

July 7, 2010

Mr. Jay Peters, Executive Director – Plumbing & Mechanical Activities
International Code Council
500 New Jersey Avenue, NW, 6th Floor
Washington, D.C. 20001-2070

Re: Model Codes for Regulating Construction and
Operation of Swimming Pools and Spas

Dear Mr. Peters,

The National Environmental Health Association (NEHA) is the national organization representing environmental health professionals. NEHA supports efforts that prevent disease and promote healthy environments by training and credentialing environmental health professionals, by advocating for national policies that protect the public from environmental health threats, and by supporting collaborative efforts with professionals from other disciplines in ways that enhance the effectiveness of environmental health professionals.

We understand that the International Code Council (ICC) is in the process of writing an all encompassing Comprehensive Swimming Pool Code. The ICC should be aware that over 150 stakeholders from all segments of environmental public health, including NEHA, the aquatics industry, and the public have been working with the Centers for Disease Control and Prevention (CDC) for about three years to create a science-based, up-to-date comprehensive Model Aquatic Health Code (MAHC). The MAHC will probably be adopted by most public health agencies nationwide to regulate their permitted aquatic facilities. More information about the MAHC is available on the web at <http://www.cdc.gov/healthywater/swimming/pools/mahc>.

NEHA is very concerned that these two initiatives will result in the development of overlapping and conflicting model codes regulating the construction and operation of these facilities. Environmental health officials have historically worked closely with building officials in the plan review and construction inspection phases of the development or renovation of aquatic facilities including swimming pools, spas, water parks and interactive water features. It is very important to the health and safety of the public that these officials continue this complementary relationship and work closely together in reviewing plans for and approving the construction of these facilities. NEHA is hopeful that the ICC would assure this continued collaboration and coordination with their efforts concerning swimming pool and spa construction and renovation.

Environmental health officials have had full responsibility for design and operational assessments of aquatic facilities that affect environmental health in most local jurisdictions. The design elements include recirculation, filtration, disinfection, and related facilities, as well as swimmer safety issues. The operational assessments include evaluation of the water chemistry to assure adequate disinfection and appropriate levels of pH, total dissolved solids, total alkalinity and calcium hardness, confirmation that the pool operator and lifeguards are appropriately trained and credentialed, evaluation of the water circulation system for turnover rate, the evenness of water distribution, and filter maintenance, evaluation of the facility staff's preparedness to respond to injuries, fecal accidents, and near drownings, and evaluation of the sanitation and safety of the aquatic facility.

The environmental health professionals that perform these design and operational assessments of aquatic facilities and who investigate outbreaks of illness linked to aquatic facilities are specifically trained to perform these tasks. In many states, they are required to hold the Registered Environmental Health Specialist (REHS) or Registered Sanitarian (RS) credential. NEHA would strongly oppose any proposed code that would turn over responsibility for operational assessments of aquatic facilities to individuals who are not specifically trained to assess environmental health risks at aquatic facilities and who are not credentialed as environmental health professionals.

It is important to assure that any model code not undermine the oversight authority of environmental health officials for water quality, disease prevention, and injury prevention or the oversight authority of building officials for plumbing, electrical and mechanical systems or components, for the structural integrity of aquatic facilities, and for building safety. Further, it is important that confusion not be created among the owners and operators of aquatic facilities by the creation of two competing and possibly conflicting national model aquatic facility codes. In these tight budget times for most state and local programs, the efficiency of heading off this potential code conflict at the inception of your process rather than dealing with it jurisdiction by jurisdiction across the nation after the fact should make sense.

NEHA applauds your efforts to help assure health and safety through the construction and renovation of aquatic facilities. We, however, are very concerned that the proposed Comprehensive Swimming Pool Code will create overlapping or conflicting requirements will impede the work of both environmental health officials and building officials. NEHA would be willing to set up a meeting between ICC representatives and representatives of the MAHC Steering Committee to assure coordination instead of non-productive overlap of these efforts. Would the International Code Council be willing to participate in such a meeting?

We believe it is in everyone's best interest to work towards a collaborative solution which will be strongly supported by the public, aquatic facility owners, the pool and spa industry, elected officials and regulatory officials from building code agencies and environmental public health agencies. We invite you to join us in working towards that goal.

NEHA's Board of Directors, at its June meeting, asked me to officially communicate our strong concerns on these issues to you and the ICC Board. They designated one of our past-presidents, Jim Dingman, as our point person on this issue. Jim's contact e-mail address is: James.D.Dingman@us.ul.com. I hope that you will respond positively to NEHA's invitation to meet with us and representatives of the MAHC Steering Committee.

Sincerely,

Keith Krinn, R.S.
NEHA President

cc: ICC Board of Directors
Jim Dingman, NEHA Past-President

(See following CC: list suggestion)

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