October 6, 2017

Office of the General Counsel

c/o LouAnn Stanton

Department of Public Health

250 Washington Street

Boston, MA 02108

To Whom It May Concern:

Please accept the attached testimony on the proposed amendments to 105 CMR 435.000, Minimum Standards for Swimming Pools, on behalf of the Massachusetts Alliance of Boys & Girls Clubs, representing 42 Boys & Girls Clubs serving over 169,000 youth across the state each year. Boys & Girls Clubs own and/or operate over 21 pools across the state for the use of their members and the community.

First, we would like to thank the Department of Public Health and its dedicated staff for taking up this matter and for their continued commitment to water safety, a commitment that we at the Massachusetts Alliance of Boys & Girls Clubs share. As you seek to keep the public safe, we hope you will consider the questions and concerns we raise below.

In consideration of the foregoing, we offer the following comments on the proposed regulations.

**105 CMR 435.000**

**Minimum Standards for Swimming Pools**

**435.110: Pool Slopes & Dimensions**

Subsection 4D of this section appears to set out the only permissible form of safety ledge in very restrictive language. We would first ask for clarity that this is the only form of safety ledge allowable under the regulations. If so, we would suggest broadening the language or allowing for existing pools who have an alternate form of this feature to be grandfathered in under the existing regulations.

Retrofitting existing pools with would be an enormous burden for affected Clubs. It would be both a capital cost as well as a loss of revenue while the pool is unavailable, in addition to the burden of the pool not being available to Boys & Girls members and the community while under construction.

**435.170: Pool Supervision**

Subsection C of this section requires that pool supervisors complete a designated course for recertification. It is not clear how often this recertification must occur. We would suggest setting clear, reasonable timelines for recertification.

**435.216: Injury Reports**

We are seeking clarity on what would constitute a “serious” injury under this requirement. It would be helpful to see the form in question, which at this time does not appear to be available from the department.

**435.220: Health Regulations; Signs**

Subsection C(4) requires that “No person under 16 years of age shall use the pool unless accompanied by a parent, legal guardian, or other adult”. This wording concerns us. Please clarify if a lifeguard or staff person would qualify as an other accompanying adult. Our young Boys & Girls Club members under the age of 16 are often not accompanied by parents or guardians, but are well supervised by our lifeguards and staff. Anything that would limit their access to our pool facilities is of grave concern.

We would urge alternate language that makes it clear that children under 16 are able to utilize the pool under a lifeguard.

We appreciate your consideration of our comments, and look forward to continuing to work together to make these the best regulations possible. Thank you.

Respectfully submitted by:



**Ruth Provost**

President, MA Alliance of Boys & Girls Clubs