

## ACA, SOUTHEASTERN PUBLIC POLICY UPDATE



### Florida Set to Issue New Pool Rules

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Public pools in Florida will be subject to a number of new policies that are causing concern among many industry members.

The requirements are likely to be set in motion by March 2009.

In October, the Florida Department of Health released newly proposed amendments to its public pool rule (64E-9) regarding drain cover enforcement, cyanuric acid levels, gravity-feed retrofitting and a host of construction and maintenance topics.

The health department also announced its intentions to enforce the federal Virginia Graeme Baker Pool and Spa Safety Act 120 days after the rule goes into effect, which might not be until July 2009.

The extra time will allow an increase in the availability of compliant drain covers, which are particularly scarce in Florida. This is because the health department is requiring products to be re-rated to meet the state's maximum velocity of 1.5 feet per second through the cover.

“The drain covers aren't ready yet ... and it will probably take months, if not [longer], to put them in for all 37,000 [of the state's] pools,” said Bob Vincent, environmental administrator for the state's health department. “We said, ‘Let's set this out six months, so when we do start enforcing it, most of [the pools] will have had the time to get them in.’”

Pools operating on direct suction are being encouraged to comply more immediately because the state thinks its gravity-feed pools are not subject to entrapment hazards, Vincent added.

Despite the proposed state enforcement deadline, county health departments have been told to shut down pools that replace drain covers with noncompliant products.

Some people are concerned that setting a different date for compliance may add to the confusion.

“I understand their reasoning, but the problem is, it's an inconsistent message because you clearly have a federal law that has a Dec. 19 deadline,” said Jennifer Hatfield, director of government and public affairs at the Florida Swimming Pool Association.

Furthermore, some pools that the federal law deems “public” don't even fall under the jurisdiction of the state's health department, such as pools in condominium complexes with 32 units or less. In these scenarios, the U.S. Consumer Product Safety Commission would be the only enforcement agency.

But pool operators aren't just worried about VGB enforcement. The new amendments also suggest lowering the maximum level of cyanuric acid from 100- to 40 ppm.

The new 40 ppm maximum stems from recommendations on fecal incident response by the Centers for Disease Control and Prevention. Germ inactivation times for several waterborne illnesses were included in the CDC rule. Since then, CDC has raised the maximum to 50 ppm, a level that the Florida health department now is considering.

“If we’re going to have fecal incident criteria, we want to set the cyanuric level ... so that it can be [valid],” Vincent noted.

The rule would effectively eliminate the use of stabilized chlorine products in public pools, which would mainly affect hotels and small apartment complexes.

“There are vast numbers of small commercial pools using dichlor erosion feeders that will all of a sudden find themselves out of compliance because it will be exceedingly difficult, if not impossible, to keep the [CYA] levels below 40 ppm,” said James Hawkins, CEO of Pool Service America in North Miami Beach, Fla.

Outdoor pools and spas may need to install separate cyanuric acid feeders to maintain adequate levels of CYA.

Older pools and spas working on direct suction also will need renovation because main drain collector tanks — the staple of gravity-feed systems — will be required across a series of deadlines.

Wading pools and spas built before 1977 will be retrofitted first to meet the 2010 deadline. All other spas need to be compliant by 2011 or 2012, depending on the years they were built. Finally, all pools and spas must operate with collector tanks by July 2013.

“We wanted to space it out over time to give those bigger pools ... time to save up money to do the [renovation],” Vincent said.

Other amendments of interest include implementing a minimum size of tile, UV disinfection standards and protocol for online service technician certification.

A hearing was held Dec. 2 in Tallahassee for public comment on the proposed changes. Having taken these comments into consideration, the Florida Department of Health expects to issue a final notice of changes in January.