



Alexandria Health Department



David M. Wilder, DO, MPH
Interim Health Director

EXHIBIT NO. 1

REPLY TO:

Environmental Health Division
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TO: James Hartmann, City Manager
FROM: Bob Custard, Environmental Health Manager
SUBJECT: Health Department Response to NSPF Comment on Pool Operator Training
DATE: March 12, 2010

8
3-13-10

In response to the letter we received yesterday from the National Swimming Pool Foundation (NSPF) on the subject of requiring persons to take a pool operator course before taking the pool operator exam we would like to make the following comments:

- 1) We believe that not requiring a formal training "course" allows individuals to acquire the knowledge needed to safely operate a pool using their preferred learning style whether that is a lecture course, a hands-on course at a pool, online training, or home-study using written materials or DVDs. This is the same approach that the Food and Drug Administration and more than forty states have taken for certifying Certified Food Managers. The focus is on the individual's ability to demonstrate their knowledge through examination rather than on how they acquired that knowledge or how many hours of instruction they were required to receive.
- 2) The proposed Aquatic Health Ordinance will allow pool management companies to train their own staff. These companies generally have competent people who can teach pool operator courses and do it on the pool management company's schedule. This will save these companies both time and money and will allow them to train their staff at the pools they will be operating if they choose to do so. We believe this is an improvement.
- 3) The published CDC article that Ms. Davis refers to compares the performance of pools in jurisdictions requiring trained/certified pool operators versus jurisdictions where there is no requirement for pool operators. Ms. Davis implies that the difference in performance is due to the combination of training and testing together versus testing alone, but that is not what the study says. Under the new Aquatic Health Ordinance, Alexandria will continue to require certified pool operators who have passed a certification exam. We are not eliminating the requirement that every pool have a certified pool operator as Arlington County did.
- 4) Our data shows a much stronger relationship between critical pool violations and which pool management company is managing the pool than between critical pool violations and "training". We interpret this to mean that supervision and ongoing training play a more important role in reducing critical pool violations than a pre-season training course every 3-5 years.

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5) Pool operators must retake the pool operators exam every three years. Also requiring a refresher training course for those who have been actively managing pools for years seems excessive.

6) Many pool management companies bring students from Eastern Europe to the U.S. for summer employment as lifeguards or pool operators. Some of these pool management companies teach their own pool operator courses (often using NSPF materials) and then administer the pool operators exam too. This creates a difficult situation and a potential conflict of interest for these companies if these employees, who the pool management company already has a lot invested in, are unable to pass the pool operator exam. To address this issue, we are cooperating with Fairfax County to develop a regional pool operator exam that will be comprehensive, secure, and proctored by a firm that is independent from any pool management company. We believe that such an examination will be a much better indicator of a person's knowledge of pool operation than a training course over which we have little control. Every summer we see individuals who have taken and passed pool operator's courses (including NSPF's) who cannot explain the basics of pool operation such as how to respond to a fecal accident in a pool.

7) Although NSPF is a respected national leader in pool and spa safety, they are not an impartial voice in this discussion. NSPF markets pool operator training materials and certification exams. In speaking with Ms. Davis several months ago about Fairfax County's RFP for a company to administer pool operator exams, it became very clear that NSPF was very concerned about a potential loss in revenues from the sale of training and certification materials. When I indicated our intention to partner with Fairfax County in creating a secure, proctored regional pool operator exam, I did not receive a positive response.

We believe that the Health Department has been very diligent in developing an Aquatic Health Ordinance that enjoys wide support by industry. The local pool management industry strongly supports the ordinance as written.

Inasmuch as the seasonal swimming pools will begin preparing for their May 29 opening in a few weeks, it is important that this ordinance be brought to City Council for their consideration this month. This will give pool management companies the lead time they need to comply with changes in regulation.

Cc: David Wilder, Interim Health Director
Mary O'Donnell, Assistant City Attorney



Bob Custard, R.E.H.S.
Environmental Health Manager
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Environmental Health Division
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March 11, 2010

RE: Proposed Changes to Swimming Pool and Spa Regulations

Thank you for the opportunity to provide comments on the proposed ordinance entitled, "An ORDINANCE to repeal and reordain Chapter 11 (AQUATIC HEALTH ORDINANCE) of Title 11 of The Code of The City of Alexandria, Virginia, 1981."

Section 11-11-10 (d) of the proposed ordinance states:

A pool operator shall be at least 16 years of age and shall have successfully passed a pool operator's examination approved by the Director and administered by an exam proctor that is approved by the Director....

NSPF® applauds your efforts to require certification for pool operators in your city. Under this proposal, however, it appears as though your proposed administrative rules are regressive, eliminating the previous educational and training requirements for certified pool operators, in favor of a challenge exam with no provisions for training.

This proposed measure to remove the current required educational component for pool operators is in direct conflict with a growing body of scientific evidence that demonstrates that operator certification training in conjunction with an exam better ensures pools are operated in compliance with local codes. We are aware of no such published evidence that taking a challenge exam alone provides any benefit.

An individual may pass an exam with a score of 75% and have incorrect answers to 25% of the topics. In the absence of a training program or a handbook as future reference materials, the operator may have never been exposed to key risk topics. For example, training on proper pool operation and maintenance, prevention of disease outbreaks, injury prevention, regulations and laws, including the Virginia Graeme Baker Federal Pool and Spa Safety Act are essential components of a well trained pool operator.

This decision is especially troubling since the entrapment death of Virginia Graeme Baker occurred in northern Virginia, resulting in the first national pool and spa safety regulations in history. Though the policy implemented by the City of Alexandria on the surface seems reasonable, the real-world consequence places more lives in danger by discouraging training amongst professionals who operate public pools in the City of Alexandria.

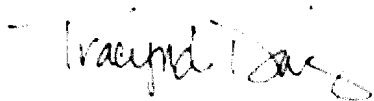
Numerous peer reviewed scientific studies have concluded that pools with operators that have gone through formal training on maintenance and operation of pools have fewer violations than pools without a trained person available (Buss et al. Journal of Environmental Health 2009; 71 (8):36-40). The Centers for Disease Control and Prevention (CDC) have concluded that operator training is necessary to prevent waterborne illness (Dziuban et al. Surveillance for Waterborne Disease and Outbreaks Associated with Recreational Water- United States-2004. CDC. MMWR 2006; 55 (SS-12):1-30). The CDC also concluded training is necessary to prevent chemical accidents and injuries. Research highlights the need for improved staff training on how to safely store and handle chemicals, and emergency response protocols (Yoder et al. Surveillance for Waterborne Disease and Outbreaks Associated with Recreational Water Use and Other Aquatic Facility- Associated Health Events-United States, 2005-2006. CDC MMWR 2008; 57 (SS-9):24). Moving away from the standard of care the aquatics industry and health and safety experts follow places the citizens and guests of the county at greater risk.

Because the proposed ordinance increases the safety risk for patrons in your city, NSPF[®] recommends the proposed language be amended to include requirements for the successful completion of an approved swimming pool operator training course, as currently required by section 20-6-7 (a) of the Administrative Code for the City of Alexandria.

We would appreciate your consideration to ensure the continued availability of health and recreational benefits which the aquatics industry provides to millions of people each day.

Feel free to contact me at 719-540-9119 if you have any questions.

Respectfully,



Tracynda Davis, M.P.H

Director of Environmental Health Programs

ABOUT NSPF®

The National Swimming Pool Foundation® (NSPF®), founded in 1965, is a non-profit 501(c)(3) non-profit organization dedicated to improving public health worldwide by attracting more people to safe aquatic environments and encouraging healthier living through aquatic education and research. NSPF® is the leading educator for pool and spa professionals who service and operate public and private pools and spas and for public health officials who are responsible for pool safety.

The Foundation works toward its mission with educational products like Certified Pool/Spa Operator® certification training, Pool Operator Primer™ online training program, and the annual World Aquatic Health™ Conference. The Foundation has certified over 250,000 pool operators, managers and health officials since 1965. In 2008 alone, over 20,000 people were trained.