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Ms. Susanne Allard Strutt, Chief Executive Officer
Ms. Lori MacKay, President
British Columbia Recreation and Parks Association
101 - 4664 Lougheed Hwy,
Burnaby BC V5C 5T5

Dear Ms. Strutt and Ms. MacKay:

Thank you for your letter dated December 7, 2009, regarding the *Public Health Act* - Swimming Pool, Spray Pool and Wading Pool Regulations (1977). I apologize for the delay in responding.

As you state in your letter, this Regulation is outdated and in need of extensive revision. I recognize there have been delays in the development of a new regulation. However, we are now working on a revision and I am expecting it will be available for Cabinet's consideration soon.

I appreciate that the British Columbia Recreation and Parks Association (BCRPA) has been involved in developing the revised regulation and guidelines over the past several years. The new regulation will represent a significant departure from the current regulation in that it will have a much more outcome based focus, as opposed to the very prescriptive nature of the current regulation. As part of the exercise of eliminating the prescriptive standards, those requirements will be moved into pool design and pool operation guideline documents that will support the revised regulation.

I certainly appreciate the involvement of the BCRPA in the development of the revised regulation, through the stakeholder review process, and I am sure you will find it reflects the major themes identified through that process.

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Following approval of the new regulation, we will be undertaking a further consultation with stakeholders on the guideline documents to ensure they meet the needs of both industry and regulators. Your offer to assist the Ministry of Healthy Living and Sport in the coordination of this consultation with your industry is most appreciated and we will be pleased to work with you in this regard.

I appreciate the opportunity to respond.

Yours sincerely,



Ida Chong, FCGA
Minister

pc: Andrew Hazlewood, ADM, Population and Public Health



7 December 2009

Honourable Ida Chong
Ministry of Healthy Living and Sport
PO Box 9067 Stn Prov Govt,
Victoria BC V8W 9E2

Dear Minister Chong,

BC Recreation and Parks Association (BCRPA) would like to see British Columbia commit to adopting an updated swimming pool regulation and guidelines in the near future. The current Swimming Pool, Spray Pool and Wading Pool Regulation was passed in 1972 and much has changed in aquatic facility design and operation over the past 37 years. Although a new regulation was listed as a deliverable in the Ministry of Health Service Plan in 2005/2006 and a Pool Review Committee was struck in December 2005 with the intention to "steer the creation of a standards document to accompany a new regulation...and will have the goal of producing a workable standards document by June of 2006", this goal has still not been accomplished.

Attached is a brief history of the process that has occurred to date along with a comparison of swimming pool regulation revisions in other provinces. We are pleased with the commitment which has been demonstrated by the government; however, we hope that your Ministry will continue its collaborative work to reach the common goal of thorough, up to date swimming pool regulations and accompanying guidelines. By providing support to this review process you will enable the development of high standards for all pool facilities in BC which will contribute to our shared vision of active, healthy living where British Columbia is a model for the rest of the country.

Ensuring the health and safety of the population requires sustained effort and we are pleased with the work that has been done to date including the distribution of a draft revision on the regulation in 2006 and subsequent Pool Review Committee meetings in 2007. As the task group moves forward, BCRPA is eager to remain involved in the development and implementation of the regulations and guidelines; however, this cannot be done without strong leadership from your Ministry.

On behalf of BCRPA, not only do we support the swimming pool regulation review, but we urge you to expedite this review process so that British Columbians may soon have regulations set within the current aquatic environment. We would be pleased to assist your Ministry with the coordination of consultations within our industry if you deem this would be helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Strutt", written in a cursive style.

Suzanne Allard Strutt
Chief Executive Officer

A handwritten signature in black ink, appearing to read "Lori MacKay", written in a cursive style.

Lori MacKay
President

cc: Andrew Hazlewood, Assistant Deputy Minister, Population & Public Health
Tim Lambert, Executive Director, Health Protection
David Fishwick, Project Manager, Public Health
Encl: Background of Swimming Pool Regulation Revision

History of Swimming Pool Regulation Revision

1972: Current regulation put into effect.

1985: Letter from Ron Kirstein, Chair of BC Recreation & Parks Association's (BCRPA) Aquatic Recreation Branch (ARB), to Ron deBurger, Ministry of Health ADM for Preventative Services in which it is stated that the ARB is *"attempting to coordinate an effort to bring Health Act Revisions to an end."*

1987: June – Royal Life Saving Society Canada (RLSSC) presents proposal for Regulation revision to provincial government.

1988: April – In a letter to Rose Moon, Executive Director of the BC & Yukon Branch of the RLSSC, Andrew Hazlewood, Director of Public Health Inspection, states, *"I have appointed Mr. Norm Clarkson, Chief Public Health Inspector, North Okanagan Health Unit to act as Chairman for this most important Regulation Review Committee."*

May – At its Annual General Meeting, the BCRPA approves the publication 'Recommended Swimming Pool Operating Standards' as presented by its Aquatic Recreation Branch based on a resolution stating that *"The current Health Act is outdated and does not cover areas of pool operation; the standards were prepared, based on input from the industry and clearly reflect what is actually taking place in the area of aquatics; these guidelines be considered in the current Health Act revision."*

May – In a letter to R. Moon, Norman Clarkson, Chief Public Health Inspector for the Ministry of Health states, *"Our committee was asked to produce a draft revision to the regulation which we have done. When the legislative drafting process is complete, our intention was to ask for public comment before the document is sent to the Cabinet."*

1994: May – Coroner's jury report into the drowning death of Lorna Barr, a lifeguard at the Saanich Commonwealth Place Pool, recommended *"That the Ministry of Health expedite the implementation of the Swimming Pool Regulations, Draft #7."*

September – In a letter to Rick Haga, National Executive Director of the RLSSC, Barry Willoughby, Acting Director, Public Health Protection, states, *"We will be going forward with recommendations to Cabinet on new pool regulations in the near future."*

November – At its November 19 board meeting, BCRPA passed a motion *"That the BCRPA support efforts to have the Health Act revised as soon as possible, and that as part of that process the National Lifeguard Service (NLS) award be recognized as the standard level of competency for the province, and further, that decisions regarding equivalency and the ability of other agencies to teach to the NLS standard should be made by the Ministry of Health."*

December – In a letter to a lawyer from Singleton Urquhart MacDonald, Barristers & Solicitors, A. Hazlewood states, *"Regarding the latest internal working draft of the Swimming Pool Regulations, it does not specify any particular option regarding lifeguards. Draft 8 was developed after the recent Coroner's inquest and Draft 9 included further revisions as the result of the public health engineering recommendations."*

- 1995: February – Lifesaving Society sends survey to BC pool managers to determine opinion on lifeguard certification. To the question, “*Do you think that NLS should be the minimum Lifeguard qualification?*” 94% responded “Yes.”
- 2004: July – Task group of BCRPA publishes ‘*Recommended Operating Guidelines for Swimming Pools in BC,*’ an updated version of the 1988 document.
- July – Lifesaving Society sends letter to Kersteen Johnson, Executive Director, Health Protection Planning Division to encourage movement on revision to the Swimming Pool Regulation.
- 2005: Ministry of Health Service Plan identifies Deliverable with 2005/2006 Target being “*Conflicting or unnecessary policies and regulations reduced --- revised swimming pool regulation drafted.*”
- July – In a letter to stakeholders from Ron Duffell, Acting Executive Director of Health Protection Branch of Ministry of Health, he states, “As part of the BC Government’s commitment to regulatory review, the Ministry of Health, in 2004, requested comments from stakeholders in the swimming pool industry on the existing Swimming Pool . . . Regulations, as well as to seek input on innovative ways of updating the regulation. Enclosed is a discussion paper on the draft regulation, and the Ministry would like to receive your feedback on the content of the proposed draft regulation.
- September – Lifesaving Society solicits input from pool managers regarding confirmation that the National Lifeguard Service (NLS) award be recognized in legislation as the single lifeguard training standard in BC. Overwhelming response in favour is received by David Fishwick, Project Manager, Public Health.
- December – David Fishwick, Project Manager, Public Health convenes a Pool Review Committee to “*steer the creation of a standards document to accompany a new regulation . . . and will have the goal of producing a workable standards document by June of 2006.*” (First meeting takes place in February, 2006; no activity or meeting from November, 2007 to present.)
- 2006: February – Draft revision of Regulation circulated to Pool Review Committee.
- 2007: October – Representatives of the Lifesaving Society meet with Andrew Hazlewood, ADM for Population Health and Wellness, Lucas Corwin, Active Executive Director, Health Protection and D. Fishwick to emphasize the importance to public safety that NLS be recognized as the single lifeguard training standard and that the Regulation be revised.
- 2008: July – Backgrounder binder and letter sent to A. Hazlewood, L. Corwin and D. Fishwick to again provide rationale for NLS as the single lifeguard training standard. Binder contains support letters from BCRPA, Canadian Parks and Recreation Association, Canadian Association for Health, Physical Education, Recreation & Dance and National NLS Advisory Committee.