Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

250 Washington St, Boston, MA 02108-4619

October 5, 2017

**RE: Written testimony pursuant to proposed amendments to 105 CMR 435.000: *Minimum Standards for Swimming Pools* (State Sanitary Code, Chapter V)**

**Submitted by Ellis & Associates, Inc**

To Whom This May Concern:

As a 34 year national provider of lifeguard and aquatic supervisory training services, Ellis & Associates (E&A) Inc, based in Orlando, Florida, is recognized and approved by states (including Massachusetts) and countries worldwide for our *International Lifeguard Training Program*.

We write at this time to request that our company name be reflected in Massachusetts code 435.23 sections A and B, as a provider of lifeguard training, first aid, and Health Care (Professional Rescuer) CPR/AED. We currently exist only as an equivalent, and request acknowledgement of our name and program in the same manner that other national training organizations are listed in the current code 435.23 and the draft revised code 435.010the below.

*“ 435.23: Lifeguards*

*(1) The operator shall provide one or more lifeguards 16 years of age or older if the Board of Health determines that they are necessary for the safe use of the swimming or wading pool. The Board, when determining whether there is a need for one or more lifeguards and the number of on-duty lifeguards to be present at the pool at any one time, shall take into account the size, shape and capacity of the swimming or wading pool. As a guideline, it is suggested that one lifeguard be provided for each 25 bathers. All lifeguards shall hold the following certifications:*

*(a) a current Red Cross Lifeguard Training Certificate, or Royal Bronze Medallion, or Boy Scouts of America Lifeguard Certificate or National Y.M.C.A. Lifeguard Certificate or an equivalent certification, provided however, that no such alternative certification shall be deemed equivalent unless it shall contain all of the minimum requirements mandated or required by one or more of the foregoing certification programs; and*

*(b) a current American Red Cross CPR Certificate for the Professional Rescuer or American Heart Association CPR Certificate for the Health Care Provider, or National Safety Council CPR Training; and*

*(c) a Red Cross Standard First Aid Certificate, or a Red Cross Community First Aid and Safety Certificate (which certification may be evidenced by a notation on the back of any Red Cross Lifeguard Training Certificate), or National Safety Council First Aid Training, Level 2, or an equivalent certification, provided however, that no such alternative certification shall be deemed equivalent unless it shall contain all of the minimum requirements of one of the foregoing certification programs."*

*“Draft of Revised Code 435.010*

*CPR Certificate means a current certification in cardiopulmonary resuscitation (CPR) including the American Red Cross CPR Certificate for the Professional Rescuer, American Heart Association CPR Certificate for Health Care Provider, National Safety Council CPR Training, or any equivalent CPR training recognized by the Department.*

*Lifeguard means a trained water safety professional who is at least 16 years old and holds the following current certifications:*

*(1) An American Red Cross Lifeguard Training Certificate, Royal Bronze Medallion, Boy Scouts of America Lifeguard Certificate, National YMCA Lifeguard Certificate, or an equivalent certification that contains all of the minimum requirements of one or more of the foregoing certification courses;*

*(2) A CPR Certificate; and*

*(3) An American Red Cross Standard First Aid Certificate, Red Cross Community First Aid and Safety Certificate, National Safety Council First Aid Training, Level 2, or an equivalent certification recognized by the Department.”*

Each year E&A gets inquiries from prospective clients stating that we are not authorized in Massachusetts because we are not listed with the names of other national providers. We contend that we have earned the right to be listed in the regulations by name so as to avoid an unfair market advantage favoring our competitors.

The rationale for our request is based on our history in the industry. As a provider of lifeguard and aquatic supervisor training, licensing/certification, and aquatic risk prevention practices, we have trained more than 1 million lifeguards and aquatic supervisors worldwide through our cadre of 5,000 Instructors and Instructor Trainers. With thousands of our client facilities conducting training at the world’s largest theme parks, city/county park and recreation departments, colleges and universities, secondary schools, health and fitness centers, and camps, we are responsible for the safety of over 30 million guests in aquatic facilities annually, and maintain an unmatched industry safety record.

E&A’s lifeguard training has always led the industry in numerous ways: as the first to mandate the use of rescue tubes; first to mandate the use of AEDs; and first to provide all aspects of emergency care, including water rescue, first aid, Health Care Provider CPR/ AED, supplemental oxygen delivery, and BBP prevention in one program.

As it pertains to our educational quality, E&A programs are accredited for continuing education units (CEUs), having been subjected to the stringent quality assurance processes of the International Association for Continuing Education and Training (IACET). Our program content and delivery must retain the highest quality, and is annually verified by IACET. Our program meets or exceeds that of other national training organizations whose names are currently written into Massachusetts code.

As it pertains to the training content requirements (medical or otherwise) for courses, all E&A training programs have always been consistent with the latest CPR, AED and first aid guidelines, including the 2015 *ILCOR Consensus Guidelines for CPR and ECC,* OSHA 1910.151 *First Aid Standards*, and the *2016* *Model Aquatic Health Code (MAHC)*.

Having been in contact with Mr. Steven Hughes, we have agreed to submit further documentation supporting our cause under separate email to his office.

We are available to respond to any questions at your convenience.

Respectfully Submitted,

Larry Newell, Ed.D., NRP., Vice President, Education Services

Peter Goldman, MD., Medical Director

Richard Carroll, Chief Operating Officer