PHTA Government Relations Update

PHTA’s Government Relations team continues to evolve and help you stay ahead of emerging trends and future challenges. Since our last update, PHTA welcomed a new PHTA Government Affairs Associate, Brendan Scanland. Brendan is a recent graduate of Syracuse University and a former intern with Winning Strategies Washington and the Pool & Hot Tub Alliance. Starting with this week’s alerts, we are transitioning to a new format with bi-weekly alerts. These alerts will give you the same great information you need in a format that is more compatible for today’s reader. We continually look for ways to better serve you. Let us know how we can help.

For a full listing of legislative, regulatory and local PHTA Government Relations below and additional updates, click [here](#).

Key Items:

Legislative Items:

CA SB 49: Energy Efficiency Standards.
California Senate Bill 49 would require energy efficiency standards also manage energy loads to help maintain electrical grid reliability. The bill would require the CA Energy Commission to adopt and update standards for appliances to facilitate the deployment of flexible demand technologies. SB 49 has been moving at a quick pace in recent weeks. After passing the CA Assembly on September 10, 2019, it was referred to, and passed, the Senate Rules Committee, the Senate Committee on Energy, Utilities, and Communications, and finally the Senate with a vote 31-9. The measure is eligible to be sent to Governor Gavin Newsom.

CA AB 5:
Assembly Bill 5 was passed by the Legislature on September 9 and Governor Newsom signed into law on September 18. AB 5 confirms and expands upon the April 2018 decision by the California Supreme Court in Dynamex Operations West, Inc. v. Superior Court. This decision and AB 5 will apply the “ABC” test to the question of employee vs. independent contractor. In addition to our spreadsheet, find out more about AB 5 [here](#).

FL SB 244: Residential Swimming Pool Safety.
Florida SB 244 would require additional safety measures for residential swimming pools. The pools would have to have TWO of the following safety features before passing a final inspection and receive certification of completion:
1. The pool must be isolated from access to a home by an enclosure that meets existing pool barrier requirements and the ASTM Standard F2286;

2. The pool must be equipped with an approved safety pool cover that meets ASTM Standard F1346;

3. All doors and windows providing direct access from the home to the pool must be equipped with an exit alarm that has a minimum sound pressure rating of 85 decibel levels at 10 feet;

4. All doors providing direct access from the home to the pool must be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor;

5. A swimming pool alarm that, when placed in a pool, sounds an alarm upon detection of an accidental or unauthorized entrance into the water. Such pool alarm must meet and be independently certified to ASTM Standard F2208 and infrared alarms.

Additionally, this measure prohibits a swimming pool owner from transferring ownership of a swimming pool unless the pool meets at least two of the requirements. On September 19, this measure was referred to the Senate Innovation, Industry, and Technology Committee; Senate Community Affairs Committee; and Senate Rules Committee. (Read More)

NH HB 2: Water Safety Public/Private, Public Pools.
New Hampshire HB 2 established regulation and fees for swimming pools and public bathing facilities. This measure requires no person to construct or install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as a part of a business venture, or a public bathing facility unless the construction, design and physical specifications of such pool or bathing place have received prior approval by from the Department of Environmental Services. This measure also requires registration with the Department of Environmental Services and payment of a non-refundable registration fee of $100 for a pool 400 square feet in area and an additional $25 for every additional 100 square feet. The owner of a public bathing facility that existed as of 01/2019 would also have to register within 60 days of the effective date of this provision. (Read More)

Regulatory Items:

CA36970: Energy Efficiency (Pools and Spas)
The CA Energy Commission is working on draft updates to the appliance efficiency rules for pool pump replacement motors. The Commission is considering updates to its test procedures and energy efficiency standards for all dedicated purpose pool pump replacement motors. PHTA pump and motor manufacturers have continued to comment and have an ongoing dialogue with CEC on the draft rules as presented late last year.

The Idaho Division of Building Safety proposed amendments to the electric board rules, including some that reference requirements for pools and spas.
The Virginia State Board of Health proposed rule: Regulations Governing Tourist Establishment Swimming Pools and Other Public Pools deals with proposed amendments to update standards. Specifically, design and construction provisions of 12VACS-460 have been superseded by the Virginia Uniform Statewide Building Code (USBC). Where operational standards are found in the 2012 International Swimming Pool and Spa Code of the USBC (i.e., flow and circulation parameters, entrapment prevention, and barrier protection), the language is reworded to retain existing standards only for pools constructed under a prior building code that did not address that operational standard.

The PHTA Government Relations team has also been closely monitoring local and state adoptions of the International Swimming Pool and Spa Code. There were 53 NEW local adoptions and six (6) local updates for the month of September in Colorado, Iowa, Illinois, Kansas, Missouri, Nevada, and Texas. See if your city is on our ISPSC Adoption List.

Questions or Comments?
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