



**LATE**

**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT on HB1743 HD1 SD1**  
**RELATING TO POOLS**

SENATOR KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY

Hearing Date: 3/31/2022

Room Number: 016 & VIDEO

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

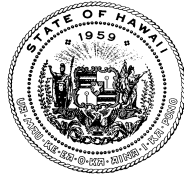
1 as public swimming pools. The DOH already has public health standards for other public  
2 recreational waters such as our beaches which should be applied if the owner intends to use the  
3 lagoon or ocean venue for swimming.

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.



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT on HB1743 HD1 SD1**  
**RELATING TO POOLS**

SENATOR KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY

Hearing Date: March 31, 2022

Room Number: 225 & VIDEO

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.

**LATE**

**HB-1743-SD-1**

Submitted on: 3/30/2022 10:13:56 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Anne Forshey	Individual	Support	Written Testimony Only

Comments:

**HB 1743, HD1 SD1 – RELATING TO POOLS**

To be Heard Thursday, March 31, 2022 @ 9:30AM

by the **Senate Committee on Judiciary**

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Chair Sen. Rhoads, Vice Chair Sen. Keohokalole, and Members of the Committee,

Thank you for the opportunity to communicate my support for this important clarification of the DOH ruleset. I am not a scientist, health professional, or expert on water quality. However, I do believe it is accurate and correct to differentiate between a man-made, artificial pool with filtration and chemical additives and a naturally filled stream or waterway, and then to amend DOH's authority accordingly.

I fully appreciate the DOH and the Legislature's efforts to amend the definition of swimming pools via HD1 SD1 to define swimming 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 natural (or man-made) waterways filled and maintained by nature.

I respect the DOH's wide range of public health responsibilities and I am thankful that they have taken the time and effort to clearly distinguish between these two entities. I have swum in many natural pools across our beautiful state. I have also served as a lifeguard/pool manager for man-made, artificial pools (as defined in the bill). The skills, tests, and equipment required are vastly dissimilar from testing water in a natural waterway.

Defining DOH's authority consistent with the definition in HD1 SD1 is reasonable and protects our citizens and visitors as they visit the many man-made swimming pools across our islands. From my perspective, this appears to be a reasonable and much needed update to the DOH authority. I fully support HB1743 HD1 SD1 and hope that your committee is able to support and move this change forward. Mahalo for your time and careful consideration. M. A. Forshey, Ewa Beach

