

N.J. STATE BATHING CODE

2017
PROPOSALS

History

- The first NJ State Bathing Code was adopted in 1987.
- Eliminated self regulation for bathing facilities.
- Code addressed all aspects of recreational bathing, including ocean swimming, hot tubs and spas, hotel, motel and condominium pools and private swim clubs.

History

The section of the code on Bathing Beaches applied to ponds, streams, rivers, bays and the ocean as well as lakes, both private and public.

History

The regulations were drafted in 1986 by a committee of 65 state employees, local health officials and industry representatives.

There was no small lake representation.

Past and Present Affects

- Required Lifeguards
- Required lifesaving equipment
- Required first aid and CPR training
- Required 200 ft buffer zone for swimming area.
- Required telephones at each beach
- Required weekly water tests.

Past & Present Affects

At one time, approximately 130 small beach associations on Lake Hopatcong. Less than several now.

N.J.A.C. 8:26

- The N.J. State Bathing Code
- New committee formed to amend and update the code back to at least 2011-12.
- Department of Health convened a group of “interested” parties to review existing code.

State Committee

Participating organizations and agencies included

- Local and County Health Departments
- The N.J. Department of Environmental Protection
- The N.J. Department of Community Affairs
- Clean Ocean Action
- A private water quality testing laboratory

State Committee

- Water Park operators
- A private lake operator
- The Red Cross
- The Northeast Spa and Pool Association
- The American Camping Association
- Pool operators

State Committee

- The N.J. Environmental Health Association
- The N.J. Health Officers Association
- The South Jersey Lifeguard Chiefs
- The United States Lifesaving Association

Stakeholder Organizations

Not included in the Committee

- The N.J. Recreation and Parks Association
- The N.J. Pool Managers' Association
- The N.J. Coalition of Lake Associations

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- The code was readopted without change on October 9, 2009
- The Bathing Code Regulations actually expired in 2016.
- The committee was unable to pass the new code before the old one expired.
- The Department readopted the code without change on August 5, 2016.

Virginia Graeme Baker Pool and Spa Safety Act (Baker Act)

New Proposals

Published on October 6, 2017 with only a 30 day response/comment period.

New Proposals

Most of the new proposals involve pool operation, chemicals, filters, electric, grounding, etc.

New Proposals

- Signage that shall state that the swimming area or pool is closed when the owner or operator is not on the premises.
- Mostly designed for health clubs, hotel, motel and condo pools.

New Proposals

Require a Specially Exempt Facility to inform the local health authority whether it intends to comply with the exempted provisions of NJAC 8:26-5.1

What is a Specially Exempt Facility?

Specially Exempt Facility means a public recreational bathing that is:

- 1. A private lake, river, or bay or private community lake, river, or bay association, or private non profit common interest community that restricts the use of its lake, river, bay or pool, as appropriate, to the owners of units thereof and their invited guests.*

New Proposals

- Requires a designated adult supervisor or two lifeguards in the case of a swimming pool with greater than 2,000 square feet of surface area.
- Requires in addition to having first aid and CPR training, that this person also be trained in spinal injury management.
- First Aid and CPR retraining must occur before certifications expire.

New Proposals

- Requiring to post a sign indicating location of first aid supplies.
- Requires Trained Pool Operator qualifications and certifications

Lifeguard Requirements

Specifies Lifeguard Training

New Proposals

- Require owner/operator to provide accessible emergency equipment.
- For Specially Exempt Facilities, require at least one life ring or rescue buoy.
- Designates specific items for first aid kits depending on size and population of facility.
- Requires spine board to be kept poolside.

New Proposals

- Eliminates commercial pay telephone.
- Requires address of facility posted adjacent to lifeguard station.
- Require one or more throw lines that can reach the other side of the pool.
- Require an Automated External Defibrillator (AED) to be present at pools that have a lifeguard.

New Proposals

- Requires posting of bathing rules
- Eliminate the requirement for children in diapers to wear plastic pants with snug fitting elastic waist and leg bands and replace with requirement to wear diapers specially designed for immersion in water.

New Proposals

- Provide policies regarding water toys to be part of the Aquatics Facility Plan
- Post Diving Rules
- **Provide signage advising that parents are required to supervise their children at all times.**

New Proposals

- Wading Pools supervision
- Water Slide safety and supervision

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Bathing Beach Supervision

- Establish duties of the designated adult supervisor
- Floats and fixed platforms
- Require dressing rooms and bathrooms at all public recreational bathing facilities. Grandfathered if constructed prior to November 3, 1986.

Bathing Beach Supervision

- If a facility does not comply with the exempted requirements, require to maintain an owner/operator on premises whenever swimming area is open for use.

Inspections

- Pre opening Operational Checklist to be conducted and provided to local Health Authority 21 days prior to opening.
- Health Authority to determine if on site inspection is needed.
- Requires at least one on site inspection during the season.

Definitions

- Lifeguard
- Specially Exempt Facility
- Water slide
- Paddle rescue devices

Lifeguard Operations

- Distractions
- Equipped with a whistle
- AED shall be provided if the bathing beach is capable of accommodating 500 swimmers and bathers OR if a lifeguard is present.
- Requires Lifeguard to be in the chair/station when open

Lifeguard Operations

- Requires minimum staffing, ie. 2 Lifeguards on duty
- Designates zones of protection
- May give local Health officials authority to determine additional staffing and placement.

Water Samples

- New Water Sample Test
- Now testing for E.Coli
- Weekly tests
- Failures must be notified within 1 hour from lab and reported to Health Dept

Water Samples

- Remove requirement for Fecal Coliform analysis
- Replace with E.coli analysis
- E.coli is the more appropriate analysis to require for natural bodies of water as it is a direct indicator of fecal contamination.
- This count is effected by human and animal waste in and around the bathing facility.

Water Samples

- E.coli is a more labor intensive analysis than the Fecal Coliform so most likely a price increase.

From: Jordan B. Klein, Garden State Labs.

Water Samples

- Details how the water sample is to be taken.
- Closure and reopening of bathing beaches.

Actions Taken

- Notification to all COLA members
- Meeting and working with NJ Pool Manager's Association and NJ Recreation and Parks Association to request that these stakeholders representing 45+ public and private pools, 70+ Lake associations and almost every municipality that has aquatic facilities in NJ be represented on the committee to review, research and recommend on these proposals.

Actions Taken

- All three organizations have initiated written formal responses to these proposals.

COLA Response

- Sent November 5, 2017 addressing major concerns and specific proposals that would affect our lake communities.
- Requested that COLA be included in discussions and revisions of these proposals before being enacted.
- Requested a delay in enacting these proposals.

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