

**FINAL STATEMENT OF REASONS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

**REGARDING THE CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE,  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, CHAPTER 31B  
PUBLIC POOLS**

The California Department of Public Health (Department) is authorized to establish public swimming pools regulations pursuant to Health and Safety Code (H&SC) Sections 116025-116068. The existing public swimming pool regulations in Chapter 31B, Part 2, Title 24, California Code of Regulations (California Building Standards Code), establish minimum building and construction standards for public swimming pools.

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

**UPDATES TO THE INITIAL STATEMENT OF REASONS:**

This public pool regulation proposal seeks to correct editorial inaccuracies, clarify existing requirements and update references to current industry performance standards.

During the adoption process for these proposed public pool regulations two public comment periods were held. The initial 45-day public comment period was from August 31 to October 15, 2012. At the end of this initial 45-day public comment period it was determined that some nonsubstantive revisions would be made based on the comments received. A 15-day public comment period then was held from October 23 to November 6, 2012 to present those revisions to the public.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The California Department of Public Health has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts

**OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).**

The following is a summary of the comments received during the initial 45-day public comment period. No comments were received during the 15-day public comment period.

**COMMENTER: William N. Rowley, PhD, P.E., President of Rowley International Inc., October 10, 2011:**

If possible, commenter requests that the notes for each figure and table be on the same page as the figure and table.

The commenter requests to remove the statement on the "note" for each figure that states "The main drain shall be located to provide complete drainage of the pool" and replace it with the statement "Each pool shall be provided with a main drain submerged suction outlet typically

located at the bottom of the pool.” Doing so will eliminate a conflict with the Pool Fitting Section 3137B.

The commenter requests conversion of the dimensions on Figures 31B-1 and Table 31B-1 from meters to feet and inches to be consistent with the preferred dimensions in accordance with the U.S. Diving 2010-2011 Handbook.

The commenter requests that the dimension of L1 length for the 1-meter board and the length for the 3-meter board in table 31B-1 be 16 feet, 5 inches and 19 feet, 9 inches respectively. These dimensions meet or slightly exceed the requirements for the U.S. Diving which is the same as the requirements by the Federation Internationale de Natation (FINA: the international body for all competition diving).

**RESPONSE:** All of the above comments were accommodated by CDPH in a 15-day comment period, and no further comments were received.

The commenter recommends increasing the minimum width of a pool on Table 31B-3A from 12 feet to 15 feet.

**RESPONSE:** CDPH has reviewed the suggestion and acknowledges this concern. CDPH will consider addressing this concern with the stakeholders in future code adoption cycles.

**COMMENTER: Coleen Maitoza, Supervising Environmental Specialist, Sacramento County EMD; October 16, 2011.**

**Section 3102B:** The commenter recommends eliminating the proposed coefficient of friction language of “greater than or equal to 0.60” in the definition of “Slip Resistant” and replace it with the existing definition language for “Slip Resistant” as “is a rough finish that is not abrasive to the bare foot.” The commenter expressed concerns that there is no easy way for measuring this in the field and that it would add cost to the project and possibly to regulators for testing equipment.

**RESPONSE:** The comment was accommodated by CDPH in a 15-day comment period, and no further comments were received.

**Section 3106B.18:** The commenter stated that locating the ultraviolet light unit on the recirculation system will require redesign from traditional system. Larger filtration pumps, etc. and that it is not a bad idea but more expensive.

**RESPONSE:** The statement is acknowledged by CDPH. Existing language requires the installation of an ultraviolet light unit for a spray ground. The proposed language identifies where the ultraviolet light unit is to be installed.

**Section 3127B.:** The commenter recommended adding the language “with a manual override control” for the proposed automatic makeup water flow control mechanism to be consistent with existing language in section 3136B.2.

**RESPONSE:** The comment was accommodated by CDPH in a 15-day comment period, and no further comments were received.

**Section 3128B.2, 3133B.1.3 and 3136B.1.8:** The commenter requests changing the effective date of the NSF/ANSI performance standard to reflect the most recent version, NSF/ANSI 50-2012 effective September 2012.

**RESPONSE:** The comment was accommodated by CDPH in a 15-day comment period, and no further comments were received.

**Section 3131B.3:** The commenter requests eliminating the word “dinner” in reference to the units of measure of filter area.

**RESPONSE:** The spelling error was corrected during the initial 45-day comment period.

**Section 3136B.1 4.** The commenter proposed language to require suction outlet cover performance standards under specified outlet configurations.

**RESPONSE:** CDPH has reviewed the suggestion and acknowledges this concern. Since this comment is outside of the 45-day language, CDPH will consider addressing this concern with the stakeholders in future code adoption cycles.

**Section 3136B.2.9:** The commenter recommends eliminating this subsection since it is included in section 3127B.

**RESPONSE:** The comment was accommodated by CDPH in a 15-day comment period, and no further comments were received.

**Section 3137B.1.1:** The commenter proposed language to require suction outlet cover performance standards under specified outlet configurations.

**RESPONSE:** CDPH has reviewed the suggestion and acknowledges this concern. Since this comment is outside of the 45-day language, CDPH will consider addressing this concern with the stakeholders in future code adoption cycles.

**Section 3137B (Exception):** The commenter had concerns that the proposed language regarding alternative pool designs was not clear and needed more specificity. The commenter suggested additional editorial changes to the proposed language.

**RESPONSE:** The comment was accommodated by CDPH in a 15-day comment period, and no further comments were received.

**Notes for Figures 31B-1 and Table 31B-1 (Number 7), Notes for Figure 31B-2 and Table 31B-2 (Number 6) and Notes for Figure 31B-3 and Tables 31B-3a and 31B-3b (Number 5):** The commenter requested these notes be removed since they conflicted with another portion of the Chapter 31B.

**RESPONSE:** The comment was accommodated by CDPH in a 15-day comment period, and no further comments were received.

#### **DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS**

CDPH has determined that no alternatives considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. This determination is based in part that there are not alternatives that are similar in breadth and scope to the public pool construction standards in the State of California.

#### **REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:**

No alternatives were identified to lessen the adverse impact on small businesses since no adverse impact is anticipated from these changes including the benefits of the proposed regulation per 11346.5(a)(3)..