

HEALTH

PUBLIC HEALTH SERVICES BRANCH

DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL AND OCCUPATIONAL HEALTH

Notice of Readoption

Public Health and Food Protection Program

Public Recreational Bathing

Readoption: N.J.A.C. 8:26

Authority: N.J.S.A. 26:1A-7 and 26:4A-7.

Authorized By: Judith M. Persichilli, R.N., B.S.N., M.A., Commissioner, Department of Health, in Consultation with the Public Health Council.

Effective Date: June 13, 2023.

New Expiration Date: June 13, 2030.

Take notice that pursuant to the provisions at N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 8:26 were scheduled to expire on August 5, 2023. The rules establish standards in New Jersey for public recreational bathing. Subchapter 1 sets forth the purpose, scope, definitions, and waiver of the chapter.

Subchapter 2 addresses administration and includes provisions related to the review of plans for a public recreational bathing facility, procedures for obtaining approval to alter a public recreational bathing facility, the denial of approval for location, construction, or alteration of a public recreational bathing facility, the approval to operate a public recreational bathing facility, and operator inspection of swimming pools, wading pools, hot tubs, and spas.

Subchapter 3 provides the standards for swimming pools and wading pools and includes rules for construction and design, construction materials, surface skimming systems, fencing and enclosures, electrical, illumination, and ventilation requirements, circulation systems, protection of potable water, wading pools, water slides, rope drops, cliff jumping, aquatic play equipment, floats and fixed platforms, disinfection, depth markings, existing swimming pools and wading pools, and aquatic recreation facilities.

Subchapter 4 provides standards for hot tubs and spas and includes rules for construction and design, construction materials, heater and temperature requirements, electrical, illumination, and ventilation requirements, protection of potable water, circulation systems, disinfection, air induction systems, depth markings, existing hot tubs and spas, and aquatic recreation facilities.

Subchapter 5 provides standards for waterfront safety and includes rules for specially exempt facilities from first aid personnel and lifeguard requirements only, swimming pool supervision, emergency equipment for swimming pools, bather rules for swimming pools, wading pools, hot tubs and spas, diving in swimming pools, wading pool and spray park supervision, water slides, hot tub and spa supervision, emergency equipment for hot tubs or spas, bathing beach supervision, bather rules for bathing beaches, lifesaving equipment for bathing beaches, diving stands and boards for bathing beaches, waterfront restrictions for bathing beaches, and aquatic recreation facility supervision.

Subchapter 6 provides standards for sanitation, maintenance, and operations, and includes rules for general provisions, dressing rooms and bathrooms, showers, bathrooms, wastewater disposal, solid waste disposal, potable water supply, drinking

water facilities, food service, plumbing, insect, rodent, and weed control, recreational equipment, operational requirements for swimming pools and wading pools, operational requirements for hot tubs and spas, operational requirements for aquatic recreation facilities, and general sanitation and maintenance.

Subchapter 7 provides standards for sampling and water quality criteria and includes rules for water source for swimming pools, wading pools, hot tubs, spas, or aquatic recreation facilities; microbiological sampling for public recreational bathing facilities; sample collection for swimming pools, wading pools, hot tubs, spas, and aquatic recreation facilities; processing of water samples from public recreational bathing facilities; microbiological water quality standards for swimming pools, wading pools, and aquatic recreation facilities; samples not meeting standards, chemical and physical water quality analyses for swimming pools, wading pools, and aquatic recreation facilities; chemical water quality standards for swimming pools, wading pools, and aquatic recreation facilities; physical water quality standards for swimming pools, wading pools, and aquatic recreation facilities; salt water swimming and wading pools utilizing ocean and/or bay water; microbiological water quality standards for hot tubs and spas; chemical water quality standards for hot tubs and spas; algae in hot tubs and spas; physical water quality standards for hot tubs and spas; pre-operational assessment for bathing beaches; sample collection at bathing beaches; sampling techniques for bathing beaches; microbiological water quality standards for bathing beaches; chemical water quality standards for bathing beaches; and physical water quality standards for bathing beaches.

Subchapter 8 provides enforcement procedures and includes rules for general provisions; inspection of public swimming pools, wading pools, hot tubs, spas, aquatic recreation facilities, or bathing beaches; report of inspections, notification of closures, and evaluation placard; public availability of inspection reports; criteria for closure of a public recreational bathing facility; closure and reopening of swimming pools and wading pools; closure and reopening of hot tubs or spas; closure and reopening of bathing beaches; recordkeeping; reporting of deaths and serious injuries; and penalties.

N.J.A.C. 8:26 Appendix A includes a list of recognized certifications. N.J.A.C. 8:26 Appendix B includes a list of first aid supplies at public recreational bathing facilities. N.J.A.C. 8:26 Appendix C includes a list of chemical water quality standards for swimming pools, wading pools, and aquatic recreation facilities. N.J.A.C. 8:26 Appendix D includes a list of chemical water quality standards for hot tubs and spas. N.J.A.C. 8:26 Appendix E includes a checklist for public recreational bathing facilities. N.J.A.C. 8:26 Appendix F includes the fatal/serious accident report form.

The Department of Health (Department) established and conferred with a stakeholder group comprised of representatives from the Department, local and county health departments, the New Jersey Department of Environmental Protection (NJDEP), the New Jersey Recreation and Parks Association (NJRPA), and the Red Cross, to review the existing rules and consider improvements. The Department is developing a rulemaking in response to the recommendations of the stakeholder group. In the meantime, to maintain the current rules in effect, the Department of Health has determined that the rules should be readopted without change. Subject to the improvements under consideration, the rules remain necessary, proper, reasonable,

efficient, understandable, and responsive to the purposes for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:26 is readopted and shall continue in effect for a seven-year period.