



Update to Article IX: Lifeguards, Bathing Places, Bathing Beaches, Hot Tubs and Spas; Effective April 21, 2018

Frequently Asked Questions

This document is intended as guidance on the updated Article IX regulations. The Allegheny County Health Department (ACHD) plans to routinely update this FAQ document as it runs across further issues that necessitate explanation or clarification. If you have questions you feel should be considered for addition to this document, please email them to ArticleIXTraining@AlleghenyCounty.onmicrosoft.com. If you have further questions and would like to speak with someone, please call 412-350-4046.

1. Q: Why is the code being changed at this time?

A: There are a number of reasons that the ACHD decided to update the Article IX regulations:

- It has been approximately ten (10) years since the Article IX has been revised to reflect current science and standards
- The previous revision of Article IX was in some ways not as stringent as the Pennsylvania State Bathing Place Code. The ACHD is required to be at least as stringent as the State Code.
- The newest Article IX revision incorporates some aspects of the Model Aquatic Health Code; the Center for Disease Control's "voluntary guidance document based on science and best practices that can help local and state authorities and the aquatics sector make swimming and other water activities healthier and safer." (www.cdc.gov/mahc/index.html)

2. Q: What types of bathing places are eligible for a lifeguard exemption?

A: Bathing places located at apartments and hotels/motels are eligible for a lifeguard exemption if certain conditions are met.

Apartments and hotels/motels must meet all of the environmental conditions under Section 912.E.3 to be eligible for a lifeguard exemption. Please see the flow chart entitled "Is My Bathing Place Required to Maintain Lifeguards Under the New Article IX?" at: <http://www.achd.net/housing/bathing.html>.

Condominium bathing places are categorically exempt and are not required to maintain lifeguards.

All other types of pools are required to have lifeguards.





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3. Q: If my bathing place is deeper than five (5) feet, do I have to have a lifeguard?

A: All bathing places constructed after April 21, 2018, and have a depth greater than five (5) feet, are required to maintain lifeguards according to Section 912 of Article IX.

If your bathing place is located at an apartment or hotel/motel and was constructed prior to April 21, 2018, your bathing place may be eligible for a lifeguard exemption, even if the depth is greater than five (5) feet. In order for the bathing place to be eligible for a lifeguard exemption, all other environmental conditions contained within Section 912.E of the Article would have to be met.

Condominium bathing places are categorically exempt and are not required to maintain lifeguards regardless of depth and date of construction.

4. Q: My bathing place is eligible for the lifeguard exemption. Are there any new requirements since my bathing place is now unguarded?

A: Yes. Sections 912.F 1 & 2 detail the specific requirements of bathing places that are exempt from the lifeguard requirement. They include the following:

- Post signage including:
 - Up-to-date CPR posters
 - Phone number to report problems to the owner/operator
 - “Qualified Lifeguard is Not on Duty”
 - Persons under the age of fourteen (14) not allowed in the facility without direct adult supervision
 - Where the first aid kit can be found
 - Where the Automated External Defibrillator (AED) can be found
- Safety equipment required:
 - Reaching device at least ten (10) feet in length
 - Throwing buoy at least twenty-four (24) inches in diameter with at least thirty (30) feet of rope attached
 - A first aid kit with the items in Appendix A
 - An operable hardwired telephone, accessible to patrons (bathing places have until October 21, 2018 to install)
 - An operable AED (bathing places have until October 21, 2018 to provide)

5. Q: Are AED’s required at bathing places that maintain lifeguards?

A: No, but they are highly recommended. The ACHD is only requiring AED’s to be maintained at bathing places that are exempt from the lifeguard requirement.





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6. Q: What if an inspector finds unsupervised children less than fourteen (14) years of age at an unguarded bathing place?

A: The ACHD will take actions against the facility for operating contrary to the regulations of Article IX, up to and including citations and closure. It is the owner/operator's responsibility to maintain an action plan to exclude unsupervised children under the age of fourteen (14) from the facility if the facility is exempt from the lifeguard requirement and is unguarded. Fines and/or further enforcement action may be taken.

7. Q: Why are condominiums categorically exempt and not required to maintain lifeguards?

A: Condominium pools are treated differently than pools at other facilities because Section 673 of the Pennsylvania Public Bathing Law excludes pools owned by condominium associations, or the like, from regulation under the law except for the regulation of water supply and content (water quality), hygiene, plumbing, electrical facilities, and safety equipment. Under PA law, a condominium pool is treated the same as an owner-occupied, single-family home with a pool would be in regard to the lifeguard requirement.

8. Q: If there are multiple entrances to a pool area, at which entrance should required signage be posted?

A: Signage that is required to be posted at entrances shall be placed at each entrance to the pool area. The goal is to ensure that all patrons have equal opportunity to observe the required signage when entering the pool area, regardless of what entrance they use.

9. Q: Are there requirements that signage be fabricated of a specific material or of a certain size?

A: No. Article IX only requires that specified signage exists and is clearly visible to all patrons.





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10. Q: We have an automated controller at our bathing place. Do we still need to take poolside chemical readings?

A: Yes. In addition to monitoring the automated controllers themselves to ensure proper functioning, poolside chemical tests are required to verify proper functioning of the automated controllers, ensure all chemical levels are within a safe range and to maintain compliance with Article IX. Article IX requires regular poolside sampling and documentation of disinfectant residual, combined chlorine (if chlorine is used), pH, and cyanuric acid level (if used).

Article IX requires that poolside chemical monitoring occur at the following frequency:

- Outdoor Bathing Places - Poolside chemical monitoring/recording must occur before opening and at least every two hours while the bathing place is open.
- Indoor Bathing Places - Poolside chemical monitoring/recording must occur before opening and at least every six hours while the bathing place is open.
- Hot Tubs/Spas - Poolside chemical monitoring/recording must occur before opening and at least every hour while the bathing place is open.

Sample monitoring charts can be printed from links at this URL:

<http://www.achd.net/housing/bathing.html>

11. Q: Why are all bathing places now required to use DPD **titration** test kits for poolside chemical testing?

A: It is the opinion of the ACHD that DPD titration test kits provide the most accurate and repeatable method of poolside chemical testing. The most commonly used test kit observed by ACHD staff at bathing places prior to this revision of Article IX were the type that utilize colorimetric analyses, or color comparator analyses, to read the disinfectant residual levels. Colorimetric tests are very easy to misinterpret and perform improperly. ACHD staff frequently observed pool operators using improper testing methods and recording inaccurate readings. Colorimetric tests require a dilution to perform further testing when the max reading of 5 ppm is obtained; ACHD staff rarely witnessed this being performed when needed. Colorimetric tests may also prove difficult to use by individuals who are color blind or have poor eyesight.

Furthermore, poolside testing for combined chlorine levels with a color comparator kit is limited to a minimum reading of 0.5 ppm. Article IX requires that combined chlorine not exceed 0.2 ppm in pools and spas. Therefore, colorimetric tests cannot meet the testing requirements of Article IX.





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12. Q: Which bathing places are required to install a safety float line? When is a bathing place not required to install a safety float line?

A: Bathing places that have both a shallow and a deep end are required to install a safety float line. Shallow water is defined as water less than five (5) feet deep, and deep water is defined as any depths five (5) feet or greater.

Bathing places that have both shallow and deep ends are exempt from the requirement to install a safety float line if any of the following conditions are met:

- The bathing place has a constant slope throughout
- The bathing place is a wave pool or waterslide landing pool
- The bathing place is configured for lap swimming across the length of the pool.

Note: Facilities are granted six (6) months to comply with the requirement to install a safety float line. All bathing places that are required to install a safety float line must do so by October 21, 2018.

13. Q: Can the Facility Safety Plan be stored on site electronically?

A: Because the Facility Safety Plan must be easily accessible at all times, especially in case of emergency, it will not be acceptable to solely store it electronically. There must also be a hard copy at the facility. If there happens to be a power outage, the Facility Safety Plan must be accessible.

14. Q: What must be included in the Facility Safety Plan? Can I use an existing safety plan?

A: The Facility Safety Plan, at a minimum, must include procedures, requirements, and/or standards for:

- Pre- and in- service employee safety training
- Emergency communications
- Emergency closure guidelines
- Emergency Action Plan that details the levels of response to specific aquatic emergencies, identifying the responder, their tasks, and equipment that is part of their task/response.

If your facility already has an established safety plan, management would need to ensure that the plan covers all of the above. If any parts of the above requirements are missing, they would need to be added to the existing plan.





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15. Q: When am I supposed to submit an injury report to the ACHD?

A: An injury report form must be submitted anytime a guard makes a water rescue, there is treatment by emergency medical personnel, or treatment is received at a hospital. Written injury reports must be submitted to the ACHD within one (1) week of the incident.

Any incident that results in drowning, resuscitation, head/spinal injuries, poisoning or asphyxiation from gaseous or solid disinfectants, shall be reported to ACHD at 412-350-4046 within 24 hours of the incident. A written injury report form must still be submitted to the ACHD within one (1) week of the incident.

16. Q: When will placards be posted?

A: There are two possible placards that may be posted at a bathing place:

- Consumer Alert - The Consumer Alert Placard shall be posted to indicate to bathers that conditions exist at the bathing place of which they should be aware, however, the conditions are not severe enough to warrant the closure of the bathing place.
- Closure - The Closure Placard shall be posted to indicate to bathers that the bathing place is closed due to unsafe conditions that pose an immediate health and safety risk to bathers.

Some of the conditions that could cause an inspector to placard a pool include but are not limited to inadequate or no disinfectant residual, cloudy water, no lifeguard on duty when one is required, etc.

17. Q: When a placard is posted, who is permitted to remove it?

A: Placards shall only be removed at the explicit instruction of the ACHD. The primary goal of any placarding policy will be to reopen facilities as soon as violations giving rise to the order to close have been corrected.

If a placard is removed without the explicit instruction of ACHD or by the inspector themselves, the Department may decide to impose a fine immediately or take other further enforcement action including but not limited to closure of the facility and/or revocation of the operational permit.

