

CR 90-107

RECEIVED

OCT 11 1990  
11:50 am  
Revisor of Statutes  
Bureau

CERTIFICATE

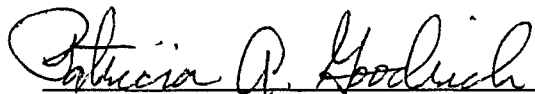
STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Patricia A. Goodrich, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to the number of lifeguards required at swimming pools of 2000 or more square feet were duly approved and adopted by this Department on October 11, 1990.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 11th day of October, 1990.

SEAL:

  
\_\_\_\_\_  
Patricia A. Goodrich, Secretary  
Department of Health and Social Services

12-1-90

RECEIVED

OCT 11 1990

ORDER OF THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
REPEALING, RENUMBERING, AMENDING AND CREATING RULES

Revisor of Statutes  
Bureau

To repeal HSS 172.05(2)(b)1; to renumber HSS 172.03(1) and 172.05(2)(a)2 and (b) 2 to 5; to amend HSS 172.05(2)(c); to repeal and recreate HSS 172.05(2)(a)1; and to create HSS 172.03(1) and 172.05(2)(a)2, number of lifeguards required at swimming pools of 2,000 or more square feet.

Analysis Prepared by the Department of Health and Social Services

On December 1, 1989 the Department's revised rules for the Safety, Maintenance and Operation of Public Swimming Pools, ch. HSS 172, went into effect. The revised rules require the number of lifeguards at a pool with 2,000 or more square feet of water surface to be the same as the number of lifeguard chairs required under s. HSS 171.15 which is itself based on the size of the pool. This has the effect of requiring pool operators to provide more lifeguards than are needed when only a small number of patrons are using the pool, resulting in unnecessary expense in staffing a pool for operation. Under the rules in effect prior to December 1, 1989, there was a provision that permitted a pool operator to rope off a portion of the pool that was not in use and, when this was done, to adjust lifeguard staffing so that it was related to the number of patrons in the water in accordance with a schedule in the rules. That provision, however, was deleted when the rules were revised because the schedule for staffing by number of patrons in the water was ambiguous.

The present means of determining the number of lifeguards needed for a pool could lead to problems of a different sort at a water recreation attraction such as a wave pool or slide pool which would be required to provide only as many lifeguards as it had lifeguard chairs which could mean that fewer lifeguards would be required than are needed to supervise a large number of patrons. The same situation could occur at a large municipal pool.

This order establishes a lifeguard to patron ratio as the basis for lifeguard staffing at pools with 2,000 or more square feet of water surface so that a smaller number of lifeguards will be required for a smaller actual patron load and a larger number for a larger actual patron load, irrespective of the required number of lifeguard chairs, with "patron load" understood as the number of people in the water. The size of a pool is still taken into consideration by the requirement that there be one or more extra lifeguards at a pool of 5,000 or more square feet, with the operator permitted to close off a portion of a pool to reduce the extra staffing requirement related to area of the pool.

The order also modifies a rule that permits the instructor at a pool used for instructional purposes to substitute for the required lifeguard if the instructor holds a Red Cross Water Safety Instructor certificate or equivalent and is certified in CPR. The change requires another person present at the pool to have those qualifications if the instructor does not.

The Department's authority to repeal, renumber, amend and create these rules is found in s. 140.05(3), Stats. The rules interpret s. 140.05(1) and (17), Stats.

SECTION 1. HSS 172.03(1) is renumbered HSS 172.03(1m).

SECTION 2. HSS 172.03(1) is created to read:

HSS 172.03(1) "Actual patron load" means the number of patrons in the water.

SECTION 3. HSS 172.05(2)(a)1 is repealed and recreated to read:

HSS 172.05(2) LIFEGUARDS AND ATTENDANTS. (a) 1. Except as provided in pars. (b) and (c), a pool having a surface area of 2,000 square feet or more shall have one or more lifeguards when the pool is in use. The required number of lifeguards shall be as shown in Table 172.05.

TABLE 172.05  
REQUIRED NUMBER OF LIFEGUARDS

---

Actual Patron Load *	Lifeguards for a Pool of 2,000 to 4,999 sq. ft.	Lifeguards for a Pool of 5,000 to 9,999 sq. ft.	Lifeguards for a Pool of 10,000 or More sq. ft.
1 - 60	1	2	3
61 - 136	2	3	4
137 - 236	3	4	5
237 - 336	4	5	6

---

\* When the patron load exceeds 336 patrons, one lifeguard shall be provided for each additional 100 patrons or fraction thereof.

---

SECTION 4. HSS 172.05(2)(a)2 is renumbered HSS 172.05(2)(a)3.

SECTION 5. HSS 172.05(2)(a)2 is created to read:

HSS 172.05(2)(a)2. A pool operator may close a portion of the pool to patrons in order to meet the square foot limits in Table 172.05 for lifeguard staffing, except that lifeguard staffing for a pool of 2,000 to 4,999 square feet shall be maintained.

SECTION 6. HSS 172.05(2)(b)1 is repealed.

SECTION 7. HSS 172.05(2)(b) 2 to 5 are renumbered HSS 172.05(2)(b) 1 to 4.

SECTION 8. HSS 172.05(2)(c) is amended to read:

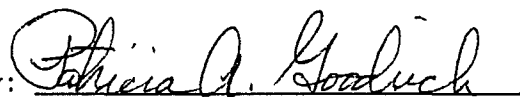
HSS 172.05(2)(c). When a pool is used for instructional purposes, an instructor or other person holding a current American Red Cross Water Safety Instructor certificate or equivalent and a cardiopulmonary resuscitation certificate from the American Red Cross or the American Heart Association may substitute for the lifeguard ~~required~~ requirements in this subsection.

The repeals and rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.24(1)(c), Stats.

Wisconsin Department of Health and  
Social Services

Date: October 11, 1990

By:



Patricia A. Goodrich  
Secretary

SEAL: