




MARYLAND Department of Health

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

MEMORANDUM

TO: Local Health Department Pool Supervisors, Environmental Health Directors, Center for Health Homes and Community Services Staff Members

THRU: Clifford S. Mitchell, MS, MD, MPH
Director, Environmental Health Bureau

FROM: Joseph T. McKenzie, III, LEHS, REHS/RS, MPH
Chief, Center for Healthy Homes and Community Services 

DATE: May 8, 2018

RE: Non-Compliant Barriers at Public Swimming Pools and Spas

Public swimming pools and spas are required to comply with COMAR 10.17.01.21, Barriers, to ensure adequate protection is provided to prevent young children from inadvertently wandering into the pool enclosure, falling into the pool or spa and possibly injuring themselves or drowning. The standards required in Regulation .21 align with other national and international standards and best practice guidance documents such as ANSI/APSP/ICC-1 2014, American National Standard for Public Swimming Pools, the APSP/ICC International Swimming Pool and Spa Code, and the CDC's Model Aquatic Health Code.

In anticipation of the 2018 pool season, the staff of the Center for Healthy Homes and Community Services would like to alleviate the concerns of the pool industry related to pool closures due to non-compliant barriers as well as reduce concerns of local health departments regarding liability for pools operating with non-compliant barriers.

The plan to bring pool and spa facilities with non-compliant barriers into compliance will be based on the severity of the non-compliance. In cases where the non-compliance is not an imminent hazard, the owner will complete a compliance schedule application relevant to the non-compliance barrier which will include a compliance timeframe of no more than 18 months from now (October 1, 2019). In the cases where non-compliance is an imminent hazard such as, no barrier being present, the pool or spa will be closed until a barrier meeting the requirements of COMAR 10.17.01.21 is constructed and approved by the Department.

If you have any questions please contact the Center at 410-767-8417 or by email at mdh.envhealth@maryland.gov.

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