

Proposed Amendments- Chapter 70.90 RCW

April 2024



Water Recreation Facilities

In 2016, rulemaking was initiated to amend rule chapters 246-260 and 246-262 WAC to consider the Center for Disease Control’s Model Aquatic Health Code (MAHC). To adopt these national guidance standards, amendments must be made to chapter 70.90 RCW, the statute that governs water recreation facilities.



Definitions

Currently, the terms used in the WA state law and rules are not consistent with the federal Model Aquatic Health Code.

We are proposing to amend current state law to replace the use of “water recreation facilities” and “recreational water contact facilities” with the terms used in the MAHC, so we can adopt MAHC standards in the rule.



Bathing Beaches

Currently, the law and rules only pertain to swim areas in natural waters designated with artificial boundaries, such as a lake with buoy line boundaries.

We are proposing to expand the law to include swim areas in natural waters without artificial (buoy line) boundaries to ensure these areas also meet health and safety standards.



Rule Exceptions

Currently, the law provides a limited exception from the rules for pools in apartment and condominium complexes with less than 15 living units, rental housing units with less than 15 living units, and HOAs with less than 15 living units, and in all mobile home parks. However, these entities are not exempt from design and operational requirements, injury and illness reporting, biological and chemical contamination standards, and water quality monitoring. We are proposing to remove this exception from the law and preserve it, with more clarity about design and operational requirements, in rule.

Additionally, the law currently specifies that water treatment is not required in natural areas used for swimming. This means chemicals to treat the water are not required in natural waters. We are proposing to remove this because Department of Ecology already regulates water quality under chapter 90.48 RCW.



Therapy Pools

Currently, therapy pools are exempt from following health department rules and regulations. The MAHC identifies therapy pools as “increased risk” venues because they are used by vulnerable populations with increased risk of injury or infection.

We are proposing to remove the exemption for therapy pools in the law which would allow us to adopt rules to ensure public health and safety at therapy pools.



Clarification

Additionally, we would also like to reduce confusion by clarifying roles and responsibilities of the Washington State Board of Health, the Washington State Department of Health, and local health officers/ jurisdictions throughout the chapter and clarifying timelines for permitting.



Insurance

Currently, liability insurance, of at least \$100,000, is only required for recreational water contact facilities (water parks).

We are proposing to require liability insurance for all facilities and reassess the amount needed to protect facilities from risk.



Water Recreation Program

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