



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

DATE: March 3, 2022

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Randy Romanski, Secretary
Amy Millard, Deputy Administrator, Division of Food and Recreational Safety

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

PRESENTED BY: Caitlin Jeidy, Program & Policy Analyst, Division of Food and Recreational Safety

REQUESTED ACTION:

At the March 3, 2022, Board meeting, the Department will request approval of a public hearing draft, regarding ch. ATCP 76 relating to Safety, Maintenance, and Operation of Public Pools and Water Attractions. Board approval will allow the Department to submit the public hearing draft to the Legislative Council Rules Clearinghouse and hold public hearings on the proposed rule.

SUMMARY:

The Department conducted a comprehensive review of chapter ATCP 76 with input from industry stakeholders, professional associations, as well as Department and local health department agent representatives. The proposed rule is a reflection of the input received and is a modernization of ch. ATCP 76. Highlights of the rule revision include the following:

- A significant overhaul of the definitions sections.
- A proposed licensing model that more clearly reflects the risks and complexity of the pool operation and more accurately reflects the time it takes for the Department to perform its licensing and inspection responsibilities.
- Incorporation of best practices and modern technologies in pool operation.
- Clarification of attendant and lifeguard staffing requirements to be associated with each type of water experience in detail (whirlpool, waterslide, pool slide under six feet, for example), and describes what the requirement is for that type of pool.
- States requirements for operators in the event of a suspected or confirmed outbreak so that it supports efficient and effective investigation of potential waterborne illnesses.
- Addresses the risks to ensure health and safety at dog swim events by eliminating time spent on the variance process by pool operators, public health staff, and the Department.

Wisconsin - America's Dairyland

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • Wisconsin.gov

An equal opportunity employer

- Specification of requirements surrounding drain covers and their placement in pools according to the federal Virginia Graeme Baker Act.
- Addresses limited-use public pools that are not covered in the current rule.
- Streamlining and simplification of disinfectant residual requirements to be in line with those of surrounding states, while maintaining more stringent requirements in settings where appropriate.

The Department will hold six public hearings on the preliminary rule draft. The hearings will take place March 29-31, 2022 in Green Bay, Wausau, and Eau Claire. Hearings continue in to April with a virtual hearing on April 1, 2022, and in-person hearings in Wisconsin Dells and Elkhorn on April 7-8, 2022.