

**Questions and Answers about the New Wisconsin Public Pools and Water Attractions Rule, ATCP 76,  
Effective September 24, 2023**

Question	Answer	Notes on Change	Code Reference, ATCP
What is the DATCP contact information for public pools?	<a href="https://datcp.wi.gov/Pages/Programs_Services/WaterRecreation.aspx">https://datcp.wi.gov/Pages/Programs_Services/WaterRecreation.aspx</a>  For questions: <a href="mailto:DATCPDFRSREC@wisconsin.gov">DATCPDFRSREC@wisconsin.gov</a>	No change	ATCP 76
<b>Licensing</b>			
When licensing a pool, and determining complexity, what is the basin?	The basin is what holds or receives water, so the vessel or the splash zone of a splash pad (interactive play attraction), or the run-out portion of the run-out slide.	Licensing of pools is now by basin.	76.06 (2)
When licensing a pool, and determining complexity, can a pool have more than one recirculation system?	No, a pool will either have one recirculation system (1 complexity point) or a shared recirculation system (0.5 points). Slides, jets, and sprays do not count as a recirculation system—just the main filtration and chemical addition components.	Licensing of pools is now by basin.	76.06 (2)
When licensing pools, can a pool be credited with more than one recirculation system?	No. For licensing, a pool either has its own recirculation system (1 point) or a shared recirculation system (0.5 points).	Licensing of pools is now by basin.	76.06 (2)
Are portable basketball hoops considered features when licensing a pool?	No, as a feature is defined as something "permanently installed in a pool..."	"Feature" has been defined.	76.03 (34), 76.06(2)
A diving board is a feature. Is the pool with a diving board a water attraction?	Yes, because a water attraction is a pool with features and a diving board is a feature, thus a pool with a diving board is a water attraction.	"Feature" and "water attraction" have been defined.	76.03 (34),(84)

**Questions and Answers about the New Wisconsin Public Pools and Water Attractions Rule, ATCP 76,  
Effective September 24, 2023**

Is a waterfall in a whirlpool considered a feature?	If the waterfall is for esthetic purposes and simply allows water to flow into the whirlpool, then it does not cause the whirlpool to be a water attraction. If the waterfall is interactive (climbing, interacting with falling water above the surface of the whirlpool), then the whirlpool becomes a water attraction.	"Feature" has been defined.	76.03 (34)
Is a sun shelf, underwater bench, or swim out a feature? A starting block? A wheelchair ramp?	No, none of these are features for licensing purposes. Also, they are not water attractions (unless something else in the pool makes that basin a water attraction).	"Feature" has been defined.	76.06 (2), 76.03 (34)
Is a splash pad a basin?	Yes, a vessel in the ground, a pad for a splash pad (interactive play attraction), and the slide for a run out slide all are considered basins for licensing purposes.	"Basin" has been defined.	76.03(11)
How is square footage calculated for a run-out slide?	Calculate using the run-out length, after the slope (slide) portion ends, and the width.	The run out part of run out slide is now considered a basin for licensing.	76.03 (11)
For a swim-up bar kept in the 90s for water temperature, is that a whirlpool?	90°F is the top temperature for a pool. A whirlpool is at least 90°F. By definition, a whirlpool has water warmer than that. A swim-up bar maintained with water temperatures in the 90s is a whirlpool for licensing complexity purposes.	Temperature requirements have been clarified.	76.19(4)(c)
What is the type of pool for a pool kept at 88°F/five feet deep, used for therapy but also independent exercise?	This would be a therapy pool and, if used for therapy at any time, must be maintained as a therapy pool at all times. When therapy is occurring, that activity must be maintained and supervised accordingly. If the pool is open for independent exercise (not an exercise class, which must have a lifeguard), the pool still must be maintained as a therapy pool if used for therapy (recirculation rate and chemistry).	"Therapy pool" definition has been clarified.	ATCP 76.11 (4)(d)
<b>Chemicals and Chemistry</b>			
Are sanitarians still testing chemical interlocks?	No, sanitarians will be asking questions about how pool operators manage their chemical interlock safety. Sanitarians will discuss monthly interlock testing with pool operators or their designees to ensure that operators know the critical elements of their interlock system and how their interlocks function - and how to keep people safe while the system is being tested. Sanitarians and pool operators will be provided with further guidance on this topic.	No change	76.13(1)(c)

**Questions and Answers about the New Wisconsin Public Pools and Water Attractions Rule, ATCP 76,  
Effective September 24, 2023**

Is secondary containment required for pool chemicals?	No, but secondary containment for at least one of the chemicals (disinfectant or acid) is strongly recommended. It is not required at this time. The reason secondary containment is strongly recommended is that if one chemical container is inside of another container ("secondary container"), two chemicals would not be able to mix unless both of their secondary containers leaked.	A recommendation for secondary containment has been added.	76.12(2)
Will there be a template for a combined chlorine management plan?	Yes, we are working on a template that pool operators may use to help them to meet this requirement for combined chlorine management. The template is posted at <a href="https://datcp.wi.gov/Pages/Programs_Services/WaterRecreation.aspx">https://datcp.wi.gov/Pages/Programs_Services/WaterRecreation.aspx</a>	Combined chlorine regulations are now focused on as part of active managerial control.	76.14(5)
At inspections, must a combined chlorine test be done?	Yes, a combined chlorine test must be done to validate that the action level as described in the combined chlorine management plan is being followed. Operators are required to have an action level, at which breakpoint chlorination is done.	Combined chlorine regulations are now focused on as part of active managerial control.	76.14(5)(e)
How can higher levels of cyanuric acid be measured?	If the cyanuric acid result is higher than the test kit range, dilute the sample with distilled water to determine the cyanuric acid level. For example, if the test kit result shows that the cyanuric acid level is higher than 100 ppm, try diluting the sample with one part sample to one part distilled water. If that result can be read, multiply the test kit result by two for the final ppm. Higher dilutions may be required for samples very high in cyanuric acid. Example: Taylor kit reads >100 ppm cyanuric Dilute the sample 1:1 with distilled water. Result for this diluted sample is 80 ppm. The actual level is twice as high as 80 ppm. 80 ppm x 2 = 160 ppm.	We are now closing pools when we detect toxic levels of cyanuric acid.	76.14(5)(b)
Is cyanuric acid being phased out for use in indoor pools?	Yes, beginning September 24, 2025, cyanuric acid, and cyanuric acid-containing disinfectants (trichlor, dchlor), may not be used in indoor pools. They may still be used for outdoor pools.	We are now closing pools when we detect toxic levels of cyanuric acid.	76.14(2)(c)
When do we begin enforcing the cyanuric acid requirement (prohibited for indoor pools)?	For indoor pools, sanitarians will provide a heads-up to pool operators that trichlor and dichlor will be phased-out and not allowed for use as sanitizers in indoor pools as of September 24, 2025. Until that date, use of trichlor or dichlor at an indoor pool is not a violation.	The cyanuric acid regulation has an effective date of 9/24/25.	76.14(2)(c)

**Questions and Answers about the New Wisconsin Public Pools and Water Attractions Rule, ATCP 76,  
Effective September 24, 2023**

Is DSPS plan review required to switch from trichlor or dichlor as cyanuric acid will not be allowed as of 9/24/25?	Possibly. When going from one erosion feeder to another erosion feeder, such as to a bromine feeder, make sure the feeder is the correct feeder for the new dry chemical. If more than 10 feet of plumbing is changed, plan review is required. For other types of chlorine: If changing to liquid chlorine, plan review is required. If changing to calcium hypochlorite, plan review is required.	No change, DSPS regulation	SPS 390
What must be done if an oxidation-reduction potential (ORP) controller is not functioning properly?	The controller must be cleaned or repaired as needed and the pool must be maintained as if there is no controller present for sanitizer levels and testing. See the chart in 76.14 for the specific levels and 76.18 for regulations for testing frequency.	The upper limit for ORP is now 900 mV.	76.14(6), 76.18(3)
Should sanitarians test for calcium hardness and saturation index?	No. If the operator chooses to use water balance and saturation index instead of meeting the alkalinity requirement, the operator must be able to test for calcium hardness and calculate saturation index, and show an acceptable saturation index result.	No change. The space for calcium hardness and saturation index has been removed from the inspection report since this is not part of a sanitarian's inspection duties.	76.14(5)(d)
<b>Supervision</b>			
What is the difference between operator, responsible supervisor, and certified operator?	The operator is the owner of the pool. The operator designates a responsible supervisor (or may serve as the responsible supervisor). The responsible supervisor must ensure safety and sanitation of the pool. The responsible supervisor may designate a contractor, staff, or other owners to help with duties. A certified operator has successfully completed an approved course in pool operation. A certified operator is concerned with operation of the pool equipment and ensuring that water quality is within acceptable parameters.	Definitions and duties have been provided and clarified.	76.03(14),(50),(66) 76.20, 76.21
Are certified pool operators required at all pools?	No, only under the following circumstances: 1. All Water Attractions 2. Any pool with two reinspections in three years	Certified operators are now required at pools where there have been at least two reinspections in three years.	76.20(2)

**Questions and Answers about the New Wisconsin Public Pools and Water Attractions Rule, ATCP 76,  
Effective September 24, 2023**

Is a pool with a diving board a water attraction? Is a certified operator required?	Yes, a diving board is a feature, so the basin is a water attraction. Because it is a water attraction, a certified operator is required.	A pool with a diving board is a water attraction.	76.20 (2)
Certified operators are required after two reinspections; what if our health department does follow-ups?	This question is related to the requirement for a certified operator if a pool has had two reinspections in three years. Some local agencies do not conduct reinspections, but instead do no-charge "follow-ups" or similar types of inspections, for critical items. For pools in jurisdictions whose health departments do follow-up inspections for items that trigger reinspections: These sanitarians will follow reinspection criteria, and if the follow-up inspection is done according to the reinspection criteria, that follow-up inspection will be counted as a reinspection towards requiring a certified operator.	Department reinspection criteria will be followed, whether the reinspection is done according to reinspection criteria, is called a reinspection, follow-up, or other.	76.20(2)(a)(2)
Will lifeguards be required for whirlpools?	No, unless the whirlpool has a surface area >1999 sf and/or a feature and would be required to have a lifeguard(s) per Table A or B or 76.23 (1)(b). Note that a whirlpool in a water attraction area must be monitored to ensure children, especially children under six years old, do not enter.	No change	Table 76.23 A and B, 76.23(1)(b)
Are lifeguard chairs now required?	No, lifeguards may have chairs or room, whichever is best for the situation.	No change	76.23(1)
Does a waterslide less than six feet high need a lifeguard?	Yes, a waterslide less than six feet is required to have a lifeguard.	No change	Table 76.23(B)
Did lifeguard course certification requirements change?	Yes, now that the pool code references Model Aquatic Health Code criteria, a lifeguard course must have annual cardiopulmonary resuscitation (CPR) certification. This means those with Red Cross Lifeguard must obtain an annual CPR certification to keep their Red Cross certification current, as the Red Cross Lifeguard includes a two-year CPR certification that lasts two years. The CPR course must be professional CPR. For a list of acceptable CPR courses, see the 'Approved Lifeguard Courses' document on: <a href="https://datcp.wi.gov/Pages/Programs_Services/WaterRecreation.aspx">https://datcp.wi.gov/Pages/Programs_Services/WaterRecreation.aspx</a>	Lifeguard certification requirements in the definition of "Lifeguard" now reference 2018 Model Aquatic Health Code criteria.	76.03 (44)

**Questions and Answers about the New Wisconsin Public Pools and Water Attractions Rule, ATCP 76,  
Effective September 24, 2023**

Is a lifeguard with a Red Cross or Anderson 360 certificate required to complete annual approved CPR training?	As of January 1, 2024, any lifeguard whose certificate is from Red Cross Lifeguard must complete an approved professional CPR course annually. The lifeguard certificate held by lifeguard who completes Red Cross or Anderson 360 Lifeguard by December 31, 2023, will be valid until it expires in two years—including the CPR portion.	Lifeguard certification requirements in the definition of "Lifeguard" now reference 2018 Model Aquatic Health Code criteria.	76.03 (44)
Is the annual CPR refresher required to be Red Cross?	The annual CPR course can be from any course listed as approved by the Department. Currently the list of courses is posted on the Public Pools page: <a href="https://datcp.wi.gov/Pages/Programs_Services/WaterRecreation.aspx">https://datcp.wi.gov/Pages/Programs_Services/WaterRecreation.aspx</a>	Lifeguard certification requirements in the definition of "Lifeguard" now reference 2018 Model Aquatic Health Code criteria.	76.03 (44)
Instead of an annual CPR course, can we just run the whole lifeguard course each year?	Yes, as that will result in the necessary CPR training.	Lifeguard certification requirements in the definition of "Lifeguard" now reference 2018 Model Aquatic Health Code criteria.	76.03 (44)
Does first aid certification also need to be renewed annually?	No, 2018 Model Aquatic Health Code criteria specifies Lifeguard, and first aid certification is good for two years and professional CPR/AED one year.	No change	76.03 (44)
Are all aquatics and building staff who have CPR certification required to renew annually?	No, only the lifeguards who are required to be on duty to meet the lifeguard requirements of ATCP 76.23 are required to have the approved courses. Additional staff are not covered by ATCP 76 requirements.	No change	76.03 (44)
Where are approved lifeguard and CPR courses listed?	<a href="https://datcp.wi.gov/Pages/Programs_Services/WaterRecreation.aspx">https://datcp.wi.gov/Pages/Programs_Services/WaterRecreation.aspx</a>  For questions: <a href="mailto:DATCPDFRSREC@wisconsin.gov">DATCPDFRSREC@wisconsin.gov</a>	No change	76.03 (44)

**Questions and Answers about the New Wisconsin Public Pools and Water Attractions Rule, ATCP 76,  
Effective September 24, 2023**

<p>Are lifeguard courses that are approved for public pools also approved for recreational and educational camps?</p>	<p>Yes, "lifeguard" has the same definition in each code (ATCP 76 and ATCP 78).</p>	<p>No change</p>	<p>76.03 (44)</p>
<p>What does one diagram per pool per use mean?</p>	<p>For a pool that has multiple uses and multiple lifeguards and/or attendant configurations, one diagram per use of pool. If the pool has two different uses but maintains one lifeguard configuration (exactly the same), prepare one diagram and indicate it applies to two uses and list those uses. If the pool has two different uses and different configurations of lifeguards, prepare two diagrams. For example, if a pool is used for gym class with the instructor as the lifeguard during the day and for open swim with two lifeguards roaming after school and on weekends, prepare one diagram for each use.</p> <p>If a pool use, for example open swim, experiences different patron loads, for example 60 or fewer and more than 60, those can be put on the same diagram. Just indicate how the additional lifeguard(s) are added.</p>	<p>There is now a requirement for a diagram for each use of the pool.</p>	<p>76.22</p>
<p>Must the state review each lifeguard staffing plan?</p>	<p>No, prepare your plan and have it ready for your sanitarian to review.</p>	<p>No change</p>	<p>76.22</p>
<p>Must the lifeguard staffing plan be printed or can it be on a computer, if available and can be reviewed?</p>	<p>No, but it should be readily available for review. If your facility is larger or more complicated than one to two lifeguards, your sanitarian may ask you to print a copy so the facility can be walked with a diagram along to use as reference.</p>	<p>No change</p>	<p>76.22</p>
<p>Is a lifeguard required for a "plain" pool (no features or instructional programs) less than 2000 sf?</p>	<p>No. 76.23 Table A has not changed.</p>	<p>No change</p>	<p>76.23</p>

**Questions and Answers about the New Wisconsin Public Pools and Water Attractions Rule, ATCP 76,  
Effective September 24, 2023**

<p>What is extrication training for therapy pools, and where can I get this training?</p>	<p>Extrication training is training in how to safely rescue a person from the pool in a medical or rehabilitation or training facility, or any therapy pool. It may be provided by a facility's safety team, the local fire, or EMS department. It should address how to safely rescue someone from the pool.</p>	<p>The requirement for supervision of pools that are for therapy has been modified.</p>	<p>Table 76.23B</p>
<p>I run a therapy pool. Am I required to post signage advising that children under 12 must be accompanied by an adult?</p>	<p>No, as long as there is direct supervision of the child by the staff member who has the approved training in first aid, CPR and extrication, or approved lifeguard training. Guidance is being prepared to address this.</p>	<p>There is a new rule to post.</p>	<p>76.29(1)(c)</p>
<p>Is the certified operator required to respond in person in three hours?</p>	<p>The certified operator is required to respond in three hours as appropriate. If the matter can be handled by phone, that is acceptable, but the response may require that the operator be there.</p>	<p>Response time has been clarified.</p>	<p>76.20 (2)</p>
<p>When does the clock start as far as the two reinspections in three years requiring a certified pool operator?</p>	<p>The clock starts when the new code becomes effective, so September 24, 2023. Reinspections required on inspection reports on or after that date will be counted towards the requirement for certified operator.</p>	<p>A requirement has been added for certified operator in response to reinspections.</p>	<p>76.20 (2)</p>
<p>What is an "SVRS" that must be tested?</p>	<p>An SVRS is a type of anti-entrapment system. An SVRS, or safety vacuum release system, is a safety feature required on some pool drains. For example, those pools with only one smaller drain must have them. The SVRS must be tested monthly to make sure that if the drain becomes covered, the recirculation pump shuts off to prevent entrapment. The new Monthly Report for, available on the DATCP Public Pools and Water Attractions webpage, has space for recording this testing. <a href="https://datcp.wi.gov/Pages/Programs_Services/WaterRecreation.asp">https://datcp.wi.gov/Pages/Programs_Services/WaterRecreation.asp</a></p>	<p>SVRS or other anti-entrapment system testing is now specifically required.</p>	<p>76.21(1)(c)</p>
<p>Can an operator contract with a pool company for interlock and anti-entrapment testing?</p>	<p>Yes, though the pool operator or their designee must be able to explain basic recirculation elements and pool safety measures to the sanitarian. For example, the operator must be able to describe how to know when the pump has stopped due to power or prime loss, how to know if there is a chemical leak, and emergency steps to be taken. A template to help pool operators with this is under development.</p>	<p>No change</p>	<p>76.21(1)(c)</p>



**Questions and Answers about the New Wisconsin Public Pools and Water Attractions Rule, ATCP 76,  
Effective September 24, 2023**

<p>Are pool operators specifically required to post a sign stating that prolonged breath holding is prohibited?</p>	<p>No. Pool operators may post a sign or poster, or use another way, to communicate to all patrons that breath holding games and challenges are not allowed. A sign is not required, but the communication must somehow occur. There must be some documentation of how this communication is occurring to show to the sanitarian so they can verify the communication is occurring. Posting a sign or adding the language to the pool rules is acceptable, but not the only way this communication may occur. Notification upon registration at a hotel or other pool is acceptable. If each patron receives the information each time they use the pool, then the requirement has been met. General notification via a facility's website would not meet this requirement.</p>	<p>This is a new pool rule.</p>	<p>76.29(1)(f)</p>
<p><b>Enclosures, Rescue and First Aid Equipment</b></p>			
<p>What technology is acceptable for pool emergency phones?</p>	<p>Phones may be landline phones or use alternative technology that meets the following criteria:</p> <ul style="list-style-type: none"> <li>• Reliable signal <ul style="list-style-type: none"> <li>• Signal can be successfully tested.</li> <li>• Phone is protected from vandalism and weather.</li> </ul> </li> <li>• Permanent connection to power with battery backup</li> <li>• Phone located within 25 feet of pool area.</li> <li>• Emergency numbers posted</li> </ul> <p>A computer phone may be used as long as it meets criteria above.</p>	<p>Alternative technology use was previously addressed with variances.</p>	<p>76.26(2)</p>
<p>Where is the phone or alternate communication technology required to be located?</p>	<p>The phone or alternate technology communication device must be either in the pool enclosure, or within 25 feet of the gate or the door if outside of the enclosure.</p>	<p>Phone are allowed outside enclosure, and distance is specified in code.</p>	<p>76.26(2)(c)</p>
<p>Is a phone that connects to main desk instead of 911 ok?</p>	<p>This could be approved under a variance, but there are conditions which must be met, so a variance must be applied for.</p>	<p>No change</p>	<p>76.26(20)</p>
<p>For a biohazard kit, for cleaning and sanitizing surfaces, can a pool operator make their own surface wipes?</p>	<p>Yes, follow CDC guidance and keep the supplies in the biohazard kit. Make sure everything is labeled. <a href="https://www.cdc.gov/healthywater/swimming/pdf/cleaning-body-fluid-spills-factsheet.pdf">https://www.cdc.gov/healthywater/swimming/pdf/cleaning-body-fluid-spills-factsheet.pdf</a></p>	<p>Biohazard kit contents have been defined.</p>	<p>76.27(2)</p>

**Questions and Answers about the New Wisconsin Public Pools and Water Attractions Rule, ATCP 76,  
Effective September 24, 2023**

Exits must be able to be used without a fob or similar device—can I close off an exit?	Yes, if it is okay with local building or fire inspectors. The number of entrances and exits is not regulated under ATCP 76 or pool construction code, SPS 390.	Electronic means is now not allowable for exit from enclosure.	76.34 (4)
Is a push-button magnetic latch (that operates based on electronic release of a magnet) considered an electronic means required to exit an enclosure?	Yes. A push-button that relies on electronics to function is considered electronic. If electronic signals are required to release a magnet, this would be considered an electronic method and would not be allowed at an exit. This requirement applies to all pools, regardless of year built.	Electronic means is now not allowable for exit from enclosure.	76.34 (4)
Can I keep my compliant whirlpool signage as-is, with the word "elderly"?	Yes, as that language is stricter.	The word "elderly" has been removed and the code instead advises those with certain conditions to refer to physician.	76.29(3)
Is there grandfathering for interlocks? Address booster pumps electrical interlock.	No. Any liquid chemical feed must have at least an electrical interlock. For new construction since 2009, a flow interlock is also required. Booster pumps must have the applicable interlocks.	A template will be available to help operators who contract for interlock testing.	76.13 (1)(c)