



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

PO Box 47990 • Olympia, Washington 98504-7990

David Kokot, Council Chair
Washington State Building Code Council
1500 Jefferson Avenue SE
Post Office Box 41449
Olympia, WA 98504-1449

Dear Chair Kokot and members of the Building Code Council:

The Washington State Board of Health is concerned about the State Building Code Council's adoption of the International Swimming Pool and Spa Code in State Building codes: WAC 51-50-3109.1 and WAC 51-51-0329. Our understanding is that the proposed adoption of the ISPSC is to apply only to pools and spas (water recreation facilities) that are not currently regulated by board of health rules. However, the proposed language does not make this clear. The board believes that the current language will result in confusion for pool builders, building officials, property owners and health officials.

The Board of Health has very specific authority under Chapter 70.90 RCW - Water Recreation Facilities –to adopt rules governing safety, sanitation and water quality for water recreation facilities, including requirements for design and construction. Chapter 70.90 RCW applies to all water recreation facilities regardless of whether ownership is public or private and regardless of whether the intended use is commercial or private, except that, under RCW 70.90.250 and WAC 246-260-001, this chapter does not apply to:

1. Any water recreation facility for the sole use of residents and invited guests at a single family dwelling;
2. Any water recreation facility for the sole use of residents and invited guests at a duplex that is owned by the residents.
3. Therapeutic water facilities operated exclusively for physical therapy; and
4. Steam baths and saunas.

The board is requesting that the council clearly state the distinction between pools subject to the ISPSC and pools subject to Chapter 246-260 WAC. The board urges the council to include the following amendment(s) in the proposed rule(s):

AMENDATORY SECTION

WAC 51-50-3109 Section 3109—Swimming pools, spas, and other water recreation facilities. 3109.1 General. The design and construction of swimming pools, spas, and **other aquatic recreation facilities** shall comply with the *2015 International Swimming Pool and Spa Code*, if the facility is:

- (1) For the sole use of residents and invited guests at a single-family dwelling;
- (2) For the sole use of residents and invited guests of a duplex owned by the residents;
- (3) Operated exclusively for physical therapy or rehabilitation and under the supervision of a licensed medical practitioner; or
- (4) A steam bath or sauna.

All other “water recreation facilities” as defined in RCW 70.90.110 are regulated under chapter 246-260 WAC and chapter 246-262 WAC.

NEW SECTION

WAC 51-51-0329 Section R329—Swimming pools, spas, and hot tubs. R329.1 General. The design and construction of swimming pools, spas, **and other aquatic recreation facilities** shall comply with the *2015 International Swimming Pool and Spa Code*, if the facility is:

- (1) For the sole use of residents and invited guests at a single-family dwelling;
- (2) For the sole use of residents and invited guests of a duplex owned by the residents;
- (3) Operated exclusively for physical therapy or rehabilitation and under the supervision of a licensed medical practitioner; or
- (4) A steam bath or sauna.

All other “water recreation facilities” as defined in RCW 70.90.110 are regulated under chapter 246-260 WAC and chapter 246-262 WAC.

Thank you for your consideration. We welcome the opportunity to work with the building code council to further refine these rules to protect the public and best meet the needs of our respective agencies. Please contact David DeLong (david.delong@sboh.wa.gov) at 360-236-4111, if we can be of any assistance to you regarding these rule changes.

Sincerely,



Keith Grellner
Chair
Washington State Board of Health