



Update for Ontario's Modernized Public Pools Regulation

For Industry Stakeholders

Modernized Safe Food and Water Regulations

May 7, 2018

Purpose:

To update stakeholders on the regulatory changes and implementation of the Public Pools Regulation

Agenda:

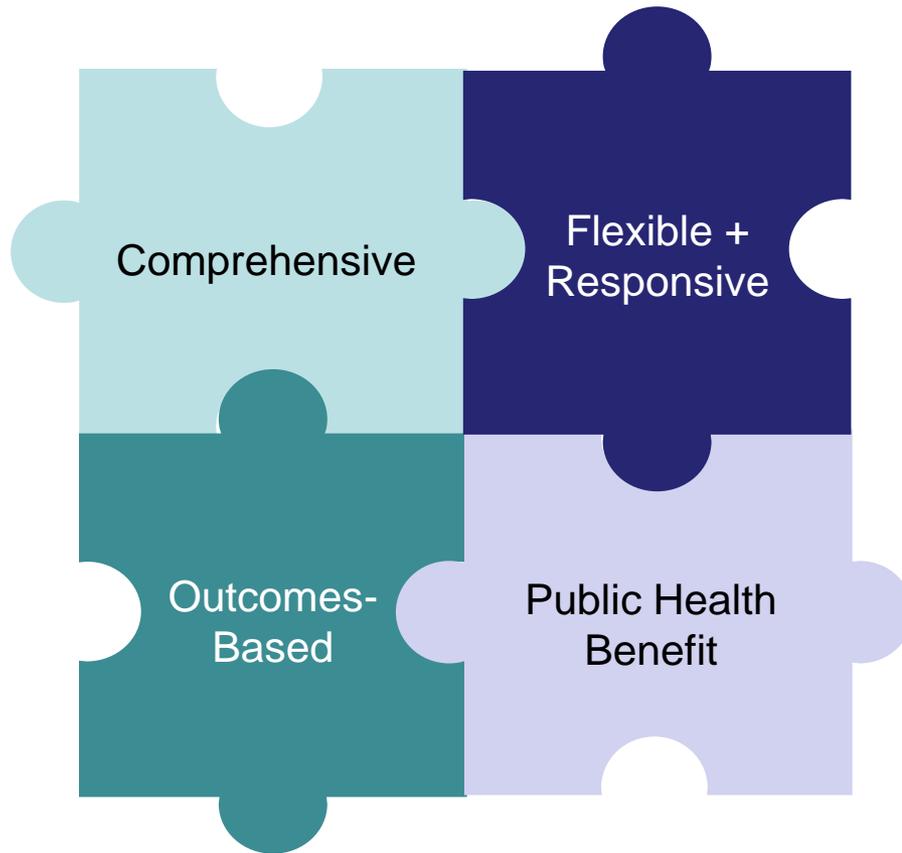
Introductions

Overview of Key Changes

Discussion and Questions

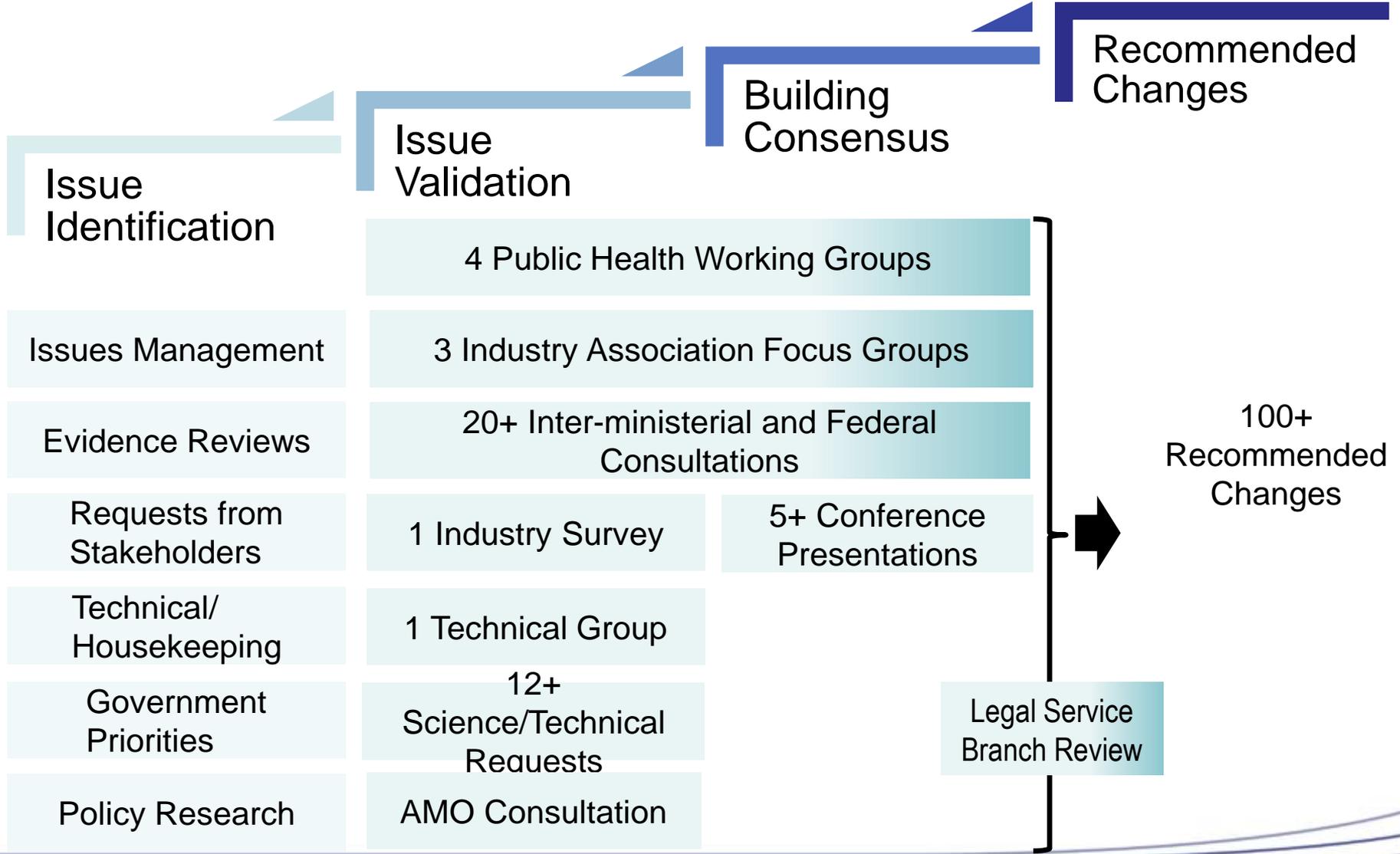
Next Steps

Guiding Principles

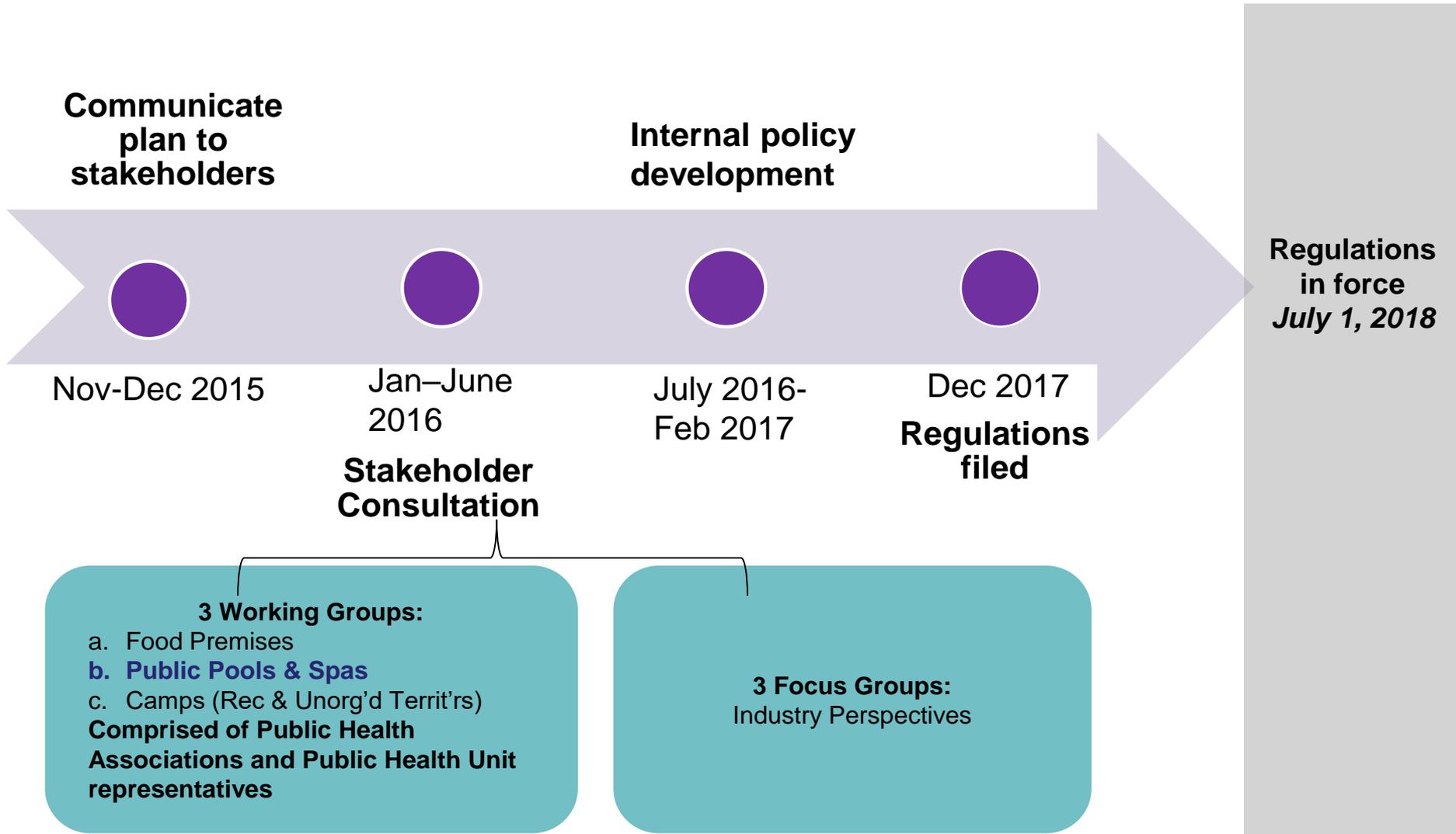


- Comprehensive regulations that set clear expectations for regulated parties
- A flexible and responsive regulatory framework that is evidence-based and supports innovation
- Optimal use of alternative approaches outcomes-based or non-regulatory approaches
- Ensure public health benefit is the overarching consideration; streamlined, concise and user-friendly

Regulatory Review and Development Approach

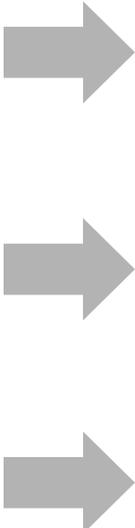


Stakeholder Engagement Schedule



Revised Regulations

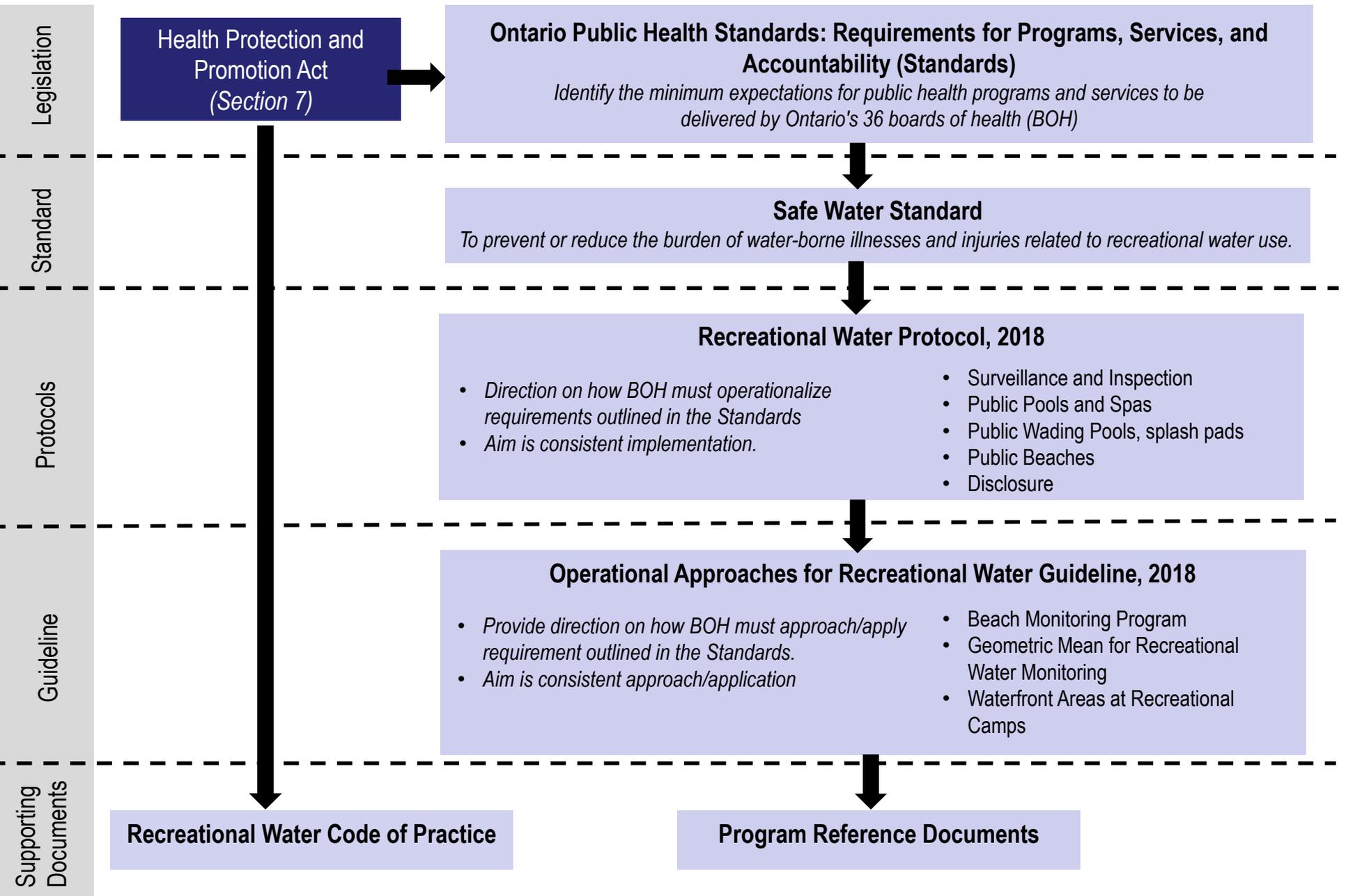
- O. Reg. 562 – Food Premises (1967)
- O. Reg. 565 – Public Pools (1944)
- O. Reg. 428/05 – Public Spas (2005)
- O. Reg. 568 – Recreational Camps (1940)
- O. Reg. 554 Camps in Unorganized Territory (1944)



- O. Reg. 493/17 – Food Premises
- O. Reg. 565 – Public Pools (2017)
- O. Reg. 495/17 – Public Spas Revocation
- O. Reg. 503/17 – Recreational Camps
- O. Reg. 502/17 - Camps in Unorganized Territory
- O. Reg. 499/17 – Transitional SDWS (repeal)

All regulations come into force on July 1, 2018 – except for the repealing regulation of the Transitional SDWS regulation which came into force on January 1, 2018.

Modernized Legislative Framework for Public Pools



Implementation Activities

Ontario's 35 public health units (PHUs) are mandated to implement, monitor and enforce the new Public Pools Regulation that comes into effect July 1, 2018.

The Ministry of Health and Long-Term Care (MOHLTC) is working closely with the PHUs to prepare for the implementation of the new regulations.

Activities include:

- Regulation specific training for directors, program managers and public health inspectors through in person and webinar sessions
- Resource Development including summary sheets of key changes to the regulations, Q & A's and regulation specific resources
- Monthly teleconferences throughout the summer and fall to address implementation issues

Modernized Public Pools Regulation

O. Reg. 565 (amended)

Modernized Public Pools Regulation: Key Change

Amalgamation of pool and spa regulations

- O. Reg. 428/05 (Public Spas) was introduced in 2005. Many requirements for opening, operating, and maintaining public spas are identical to those for pools in O. Reg. 565 (Public Pools), which has not had significant review since 1944.
- 7 provinces and 3 territories have a regulation which contains both public pool and spa requirements (2 provinces do not have regulations for public pools and spas).
- Requirements for operators of public pools and spas have been aligned to eliminate inconsistencies, and improve clarity and public safety (e.g., testing and recording frequencies; general facility maintenance; first aid box contents; operator training).
- The *Model Aquatic Health Code*, issued by the United States Centres for Disease Control and Prevention, was used to review and update many requirements in the modernized regulation.
 - E.g., testing & recording frequencies and disinfectant upper limits.

Modernized Public Pools Regulation: Key Change

Addition of Class C facilities

- Regulatory definition:
 1. *A public wading pool.*
 2. *A public spray pad or public splash pad.*
 3. *A water slide receiving basin that serves solely as a receiving basin for persons at the bottom of a water slide.*
- Public splash pads, wading pools, spray parks, and water slide receiving basins make up ~15% of all recreational water facilities inspected in Ontario.
- Public health risks from non-regulated recreational water facilities are similar to those for regulated recreational water facilities.
- Minimum public health safety and operational requirements were carried over to the amended regulation from the *Operating Procedures for Non-Regulated Recreational Water Facilities Guidance Document* (e.g., supervision; signage; disinfection; and safety equipment).

Overarching Requirements: Notification

This requirement has also been applied to the Food Premises Regulation and Recreational Camps Regulation:

- Notification to the medical officer of health or public health inspector of intent to operate

New Language in the Pools Regulation

5. (1) At least **14 days** before a public pool or public spa is put into use **after construction or alteration**, the owner or the owner's agent **shall notify, in writing**, the medical officer of health or a public health inspector for the health unit where the pool or spa is situate:

(2) A person who proposes to **open or re-open** a pool or spa for use as a public pool or public spa **after construction or alteration** shall not open or re-open the pool or spa without first obtaining **permission in writing** from the medical officer of health or a public health inspector for the health unit where the pool or spa is situate.

(3) At least **14 days** before **the re-opening** of a public pool or public spa after **any closure that lasts for more than four weeks**, the owner or operator **shall notify in writing** the medical officer of health or a public health inspector for the health unit where the pool or spa is situate....

Overarching Requirements: On-Site Posting

This requirement has also been applied to the Food Premises Regulation and Recreational Camps Regulation:

New Language

Results of inspections to be posted

5. (4) Every operator of a public pool or public spa shall ensure that the results of any inspections conducted by a public health inspector are posted in accordance with the inspector's request.



Public Trust

- Open and transparent information
- Perception of public safety
- Accountability



Operator Compliance

- Incentive for compliance
- Supports enforcement



Public Empowerment

- Meeting consumer demands
- Promoting public education
- Informed decision-making



Overarching Requirements: Operator Training

This requirement has also been applied to the Food Premises Regulation and Recreational Camps Regulation:

- Carried over from the public spas regulation
- 6. (2) Every operator shall be trained in public pool and public spa operation and maintenance, filtration systems, water chemistry and all relevant safety and emergency procedures.

Recreational Water Protocol, 2018

2) The board of health shall ensure the availability of:

a) Information and/or educational material to owners and operators, through the inspection process and at other available opportunities, regarding applicable regulations and operational procedures relevant to public recreational water facilities, public beaches and recreational camp waterfronts; and

b) Training material, and shall promote recreational water facility training to owners and operators of public recreational water facilities. Components of a recreational water facility training program may include, but are not limited to:

- i) Public health legislation and regulations, as applicable;
- ii) Prevention of illness, injury or death;
- iii) Pool water chemistry;
- iv) Sanitary operation of other amenities in the facility;
- v) Provision of safety equipment;
- vi) Emergency communication and procedures;
- vii) Safety supervision;
- viii) Admission Standards, as applicable; and
- ix) Record keeping.

Overarching Requirements: Provincial Offences Act

This requirement has also been applied to the Food Premises Regulation and Recreational Camps Regulation:

- Under the Provincial Offences Act, Public Health Inspectors are designated to allow issuing provincial offence notices (tickets) for infractions of the Public Pools Regulation
- This enforcement tool has been available to public health inspectors for other regulations, including the Food Premises Regulation.
- With the modernized public pool regulation, public health inspectors will have the ability to issue tickets under the POA with set fines for infractions of the regulation.
- The fine amounts will vary depending on the severity of the infraction observed.

Overarching Requirements: Provincial Offences Act

This requirement has also been applied to the Food Premises Regulation and Recreational Camps Regulation:

Example

A PHI observes that the water in a Class A pool is cloudy to the extent the black disc at the deep end is not clearly visible from 9 metres away. There are an estimated 80 people using the pool, most are children under 15 years old.

Because this is a significant safety risk for the bathers, the PHI immediately orders the operator to close the pool under Section 13 of the HPPA and issues a ticket for “failing to ensure the black disc is clearly visible” with a set fine of \$400. The operator was to immediately comply with the closure order.

As with any other ticket under the POA, the operator may:

- Plead guilty and pay the fine out of court – conviction
- Plead guilty with an explanation and seek a reduced fine – conviction
- Plead innocent and request a trial

Modernized Public Pools Regulation: Key Change

Safety equipment

- Buoy line:
 - In 2009, following a triple drowning at a class B pool, the coroner recommended that a buoy line be required for all unsupervised class B pools.
 - The Ontario Building Code currently requires that pools with a slope of greater than 8% be equipped with the fittings for a safety buoy line.
- Ground Fault Circuit Interrupter:
 - Frequency to test the ground fault circuit interrupters is the more frequent of once a month, or manufacturer's directions.
- First aid kit:
 - Fixed quantities of supplies replaced with the requirement for "sufficient quantities".
 - Flexibility to determine appropriate numbers and simplifies regulatory requirements for operators with more than one recreational water setting.

Modernized Public Pools Regulation: Key Change

Admission Standards

- Ontario's Chief Coroner directed four sets of recommendations to MOHLTC between 2003 and 2011 for the inclusion of pool admission standards (i.e., guardian supervision requirements and swim tests for children) in the Public Pools Regulation.
- Public health units have worked with the ministry to promote the voluntary implementation of pool admission standards recommended by the Chief Coroner for Ontario.
- In the last 8 -10 years, the majority of Class A (i.e., lifeguard supervised) pool operators across the province have voluntarily adopted pool admission policies.

Modernized Public Pools Regulation: Key Change

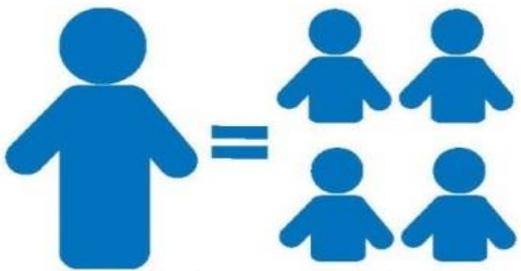
Admission Standards

- Class A pools are now required to have a process in place to ensure guardian supervision of children under 10 years of age.
- The intent of this requirement is to:
 - Require guardian (e.g., parent/caregiver) supervision of young children, who are at the greatest risk of drowning, at a Class A pool.
 - Improve the ability of lifeguards to provide overall pool supervision and reduce the risk of drowning deaths and injuries.
 - Provide minimum mandatory requirements for Class A pools to have a process in place to ensure guardian supervision of children under 10 years of age that includes a swimming competency test and a method of communicating the requirements of the process.
- Pool operators may consult with water safety experts on best practices (e.g., standardized swim competency tests) to meet the requirements of the regulation based on their facility.

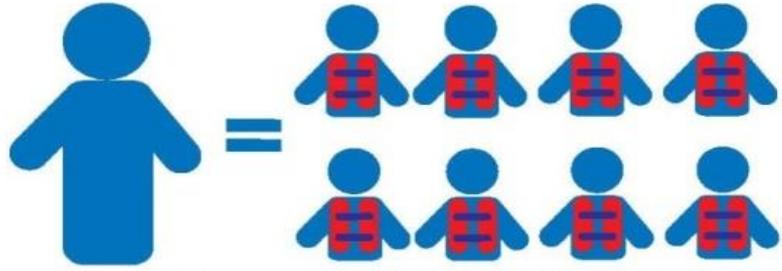
Modernized Public Pools Regulation: Key Change

Example of Admission Standards

CHILDREN UNDER 10 YEARS OF AGE



1 adult for every 4 children



1 adult for every 8 children with life jackets



Tested swimmers permitted to enter alone



Children under 6 admitted only with parent or guardian



* Class B Public Pools (no lifeguards)
Children under 12 admitted only with parent or guardian

Credit: Sudbury & District Health Unit

Modernized Public Pools Regulation: Key Change

Lifeguard Certifications

Section 17 (8):

- “Lifeguard certificate” and “assistant lifeguard certificate” now include certificates issued by the Lifesaving Society, Canadian Red Cross or an equivalent certificate that is approved by the Minister of Health and Long-Term Care.
- The minimum age for lifeguards and assistant lifeguards providing supervision at a public pool is still 16 years of age (i.e., age requirements did not change).
- The ministry has developed an Ontario lifeguard and assistant lifeguard training standard, based on current accepted international and North American standards, for which lifeguard training certificates may be evaluated to determine acceptability/equivalency.



The Ontario Recreational Water Code of Practice

Purpose:

The RW-Code aims to assist recreational water operators to reduce the risk of illnesses, injury and death; promote compliance with the modernized Public Pools Regulation, and promote best practices related to recreational water.

The RW-Code promotes safe operation of facilities by:

- Promoting communication and positive relationships between operators and public health inspectors;
- Identifying operational procedures that reduce the risk of illness and injury

The Ontario Recreational Water Code of Practice

What it is

- This code is to be used in conjunction with companion resource materials, that together, inform best practices in recreational water operation.
- The RW-Code will be reviewed regularly for updates/revisions.

Questions?

Thank you for your participation

Please send any questions by e-mail to:

environmentalhealth@Ontario.ca