



A Tradition of Stewardship  
A Commitment to Service

Environmental Management

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Steven Lederer  
Director

August 24, 2011

Robin Belle Hook  
California Department of Public Health  
Health Services Section  
P.O. Box 997377, MS 7404  
Sacramento, CA 95899-7377

2011 AUG 25 A 11:01  
NAPA COUNTY COMMISSION

Dear Ms. Hook,

SUBJECT: CDPH Request for Comment on Proposed Comprehensive Pool Regulations: Title 24

Please accept these comments regarding the proposed pool regulations in the California Building Code, California Code of Regulations, Title 24, Part 2, Chapter 31B. We support the long overdue effort to update existing pool regulations and appreciate that the proposed pool regulations include many necessary changes, but we do not feel that the proposed regulations go far enough to reflect current health and safety practices, industry standards and public pool operations.

In 2008, the Napa County Board of Supervisors sent a letter, included for your reference, to the California Department of Public Health requesting that the regulation package be amended to include regulations for activity pools with water features, such as waterfalls. Many of our private sector constituents have been anxiously awaiting such regulations for many years to allow them to offer such features, which have been available to their competitors in many other states for some time. **Failure to address this issue is putting California businesses at a disadvantage, and therefore inhibiting job growth for Californians.** The "Title 24 Initial Statement of Reason" acknowledges the health risk associated with interactive spray fountains; however, the draft regulations do not include requirements for activity pools, which present a similar health risk if constructed without adequate protections. Consistent, statewide regulations are needed to provide guidance to Environmental Health staff and industry for the design, construction and operation of these pools.

Respectfully, we request that you amend the current regulation package to include regulations needed to allow our businesses to properly compete with other states by being able to construct activity pools and other water features in a manner that is protective of public health and safety.

Regards,



Steve Lederer

Director

Napa County Department of Environmental Management

Enclosure (1)

Cc: Members, Board of Supervisors  
Nancy Watt, County Executive Officer  
Larry Florin, Director, Housing and Intergovernmental Affairs  
Senator Noreen Evans  
Assembly Member Michael Allen  
City Managers of American Canyon, Napa, Yountville, St. Helena, Calistoga  
Chambers of Commerce of American Canyon, Napa, Yountville, St. Helena, Calistoga  
Justin Malan, California Conference of Directors of Environmental Health  
Dr. Ron Chapman, Director, California Department of Public Health  
Dave Walls, Executive Director, California Building Standards Commission



# COUNTY of NAPA

BOARD OF SUPERVISORS

1195 Third Street, Suite 310, Napa, CA 94559  
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June 3, 2008

Mark B. Horton, M.D., MSPH, Director/ State Public Health Officer  
California Department of Public Health  
P.O. Box 997377, MS 0500  
Sacramento, CA 95899-7377

Subject: Draft Public Pool Regulation Amendments

Dear Dr. Horton,

As you know, the Department of Public Health is authorized to establish regulations for public pools pursuant to Health and Safety Code (HSC) Section 116050 which sets forth the minimum construction and operation standards for public pools. The Department of Public Health has for many years been proposing to adopt new public pool regulations and amend and repeal existing public pool regulations in concert with the California Conference of Directors of Environmental Health, the National Swimming Pool Institute and other industry groups to whom the regulations apply.

The stated intention of the current proposal is to update the public pool regulations to reflect current health and safety practices, standards and operations of public pools. Unfortunately, due to the amount of time that has passed since the onset of the process to amend these regulations, several new and emerging health concerns and design issues have arisen that are not addressed in the proposed regulation package. By virtue of time alone, the proposed regulations reflect something less than the current health and safety practices, standards and operations.

***The Napa County Board of Supervisors would like to share with you our concerns related to the subject matter and encourage you to amend these regulations and move them forward.*** The Napa Valley is known as a destination location with many first class resorts and spas. Developers in the valley expect to be able to build the finest pool and spa facilities with quality craftsmanship and therapeutic amenities and features. We are seeing an increase in the number of requests for these types of design features and we are unable to approve them because the existing codes and regulations do not address these features. Our constituents are unable to understand why many jurisdictions around the country allow such features but California, and

particularly Napa Valley, cannot. It is becoming harder than ever to simply respond that the regulations are being updated; industry is becoming impatient with this answer.

Some of the particular spa features such as therapeutic massage waterfalls entering a spa from above water level are not even addressed in the current regulation package. While this feature is common in many other states and has come to be expected in the high end resorts and spas around the Country, our constituents in Napa Valley are unable to even propose such a feature because California law and the existing and proposed regulations do not consider such features.

Napa Valley is home to several spa oriented towns, particularly Yountville and Calistoga. Pool contractors working in this industry are expecting to be able to include activity features in their pool designs and are awaiting clear and concise regulations to guide them. Our local Environmental Health Department is also expecting clear and enforceable regulations to guide them through the plan check process. ***As currently proposed, the regulations lack specificity and clear concise design parameters for industry and staff to follow.*** We encourage you to revise the proposed regulations to consider these design issues such that the final adopted regulations are clear and specific and useful to industry and the regulatory agency.

Our concern also stems from potential health and safety issues that are not being addressed in the current regulation package. Interactive water fountains have received much attention in the recent past due to the number of *Cryptosporidium* outbreaks around the country and the large number of people affected by those outbreaks. The current proposal is silent on interactive fountains. While these fountains may or may not be considered public swimming pools (as yet undefined in code), water that has come into contact with humans is re-circulated, thereby creating similar health and safety concerns found with all public swimming pools. These concerns must be addressed when installing and operating interactive fountains. We realize that this is an evolving issue and many jurisdictions are waiting for some science based guidelines from the Center for Disease Control to address these concerns.

***The State of California needs to be on the forefront, working with and encouraging the development of such guidelines and regulations.*** As a public health responsibility, the Department of Public Health must develop some minimum recommendations and regulations as related to interactive fountains to prevent widespread disease and illness. Clearly, there is a tremendous need to have interactive fountains regulated in the same fashion as a public swimming pool, with science based requirements related to design and operation to ensure adequate protection against harmful pathogens such as *Cryptosporidium*.

In summary, we would like to respectfully request that you amend the current regulation package and include additional regulations needed to address these and other emerging issues so that we can protect public health and safety and provide state-of-the-art facilities. It is imperative that the local agencies as well as industry have clear regulations to follow relating to design, construction and operation of public pools, spas,

interactive fountains and activity pools that address current trends and health and safety concerns.

Sincerely,

A handwritten signature in cursive script that reads "Brad Wagenknecht". The signature is written in black ink and is positioned above the typed name.

Brad Wagenknecht  
Chair  
Napa County Board of Supervisors

Cc: Members, Board of Supervisors  
Nancy Watt, County Executive Officer  
Robert Westmeyer, County Counsel  
Karen Smith, M.D., Public Health Officer  
Regional Council of Rural Counties  
Assembly Member Noreen Evans  
Don Peterson, Lobbyist

