

Regulatory Analysis Form

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Cocodrilli

IRRC Number: **2002**

(1) Agency

Department of Health

(2) I.D. Number (Governor's Office Use)

10-155

(3) Short Title

Recreational Swimming Establishment Lifeguard Requirements

(4) PA Code Cite

28 PA Code § 18.1;
28 PA Code § 18.42

(5) Agency Contacts & Telephone Numbers

Primary Contact: William Williams 787-4366

Secondary Contact: Dr. Helen Burns 787-4366

(6) Type of Rulemaking (check one)

Proposed Rulemaking ☒ X

(7) Is a 120-Day Emergency Certification Attached?

No ☒ X

(8) Briefly explain the regulation in clear and nontechnical language.

These regulations provide the requirements for Recreational Swimming Establishments pertaining to lifeguard certification and the number of lifeguards required for facility operation.

(9) State the statutory authority for the regulation and any relevant federal court decisions.

Act 75, of 1998, P.L. 531, 35 P.S. §§679 note and 675.1 note.

State court decision: *Spooner v. Secretary of Commonwealth*, 574 A.2d 600 (Pa. 1990). (holding that the Department of Environmental Resources exceeds the scope of its statutory authority when it requires lifeguards at public bathing facilities).

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Yes, mandated by: Act 75 of 1998, P.L. 531.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Act 75 attempts to address the gap in public safety created when the Pennsylvania Supreme Court struck, as exceeding the relevant agency's statutory authority, the requirement for lifeguards at all public bathing places when those facilities were open to use by bathers. Act 75, however, narrows the application of its lifeguard requirement to *recreational swimming establishments* only. Act 75 also provides for specific certification for lifeguards.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

The public health, safety, and general welfare risks associated with non-regulation are the increased number of drownings and other injuries which may occur when lifeguards are either not required for certain public bathing facilities at certain times or are not properly prepared or present in adequate numbers.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The beneficiaries of this particular regulation are the members of the public who pay a fee to use public bathing facilities and their minor children. Those facilities who comply with the regulation also will have an affirmative defense to a personal injury lawsuit and may also benefit from lower liability insurance rates. Patrons of these facilities will benefit through the assurance of adequately trained lifeguards and a facility-specific plan which details how the facility will ensure an adequate number of lifeguards are on duty when the facility is in operation.

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No entities are perceived to be adversely affected by these regulations.

Regulatory Analysis Form

(15) List the persons, groups or entities that will be required to comply with the regulation.
(Approximate the number of people who will be required to comply.)

These regulations would apply to all facilities which are designed, constructed or designated for use by individuals for the primary purpose of swimming, where a fee is charge for admission, and includes swimming pools, water rides, wave pools and swimming beaches. Privately owned facilities (for example, water parks), municipal pools which charge a fee, and other establishments renting time at their facility would be included in this definition. The exact number of recreational swimming facilities, as defined by Act 75, is unknown as this term has never been a category of Public Bathing Place facilities for statistical purposes.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

A stakeholder group composed of representatives from the PA Department of Health, PA Department of Conservation and Natural Resources, American Red Cross, Young Men's Christian Association, PA Travel Council and Amusement Parks Association, Ellis and Associates Inc., Independent Insurance Agents of PA, and aquatics experts were consulted at a stakeholder meeting held at the PA Department of Health and Welfare Building on October 1, 1998. Information and suggestions provided by stakeholders were taken into consideration when drafting proposed regulations.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Most establishments which will be affected by these regulations employ lifeguards to be on duty during facility operation to ensure the health and safety of patrons and for liability concerns. A potential cost which may be incurred revolves around a facility obtaining information from lifeguard certifying authorities on the procedures for developing a facility-specific plan which will determine the number of lifeguards required at that facility when the facility is in operation. In many cases, this information may be available at no cost. In cases where an entire life guarding manual is requested, a cost may be incurred by the facility.

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

A negligible cost or savings to local governments is anticipated.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

A negligible cost or savings to state government is anticipated.

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:						
Regulated	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings	0	0	0	0	0	0
COSTS:						
Regulated	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Costs	0	0	0	0	0	0
REVENUE LOSSES:						
Regulated	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Revenue Losses	0	0	0	0	0	0

(20a) Explain how the cost estimates listed above were derived.

No significant savings or costs to state government, local government, or the regulated community is anticipated.

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Bathing Place	\$51,524 partial	\$197,455	\$167,471	\$171,708
	season			

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

Potential savings in reduced liability insurance rates may outweigh the potential costs incurred through information acquisition and hiring additional staff.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Act 75 mandated the Department to determining certification and adequate numbers of for recreational swimming establishments through regulations. No other non-regulatory alternatives were considered.

Regulatory Analysis Form

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

Determination of the number of lifeguards at recreational swimming establishments based on surface area of facility, bather load, or combination of both, was discussed as an alternative to these regulations. This approach was dismissed due to the increasing number of uniquely designed swimming facilities which require additional design and operational considerations when determining an adequate number of lifeguards.

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No. There are no provisions in these regulations that are more stringent than federal standards. Regulations are based on nationally recognized industry standards.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

Lifeguard certification procedures are similar to those in place in other states.

These regulations require individual facility design and operation be taken into consideration when determining the number of lifeguards to be present during facility operation. The operator of the recreational swimming establishment is tasked with deferring to lifeguard certifying authorities, when making that determination.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

These regulations would affect 28 PA Code 18.1. and 18.2. by adding the definitions of a Recreational Swimming Establishment and Certified Lifeguard (18.1.) and modifying subsection 18.42. (Lifeguards.) to repeal Number (a) Qualifications (b). Added would be subsections 18.42. (a) Recognized lifeguard certifying authorities, and (b) Facilities requiring lifeguards.

Regulatory Analysis Form

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No other public meetings are scheduled. The Department invites further stakeholder input prior to, and during the Regulatory Review Process.

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

A written plan which determines the number of lifeguards at a recreational swimming facility will have to be developed by each facility affected by these regulations.

Current Department inspection forms will not have to be altered.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

N/A

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

Anticipated effective date of regulations and the date by which compliance with regulations will be required is May 30, 1999.

(31) Provide the schedule for continual review of the regulation.

Further stakeholder and public input will be accepted and reviewed by the Department in accordance with the regulatory review process.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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INDEPENDENT AGENCY
REVIEW COMMISSION

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<p>Copy below is hereby approved as to form and legality. Attorney General.</p> <p>BY: <u>[Signature]</u> DEPUTY ATTORNEY GENERAL JAN 12 1999 DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable. Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p>DEPARTMENT OF HEALTH (AGENCY)</p> <p>DOCUMENT/FISCAL NO. 10-155</p> <p>DATE OF ADOPTION: <u>[Signature]</u></p> <p>BY: <u>[Signature]</u> Daniel F. Hoffmann</p> <p>TITLE: <u>Secretary of Health</u></p>	<p>Copy below is hereby approved as to form and legality. Executive or independent Agency.</p> <p>BY: <u>[Signature]</u></p> <p>12/22/98 DATE OF APPROVAL</p> <p>(Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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PROPOSED RULEMAKING

DEPARTMENT OF HEALTH

TITLE 28. HEALTH AND SAFETY

PART II. LOCAL HEALTH

CHAPTER 18. PUBLIC SWIMMING AND BATHING PLACES

[RECREATIONAL SWIMMING ESTABLISHMENT LIFEGUARD REQUIREMENTS]

[28 PA Code §18.1; §18.42]

CONTINUATION SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

Notice is hereby given that the Department of Health (Department) proposes to amend 28 Pa. Code Chapter 18 (relating to public swimming and bathing places) by adding definitions for “certified lifeguard” and “recreational swimming establishment” in §18.1 (relating to definitions), and by amending §18.42 (relating to lifeguards). The Department also proposes to include in §18.42 the requirements for lifeguard certification and the factors to be considered in determining adequate lifeguard coverage.

A. Purpose

The Department is directed by the act of June 18, 1998 (P.L. 531, No. 75) (Act 75), *amending* the Public Bathing Law, Act of June 23, 1931 (P.L. 899, No. 299), *as amended*, 35 P.S. §§672-680d, to determine appropriate authorities to certify lifeguards and to promulgate regulations to determine the number of lifeguards required at a recreational swimming establishment when the recreational swimming establishment is open to the public. The Department is to promulgate these regulations in consultation with approved certifying authorities and recreational swimming establishments.

The lifeguard requirements of Act 75 and the proposed regulations are intended to enhance public safety by requiring adequate lifeguard coverage at certain types of

swimming facilities and by setting forth requirements for the certification of lifeguards. The regulation currently appearing at 28 Pa. Code §18.42, requiring lifeguard coverage for public bathing places, was struck by the Pennsylvania Supreme Court in 1990 as exceeding the promulgating agency's regulatory authority. Spooner v. Secretary of Commonwealth, 574 A.2d 600, (Pa. 1990). The Act of June 28, 1995 (P.L. 89, No. 18), the Conservation and Natural Resources Act, 71 P.S. §§1340.101 *et seq.*, which dismantled the former Department of Environmental Resources and transferred certain powers and duties to other agencies, also required the Department to again administer the Public Bathing Law.

Act 75 granted authority to the Department to ensure that there is an adequate number of certified lifeguards at certain swimming establishments. The application of the proposed lifeguard requirements is limited to "recreational swimming establishments" as defined in Act 75. Two major limitations of Act 75's application are that the swimming establishment be open to the public and charge a fee for admission. The Department therefore proposes to amend §18.42 to delete the inoperative language and to add language which corresponds to the requirements of Act 75.

The Department conducted a stakeholder meeting on October 1, 1998, to consult with representatives of lifeguard certifying authorities and recreational swimming establishments on the development of regulations relating to the lifeguard requirements of Act 75. Information and suggestions provided by stakeholders have been included in these proposed regulations.

B. Requirements

§18.1 Definitions

A “certified lifeguard” is defined in Act 75 as an individual who has a current certificate in lifeguarding from a certifying authority recognized by the Department in a notice published in the *Pennsylvania Bulletin*. The Department proposes to add the statutory definition to this section.

A “recreational swimming establishment” is defined in Act 75 as:

A facility that is designed, constructed, and/or designated for use by individuals for the primary purpose of swimming, where a fee is charged for admission. This definition includes, but is not limited to, swimming pools, water rides, wave pools, swimming beaches and other outdoor swimming facilities. The term excludes those facilities owned by condominiums, other property owner associations, rental arrangements which include three or more families or social units, hotels or motels, campgrounds, private clubs and private organizations which do not provide access to the general public, swimming facilities used exclusively for hydrotherapy and residential swimming facilities used solely by the owner of a residence, his family and personal guests. 35 P. S. §673

Since this definition enables a swimming establishment to change its status based upon whether a fee is charged, and since the amendment to §4.1(a) of the Public Bathing Law (35 P.S. §675.1(a)) requires only that an adequate number of certified lifeguards shall be on duty at a recreational swimming facility when it is “open to the public,” the Department is proposing the following addition to the statutory definition of a “recreational swimming establishment:”

During any time a facility otherwise excluded by this definition provides access to the general public and charges a fee for admission,

it shall be considered a recreational swimming establishment.

This addition anticipates a situation in which a facility (for example, hotel, motel) which is typically excluded from the definition of a recreational swimming establishment, is operating for a time in a manner which renders it a recreational swimming establishment subject to the requirements of Act 75.

§18.42 Lifeguards

The Department proposes to change the title of this section to “Certified lifeguards” to reflect the Act 75 directive. Current subsections (a) and (b) would be replaced with new subsections (a) and (b).

Subsection (a) Recognized lifeguard certifying authorities.

This subsection proposes criteria that would require a lifeguarding course of a life guarding certifying authority for that certifying authority to be recognized by the Department. The criteria are based on nationally-recognized lifeguard certifying authority standards.

Subsection (b) Facilities requiring lifeguards.

This subsection would provide the Department’s criteria for determining that an adequate number of certified lifeguards are on duty at a recreational swimming establishment to protect the safety of the public when that establishment is in operation. Traditionally, the number of lifeguards required at public bathing places pursuant to

national standards has been based upon the surface area of the facility, user load (number of swimmers in the pool), or a combination of both. This approach to determining an adequate number of lifeguards at a given facility does not take into consideration the proliferation of uniquely designed pools and types of facilities (for example, wave pools).

A number of nationally-recognized lifeguard certifying authorities (for example, The American Red Cross, YMCA, Ellis and Associates, Inc.) have addressed the need for adequate lifeguard coverage by recognizing that each facility is different and that any attempt to protect user safety must account for individual facility size, design, and utilization. Furthermore, while it is important to have an adequate number of lifeguards, swimmers' safety is further protected when those lifeguards have been trained and situated so they can visually monitor, detect, react, and reach a victim within an acceptable amount of time. This subsection would incorporate current certifying authority standards for ensuring adequate lifeguard coverage.

C. Who is Affected by the Amendments

The amendments requiring adequate coverage by certified lifeguards at recreational swimming establishments would affect swimming and bathing facilities when they are open for use by the general public and a fee is charged for admission. These establishments include, but are not limited to, water parks, municipal pools, state park pools, and natatoria. The proposed amendments would affect establishments which do not usually meet the statutory definition of a recreational swimming establishment (for example, hotels or motels) but may on occasion operate as a recreational swimming

establishment when that facility is open to the general public and charges a fee for admission. The amendments would also enhance the safety of the public when they use recreational swimming establishments.

D. Cost and Paperwork Estimates

These amendments are projected to have little fiscal impact on the Commonwealth, local government, the private sector and the general public. Most recreational swimming establishments, as defined by Act 75, currently employ lifeguards to protect the safety of their patrons. Facilities which comply with these regulations may derive a benefit from lower liability insurance rates which may offset potential costs incurred. The proposed amendments will not significantly increase paperwork.

E. Effective Date/Sunset Date

These amendments will be effective immediately upon final adoption. There is no sunset date.

F. Statutory Authority

The amendments are proposed pursuant to Act 75. Act 75 requires that the Department determine appropriate authorities to certify lifeguards and promulgate regulations to determine the number of lifeguards required at a recreational swimming establishment.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act, 71 P.S. § 745.1 *et seq.* (the Act), the Department will submit a copy of the proposed regulations to the Independent Regulatory Review Commission and to the Chairman of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. In addition to submitting the regulations, the Department will provide the Commission and Committees with a copy of a Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has any objections to any portion of the proposed regulations, it will notify the Department by [] Such notification shall specify the regulatory review criteria which have not been met by that portion. The Act specifies detailed procedures for review prior to final publication of the regulation, by the Department, the General Assembly, and the Governor, of objections raised.

H. Contact Person

Interested persons are invited to submit all comments, suggestions or objections regarding the proposal to William M. Williams, Environmental Health Administrator, Bureau of Community Health Systems, Room 628, Health and Welfare Bldg., Harrisburg, PA 17120, (717) 787-4366 within 30 days after publication of this

notice in the *Pennsylvania Bulletin*. A person with a disability may submit comments, suggestions, or objections regarding the proposed regulations to Mr. Williams in alternative formats, such as audio tape, braille, or V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 [TT]. A person with a disability may request an alternative format of this document by contacting Mr. Williams so that he may make the necessary arrangements.

ANNEX A

Title 28. HEALTH AND SAFETY

PART II. LOCAL HEALTH

CHAPTER 18. PUBLIC SWIMMING AND BATHING FACILITIES

Section 18.1. Definitions.

Certified lifeguard -- An individual who has a current certificate in lifeguarding, from a lifeguard certifying authority, as recognized by the Department in a notice published yearly in the *Pennsylvania Bulletin*.

Recreational swimming establishment -- A facility that is designed, constructed, and/or designated for use by individuals for the primary purpose of swimming, where a fee is charged for admission. This definition shall include, but is not limited to, swimming pools, water rides, wave pools and swimming beaches and other outdoor swimming facilities. The term excludes those facilities owned by condominiums, other property owner associations, rental arrangements which include three or more families or social units, hotels or motels, campgrounds, private clubs and private organizations which do not provide access to the general public, swimming facilities used exclusively for hydrotherapy, and residential swimming facilities used solely by the owner of a

residence, the owner's family and personal guests. During any time a facility otherwise excluded by this definition provides access to the general public and charges a fee for admission, it shall be considered a recreational swimming establishment.

Section 18.42. Certified [L]]lifeguards.

[(a) Number. One or more competent lifeguards in adequate number shall be on duty at the waterside at all times the public bathing place is open to use by bathers, and may not be assigned other tasks which will divert attention from the safety of the bather.

(b) Qualifications. Lifeguards shall be capable swimmers, skilled in lifesaving methods and in methods of artificial resuscitation as evidenced by the possession of a currently valid certificate or other proof of proficiency from a recognized agency offering instructions in these fields.]

(a) Recognized lifeguard certifying authorities. The Department will recognize a lifeguard certifying authority if the certifying authority's lifeguard training course satisfies the following requirements:

(1) The course is conducted pursuant to a written training plan, instructors' manual, and text book.

(2) It provides for instruction in cardiopulmonary resuscitation.

- (3) It provides for instruction in first aid.
- (4) It includes a system for evaluating swimming ability.
- (5) It provides for instruction in lifeguarding responsibilities and pool operation.
- (6) It provides a method for testing and certification.
- (7) It includes a certificate which expires if renewal criteria are not satisfied.
- (8) Its instructors have completed an approved lifeguard instructors' certification program.
- (9) Upon successful completion of the course, the names of certified individuals are entered into an accessible information system.

(b) Required number of lifeguards. A recreational swimming establishment shall have on duty an adequate number of certified lifeguards to protect the safety of users. To ensure an adequate number of certified lifeguards, the operator of a recreational swimming establishment shall:

- (1) Develop, write, and adhere to a lifeguard coverage plan for the recreational swimming establishment incorporating the standards of a Department-recognized lifeguard certifying authority which specifies how the recreational swimming establishment shall provide an adequate number of certified lifeguards at relevant times. This plan shall be posted in an area commonly utilized by lifeguard staff and shall be available to the Department and any member of the public upon request.

(2) Consider facility size, design and utilization.

(3) Station one or more lifeguards at waterside when the recreational swimming establishment is open and not assign other tasks which could divert the attention of lifeguards from the safety of users.

(4) Ensure that the entire area of the recreational swimming establishment can be visually monitored by lifeguards at least every 10 seconds.

(5) Ensure that the lifeguard - to - victim response time is 20 seconds or less.

(6) Monitor and evaluate lifeguard staff performance during actual or simulated operational conditions, and modify the lifeguard coverage plan as necessary to ensure the safety of users.

(7) Provide appropriate lifeguard orientation and regular inservice training at least yearly on the topics of lifesaving techniques, safety equipment, and emergency procedures.

Commonwealth of Pennsylvania



DEPARTMENT OF HEALTH

HARRISBURG

THE SECRETARY

January 29, 1999

Robert E. Nyce
Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown II
333 Market Street
Harrisburg, PA 17101

Re: Department of Health Regulations Relating to Certified Lifeguard Coverage for
Recreational Swimming Establishments
No. 10-155

Dear Mr. Nyce:

Enclosed is a copy of proposed regulations for review by your Committee pursuant to the Regulatory Review Act (Act) (P.L. 73, No. 19) (71 P.S. §§745.1-745.14). The proposed regulations are mandated by the Act of June 18, 1998 (P.L. 531, No. 75)(Act 75), *amending* the Public Bathing Law, Act of June 23, 1931 (P.L. 899, No. 299), 35 P.S. §§672-680d.

The proposed regulations amend existing regulations dealing with public bathing places, found at 28 Pa. Code Chapter 18, by adding definitions for "certified lifeguard" and "recreational swimming establishment" to the definitions; and by amending §18.42 (relating to lifeguards). The proposed regulations would add to §18.42 the requirements for lifeguard certification and the factors to be considered in ensuring adequate lifeguard coverage when required by Act 75.

Section 5(d) of the Act, 71 P.S. §745.5(d), provides that the Committee may, within 20 days from the closing date of the public comment period, notify the Department of any objections to the proposed regulations and provide the Department with any pertinent staff reports. The Department expects the regulations to be published February 13, 1999. A 30-day comment period is provided.

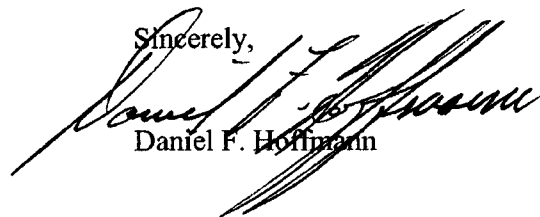
Pursuant to section 5.1(a) of the Act, 71 P.S. §745.5a(a), upon completion of the Department's review of comments, the Department shall submit to the Committee a copy of the Department's response to the comments received, the names and addresses of commentators who

Robert E. Nyce
January 29, 1999
Page 2

have requested additional information related to the final-form regulations, and the text of the final-form regulations which the Department intends to adopt.

The Department will provide the Committee, within 5 days of receipt, a copy of any comment received pertaining to the proposed regulations. The Department will also provide the Committee with any assistance it requires to facilitate a through review of the proposed regulations. If you have any questions, please contact Kim Sokoloski, Director of the Office of Legislative Affairs, at (717) 783-3985.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel F. Hoffmann", is written over the typed name. The signature is stylized with a large, sweeping initial 'D' and 'H'.

Daniel F. Hoffmann

Enclosures

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

RECEIVED

I.D. NUMBER: 10-155

99 JAN 29 PM 3:34

SUBJECT: Recreational Swimming establishment Lifeguard Requirements

INDEPENDENT REGULATORY
REVIEW COMMISSION

AGENCY: DEPARTMENT OF HEALTH

TYPE OF REGULATION

X Proposed Regulation

Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

Delivery of Tolled Regulation

a. With Revisions

b.

Without Revisions

FILING OF REGULATION

DATE

SIGNATURE

DESIGNATION

1/29/99 *[Signature]* 3:05pm HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES

1-29-99 *[Signature]* 3:16pm

1/29/99 *[Signature]* 2:55pm SENATE COMMITTEE ON PUBLIC HEALTH &
Angela Bowie 2:58pm WELFARE

1/29/99 *[Signature]* KIM C. GARNER INDEPENDENT REGULATORY REVIEW COMMISSION

ATTORNEY GENERAL

1/29/99 *[Signature]* 2:46pm LEGISLATIVE REFERENCE BUREAU

January 20, 1999