



June 12, 2022

Lauren Gareau
Department of Health
3 Capitol Hill
Room 410
Providence, RI 02908-5097
lauren.gareau@health.ri.gov

RE: Licensing Aquatic Venues (216-RICR-50-05-4)

Dear Ms. Gareau,

Please accept this letter as written comment regarding the proposed amendments to the regulations concerning Licensing of Aquatic Venues (216-RICR-50-05-4). On behalf of the members on NEARI, especially the members of the Rhode Island Department of Health Professional Staff Association, we are opposed to the proposed amendments. Our opposition is centered in three areas:

1. Concerns about safety: By handing over the engineering review and inspection responsibilities of Licensing of Swimming Pool Programs from RIDOH, as the Regulatory Authority, to the private regulated entities, the state will compromise the oversight of the pool construction and operation, leading to increased safety risks. In the experience of our members working in this division of RIDOH, applications submitted in the past for aquatic venues included plans and specifications containing multiple errors. Not only does allowing the regulated to self-regulate increase the risk of unsafe conditions, but it also potentially shifts the work requirements from pre-project regulatory review to post-project alteration and correction. This shift in regulatory intervention unnecessarily increases the work required to keep pools safe and increases the risk and danger to Public Health.
2. Concerns about worker liability: The proposed amendments to the regulation still hold RIDOH employees responsible for regulatory compliance without the current level of authority needed to properly enforce the code. By weakening the regulation as proposed, errors made by private project engineers will now also be the responsibility of RIDOH employees.
3. Concerns about the broader impact of this proposed deregulation: Deregulating the engineering review and inspection process will compromise RIDOH's hiring process by removing the motivation for the Department to hire highly qualified engineers and staff by shifting more of that work to private professional

engineers. In an area of work that has already seen workload increases without requisite increases in staff, this proposed amendment serves to compound the safety and liability problems.

Thank you for your time and attention to our concerns. If I can answer any questions, I can be reached at 1-401-463-9630 or pcrowley@neari.org.

Sincerely,

Patrick Crowley /s/

Patrick Crowley
Government Relations Director
NEARI

Dear Mr. Li,

I have been involved in the swimming pool industry since 1985 and have been dealing with the RI DOH for over 25 years. I understand the current state of affairs has forced the requirement of the emergency regulations regarding state certified engineers reviewing and approving swimming pool submittals, including final conformance inspection.

My concern is with projects currently being actively reviewed and in the process of being finalized. I did the original design for Rolling Green Apartments in Newport, RI. Recently I was asked to assist with finalizing a few items that were being requested by your department. This project received a preliminary approval letter in August of 2017 and due to numerous issues over the past few years they still do not have approval to open.

I understand the need for any new project to have the ability or option to be designed, reviewed and approved by outside sources but I would think that any current or previously submitted projects should be finalized by the state, it seems late in the game to move a project to a new reviewing source. I understand you are busy but I hope you would be available to discuss, please feel free to give me a call as soon as you can - I can be reached by cell phone, anytime at (207) 860-0824. Thank you and I look forward to hearing from you soon.

Jim Muise

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