



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony in SUPPORT on SB2804
RELATING TO POOLS

SENATOR JARRETT KEOHOKALOOLE, CHAIR
SENATE COMMITTEE ON HEALTH

Hearing Date: 2/4/2022

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.

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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.