

SB-2804-SD-1

Submitted on: 2/25/2022 11:28:07 AM

Testimony for JDC on 3/1/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kim Becker	Individual	Support	No

Comments:

Aloha,

My family and I utilize the Wai Kai Lagoon at least once a week with our dog Max and have been using it for over 4 years. The lagoon is well taken care of and we love going down to relax, use the kayaks and stand up paddleboards. I fully support this bill, updating the swimming pool definition language and support permitting swimming to once again resume in the Wai Kai lagoon. The lagoon ecosystem includes some wildlife that also utilize the lagoon, including lots of marine life, birds and ducks (coots). The lagoon is a body of water more similar to a lake or large pond than to a pool and should never have been classified as a pool in my opinion. It has its own unique eco system and the water is safe. Our dog swims in it weekly chasing his ball and has had no health issues arise from swimming in the water. We used to swim in it prior to the ban on swimming and we had no ill effects and no health issues. The water is brackish (half salt half fresh) and flows under the shoreline in and out of the ocean. Treating the water with chemicals would disturb the ecosystem and natural beauty of the lagoon. I hope this outdated language will be updated and swimming can resume at the lagoon.

Mahalo

SB-2804-SD-1

Submitted on: 2/26/2022 3:50:43 PM

Testimony for JDC on 3/1/2022 9:30:00 AM

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

Comments:

S.B. 2804, S.D. 1 – RELATING TO POOLS

To be Heard Tuesday, March 1, 2022 @ 9:30 am

Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

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

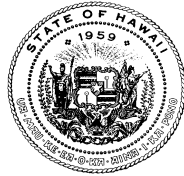
Thank you for the opportunity to articulate my support for this issue. I am not a scientist, health professional, or expert on water quality. I am, however, an avid swimmer (both in pools and in natural water), standup paddler, and hiker. I also have a rescue pup who loves chasing balls and swimming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

As such, I appreciate the DOH’s efforts and your oversight to amend the definition of swimming pools via SD1 to differentiate 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 have full respect for the DOH’s wide range of public health responsibilities and I am thankful that they have taken the time and effort to clearly differentiate between these two entities. I have swum (after checking for water clarity, depth, debris, and safety) in many natural pools across our beautiful state. They are a welcome respite especially on long, hot hikes. However, they are vast and varied - fully monitoring our natural ponds, waterfalls, lagoons, and pools would be a monumental task that is far different than the oversight of swimming pools.

Defining DOH’s authority consistent with the definition in 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 SD1 and hope that your committee is able to support and move this bill forward.
Mahalo for your time and careful consideration.



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**Testimony in SUPPORT on SB2804 SD1
RELATING TO POOLS**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: 3/1/2022

Room Number: 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
19 as public swimming pools. The DOH already has public health standards for other public

1 recreational waters such as our beaches which should be applied if the owner intends to use the
2 lagoon or ocean venue for swimming.

3

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

9 **Offered Amendments:** None

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