

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 871 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Leon Stille
Committee: Health Policy

Date Completed: 12-21-01

RATIONALE

The Department of Environmental Quality (DEQ) promulgated rules, effective in February 2001, to regulate the operation of public swimming pools. One of the rules, R 325.2135 (Rule 35), governs starting platforms at public pools. For water depths less than 79 inches (6 feet, 7 inches), starting platforms may not be installed, and for water depths of 79 inches or more, a starting platform must not be higher than 30 inches above the water. If starting platforms are provided at a swimming pool, the pool owner must ensure that they comply with the rule's water depth requirements. For instance, a starting platform must be installed where the minimum water depth is maintained from 2 feet to at least 19 feet from the pool edge, and with the platform's front edge extending to the edge of the water. For starting platforms installed before February 6, 2001, with water depths less than 60 inches, the platforms must be brought into compliance or removed.

It has been reported that the swimming pools of at least four colleges in Michigan do not meet the requirements of Rule 35. This means that, absent structural changes to their pools, the schools must remove their starting platforms. If the colleges remove their starting platforms, the schools will be unable to host intercollegiate swim meets for their swimming teams. Making structural changes, on the other hand, could be an expensive undertaking. To address this situation, it has been suggested that the rule should not apply to college and university swimming pools under certain conditions.

CONTENT

The bill would amend the Public Health Code to provide that R 325.2135 would not apply to

a public swimming pool owned or operated by a college or university in Michigan, if the following criteria were met:

- The pool water depth below the starting platforms was at least four feet, and the starting platforms were removed, cordoned off, or otherwise made inaccessible except during competition and practice.
- The college or university restricted the use of starting platforms to collegiate swimmers participating in a college or university collegiate or intercollegiate swim program sanctioned by a national collegiate athletic program or similar body.
- The opposing swimmers and coaches were notified before any intercollegiate swim meet of the depth of water below the starting platforms.
- Any injuries related to the use of starting platforms that required first aid were reported to the local health department and the Department of Environmental Quality.

When the college or university pool underwent major structural change, the pool owner would have to bring it into compliance with R 325.2135.

MCL 333.12522

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

It has been reported that the pools at Grand Valley State University, Northern Michigan University, Albion College, and Calvin College do not conform to the DEQ rule governing public pool starting platforms. This means

that those institutions cannot host intercollegiate swimming competitions at their pools because they may not use the starting platforms. Further, the institutions must remove the existing starting platforms, or close their pools to their swimming teams and the public, unless and until the pools are brought into compliance with the rule. Bringing the pools into compliance, in effect, means that the floors of the pools must be lowered, and may need to be reconfigured, and thus would be prohibitively expensive. Reportedly, Grand Valley State has estimated that reconstructing its pool would cost \$1.5 million. The bill would allow use of existing pools and starting platforms for intercollegiate competitions and practice, as long as the platforms were removed or made inaccessible for public use. This would eliminate the need for the colleges and universities either to conduct expensive repairs or to give up their competitive swimming teams.

Opposing Argument

There are sound reasons for regulating water depth and platform heights. The DEQ rules were formed after careful study and consideration, and are designed to protect both the general public and competitive swimmers from traumatic spinal cord injuries caused by diving from a starting platform into a shallow pool. A school could avoid the cost of renovation, without forgoing its competitive swim program, by having swimmers start in the water.

Response: Reportedly, there have been no recorded spinal cord injuries related to intercollegiate swimming in the last 20 years, which indicates that the existing pools are safe. By exempting collegiate swimming programs, under certain conditions, while restricting the use of the starting platforms to collegiate swimmers, the bill would provide protection for the general public without interfering with existing swimming programs.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have no fiscal impact on State government but would allow colleges and universities that have starting platforms for swimming pools that are four feet deep, to avoid the costs of renovating or building new swimming pools, or to avoid elimination of competitive swimming programs. Rule 35 of

the Public Health Code requires a water depth of at least 79 inches under a starting platform; the bill would allow an exemption to the rule for colleges and universities with pools that have a minimum depth of four feet.

There are two public universities with pools that are four feet deep: Grand Valley State University and Northern Michigan University. Grand Valley estimates that renovation costs would be \$1.5 million and Northern estimates costs of \$0.5 million, if they were to comply with the five-foot depth requirement of Rule 35. In addition to the two public universities, there are at least two private colleges, Albion and Calvin, that have pools with a depth of less than five feet, and there are approximately 14 public community colleges with swimming pools that may be subject to Rule 35.

Fiscal Analyst: E. Jeffries

A0102\sb871a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.