



Robert P. Astorino
County Executive

Sherlita Amler, M.D.
Commissioner of Health

January 14, 2013

Dear Pool Owner/Operator,

The proposed amendments to Article XII, Section 873.1203 (Swimming Pools, Spa Pools, Wading Pools: Supervision) of the Westchester County Sanitary Code, as approved by the Westchester County Board of Health on March 12, 2012, were officially filed with the State of New York as of December 11, 2012. The provisions become effective ninety (90) days thereafter.

We have attached a document to this notice to give guidance for implementation of the new regulations. Should you have any questions, you may contact one of the District Offices listed below.

Westchester County Health Department
Bureau of Public Health Protection
25 Moore Avenue
Mount Kisco, New York 10549
(914) 864-7330

Westchester County Health Department
Bureau of Public Health Protection
750 Washington Street
Peekskill, New York 10566
(914) 862-5242

Sincerely,

Peter DeLucia, Assistant Commissioner
Bureau of Public Health Protection

cc: file
Attachment: 1



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County Executive

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Commissioner of Health

Guidance for Operators' Compliance With Revisions to WCSC, Article XII (Swimming Pools)

The following is intended to illustrate examples of how a swimming pool will be in compliance with the new regulations regarding supervision requirements whenever children (i.e. persons less than eighteen years of age) use a swimming pool. These provisions address two classes of swimming pools:

1. Pools five (5) feet deep or greater; pools more than 2,000 square feet of surface area
2. Pools less than five (5) feet deep; pools less than 2,000 square feet of surface area

SUMMARY OF CHANGES:

Supervision Level IIa or IIb (i.e. lifeguard) is required for #1 above:

1. Whenever children less than 18 years of age use the pool.
2. Parent or legal guardian must accompany and supervise children at poolside.
3. If children less than 18 years of age are not using the pool, the aforementioned supervision is not required (Supervision Level IV may be used).

Supervision Level III is required for #2 above:

1. Whenever children less than 18 years of age use the pool in a **congregate setting** either directly or indirectly organized by the facility or their registered guests.
 - **Directly organized congregate activity** – pool party and/or similar activity
 - **Indirectly organized congregate activity** – rooms rented to hotel guests for an event at which large numbers of children can be expected to attend such as a local gymnastic competition, Girl/Boy Scout Jamboree or meeting, high school track meet, etc.
2. If children less than 18 years of age do not use the facility, the aforementioned supervision is **NOT** required (Supervision Level IV may be used). Additionally, individual families coincidentally using the pool would **NOT** require Level III supervision.
3. Parent or legal guardian must accompany and supervise children at poolside.

Pool Safety Plans must be amended, submitted for review, and approved to address these changes.

The Westchester County Board of Health hereby amends Westchester County's Sanitary Code to include a new Section 873.1203 which shall read as follows:

873.1203 Swimming Pools, Spa Pools, Wading Pools; Supervision

All pools as defined in Chapter 1, Subpart 6-1 of the State Sanitary Code, except homeowner swimming pools as defined in Section 6-1.2(o) of the State Sanitary Code, must additionally be in compliance with the following regulations:

1. Whenever an operator allows the use of a swimming pool, spa pool, and/or wading pool by person(s) under 18 years of age, including those pool(s) that are part of a Temporary Residence or Campground as defined in Chapter 1, Part 7 of the State Sanitary Code, such operator must comply with the following additional pool use requirements:
 - (i) Supervision Level:
 - a. At a minimum, Supervision Level III as defined in Chapter 1, Part 6 of the State Sanitary Code is required when the water depth at a swimming pool is less than five (5) feet; the surface area of the pool is less than or equal to 2000 square feet; and children under 18 years of age are permitted to use the facility in a congregate setting either directly or indirectly organized by the facility.
 - b. Supervision Level IIa or IIb as defined in Chapter 1, Part 6 of the State Sanitary Code is required when any of the following are present: water depth of 5 feet or greater; white water slides; wave pools; aquatic amusements; flotation devices (other than those bearing a U.S. Coast Guard Type I-III Label); pool deck slides; surface area of the pool exceeding 2000 square feet.
 - (ii) Whenever Supervision Level III is required for children under 18 years of age in a congregate setting (either directly or indirectly organized by the facility), staff shall be at pool side, providing direct supervision of the pool patrons; **and**
 - (iii) Children less than 18 years of age must at all times be accompanied by a parent or legal guardian or similar adult responsible for their safety and behavior while in the pool area.
2. Additional aquatic supervisory staff as defined in Chapter 1, Part 6 of the State Sanitary Code may be required by the permit-issuing official whenever it is necessary for the protection of pool patrons (bathers). Factors including but not limited to, use by children under the age of 18, congregate activities such as pool parties, pool shape, diving board use, patron decorum, patron alcohol consumption; and bathing facilities used primarily for the developmentally disabled may be the basis for increased staff coverage.

This new Section shall become effective ninety (90) days after its final adoption.