

INITIAL 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**

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.

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

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS:

Section 3101B

This is a minor editorial change to add a hyphen to the existing language of “day-care” and to remove a comma after the word “district” to be grammatically correct.

Section 3102B

This is a minor editorial change to add the indefinite article “a” before the word “sieve” to be grammatically correct.

The proposed language is intended to define the word “pool user” needed for specificity as agreed upon by the interested stakeholders during the stakeholder meeting held on April 18, 2012. The current term “bather” is outdated and is not consistent with current industry vocabulary.

To delete the existing definition of “Slip Resistant” and replace it with a description that is consistent with the industry standard of coefficient of friction as agreed upon by the interested stakeholders during the stakeholder meeting on April 18, 2012.

To replace the word “in” with the word “as” in the definition of “WATERLINE” to be grammatically correct.

Section 3105B

The word “and” is added after the existing requirements under items 1 and 2 for clarity.

Delete unnecessary language in subsections 3105B.2 and 3105B.3 as agreed upon by the interested stakeholders during the stakeholder meeting on April 18, 2012.

Section 3106B

Replace the reference to section number 31061B with the number 3106B since section 31061 B does not exist.

3106 B.8: Add a comma after the word off to provide correct punctuation.

3106B.9: Delete “as defined in this chapter” with “who has experience working on public pools” as agreed upon by the interested stakeholders during the stakeholder meeting on April 18, 2012.

3106.10: Replace the acronym “gpm” with wording “gallons per minute” for clarity and add a period at the end of the sentence end after the word higher to provide correct punctuation.

3106B.18: Add the phrase “located on the recirculation system and shall be” for clarity purposes regarding the ultra violet light location.

Section 3108B

3106B.2: Remove commas after “scrubbing,” and “coping,” for consistency.

3108B.3: Add the word “and” after each existing contrasting finish location requirement as agreed upon by the interested stakeholders during the stakeholder meeting on April 18, 2012.

Section 3109B.3

Delete a comma after “(1372 mm)” to be grammatically correct.

Section 3110B

3110B.4.1: The word “and” is added after the existing requirements under items 1,2,3,4 and 5 for clarity.

3110B.4.1 (5): Delete the reference to the incorrect section 3109B.4 and replace it with the correct reference to section3109B.3.

3110B.4.2 (1): Add a comma after the word “deck”, to provide correct punctuation.

3110B.4.2 (4): Add a comma after the word “gutters”, to provide correct punctuation.

Section 3114B

Delete the reference to section 1104B4.3 and leaving the reference to Chapter 11B for accuracy.

Section 3116B.1

Replace the words “bather” and “bathers” with the words “pool user” and “pool users” to add clarity.

3116B.1 Exceptions: 2. Remove the comma after the word “pool” to be grammatically correct.

3116B.3.1: Remove the existing language in the “Note” to prevent confusion.

Section 3117B

Replace the words “bather” and “bathers” with the words “pool user” and “pool users” to add clarity.”

Section 3118B

Insert a comma after the word “vacuum breaker” to provide correct punctuation.

Section 3119B.1

Remove 3 semicolons and replace them with 3 commas and insert a comma after “windows” for proper punctuation.

Section 3119B.1 (1): Add the word “and” to clarify each existing pool enclosure requirement.

Section 3119B.1 (3): Remove the period after “public” to provide proper punctuation.

Section 3119 B.1: Add a note referencing any mechanism provided to assist persons with disabilities in gaining entry into the pool enclosure and in exiting from the pool enclosure shall comply with Chapter 11B

Section 3120B

3120B.4: Delete the adjective “warning” before the words “sign” and “LIFEGUARD ON DUTY” “as agreed upon by the interested stakeholders during the stakeholder meeting on April 18, 2012.

3120B.5: Replace the acronym CPR with the complete expression “cardiopulmonary resuscitation” for clarity.

3120B.15: Remove the period after “specific” and the comma after the word “name to provide proper punctuation.

Section 3122B

Add the word “and” to clarify each existing pool equipment enclosure requirement.

Section 3124B

Add the word “and” to clarify the existing capacity requirements of a pools recirculation system.

Section 3125B

3125B.1 Replace the word “parts” with the word “pipes” for accuracy.

3125B.1.1: Replace the word “pipe” with the word “piping” and the word “tube” with the word “tubing” for clarity.

Section 3126B

3126B.1: Add the word “and” to clarify all existing dynamic head capacity options.

Section 3127B

3127B.2: Add the word “in” before the word “accordance” to be grammatically correct.

3127B.3 Add language describing a new requirement for makeup water flow controls as agreed upon by the interested stakeholders during the stakeholder meeting on April 18, 2012.

Section 3128B

3128B.1: Insert the letter “m” into the word “performance” to correctly spell the word.

Remove the subsection number “3128B.3” because it does not exist.

Section 3129B

Replace the acronym “gpm” with wording “gallons per minute” for clarity and consistency.

Section 3130B

Replace the word “apply” with the word “applies”: to correct a grammatical error.

3130B.1: Replace the acronym “gpm” with wording “gallons per minute” for clarity and consistency.

Section 3131B

3131B.3: Replace the acronym “gpm” with wording “gallons per minute” for clarity and consistency.

Section 3132B

3132B.1: Replace the acronym “gpm” with wording “gallons per minute” for clarity and consistency.

Section 3133B

Remove a comma after the word “solids” to be grammatically correct.

3133B.1: Add the word “and” for each existing chemical feeder equipment requirement.

3133B.1 (2): Add specified language needed to clarify control system parameters as agreed upon by the interested stakeholders during the stakeholder meeting on April 18, 2012.

Section 3135B

3135B.8: Replace the word “mom” with the word “room” to correct a misspelling.

Section 3136B

Replace the number “75” with the number “100” to comply with current pool skimming system industry standards.

3136B.1(3): Eliminate the locational requirement for a skimmer equalizer suction outlet and replace the obsolete suction grate assembly standard ASME/ANSI A112.19.8 with the new industry standard “ANSI/APSP-16 2011” that has been officially recognized by the Consumer Product Safety Commission as the successor performance standard.

Add the word “are” after the word “and” to be grammatically correct.

Replace the word “drain” with the word “suction outlets” for consistency with current industry vocabulary.

3136B.1 (5): eliminate the airlock protective device requirement of a pool skimmer to be consistent with the NSF/ANSI 50-2010 performance standard.

3136B.2: Delete the reference of “definition by this chapter” with respect to an engineer or architect required for designing perimeter overflow systems of a pool.

3136B.2 (1) (2) (3) (4) (5) (6) and (7): Add the word “and” to clarify all existing requirements of perimeter overflow systems.

Section 3137B

3137B.1 (1): Remove the word ‘apart’ to clarify existing suction outlet separation distance requirements.

Add the word “and” for all existing suction outlet requirements.

3137B.1(2): Replace the obsolete suction outlet performance standard ASME/ANSI A112.19.8 with the new industry standard “ANSI/APSP-16 2011” that has been officially recognized by the Consumer Product Safety Commission as the successor performance standard.

3137B.1(3): Replace 1.8 mps with .91mps for accuracy in conversion from 3 feet per second to meters per second.

3137B.1 Exception: Provide a provision to allow a pool to be designed with an alternative design to those listed in this section as agreed upon by the interested stakeholders during the stakeholder meeting on April 18, 2012. Providing this design provision is consistent with the procedures described in section 3107B.

Section 3139B

3139B.1 (2): Remove a period after the word “fitting” and replace with a semi colon to be grammatically correct. Include the word “and” for each existing requirement for a solar heating system.

Section 3140B

Delete the reference that an approved backflow prevention device must comply with the California Code of Regulations and replace it with the requirement that it must satisfy the requirements stated in the California Plumbing Code.

Figure 31B-1

Replace existing table and illustrations with current specifications consistent with the USA Diving Rules and Codes. Changes in the requirements specified in the notes section for figure 31B-1 and Table 31B-1 are consistent with the USA Diving Rules and Codes.

Figure 31B-2

Changes in the requirements specified in the notes section for figure 31B-2 and Table 31B-2 are consistent with the USA Diving Rules and Codes.

Figure 31B-3

Changes in the requirements specified in the notes section for figure 31B-3 and Table 31B-3a and 31B-3b are consistent with the USA Diving Rules and Codes.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

United States Diving Inc, Diving Rulebook as amended 2010.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS:

CDPH believes the mandate for complying with the APSP 16 standard for suction outlet covers in public pools is necessary to be consistent with the Consumer Product Safety Commissions actions.

CONSIDERATION OF REASONABLE ALTERNATIVES

The Department has determined that no alternative considered by the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

No reasonable alternatives exist since there are no federal standards for the construction of public swimming pools.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.

Not applicable.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Not applicable.