Recreational Waters: Swimming Pools
Programs For Regulators
Job Aid

What are the three types of contamination?

1. Biological – i.e., bacteria, viruses, parasites
2. Chemical – i.e., chlorine, chloramines
3. Physical – i.e., debris in pool; obstructions on deck; poorly maintained pool equipment, structures, facilities

What laws, regulations, and guidelines govern pool safety in Massachusetts?

The primary regulation for ensuring swimming pool safety is 105 CMR 435.00: Minimum Standards for Swimming Pools (435). Under 435, LBOH are responsible for public and semi-public swimming, wading, or special purpose pools that are not state owned or operated.

Other Massachusetts regulations and guidelines that concern swimming pools include:
- 248 CMR: Board of State Examiners of Plumbers and Gas Fitters
- 521 CMR 3 and 19: Architectural Access Board, Jurisdiction and Recreational Facilities
- 527 CMR: Board of Fire Prevention Regulations
- 780 CMR: State Building Code
- Accessible Swimming Pools and Spas
- ADA and ABA Accessibility Guidelines for Buildings and Facilities
- the Virginia Graeme Baker Pool & Spa Safety Act

What are the four key functions LBOH have to ensure pools comply with 435?

The four key functions LBOH have to ensure that pools comply with 435 are:
1. Reviewing permit applications and plans
2. Issuing permits
3. Conducting inspections
4. Taking enforcement action (if necessary)

What information should be included in a completed application form for a new or existing pool?

A completed application for a new or existing pool should contain information about:
- the pool operator/owner
- location and type of pool
- method of water treatment
- maximum number of people allowed in the water at any time
- number of trained lifeguards (if required by LBOH)
- expiration date of permit

The completed application must also be accompanied by plans and specifications that have been stamped and signed by a MA Registered Professional Engineer or Registered Architect.

When does a permit expire?

Permits expire no more than 12 months following the date of issue.
What records are required as a condition of a swimming pool permit?

| 6 | A condition of a permit is that the operator maintain written records of all data pertaining to the operation and condition of the pool. These records must be available for inspection by the LBOH. Records include:  
|   | - Daily attendance  
|   | - Amount and types of chemical used daily  
|   | - Results of chemical and bacteriological tests  
|   | - Dates and times of emptying and cleaning the pool and backwashing filters  
|   | - Daily number of hours of operation of purification equipment  
|   | - Any other pertinent information LBOH requires  
|   | - Initials of the person conducting the required tests |

Can a pool operator request a variance to 435?

| 7 | A pool operator can request a variance, however, variances should only be considered if they meet both of these conditions: 1) enforcement of 435 would do manifest injustice, and 2) the applicant has proven that the same degree of protection required in 435 can be achieved without strict application of that particular provision. |

How often should you conduct pool inspections?

| 8 | While there is no required inspection frequency, you should inspect pools prior to opening for the season and throughout the operating season. You should determine inspection frequency based on LBOH staff resources, pool risk level, and inspection history. Routine inspections allow you to assess how well an operator is controlling contamination, maintaining and operating the pool, keeping records, and complying with all of the minimum standards found in 435. |

What enforcement actions can I take?

| 9 | Based on inspection findings, you may have to take action to achieve compliance with 435. These enforcement actions include issuing orders, providing the opportunity for a hearing, issuing tickets, or seeking criminal penalties. Taking enforcement action is serious and LBOH must comply with sections 435.41 through 435.47, and ensure that the pool operator or owner has the right to due process. |

What are some other activities LBOH can do to promote pool safety?

| 10 | Some LBOH offer health promotion and education activities for residents, pool operators, pool staff, and swimmers. You could distribute and promote the variety of educational materials offered by the CDC on pool safety. LBOH also have the authority to adopt local regulations and make policies, so you could also create specific pool safety regulations and policies in your community. |

How can I learn more?

| 11 | LPHI On Your Time trainings and resources  
|   | - http://sites.bu.edu/masslocalinstitute/training/on-your-time-tranings/  
|   | - http://sites.bu.edu/masslocalinstitute/resources  
|   | Manual of Laws and Regulations Relating to Boards of Health  