

# STATE OF COLORADO

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Colorado Department  
of Public Health  
and Environment

**TO:** Interested Parties

**FROM:** Steve Gunderson, Director, Water Quality Control Division (Division)

**DATE:** April 4, 2011

**SUBJECT:** Responsibility for Regulation and Oversight of Swimming Pools and Spas

The purpose of this memorandum is to provide clarification regarding the Division's position on the responsibilities associated with the regulation and general oversight of swimming pools and spas in Colorado.

The Division is acutely aware of the severe budgetary issues that local health departments and so many other Colorado agencies, including the Division, are experiencing. Unfortunately, although the Colorado Department of Public Health and Environment (CDPHE) has adopted 5 CCR 1003- 5, *State Board of Health Regulations Pertaining To Swimming Pools And Mineral Baths (Regulations)*, there is no funding associated with the swimming pool-related work that the Division has been performing. The Division does not have the capacity to assume responsibilities that counties and other local entities decide to no longer support. Accordingly, the Division is not able to receive and respond to complaints and other water recreational concerns for counties and other local entities and cannot assume responsibility for answering all questions regarding the regulatory requirements for swimming pools and spas that are located in a particular county.

The Division is highly concerned about the public health issues that are associated with swimming pools and spas. However, it has been and continues to be the position of the Division that the Regulations need to be implemented at the local level and that the Division's involvement is a consultative, assistive role to the counties and other local agencies. The following list is a summary of the swimming pool-related work that the Division has been performing and plans to continue to perform.

1. Limited communications to the general public, county health and building departments, aquatic facility designers, owners and operators of aquatic facilities and equipment manufacturers involved with the aquatic recreational industry.
2. Lead investigations and manage reported potential or occurring disease outbreaks associated with aquatic facilities.
3. Provide assistance to local and county health department officials in regard to enforcement of Regulations. The assistance is generally provided through telephone conversations and limited meetings and inspections.
4. Provide assistance to county health departments involved with reviews of complicated design reviews that may involve regulation interpretation, references to national codes and variance consideration.
5. Management of monitoring and reporting of bacteriological results from public, natural swimming beaches.

6. Provide limited (generally twice per calendar year) training to local and state health authorities in regard to the Regulations and water venue diseases.

Elimination of the Swimming Pools and Spas Programs by local and county entities poses potential adverse public health impacts. In light of these potential public health issues, the Division strongly recommends that where these programs have already been eliminated (or are under consideration for elimination) the local and/or county entity re-evaluate this decision and identify a means to implement at least the basic aspects of the Regulations. As is delineated in items 1-6 above, the Division will continue to provide consultation and assistance to local entities and counties in regard to swimming pool and spa issues.