^P

2. Latching.^P

3. Lockable.^P

4. Not require a key, punch code, or electronic method to exit a pool enclosure.^P

5. This section does not apply to emergency doors that cannot be opened from the outside of the pool enclosure.



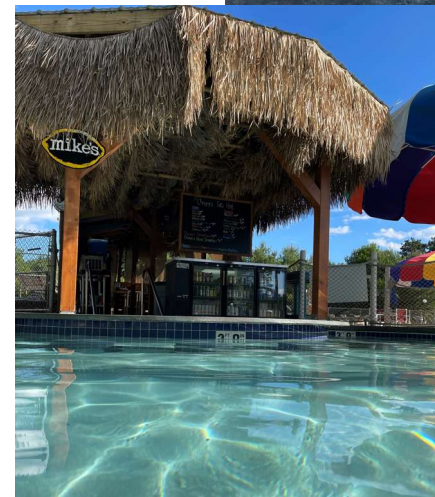
(b) *Gates and doors in a lifeguarded pool area shall meet all of the following:* 1. If gates and doors are not self-closing and latching, the gates and doors to the pool shall be staffed with an attendant and at least one lifeguard shall be present. ^P

2. Documentation for staffing shall be included in the lifeguard staffing plan. ^{Pf}



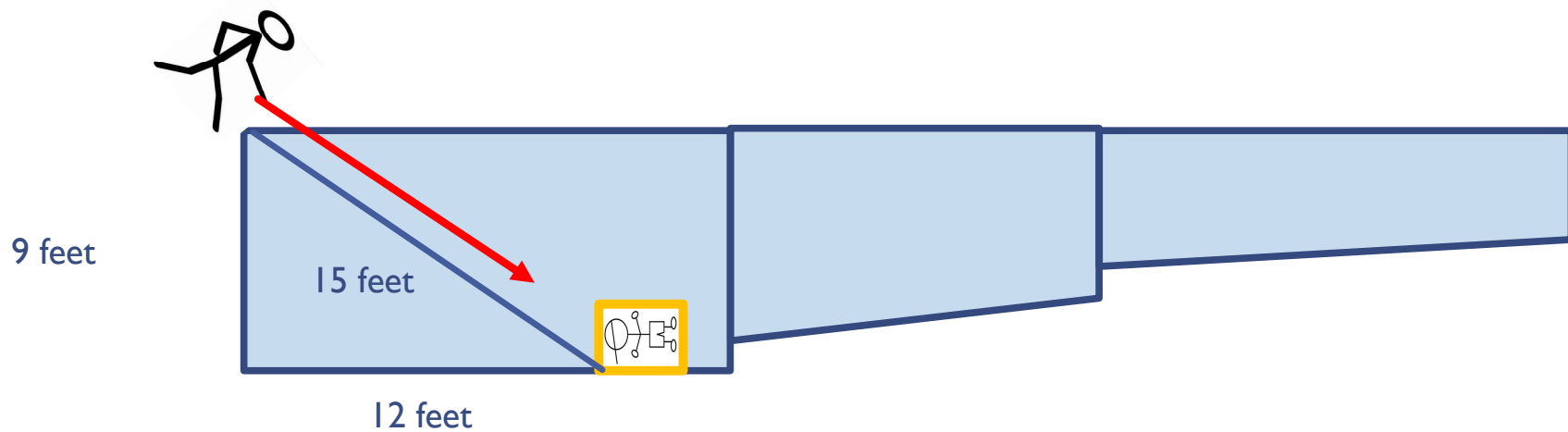
TABLE 76.23 B CHANGES

- Swim up bar, written plan covers:
 - Supervision
 - Patrons who are:
 - III
 - adversely affecting sanitation.
 - engaging in dangerous behavior.
 - Injured
- Therapy pools that have current and treadmill.
 - One person with approved CPR/first aid; and training in extrication.
- Variance no longer required.



LENGTH OF SHEPHERD'S CROOK, ATCP 76.26 (1)(B)

- Non-lifeguarded pools.
- Shepherd's crook must be long enough to rescue someone anywhere in pool.
- For a 9-foot deep pool, a 10-foot pole won't reach much of the deep end.



“Deep” portion of pool is 15 feet long.



CELL PHONES AND VOIP, ATCP 76.26 (2)

- Alternative technologies.
- Reliable service connection.
- Connection to permanent continuous power.
- Battery back-up.
- Within 25 feet of pool area.
- **No 'free-standing' cell phones.
- 911-only phones are OK.
- No variance as long as criteria met



ALL POOLS, CHILDREN UNDER 12; BREATH HOLDING—REQUIRED COMMUNICATION

- Children under 12, ATCP 76.29 (1)(c)
 - Unsupervised children, 21% of drownings and near-drownings (WVI, 2016-2022).
 - signage
- Prolonged breath holding, ATCP 76.29 (1)(f)
 - Cause of drownings and near-drownings.
 - 2 in 2022
 - Somehow communicate message.



NEW SPECIAL INSTRUCTION FOR SLIDES AND OTHER RIDES, ATCP 76.29 (2)

- Eliminates need for variance for new types of rides.
- **(b) *Special instruction.* The operator shall ensure that the patron is instructed using words, pictures, or symbols on how to position themselves and safely ride or otherwise participate in the attraction.**



POSTING POOL RULES FOR WHIRLPOOLS, ATCP 76.29(3)

- Removed reference to 'elderly' from the sign



FILES AND RECORDS, ATCP 76.32

- Pool plans required for new construction only.
- All pools:
 - Pump curve.
 - Drain cover log (best).
 - Receipts or affidavits from pool company.



DOG SWIMS, ATCP 76.335, VARIANCES ELIMINATED



ATCP 76.38 Virginia Graeme Baker Act. The operator shall ensure all the following for compliance with the Virginia Graeme Baker Act: **(1) GENERAL.** (a) *Requirements.* 1. For a newly constructed pool, the operator shall have approved plans from the Wisconsin department of safety and professional services and shall maintain the pool plans onsite. ^P

2. For a pool constructed before the effective date of this rule, the operator shall provide at a minimum, the pump curve and the drain cover specification. ^P



WHAT QUESTIONS DO YOU HAVE?

- Public Pools webpage:
https://datcp.wi.gov/Pages/Programs_Services/WaterRecreation.aspx
- 'Recreational' mailbox:
DATCPDFRSREC@wisconsin.gov





Mary Ellen Bruesch

Food and Recreational Business

Maryellen.Bruesch@Wisconsin.gov

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION (DATCP)

2023