

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

AGENCY: Rhode Island Department of Health

DIVISION: N/A

RULE IDENTIFIER: 216-RICR-50-05-4

RULE TITLE: Licensing of Aquatic Venues

REASON FOR RULEMAKING: This regulation is being promulgated to require more frequent evaluation of disinfectant levels based upon the type of feed the aquatic venue uses. The proposed amendments are in accordance with the Model Aquatic Health Code.

ANY FINDINGS REQUIRED BY LAW AS A PREEQUISITE TO THE EFFECTIVENESS OF THE RULE: N/A

TESTIMONY AND COMMENTS:

A comment was received asking when the regulation would take effect if approved. Per R.I. Gen. Laws § 42-35-4, a rule becomes effective twenty (20) days after filing with the Secretary of State. RIDOH anticipates this regulation being effective in mid-August.

A comment was received in support of the more frequent testing requirement. Additionally, it was also requested that RIDOH require additional testing for *legionella pneumophila* by a laboratory certified for culture methods. The Model Aquatic Health Code (MAHC) does not recommend routine microbiological testing for pools, spas, and other aquatic venues as there is insufficient data to indicate that routine monitoring standards provide an increase level of public health protection beyond adherence to current best practices¹. This comment will not be accepted at this time, however, RIDOH will continue to follow this issue and would require *legionella* testing in the future if new evidence demonstrates clear public health benefits from this testing.

CHANGES TO THE TEXT OF THE RULE:

§ 4.6.2(A) Adds requirement that operators collect and analyze aquatic venue water samples depending on type of feed.

¹ Center for Disease Control. (2018, July). *The 2018 Model Aquatic Health Code* (3rd Edition). <https://www.cdc.gov/mahc/pdf/2018-MAHC-Code-Clean-508.pdf>

§ 4.6.2(A)(1) Adds requirement of what chemicals must be tested for if using a chlorine-based disinfectant.

§ 4.6.2(A)(2) Adds requirement of what chemicals must be tested for if using a bromine-based disinfectant.

§ 4.6.2(A)(3) Adds requirement of what chemicals must be tested for if using both a chlorine-based disinfectant and bromine-based disinfectant.

§ 4.6.2(A)(4) Adds frequency of testing requirement for manual disinfectant feed systems.

§ 4.6.2(A)(5) Adds frequency of testing requirement for automatic disinfectant feed systems.

REGULATORY ANALYSIS:

In development of this rule, consideration was given to:

- 1) Alternative approaches;
- 2) Overlap or duplication with other statutory and regulatory provisions; and
- 3) Significant economic impact on small business

No alternative approach, duplication or overlap was identified based on available information. RIDOH has determined that the benefits of the rule justify its costs.