



6310 Hillside Court
Suite 100
Columbia, MD 21046

January 20, 2021

Senator Cory V. McCray
221 James Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

Dear Senator McCray,

On behalf of The Columbia Association ("CA"). I am writing to share our concerns and opposition to HB 109/SB 254, titled Public Safety, Maryland Swimming Pool and Spa Standards, Adoption, which would require the Maryland Department of Labor to adopt the International Swimming Pool and Spa Code (the "International Code") as the Maryland swimming pool and spa standards. In short there is no need for these bills.

CA is a non-profit community services corporation and homeowners association that, among its other facilities, owns and operates 23 outdoor swimming pool complexes (consisting of main pools, wading pools, and in some venues splash pads and spas) as well as 5 indoor pools in Columbia, Ellicott City and Clarksville, Maryland.

The International Code differs significantly from the provisions discussed by the committee of swimming pool and spa professionals and stakeholders and the Bureau of Environmental Health officials (the "Pool Standards Workgroup") that has worked and continues to work to update COMAR 10.17.01 [Public Swimming Pools and Spas] *Aquatics Facilities and Venues* (the "Pool Regulations"), which currently sets the Maryland standards for pools and spas. The adoption of the International Code, which would be required by House Bill 109 and Senate Bill 254, would impose a significant financial burden on the residents and property owners of Columbia. Although CA is fully compliant with the Pool Regulations, adoption of the International Code would require CA to make modifications to 27 pool locations to comply with hundreds of small code changes, including for example deck lighting, handrails inside pools and fencing changes. The financial impact of making those changes for 27 pool locations would be significant without increasing the safety of our members, guests, and employees

ØPool Standards Workgroup

Rather than initiating an entirely new set of standards to be overseen by a different state agency, CA supports the continued work of the Pool Standards Workgroup. In January 2019, the Bureau of Environmental Health posted revisions to the Health Code to update the Pool Regulations to strengthen them in light of current conditions in the industry. Those updates included updates to Critical Violations, Suction Outlet Covers, Response Time, Water Chemistry, Circulation Systems, Pool Lighting, and Barriers around swimming pools. Since then, the Pool Standards Workgroup has continued to meet and is now working with the Bureau of Environmental Health to update additional areas of the Pool Regulations, including Splash Pads, Innovation, Pumprooms, and Suction Entrapment. The Workgroup develops its recommended updates based on the expertise of pool and spa operators, builders, engineers, and local health department inspectors, as well as reference documents such as the Centers for Disease Control Model Aquatic Health Code (MAHC). The MAHC was designed to be an ideal operating standard for swimming pools and spas throughout the country based on best practices to heighten the safety of swimming activities. Incorporating the MAHC where needed into the Maryland Pool Regulations will continue to engender science-based updates.



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Ø **International Pool & Spa Code** The International Code is not as comprehensive as the Maryland Pool Regulations. Before any decision is made as to the wholesale adoption of the International Code, CA submits that the state should commission a detailed study comparing the International Code with the Maryland Pool Regulations section by section to determine which is more comprehensive and which would better strengthen the safety of Maryland pools and spas. If any areas are identified where the International Code may be more comprehensive or might result in safer measures, those sections could be referred for study by the Pool Standards Workgroup, which could then make recommendations on updates if needed.

Ø **Timeline**

House Bill 109 and Senate Bill 254 reference adoption of the International Code by October 1, 2021 with adoption of all future updates to the International Code within 18 months of their addition to the Code. The new standards would apply to each swimming pool or spa in the state for which a permit application for renovations is received by a local jurisdiction on or after June 1, 2022. Requiring any CA swimming pools in need of renovations to meet these International Code standards within such a short time would result in significant expenditures. For example, International Code section 321 on lighting would compel CA to make significant renovations at many of its pools to comply with the requirement that all pools have deck lighting even though CA's outdoor pools are only open during daylight hours and already meet the Pool Regulations. Ultimately these costs would be borne by the Columbia community and might require the closing of some pools, leading to reduced access to aquatic venues.

Given the effects of the COVID-19 pandemic on CA's and other pool operators' budgets, this does not seem to be an appropriate time to take measures that increase expenses.

Ø **Agency Oversight**

It appears that House Bill 109 and Senate Bill 254 would alter the agency process for oversight of pool and spa regulations either by adding the Maryland Department of Labor, Licensing and Regulation ("DLLR") to the process or moving oversight of the process from the Bureau of Environmental Health to DLLR. The Bureau already works closely with the various pool stakeholders to issue permits, collect fees, and complete annual and monthly safety inspections. There does not appear to be any reason to add to or alter the Bureau's oversight and undoubtedly would result in an increase in fees to cover DLLR'S administrative costs.

CA thanks you for your time and consideration in reviewing our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "M-Oltmanns", is written over a horizontal line.

Marty Oltmanns, Aquatics Director Columbia Association