PHTA Government Relations Update

March 30, 2020: In the midst of the COVID-19 pandemic, the PHTA Government Relations team has continued to monitor active bills and regulations that impact you. Many states and localities are still regularly meeting and even voting on measures in some states. Active rule proceedings in states like California and Florida are continuing and local governments in most states, including Maryland are still conducting council meetings. Due to the many stay-at-home and shelter-in-place orders throughout the country, all proceedings and business meetings will be held electronically. See what the PHTA GR team is actively working on for the pool and spa industry:

California: CA Energy Commission proposed rule: Pool Pump Motors

PHTA has been actively advocating for a uniform federal standard for dedicated purpose pool pump motors, to compliment the federal standard for dedicated purpose pool pumps that is already on the books (compliance required July 19, 2021). PHTA members, along with other interested parties, submitted a petition to the U.S. Department of Energy in August of 2018 and have been waiting for the Department to issue a notice of proposed rulemaking. However, the CA Energy Commission (CEC) has decided to move forward with their own proposed amendments impacting dedicated purpose pool pump motors, replacement dedicated-purpose pool pump motors and align their existing rule with the federal requirements for pool pumps. PHTA has previously submitted comments with their concerns on the pump motor provisions, encouraging the CEC to defer and wait for the DOE, to ensure a uniform standard across the country.

What you can do: Feel free to tune into the CEC Public Hearing on 4/7/2020. PHTA will be providing comments and will be attending the virtual meeting. If you have any questions about the CEC rulemaking or the federal efforts, please contact PHTA Director of Government Affairs: Jen Hatfield at jhatfield@phta.org

Proposed Rule Notice:  

Proposed Rule Text:  

California: CA Contractors State License Board proposed rule: Renewal Application Form

The Board has proposed amendments to the rules impacting the licensure renewal application forms. The rule is being proposed to clarify license renewal procedures and specify deadlines
for renewing contractors’ licenses consistent with Business and Professions Code sections 7137, 7140, and 7141. The Board regulates general contractors and specialty contractors that include swimming pool contractors.

What you can do: Comments are due 4/28/2020. A public hearing was initially scheduled for 4/28/2020 and staff have confirmed that interested parties will be able to participate through a teleconference. Call-In Number: (415) 655-0002 or (855) 797-9485; Access Code: 920 105 917

Proposed Rule Text:
https://www.cslb.ca.gov/Resources/LawsAndRegulations/CCR853_OriginallyProposedLanguage.pdf

California: CA Contractors State License Board proposed rule: Substantial Rehabilitation

The Board has proposed amendments to the contractor rules addressing substantial relationship to unprofessional conduct and criminal convictions. The Board regulates swimming pool contractors under the specialty contractor license. The rules are being updated in order to clarify rule language to align with statutory provisions in Business Professional Code Section in response to AB 2138 (2018). The amendments update the Board's current regulations consistent with the legislation and to more accurately reflect the Boards’ and its Registrar’s (executive officer’s) authority to consider denials, disciplinary action, and petitions for reinstatement and to process inquiries into the circumstances surrounding a criminal conviction.

What you can do: Comments are due 4/28/2020. A public hearing was initially scheduled for 4/28/2020 and staff have confirmed that interested parties will be able to participate through a teleconference. Call-In Number: (415) 655-0002 or (855) 797-9485; Access Code: 920 105 917

Proposed Rule Language:
https://www.cslb.ca.gov/Resources/LawsAndRegulations/CCR868_869s%20OriginalProposedLanguage.pdf
**Florida: Florida Building Commission: 7th Edition Code Update:**

The Florida Building Commission (FBC) is at the last phase of their triennial code update. PHTA has monitored and participated in proposed changes affecting the swimming pool and spa provisions in the proposed 7th edition code. PHTA submitted a comment that was heard in front of the FBC Swimming Pool Technical Advisory Committee on March 24 that clarified the order of UV and disinfectant being applied to interactive water features. The Pool TAC recommended to approve the comment with a modification. At the FBC’s April 7 virtual meeting, they will vote on final comments provided to all TACs, considering the TACs recommendations. After the April 7 meeting, the code development work plan includes the following final steps:

1) an integrated draft Florida Building Code will be posted online 4/20/2020,  
2) a final rule hearing will be held 6/2/2020. and  
3) the Commission intends to adopt the Florida Building Code effective 12/31/2020.

In addition to the FBC’s work on the final stages of the 7th edition code, at their April 7 meeting they will also hold a rule development workshop to make changes and clarify the process of the 8th edition code. For the next triennial update process, the amendments provide that the Commission shall select the model codes, and Commission staff shall review the model codes and identify provisions that overlap with provisions of the Florida Building Code, correlate with the Florida Building Code, provide for certain energy efficiency standards, or are necessary to maintain certain federal funding or discounts. After the Commission staff complete the review, a complete listing of the changes to the model codes will be available for public review for at least 45 days before review by the Commission’s Technical Advisory Committees. PHTA will continue to monitor this rulemaking as well.

**What you can do:** PHTA members can listen into the workshop by seeing the link below. If you have any questions about the FL Building Code adoption process, or wish to become more involved, contact PHTA Director of Government Affairs: Jen Hatfield at jhatfield@phta.org

4/7/2020 FBC Meeting Agenda:  

Draft Rule for 4/7/2020 Rule Development Workshop:  
**Maryland: Baltimore County Council Bill:**

On March 2, 2020, the County Council considered bill 11-20 that would eliminate the requirement for lifeguards at semi-public pools. Bill 11-20 will be discussed at a work session Tuesday, March 31, 2020. The bill states “THE OPERATOR OF A SEMI-PUBLIC SWIMMING POOL MAY BUT IS NOT REQUIRED TO PROVIDE A LIFEGUARD DURING ALL SWIMMING PERIODS. (II) A SEMI-PUBLIC SWIMMING POOL THAT DOES NOT PROVIDE A LIFEGUARD ON DUTY SHALL CONSPICUOUSLY POST A SIGN AT EACH ENTRANCE TO THE POOL AND A SIGN WITHIN THE POOL AREA THAT READS: “WARNING; NO LIFEGUARD ON DUTY. SWIM AT YOUR OWN RISK. DO NOT SWIM ALONE. CHILDREN UNDER 18 SHOULD NOT USE THE POOL WITHOUT ADULT 5 SUPERVISION.”

What you can do: PHTA is working with local members to submit comments ahead of the 3/31 work session. If interested, members should submit comments to countycouncil@baltimorecountymd.gov and attend the online hearing.

The Work Session scheduled on Tuesday, March 31, 2020 at 2 p.m. may be viewed and heard online by the public at:
https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eeb9b047d6c63705e89ad0c

or heard by calling +1-415-655-0001 US Toll - Event number (access code): 470 947 144

Bill No. 11-20 Text:
http://resources.baltimorecountymd.gov/Documents/CountyCouncil/bills%202020/b01120.pdf

Contact PHTA Government Relations Manager, Brendan Scanland at: bscanland@phta.org with any questions.

**Montana: MT Department of Public Health and Human Services proposed rule: Amendments to Pools, Spas, and Other Water Features**

The Department proposed amendments to rules governing pools, spas, and other water features. The amendments largely cover updates from the 2015 International Swimming Pool and Spa Code (ISPSC) to the 2018 ISPSC.

What you can do: A public hearing is scheduled remotely on 4/16/2020. Comments are due 4/24/2020.

The Technical Advisory Committee (TAC) met December 11, 2019 in Tacoma and advised L&I regarding proposals. L&I also received advice from the Electrical Board at their January 30, 2020 meeting in Tumwater. After consideration of this advice, the director signed the CR-102 Proposed Rule Making document which gives details of the proposals and opens the public comment period. L&I have compiled all of the proposals moving forward in a Second Draft of WAC 296-46B. PHTA submitted comments for the December comment period and continues to monitor the rule proceeding as they seek the creation of a specialty license just for those doing pool and hot tub electrical repairs.

**What you can do:** A public hearing will be held by conference call April 9, 2020 at 10:00 a.m. (PDT) To join the call and provide oral testimony, regarding the proposed rule, you may call:

**1-866-715-6499.** Passcode: **9862128073#**. Anyone may submit written comments on the proposed amendments. Send written comments to:

Alicia Curry  
Department of Labor & Industries  
Field Services & Public Safety Division,  
P.O. Box 44400  
Olympia, WA 98504-4400  
or Alicia.Curry@Lni.wa.gov; or by fax to 360-902-5292.