

# **MBOA SB 254 Support letter.pdf**

Uploaded by: Bryant, Bill

Position: FAV



# MARYLAND BUILDING OFFICIALS ASSOCIATION

P.O. Box 157 Sykesville, Md. 21784

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Howard County

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**David Finneran**  
Maryland DLR

## **SB 254 – Support**

### **Public Safety – Maryland Swimming Pool and Spa Standards – Adoption Senate Committee on Judicial Proceedings**

February 3, 2021

Dear Chair Smith, and Members of the Committee,

The Board of Directors Maryland Building Officials Association is happy to provide testimony in favor of SB 254, adopting the International Swimming Pool and Spa Code (ISPSC) for design and construction of public, semi-public, and private pools and spas.

Adding the ISPSC next to the Maryland Building Performance Standards provides a safe and comprehensive code for design and construction of swimming pools and spas that correlates with the other building safety codes adopted and enforced in Maryland. SB 254 provides a consistent foundation of requirements across the state that reduces the patchwork of regulations governing the design and construction of pools and spas. Importantly, the ISPSC is written in a format that is well understood by Maryland's design, builder, and code enforcement communities which leads to more consistent application and enforcement of its safety provisions.

The Maryland Building Officials Association, established over 50 years ago, is a membership association of approximately 450 individuals dedicated to building, plumbing, energy efficiency, and fire protection. As charter members of the International Code Council, our members, along with construction industry professionals, develop the codes and standards, including the ISPSC, used to protect the public and keep them safe in the buildings where they eat, sleep, work, learn, play, and worship. The State of Maryland has a long history of adopting national model codes and standards and many local representatives have been very active in the development of the family of International Codes and Standards.

MBOA appreciates the Committee's consideration of SB 254 and urges a favorable recommendation.

Sincerely,

Donald L. Mock, P.E.  
President



# **1125 PHTA ISPSC MD Listing Jan 2021(1).pdf**

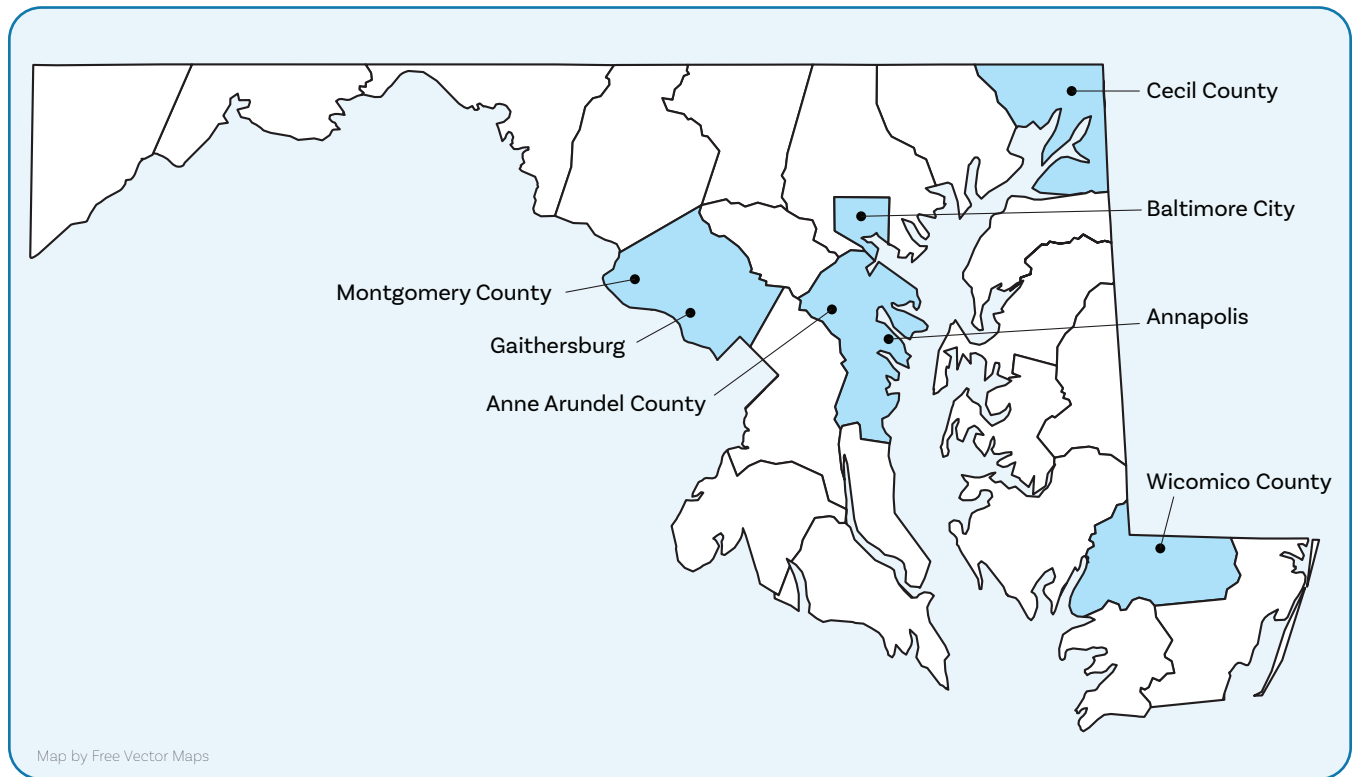
Uploaded by: Davidson, Jason

Position: FAV



# Maryland ISPSC Adoption Status Report\*

(Revised 1/20/2021)



## 7 Local Adoptions

Annapolis ('15)  
Anne Arundel County ('12)

Baltimore City ('18)  
Cecil County ('18)  
Gaithersburg ('18)

Montgomery County ('15)  
Wicomico County ('15)

\*Please verify the ISPSC adoption and version with your local code officials

<https://www.phta.org/standards-and-codes/ispsc/>



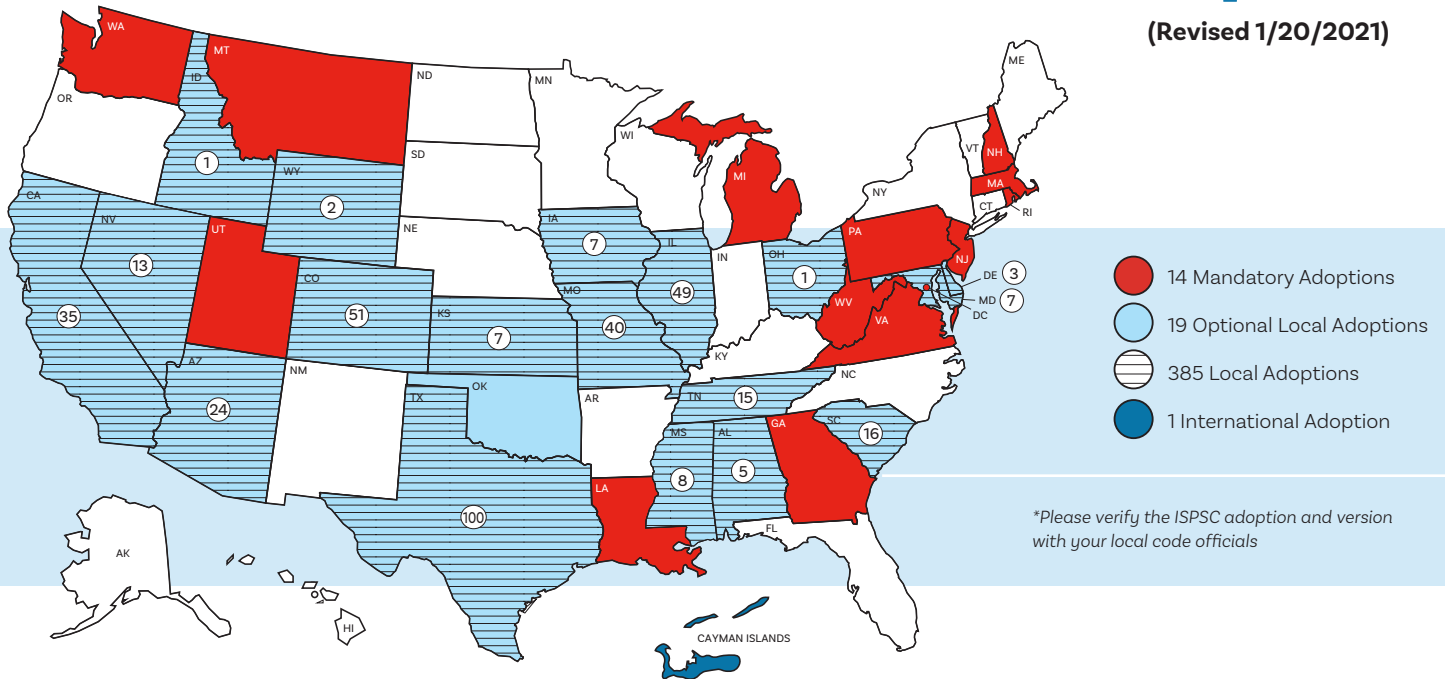
# **1125 PHTA ISPSC National Listing Jan 2021(2).pdf**

Uploaded by: Davidson, Jason

Position: FAV

# ISPSC Adoption Status Report\*

(Revised 1/20/2021)



## 14 Mandatory State Adoptions (Statewide)

Georgia ('12) | Louisiana ('15) | Massachusetts ('15) | Michigan ('15) | Montana ('18) | New Hampshire ('15) | New Jersey ('18) | Pennsylvania ('15) | Rhode Island ('15) | Utah ('18) | Virginia ('15) | Washington ('15) | Washington, D.C. ('12) | West Virginia ('15)

## 19 States with Optional Adoption

Alabama | Arizona | California | Colorado | Delaware | Idaho | Illinois | Iowa | Kansas | Maryland | Mississippi | Missouri | Nevada | Ohio | Oklahoma | South Carolina | Tennessee | Texas | Wyoming

## 385 Local Adoptions

### Alabama

County of Mobile ('18)  
Gulf Shores ('18)  
Montgomery ('18)  
Orange Beach ('18)  
Tuscaloosa ('12)

### Arizona

Apache County ('15)  
Apache Junction ('18)  
Benson ('15)  
Camp Verde ('12)  
Casa Grande ('18)  
Chandler ('18)  
Clarkdale ('18)  
Florence ('18)  
Fountain Hills ('12)  
Goodyear ('12)  
Marana ('18)  
Mesa ('18)  
Oro Valley ('18)  
Pima County ('18)  
Phoenix ('18)  
Sahuarita ('12)  
San Luis ('18)  
Sedona ('18)  
Sierra Vista ('12)  
Snowflake ('15)

Somerton ('18)  
Tempe ('15)  
Tucson ('18)  
Yavapai County ('12)

### California

Alhambra ('18)  
Asuza ('18)  
Atascadero ('18)  
Brea ('15)  
Cathedral City ('18)  
Cotati ('15)  
El Segundo ('18)  
Fremont ('18)  
Garden Grove ('18)  
Grass Valley ('15)  
Hanford City ('15)  
Huntington Park ('12)  
Laguna Niguel ('18)  
La Palma ('18)  
Los Alamitos ('12)  
Milpitas ('18)  
Mission Viejo ('18)  
Monterey Park ('15)  
Nevada City ('15)  
Nevada County ('12)  
Newport Beach ('18)  
Palo Alto ('15)

Pleasanton ('18)  
Rancho Cordova ('18)  
Rancho Cucamonga ('18)  
Rancho Santa Margarita ('18)  
Sacramento County ('15)  
San Bernardino County ('18)  
San Luis Obispo County ('18)  
San Manuel Indian Reservation (in San Bernardino County) ('12)  
Seal Beach ('18)  
Sebastopol ('15)  
Temple City ('18)  
Ventura County ('18)  
Whittier ('15)

### Colorado

Adams County ('18)  
Arapahoe County ('15)  
Archuleta County ('18)  
Arvada ('18)  
Aspen ('15)

Berthoud ('18)  
Black Hawk ('15)  
Blue River ('12)  
Boulder ('12)  
Boulder County ('15)  
Broomfield ('18)  
Buena Vista ('15)  
Castle Pines ('15)  
Castle Rock ('12)  
Centennial ('15)  
Chaffee County ('15)  
Commerce ('18)  
Dacono ('18)  
Delta County ('18)  
Denver ('18)  
Denver County ('15)  
Douglas County ('18)  
Eagle County ('15)  
Erie ('15)  
Evans ('18)  
Federal Heights ('15)  
Fort Collins ('18)  
Frisco ('18)  
Garfield County ('15)  
Greenwood Village ('12)  
Hudson ('18)  
Johnstown ('18)  
Longmont ('18)

Lyon County ('15)  
Pagosa Springs ('15)  
Parker ('15)  
Pitkin County ('15)  
Pueblo ('15)  
Salida ('15)  
Severance ('18)  
Sheridan ('15)  
Silverthorne ('18)  
Summit County ('18)  
Thornton ('15)  
Timnath ('18)  
Town of Buena Vista ('15)  
Wellington ('18)  
Westminster ('15)  
Wheat Ridge ('18)  
Windsor ('18)  
Yuma ('15)

### Delaware

Middletown ('18)  
New Castle County ('15)  
Rehoboth Beach ('18)

### Idaho

Lewiston ('15)

(\*): indicates update to ISPSC year

**Illinois**

Addison ('12)  
 Arlington Heights ('18)  
 Bartlett ('12)  
 Bloomingdale ('18)  
 Buffalo Grove ('18)  
 Champaign ('15)  
 Darien City ('15)  
 DeKalb ('15)  
 DuPage County ('15)  
 Elk Grove Village ('18)  
 Elmhurst ('12)  
 Elwood ('18)  
 Evanston ('12)  
 Geneva ('15)  
 Hainesville ('12)  
 Hanover Park ('12)  
 Highland Park ('18)  
 Hoffman Estates ('15)  
 Inverness ('15)  
 Kankakee ('18)  
 Lake Bluff ('12)  
 Lake County ('12)  
 Libertyville ('18)  
 Lincoln ('12)  
 Lincolnshire ('18)  
 Lisle ('15)  
 Long Grove ('12)  
 Loves Park ('15)  
 Milan ('12)  
 Mount Prospect ('15)  
 Naperville ('18)  
 Northbrook ('12)  
 Palatine ('15)  
 Pecatonica ('12)  
 Saint Clair County ('12)  
 Shorewood ('18)  
 St. Charles ('15)  
 Streamwood ('12)  
 Sycamore ('15)  
 Tinley Park ('12)  
 Tuscola ('15)  
 Warrenville ('15)  
 Westchester ('12)  
 Westmont ('12)  
 Wheeling ('18)  
 Willowbrook ('18)  
 Winfield ('15)  
 Winnetka ('15)  
 Yorkville ('18)

**Iowa**

Ankeny ('18)  
 Cedar Rapids ('18)  
 Coralville ('18)  
 Des Moines ('18)\*  
 Johnston ('15)  
 Ottumwa ('15)  
 Sioux Center ('15)

**Kansas**

DeSoto ('18)  
 Gardner ('12)  
 Lawrence ('15)  
 Lenexa ('18)  
 Manhattan ('15)  
 Olathe ('12)  
 Wichita ('12)

**Maryland**

Annapolis ('15)  
 Anne Arundel County ('12)  
 Baltimore City ('18)  
 Cecil County ('18)  
 Gaithersburg ('18)  
 Montgomery County ('15)  
 Wicomico County ('15)

**Mississippi**

Biloxi ('18)  
 Diamondhead ('12)  
 D'Iberville ('18)  
 Federal Heights ('12)  
 Garfield County ('12)  
 Gulfport ('18)  
 Pearl River Valley Water Supply District ('15)  
 Senatobia ('18)

**Missouri**

Branson ('18)  
 Cape Girardeau ('15)  
 Chesterfield ('18)  
 Clayton ('15)  
 Creve Coeur ('15)  
 Eureka ('18)  
 Excelsior Springs ('12)  
 Farmington ('15)  
 Frontenac ('15)  
 Gladstone ('15)  
 Higginsville ('15)  
 Hollister ('18)  
 Jackson ('15)  
 Jefferson ('15)  
 Jefferson County ('15)  
 Kearney ('12)  
 Kirkwood ('15)  
 Joplin ('18)  
 Ladue ('15)  
 Lake St. Louis ('15)  
 Liberty ('12)  
 Missouri City ('15)  
 North Kansas City ('12)  
 O'Fallon ('15)  
 Parkville ('18)  
 Raymore ('18)  
 Richmond Heights ('18)

Rolla ('18)  
 Sedalia ('15)  
 Sikeston ('12)  
 Springfield ('18)  
 St. Charles ('15)  
 St. Charles County ('15)  
 St. Louis ('18)  
 St. Louis County ('18)  
 St. Peters ('15)  
 Troy ('15)  
 University City ('12)  
 Webster Groves ('15)  
 Wright City ('15)

**Nevada**

Boulder City ('12)  
 Carson City ('18)  
 Clark County ('18)  
 Fernley ('18)  
 Henderson ('12)  
 Humboldt County ('18\*)  
 Las Vegas ('18)  
 North Las Vegas ('18)  
 Sparks ('18)  
 Storey County ('18)  
 Washoe County ('12)  
 West Wendover ('12)  
 Winnemucca ('12)

**Ohio**

Grove City ('18)

**South Carolina**

Aiken ('18)  
 Charleston ('18)  
 Clemson ('18)  
 Edisto Beach ('15)  
 Fort Mill ('18)  
 Georgetown County ('12)  
 Goose Creek ('18)  
 Greenville County ('15)  
 Lancaster County ('18)  
 Moncks Corner ('18)  
 Myrtle Beach ('15)  
 Oconee County ('15)  
 Seneca ('18)  
 Summerville ('18)  
 Surfside Beach ('18)  
 Westminster ('12)

**Tennessee**

Alcoa ('18)  
 Brentwood ('12)  
 Farragut ('18)  
 Gallatin ('15)  
 Hendersonville ('18)  
 Knox County ('18)  
 Lincoln County ('18)

Mount Juliet ('12)  
 Murfreesboro ('18)  
 Piperton ('18)  
 Roane County ('12)  
 Rossville ('18)  
 Rutherford County ('18)  
 Smyrna ('18)  
 White House ('12)

**Texas**

Addison ('18)  
 Alvin ('18)  
 Amarillo ('15)  
 Andrews ('15)  
 Angleton ('12)  
 Austin ('18)  
 Bangs ('18)  
 Bastrop ('18)  
 Bedford ('18)  
 Bellaire ('18)  
 Bells ('15)  
 Belton ('15)  
 Benbrook ('18)  
 Brenham ('15)  
 Bunker Hill ('18)  
 Canton ('15)  
 Canyon ('15)  
 Carrollton ('18)  
 Cedar Park ('15)  
 Celina ('18)  
 Cibolo ('12)  
 Cleveland ('15)  
 Clute ('15)  
 Corinth ('18)  
 Corpus Christi ('18)  
 Del Rio ('15)  
 DeSoto ('18)  
 Euless ('15)  
 Ferris ('15)  
 Freeport ('15)  
 Frisco ('18)  
 Ft. Worth ('18)  
 Fulshear ('15)  
 Galveston ('12)  
 Grand Prairie ('15)  
 Groesbeck ('18)  
 Gun Barrel City ('15)  
 Haslet ('15)  
 Helotes ('18)  
 Huntsville ('15)  
 Hurst ('15)  
 Jersey Village ('18)  
 Katy ('15)  
 Killeen ('15)  
 Kilgore ('12)  
 Kyle ('15)  
 La Grange ('18)  
 La Porte ('18)  
 LaMarque ('18)

Lancaster ('15)  
 Live Oak ('18)  
 Lucas ('15)  
 Mansfield ('18)  
 Manvel ('12)  
 McAllen ('12)  
 McKinney ('18)  
 Meadows Place ('12)  
 Missouri City ('15)  
 Mont Belvieu ('15)  
 Montgomery ('15)  
 New Braunfels ('18)  
 Nolanville ('15)  
 North Richland Hills ('18)

Oak Leaf ('12)  
 Palacios ('12)  
 Pattison ('18)  
 Pearland ('18)  
 Pecos ('15)  
 Pharr ('12)  
 Plainview ('15)  
 Plano ('18)  
 Pleasanton ('15)  
 Portland ('15)  
 Princeton ('15)  
 Red Oak ('12)  
 Richmond ('15)  
 Roanoke ('18)  
 Rosenberg ('18)  
 Round Rock ('15)  
 Saginaw ('18)  
 San Antonio ('18)  
 San Saba ('15)  
 Santa Fe ('12)  
 Schertz ('12)  
 Seagoville ('18)  
 Seguin ('15)  
 Shoreacres ('15)  
 South Lake ('18)  
 Southside Place ('18)  
 Spring Valley ('18)  
 Taylor Lake Village ('18)  
 Tool ('15)  
 Universal City ('15)  
 Uvalde ('15)  
 Waco ('15)  
 Watauga ('18)  
 Webster ('15)  
 West University Place ('12)  
 Wharton ('12)  
 Wylie ('12)

**Wyoming**

Rawlins ('15)  
 Thermopolis ('18)

**Cayman Islands ('15)**

(\*): indicates update to ISPSC year

<https://www.phta.org/standards-and-codes/ispsc/>





# **MD Senate ISPSC Letter of Support.pdf**

Uploaded by: Davidson, Jason

Position: FAV

# NATIONAL DROWNING PREVENTION ALLIANCE



*United, we can prevent the tragedy of drowning.*

January 15, 2021

Senator William C. Smith Jr. (Chair) & Senator Jeff Waldstreicher (Vice-Chair)  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

Dear Chairman Smith & Vice-Chair Waldstreicher:

The International Swimming Pool and Spa Code (ISPSC) is a model code that regulates the minimum requirements for the design, construction, alteration, repair and maintenance of new or substantially re-modeled swimming pools, spas, hot tubs and aquatic facilities. This includes public swimming pools, public spas, public exercise spas, aquatic recreation facilities, permanent in-ground residential spas and pools and permanent residential spas and pools among other water venues. The National Drowning Prevention Alliance supports the adoption of the ISPSC in States and local jurisdictions around the country. Many states and local jurisdictions have already done just that. More should follow suit. We strongly encourage you to support adoption in the great state of Maryland to save lives and make water safer for all!

Developed in collaboration with the Pool & Hot Tub Alliance (PHTA; formerly the Association of Pool & Spa Professionals), ISPSC adoption provides many benefits supporting the safety and health of water. If adopted, the code requires pools and other water facilities to: meet the requirements of the Virginia Graeme Baker Pool & Spa Safety Act; meet the APSP-7 standard for suction entrapment avoidance; require layers of protection around pools and spas that help prevent the unfettered access by children, including fencing, covers and door and window alarms; and ensures that water quality is healthy and safe, among many other safety and health provisions.

Please contact the NDPA should you have any question regarding the ISPSC.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam B. Katchmarchi'.

Dr. Adam B. Katchmarchi

Executive Director

National Drowning Prevention Alliance (NDPA)

## **SB 254\_PHTA\_Letter of Support.pdf**

Uploaded by: Davidson, Jason

Position: FAV



February 3, 2021

The Honorable William C. Smith  
Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
11 Bladen Street  
Annapolis, Maryland 21401

**Re: Consideration of the International Swimming Pool and Spa Code**

Dear Chairman Smith:

This letter is in regard to the state of Maryland's consideration of the International Swimming Pool and Spa Code (ISPSC). The Pool and Hot Tub Alliance (PHTA) (formerly the Association of Pool & Spa Professionals (APSP)) partnered with the International Code Council (ICC), the body responsible for many of our national building codes, to create the first ever national code for swimming pools and spas in 2012.

According to a 2015 Maryland Department of Health report, drowning was the 2nd leading cause of death for children 0-4 and the third leading cause of death for children aged 5-14. While most Jurisdictions in Maryland have some form of existing pool and spa regulations, most lack a comprehensive code or laws that address design, construction, and safety of pools and spas leaving a patchwork of regulations across Maryland. SB 254 will remedy this by adopting the International Swimming Pool and Spa Code (ISPSC) which is the only code that is coordinated and correlated with the other building codes adopted in Maryland. The ISPSC is the first national code for swimming pools and spas ever created and the only code to address all aspects of public and residential pool and spa design and construction addressing quality, safety, and energy and conservation.

The ISPSC will establish minimum regulations for public and residential pools, spas, and hot tubs using prescriptive and performance-related provisions. Additional benefits of the ISPSC include:

- Seamless integration with the most widely used model codes in North America, the International Building Code® (IBC®) and International Residential Code® (IRC®).



2111 Eisenhower Ave., Ste 500  
Alexandria, VA 22314

- Meets or exceeds the requirements of the federal Virginia Graeme Baker Act for suction entrapment avoidance.
- Covers fencing, decks, lighting, heaters, circulation systems, pumps, accessibility, diving, sanitizing equipment, filters, and suction fittings.
- Includes provisions for pools and facilities geared specifically for water parks, along with provisions based on the latest research for diving, barriers, general design, and water quality safety.
- All necessary provisions in one book. The ISPSC combines the provisions of the relevant sections of the IRC, IBC, IPC®, and IMC®, and the APSP standards, serving as a fully-integrated document for pool and spa safety.

We look forward to positive consideration of the ISPSC in Maryland and hope to be of assistance in your code development process.

Sincerely,

Jason Davidson

PHTA, Director of Government Relations

[jdavidson@phta.org](mailto:jdavidson@phta.org)

## About Us

The Pool & Hot Tub Alliance was formed in 2019, combining the Association of Pool & Spa Professionals (APSP) and the National Swimming Pool Foundation (NSPF). With the mission to “Celebrate the Water,” PHTA facilitates the expansion of swimming, water safety and related research and outreach activities aimed at introducing more people to swimming, making swimming environments safer and keeping pools open to serve communities.

APSP, now the PHTA, is the world’s oldest and largest association representing swimming pool, hot tub, and spa manufacturers, distributors, manufacturers’ agents, designers, builders, installers, suppliers, retailers, and service professionals. Dedicated to the growth and development of its members’ businesses and to promoting the enjoyment and safety of pools and spas, PHTA offers a range of services, from professional development to advancing key legislation and regulation at the federal and local levels, to consumer outreach and public safety. PHTA is the only industry organization recognized by the American National Standards Institute to develop and promote national standards for pools, hot tubs, and spas. For more information, visit [APSP.org](http://APSP.org) or [NSFP.org](http://NSFP.org).



2111 Eisenhower Ave., Ste 500  
Alexandria, VA 22314

# **MBIA Testimony SB 254.pdf**

Uploaded by: Graf, Lori

Position: FAV

February 2, 2021

The Honorable William C. Smith Jr.  
Senate Judicial Proceedings Committee  
Miller Senate Office Building,  
2 East Wing 11 Bladen St.,  
Annapolis, MD, 21401

**RE: Support of SB 254 (Public Safety- Maryland Swimming Pool and Spa Standards- Adoption)**

Dear Chairman Smith:

The Maryland Building Industry Association (MBIA), representing 1,100 member firms of the building industry across the State of Maryland, supports Senate Bill 254 (Public Safety - Maryland Swimming Pool and Spa Standards-Adoption).

This bill Requires the Maryland Department of Labor to adopt by regulation the International Swimming Pool and Spa Code as the Maryland Swimming pool and Spa Standards. MBIA believe that this would be a positive-steps towards improving the health and safety of public pools and spas. MBIA also appreciates the state limiting their intervention in the maintenance and care of private property where owners have limited funds and cannot afford to make yearly upgrades to their facilities.

For these reasons, MBIA respectfully requests the Committee give this measure a favorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

cc: Senate Judicial Proceedings Committee

**CCF\_000018.pdf**

Uploaded by: Korn, Alan

Position: FAV





January 29, 2021

Senator William Smith (Chair) & Senator Jeff Waldstreicher (Vice-Chair)  
Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

Dear Chairman Smith & Vice-Chair Waldstreicher:

First let me thank you for considering the adoption of The International Swimming Pool and Spa Code (ISPSC) with the passing of SB 0254 . The ISPSC is a model code that regulates the minimum requirements for the design, construction, alteration, repair, and maintenance of new or substantially re-modeled swimming pools, spas, hot tubs and aquatic facilities. This includes public swimming pools, public spas, public exercise spas, aquatic recreation facilities, permanent in-ground residential spas and pools and permanent residential spas and pools among other water venues. Abbey's Hope Charitable Foundation and the National Drowning Prevention Alliance support the adoption of the ISPSC in States and local jurisdictions around the country. We strongly encourage you to support adoption in the great state of Maryland.

Developed in collaboration with the Pool & Hot Tub Alliance (PHTA; formerly the Association of Pool & Spa Professionals), ISPSC adoption provides many benefits supporting the safety and health of water. If adopted, the code requires pools and other water facilities to: meet the requirements of the Virginia Graeme Baker Pool & Spa Safety Act (VGB Act); meet the APSP-7 standard for suction entrapment avoidance; require layers of protection around pools and spas that help prevent the unfettered access by children, including fencing, covers and door and window alarms; and ensure that water quality is healthy and safe, among many other safety and health provisions.

In June of 2007, six-year old Abigail Taylor suffered a horrific injury while swimming in a public pool. That injury ultimately took her life. Abbey was playing in a wading pool when she unknowingly sat on a drain that was poorly maintained and unequipped with the appropriate safety devices. The powerful suction of the pool eviscerated Abbey. Her small intestine was ripped from her body. The serious injury was followed by 9 months of medical care, including 16 different surgeries, a triple organ transplant, several infections and most of her sixth year of life in a hospital bed. Despite the best medical care and attention and our constant vigilance and prayers, Abbey died March 20, 2008. Abbey's hope was that no child should ever suffer like she did as a result of an improperly maintained pool or from a preventable drowning. In her memory Abbey's Hope Charitable Foundation was formed.

One our greatest achievements was helping the United States Congress to pass The Virginia Graeme Baker Pool Safety Act (VGB Act) which requires entrapment safety devices on all **public** pools in Maryland and around the country. Significantly, since the effective date of this law, there has not been a single entrapment death at a public pool or spa, however, the passage of this measure alone is not enough in Maryland. Adoption of the ISPSC will help close that safety gap between public and residential pools and spas by requiring the same entrapment protection provided from the VGB Act to, at least, newly constructed pools/spas and substantially remodeled existing pools/spas. Please help fulfill Abbey's hope of 'safer pools, safer kids' by adopting the ISPSC code.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alan Korn', with a long horizontal stroke extending to the right.

Alan Korn, J.D.

Executive Director, Abbey's Hope Charitable Foundation

Board Member and General Counsel, National Drowning Prevention Alliance

# **ICC Letter to Maryland to Judicial Proceedings Com**

Uploaded by: Wiley, Justin

Position: FAV



**International Code Council**  
500 New Jersey Avenue, NW  
Sixth Floor  
Washington, DC 20001  
t: 888.ICC.SAFE (422.7233)  
t: 202.370.1800  
f: 202.783.2348  
[www.iccsafe.org](http://www.iccsafe.org)

**SB 254 – Support**  
**Public Safety – Maryland Swimming Pool and Spa Standards – Adoption**  
**Senate Committee Judicial Proceedings**

February 3, 2021

Dear Chair Smith, and Members of the Committee,

The International Code Council (Code Council) supports the passage SB 254, adopting the International Swimming Pool and Spa Code (ISPSC) for new construction, alteration, and remodeling of public, semi-public, and private pools and spas<sup>1</sup>.

The Code Council is a member-focused nonprofit association with over 64,000 members (1,200 of whom call Maryland home) that develops model building codes, the I-Codes, used in the design, build and compliance process to construct safe, sustainable, affordable and resilient structures. Maryland chooses the I-Codes as its regulatory foundation for the built environment adopting and adapting the International Residential Code, the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Green Construction Code, the International Property Maintenance Code, the International Existing Building Code, and the International Energy Conservation Code, all of which are updated every three years using a nationally recognized consensus-based process. The I-Codes, including the *International Swimming Pool and Spa Code* (ISPSC), are the most widely used and adopted set of building codes in the U.S. and around the world.

Several Maryland jurisdictions currently adopt and enforce the ISPSC<sup>2</sup> or use provisions from the code. Others require permits and inspections for pools and spas but reference out of date legacy regulations. This approach causes a patchwork of jurisdiction specific requirements across Maryland that do not take advantage of safer and more energy efficient construction practices that up-to-date codes and standards provide (e.g. solar thermal water heating). Passing SB 254 reduces industry confusion and promotes compliance through a consistent set of pool and spa regulations that are seamlessly designed to integrate with the building, plumbing, mechanical, residential and other construction codes used throughout Maryland. Additional advantages to adopting the ISPSC are listed on the attached document. The Code Council appreciates the Committee's consideration and urges a favorable vote.

Thank you for your service,

A handwritten signature in black ink, appearing to read "Justin Wiley", with a stylized flourish at the end.

Justin Wiley – Vice President, Government Relations

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<sup>1</sup> The scope of the ISPSC does not address operations and maintenance of swimming pools and spas.

<sup>2</sup> Anne Arundel, Cecil, Fredrick, Montgomery, and Wicomico counties, as well as Annapolis, Baltimore, and Gaithersburg Cities adopt the ISPSC directly or by reference.

# **SB0254 Final 012121.pdf**

Uploaded by: Wiley, Justin

Position: FAV



## Maryland Fire Marshals Committee

Thomas Hayden, Chairperson  
(240) 676-4814  
[THayden@bwiairport.com](mailto:THayden@bwiairport.com)

Michael Custer, Vice Chairperson  
(202) 425-1317  
[Michael.s.custer.civ@mail.mil](mailto:Michael.s.custer.civ@mail.mil)

Roberta Kelly, Secretary  
(410) 313-6040  
[rkelly@howardcountymd.gov](mailto:rkelly@howardcountymd.gov)

January 22, 2021

Senator William C. Smith, Jr., Chairman  
Senator Jeff Waldstreicher, Vice Chair  
Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2  
East Room 251 Annapolis, MD  
21401

Re: SB0254 – Public Safety- - Maryland Swimming Pool and Spa Standards-Adoption

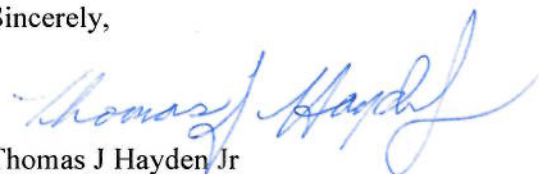
Dear Senators Smith and Waldstreicher,

The Maryland Metro Chiefs Fire Marshal Committee is made up of representatives from fire marshal offices from across the State of Maryland. We work in collaboration with the Maryland State Fire Marshal's Office to advocate for strong and effective fire prevention and life safety measures to protect the citizens of the State of Maryland.

We are writing you today to submit our support for SB0254. Drownings continue to be one of the leading causes of death for young children and teens in the state of Maryland. Tragically, many of these deaths could be prevented and we believe the adoption of the International Swimming Pool and Spa Safety Code could be a valuable tool in the matter. The ISPSC is the first national code for swimming pools and spas ever created and the only code to address all aspects of public and residential pool and spa design. It is based on scientifically proven best practices for drowning prevention and provides a consistent and uniform set of regulations reducing the cost of pool design. The majority of our members are or have been first responders during our careers. We have witnessed first-hand the tragedy of accidental drownings and support efforts to reduce or eliminate these devastating occurrences.

Thank you for your consideration of this legislation and we respectfully ask the Economic Matters Committee for a favorable report for HB0345.

Sincerely,



Thomas J Hayden Jr  
Chairman Metro Chiefs Fire Marshal Committee

## **SB254 Opposition with name.pdf**

Uploaded by: Jarvis, john

Position: UNF

John Jarvis

Ocean City, MD

RE: SB254

This is a response in opposition of SB254. Assertions presented do not accurately describe the existing situations. The following are specific objections to the Bill:

1. This bill creates a new bureaucratic structure within DLLR which currently exists within the Department of Health and Mental Hygiene and would be eliminated.
2. This bill forces non-Home Rule counties to take ownership of swimming pool construction and renovation where they have no training or experience.
3. While filling a void in residential pool oversight, this bill brings nothing new to commercial facilities.
4. References to other safety standards are already included in the existing COMAR 10.17.01 code for pools in Maryland.
5. This bill allows each county to create new requirements as they see fit which would create confusion and disparity across the state; the existing regulations under COMAR require uniformity across the entire state.
6. This bill would add a code that must be updated every three years from a national code. There is an existing partnership in place between the Department of Health and Mental Hygiene and Maryland Stakeholders to effect best practices as required.
7. The assertions that neighboring states have accepted this are true, but only because these areas had very minimal or no code. Maryland has had a very workable and comprehensive code since 1992 that is constantly being updated by the Department of Health and Maryland Stakeholder committee groups already in place.
8. The "Fiscal and Policy" note which was presented only included as stated Home Rule counties. The impact financially on counties, municipalities, and entire state is grossly understated.

The following are specific objections to the Code itself:

1. As written to be implemented internationally, this code lacks significant detail which provides a much lower bar of safety than COMAR 10.17.01 on commercial facilities.
2. The many codes which are referenced are already included in COMAR 10.17.01 on commercial facilities.
3. Section 12-1203, B, (2) specifically prevents any modification which is more stringent than the code. COMAR 10.17.01 sets a higher level of safety on over 30 items than the proposed code.
4. This document has significant merit for residential pools without opposition because there are currently no uniform standards in place; this is not the case commercially.

In conclusion, this bill attempts to provide a solution where we do not have a problem with the current standards regarding commercial facilities. This bill would have merit if reintroduced to address residential facilities if desired.



# **Opposition Letter SB254 Adoption of International**

Uploaded by: Jones, Susan

Position: UNF



**TESTIMONY OFFERED ON BEHALF OF  
THE OCEAN CITY HOTEL-MOTEL-RESTAURANT ASSOCIATION**

**IN OPPOSITION OF SB254 Public Safety –Swimming Pool and Spa Standards – Adoption  
Before the Judicial Proceedings Committee  
February 3, 2021**

On behalf of Ocean City hospitality industry, we respectfully request the rejection of SB254. Rather than initiating an entirely new set of standards to be overseen by a different state agency, we believe in the collaboration already shown as achievable through the Pool Standards Workgroups. Since January 2019, when the Bureau of Environmental Health posted revisions to the Health Code updating the Pool Regulations to strengthen the current industry conditions, the Pool Standards Workgroup has continued to meet. This workgroup is based on the expertise of pool and spa operators, builders, engineers, and local health department inspectors, as well as documents from the Center for Disease Control (CDC) and Model Aquatic Health Code (MAHC).

The proposed International Pool Code is not as comprehensive as the Maryland Pool Regulations and rather than adoption, we suggest a detailed study comparing the International Code with the Maryland Pool Regulations. This could be done in a section-by-section detailed manner to determine which would better strengthen the safety of Maryland pools and spas.

It appears as if this bill would change the 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. Currently, the Bureau works closely with pool stakeholders to issue permits, collect fees, and complete safety inspections. There does not appear to be any reason to add to or alter the Bureau's oversight and undoubtedly this change would result in an increase in fees to cover administrative costs.

The timeline concerns us as requiring any swimming pool or spa to meet the International Code standards within such a short time would result in significant expenditures. Ultimately these costs may require the closing of some pools, leading to reduced access to aquatic venues. Given the effects of the COVID-19 pandemic on our pool operators' budgets, this does not seem to be an appropriate time to take measures that increase expenses. This bill appears to offer a solution when there is no problem and therefore, the OCHMRA respectfully requests your opposition to SB254. Thank you for your time.

Sincerely,

Susan L. Jones  
Executive Director

## **SB0254 - Swimming Pool Standards - UNF - Lachelle**

Uploaded by: RASMUSSEN, DENNIS

Position: UNF



**TESTIMONY OFFERED ON BEHALF OF  
THE GREATER OCEAN CITY CHAMBER OF COMMERCE**

**IN OPPOSITION TO:**  
**SB0254 – Public Safety – Maryland Swimming Pool and Spa Standards – Adoption**

**Before:**  
**SENATE JUDICIAL PROCEEDINGS COMMITTEE**  
**February 3, 2021 at 11:00 AM**

The Greater Ocean City Chamber of Commerce, representing more than 850 regional businesses and job creators, **strongly opposes** **Senate Bill 0254 – Public Safety – Maryland Swimming Pool and Spa Standards – Adoption**. This legislation mandates the MD Department of Labor (DOL) to adopt COMAR regulations similar to the International Swimming Pool and Spa code, with various modifications. It further requires DOL to maintain a central, computer-based, statewide database, authorizes them to charge a fee, and allows for the resolution of conflicts with the standards. It further provides that local jurisdictions may also adopt, in certain instances, amendments and requires local jurisdictions to implement and enforce the standards. The bill would take effect on October 1, 2021.

Passage of this bill would create administrative and financial hardship in the form of forced participation in the oversight of program mandates. It also does not provide for local jurisdiction oversight.

The Ocean City Chamber respectfully requests an **UNFAVORABLE REPORT for SB0254**. Please feel free to contact the Chamber directly at 410-213-0144 should you have any questions.

Lachelle Scarlato  
Executive Director  
[Lachelle@oceancity.org](mailto:Lachelle@oceancity.org)

Salvatore Fasano  
Legislative Committee Chair  
[Salvatorefasano1980@gmail.com](mailto:Salvatorefasano1980@gmail.com)

## **SB 254 - Columbia Association Testimony - OPPOSED.**

Uploaded by: Tiburzi, Paul

Position: UNF



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

#### **Pool 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.





6310 Hillside Court  
Suite 100  
Columbia, MD 21046

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-L", followed by a stylized flourish.

Marty Olthmanns, Aquatics Director Columbia Association

# **SB 254 Swimming Pools and Spas February 2021\_Final**

Uploaded by: Welch, Kenneth

Position: UNF



An Affiliate of  
the Maryland Association  
of Counties, Inc.



Reply to:

DATE: February 3, 2021  
TO: Members, Judicial Proceedings  
FROM: Maryland Conference of Local Environmental Health Directors  
RE: SB 254 Public Safety – Maryland Swimming Pool and Spa Standards – Adoption

The Maryland Conference of Local Environmental Health Directors (the Conference) ***opposes*** **SB 254** with respect to the regulation and adoption of swimming pool and spa standards.

While the Conference appreciates the intent to increase consistency across the state for these activities, we believe the scope of the bill is too broad sweeping in nature and undermines longstanding existing standards used for pool construction statewide resulting in less consistency between jurisdictions. Local jurisdictions would then be left to pass local ordinances and regulations if they wanted more stringent regulations with notice to the Department. This would create different standards in each jurisdiction, which would make it very difficult for industry to comply. Safety measures currently in place would be removed, placing citizens and children at risk of injury.

Further, there are no operational standards described as are currently enforced under COMAR 10.17.01; namely, chlorine levels, pool operators, lifeguards, etc. The bifurcation of construction and operational issue are problematic for owner/operators, as well as local health departments.

Given the potential inconsistencies due to different standards to be set in each jurisdiction and the reduction in safety standards, we are opposed to SB 254.

Accordingly, we request the Committee give SB 254 an **UNFAVORABLE** report.

Thank you for the opportunity to share our views on this matter. If you have further questions concerning this written testimony, please contact me at 240-777-3840.

Respectfully,

Kenneth Welch, President  
Conference of Environmental Health Directors