



State of Wisconsin  
Governor Tony Evers

---

## Department of Agriculture, Trade and Consumer Protection

**DATE:** January 30, 2020

**TO:** Board of Agriculture, Trade and Consumer Protection

**FROM:** Randy J. Romanski, Interim Secretary  
Steve Ingham, Division of Food and Recreational Safety Administrator

**SUBJECT: ATCP 76, Safety, Maintenance, and Operation of Public Pools and Water Attractions**

**PRESENTED BY:** Steve Ingham

### **REQUESTED ACTION:**

At the January 30, 2020, Board meeting, the Department will request approval of a Preliminary Public Hearing Notice for a Statement of Scope to consider revision of ch. ATCP 76 (Safety, Maintenance, and Operation of Public Pools and Water Attractions).

### **SUMMARY:**

Across Wisconsin nearly 4,000 licensed pools and water attractions are inspected by the Department of Agriculture, Trade and Consumer Protection (Department) and local health department agent programs in more than 50 jurisdictions. Pool and water attraction licenses cover a range of businesses, ranging from small hotel pools to complicated water parks with multiple water slides and wave pools. Pools and water attractions provide enjoyment for thousands of people, and are a critically important part of the state's tourism industry.

It is not easy to safely operate public pools and water attractions. Operators must ensure that water is adequately circulated, disinfected, and monitored to prevent chemical burns and the spread of disease agents. Operators must also meet applicable requirements for staffing, i.e. lifeguards, and maintain various safety equipment, staff, plans, and procedures. Department and local health department agent program staff conduct regular inspections to verify that operators of public pools and water attractions are meeting ch. ATCP 76 requirements intended to protect public health.

The requirements in ch. ATCP 76 were last revised in 2007. The Department believes that changes in public pool and water attraction businesses, federal regulations and standards, and best practices recommended in the Model Aquatic Health Code merit a thorough consideration of revising ch. ATCP 76.

Given the complexity and public health hazards that can be associated with public pools and water attractions, the Department is proposing to hold a preliminary public hearing and comment period on the Statement of Scope for possible revision of ch. ATCP 76.

*Wisconsin - America's Dairyland*

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • [Wisconsin.gov](http://Wisconsin.gov)

An equal opportunity employer

Contingent upon Board approval, the Department has planned two public hearings on the Statement of Scope, in Madison on February 14, 2020, and in Wausau on February 17, 2020. The Department also plans to accept written comments through February 24, 2020.

**State of Wisconsin**  
**Department of Agriculture, Trade and Consumer Protection**

**NOTICE OF PUBLIC HEARING AND COMMENT PERIOD**

The Wisconsin Department of Agriculture, Trade and Consumer Protection (Department) announces that, pursuant to Wis. Stat. § 227.16 (1), it will hold a preliminary public hearing and receive written comments on a scope statement relating to a possible revision of Wisconsin Administrative Code ch. ATCP 76, regarding Safety, Maintenance, and Operation of Public Pools and Water Attractions. The hearings will be held at the times and places below.

**Hearing Dates and Locations:**

Friday, February 14, 2020

Department of Agriculture, Trade and Consumer Protection – Hall of Fame Room 172  
2811 Agriculture Dr.  
Madison, WI 53718

10:00 a.m. – Noon (all commenters present before noon will be allowed to speak)

Monday, February 17, 2020

Wausau Entrepreneurial & Education Center – Room 100  
100 N. 72<sup>nd</sup> Ave.  
Wausau, WI 54401

11:00 a.m. – 2:00 p.m. (all commenters present before 2 p.m. will be allowed to speak)

Hearing testimony or comments will be taken on a first-come, first-served basis after the opening statements are read into the record.

Following the public hearing, the hearing record will remain open until February 24, 2020, for additional public comments. Comments may be sent to the Department at the address below, or to [Caitlin.Jeidy@wisconsin.gov](mailto:Caitlin.Jeidy@wisconsin.gov).

**Accommodations**

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by contacting Caitlin Jeidy using the information below. The hearing facilities are handicap accessible.

**Department Contact:**

Caitlin Jeidy

Division of Food and Recreational Safety

Department of Agriculture, Trade, and Consumer Protection

P.O. Box 8911

Madison, WI 53708-8911

(608) 224-4696

Dated this \_\_\_\_ day of January, 2020

STATE OF WISCONSIN,  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By \_\_\_\_\_

Randy Romanski, Interim Secretary