



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
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**Testimony in SUPPORT on HB1743 HD1**  
**RELATING TO POOLS**

REPRESENTATIVE AARON LING JOHANSON, CHAIR  
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

Hearing Date: 2/23/2022  
2:00 PM

Room Number: Rm 329  
VIDEO CONF

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (Department) SUPPORTS this measure.

3 The department ordinarily prefers that the no changes be made to existing sections of the Hawaii  
4 Revised Statutes (HRS) when the department has already adopted a comprehensive chapter of  
5 rules because the impact of the amendments to the statute sometimes result in unanticipated  
6 consequences, including the creation of inconsistencies. However, the Department has prepared  
7 amendments to its pool rules which, if adopted, will not be inconsistent with the changes to  
8 section 321-11, HRS, proposed in this bill.

9 The department agrees with the intent of the law, which is to clarify that certain man-made  
10 structures such as lagoons or the Natatorium, clearly should not be regulated as a “public  
11 swimming pool” because they do not meet nationally recognized definitions and are unable to  
12 provide public health controls necessary to be classified as a public swimming pool. Public  
13 swimming pools that are regulated and permitted by the department under existing HAR require  
14 that a residual disinfectant such as chlorine be available to lower the risk of communicable  
15 disease transmission as well as complying with established turnover rates to ensure that proper  
16 filtering of the water is occurring at all times during use by the public. Because man-made  
17 lagoons which are simply dug out of the earth and pools such as the Natatorium cannot meet  
18 basic requirements such as turnover rates and disinfectant residuals, they should not be regulated

1 as public swimming pools. The DOH already has public health standards for other public  
2 recreational waters such as our beaches which should be applied if the owner intends to use the  
3 lagoon or ocean venue for swimming.

4

5 The department's comprehensive draft of amendments to the existing pool rules in chapter 11-  
6 10, Hawaii Administrative Rules, is based on current National Model Codes that do not  
7 recognize lagoons or other pools that are not constructed of impervious material and watertight.  
8 The intent of the department, then, is to adopt rules which mirror in part the intent of the  
9 proposed legislation.

10 **Offered Amendments:** None

11 Thank you for the opportunity to testify on this measure.

DEPARTMENT OF PARKS AND RECREATION  
**CITY AND COUNTY OF HONOLULU**

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February 22, 2022

THE HOUSE OF REPRESENTATIVES  
COMMITTEE ON CONSUMER PROTECTION & COMMERCE  
February 23, 2022 Conference Room 329

The Honorable Aaron Ling Johanson, Chair  
The Honorable Lisa Kitagawa, Vice Chair  
and Members of the Committee on Consumer Protection & Commerce

**TESTIMONY IN SUPPORT OF**  
**HOUSE BILL 1743, HD1: RELATING TO POOLS**

Dear Chair Johanson, Vice Chair Kitagawa and Members of the Committee:

The Department of Parks and Recreation ("DPR") supports HB1743, HD1, "Relating to Pools," for purposes of the Department of Health's ("DOH") authority to adopt rules concerning public health and safety, defines "pool" to mean a watertight artificial structure containing a body of water that does not exchange water with any other body of water either naturally or mechanically used for swimming, diving, recreational bathing or therapy by humans.

DPR supports the intent of the bill as it clarifies that man-made pools and lagoons do not meet the definitions nor the requirements of a "public swimming pool". One example is the Waikiki War Memorial Natatorium which has a salt-water swimming pool located at Sans Souci Beach in Waikiki. Public health standards for other public recreational waters, such as beaches, should be applied to this ocean fed pool.

HB1743, HD1 would be beneficial for the increased public access to safe swimming areas in our ocean. We would be afforded more options and be spared from expensive fixes per the swimming pool requirements as required by the DOH.

Thank you for the opportunity to submit testimony in support of HB1743, HD1.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura H. Thielen", is written over a faint, circular official stamp.

LAURA H. THIELEN  
Director

**LATE**

**HB-1743-HD-1**

Submitted on: 2/23/2022 7:37:19 AM

Testimony for CPC on 2/23/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Anne Forshey	Individual	Support	No

Comments:

**HB 1743, HD1 – RELATING TO POOLS**

To be Heard Wednesday, 23 FEB 2022 @ 2:00 pm

**House Committee on Consumer Protection & Commerce (CPC)**

Aaron Ling Johanson, Chair

Lisa Kitagawa, Vice Chair

Chairman Johanson, Vice Chair Kitagawa, and Members of the Committee,

Thank you for the opportunity to lend support for this issue. I am not a scientist, health professional, or expert on water quality. I am, however, an avid swimmer (both pools and open water), standup paddler, and hiker. I also own a rescue pup who loves chasing balls and swimming at (approved) beaches and waterways.

As such, I appreciate the DOH’s efforts and your oversight to amend the definition of swimming pools via HD1 to differentiate pools as “a watertight artificial structure containing a body of water that does not exchange water with any other body of water either naturally or mechanically” from naturally (or man-made) waterways filled and maintained by nature.

I have full respect for the DOH’s wide range of responsibilities and I am thankful that they have taken the time and effort to clearly define these two entities. I have (after checking for water clarity, depth, debris, and safety) swum in many natural pools across our beautiful state. They are a welcome respite on long, hot hikes. However, they are vast and varied - fully monitoring our natural ponds, waterfalls, and pools would be a monumental task.

Defining DOH’s authority to the definition in HD1 is reasonable and fully protects our citizens and visitors visiting the many man-made pools across our islands. From my perspective, this appears to be a reasonable and much needed update to the DOH authority. I fully support HD1 and hope that your committee is able to support and move forward on this proposal. Mahalo for your time and careful consideration.