

MEMORANDUM TO:	Owners/Operators of Public Spas in the Niagara Region
RE:	Release of new Public Spas Regulation (O.R. 428/05) under the <i>Health Protection and</i> <i>Promotion Act</i> (HPPA)

The Niagara Region Public Health Department would like to take this opportunity to advise all owners and operators of public spas in the Niagara Region that the Ministry of Health and Long-Term Care (MOHLTC) has released the new Public Spas Regulation under the *Health Protection and Promotion Act* to regulate public spas in Ontario.

Following a coroner's investigation into the tragic death of a youth in a public spa, the Ontario Chief Coroner made a number of safety recommendations to prevent such tragedies in the future. After extensive stakeholder consultations, the MOHLTC has a new regulation that increases the health and safety requirements for spas and helps protect users from communicable and infectious diseases.

Public health inspectors, during routine inspections, will provide a copy of the Public Spa Regulation 428/05 to all owners or operators of spas, hot tubs and whirlpools.

The regulation is also available now for viewing on the Province of Ontario e-Laws website: <u>http://www.e-laws.gov.on.ca</u>.

The regulation will minimize the health and safety risks to spa users by requiring owners and operators of spa facilities to:

- Notify the medical officer of health if a spa has been constructed, altered or closed.
- Ensure water is treated with an approved sanitizer.
- Establish a maximum bather capacity.
- Test water for sanitizer and keep a written record of test results.
- Post signs for infection control and usage, time limits, emergency measures, and caution notices.
- Install a shut-off button, massage-jet timing device, tamper-proof temperature control thermostat, clock, audio and visual alarms, emergency telephone, vacuum release mechanism, or other engineered system, emergency rescue equipment and first-aid box.
- Conduct routine testing and keep a written record of test results of emergency telephone, emergency stop button, vacuum release mechanisms, ground fault



circuit interrupters, gravity and suction outlet covers.

The regulation also:

- Introduces standards that are consistent with the *Building Code Act*, the existing regulation under the HPPA governing public pools, and the existing structural/construction requirements for public spas.
- Provides authority for a Medical Officer of Health or a public health inspector to enter and inspect a spa.
- Has provisions for enforcement and is mandatory for boards of health,
- Replaces the current requirement under the Public Spas Protocol.

This regulation comes into effect in two stages:

The first stage comes into effect on <u>January 1, 2006</u>. This gives owners and operators time to adjust to the new regulatory requirements. Public health inspectors and owners/operators will be familiar with the operational requirements as they are similar to the requirements in the Public Spas Protocols.

**The second stage comes into effect on** <u>July 1, 2006</u>. This gives owners time to make capital cost upgrades if applicable. Specific sections that may entail capital costs for some spa owners include section 7 - Water Replacement; section 8 - Water Temperature; section 9 - Timing Device; section 10 - Suction System; section 11 - Clock, section 12 - Steps.

Should you have any questions, please contact:

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