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Senate of Pennsylvania

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November 25, 2002

The Honorable Robert S. Zimmerman, Jr.  
Secretary, PA Department of Health  
802 Health and Welfare Building  
Harrisburg, PA 17108

Dear Secretary Zimmerman:

We are writing to you with concerns regarding the proposed regulations relating to lifeguard coverage at recreational swimming establishments.

Act 75 of 1998 authorized, in section 4.1 a, that "an adequate number of certified lifeguards shall be on duty at a recreational swimming establishment when the recreational swimming establishment is open to the public" Part b authorized that "the Department shall promulgate regulations to determine the number of lifeguards required at a recreational swimming establishment using objective criteria that take into consideration industry standards".

Looking at all of the drafts of this legislation, it is clear that the legislature specifically deleted the reference to size based staffing and obviously intended that we base our requirements on nationally recognized best practices. However, the Department continues to pursue regulations which require lifeguard staffing based on an outdated methodology of water surface area.

According to the National Red Cross and Ellis and Associates, the definitive authorities on swimming safety (as recognized by the Department of Health), the 10/20 Protection rule is the recommended method of stationing lifeguards at public swimming facilities. Surface area of the pool is no longer the standard used. In fact, the Department of Health proposed regulations were, for the most part, consistent with industry standards and the legislative intent in the past.

Swimming facilities in our districts, Dorney Park and Wild Water Kingdom in Lehigh County and Palmerton Memorial Park Association in Carbon County, are very concerned that the Department is setting these regulations using surface area, not the 10/20 rule. We are very concerned that the legislative intent is being ignored.


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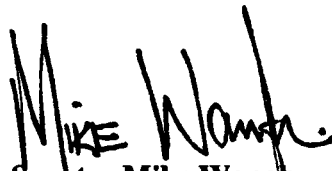
Page 2  
Lifeguard Regulations

We request that you reconsider the Department's proposed regulations and revise them to reflect industry standards. We would like the opportunity to discuss this further with you.

With best wishes,

Sincerely,

  
**Charles W. Dent**  
State Senator  
16<sup>th</sup> District

  
**Senator Mike Waugh**  
State Senator  
28<sup>th</sup> District

  
**Keith McCall**  
State Representative  
122<sup>nd</sup> District

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Representative George Kenney, Chair, Health & Human Services Committee  
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Emilie Tierney, Dep. Sec., Promotion and Disease Prevention