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## STARTING PLATFORM RULES: APPLY TO NEW POOLS ONLY

House Bill 5462 (Substitute H-3)  
First Analysis (12-11-01)

Sponsor: Rep. Jerry O. Kooiman  
Committee: Commerce

### ***THE APPARENT PROBLEM:***

A recent swimming pool rule governing starting platforms promulgated by the Department of Environmental Quality (DEQ) is posing some problems for colleges and universities in the state. The rule in question, R 325.2135, sets water depth and platform height requirements for starting platforms. For example, starting platforms cannot be installed if the water depth is less than 79 inches, and the front edge of the platforms cannot be higher than 30 inches above the water surface. The water depth must be maintained for a distance from 2 feet to not less than 19 feet out from the edge of the pool across all swimming lanes. Platforms must be installed with the front edge extending to the edge of the water and must be easily removable without tools when located at a water depth less than 8 1/2 feet. The rule is for the protection of competitive swimmers who dive deeply into the pool at the start of races, and department officials say it was developed after research into pool safety and testimony in public hearings. However, some schools with older pools do not meet the new departmental requirements, although they reportedly do meet the requirements of intercollegiate athletic associations. Testimony before the House Commerce Committee identified four affected schools: Calvin College, Grand Valley State University, Albion College, and Northern Michigan University. According to testimony, Calvin has already had to reschedule meets as a result of the new rule. School representatives said that it would cost that school some \$400,000 to comply, even though there has never been a starting platform-related injury at the school, and the platforms are capped when not in use for competitive swimming. Legislation has been introduced to address this problem.

### ***THE CONTENT OF THE BILL:***

The bill would amend the Public Health Code to specify that Rule R 325.2135 of the Michigan Administrative Code would not apply to a public

swimming pool constructed prior to the effective date of the bill.

MCL 333.12522

### ***BACKGROUND INFORMATION:***

The Public Health Code says the department (meaning the Department of Environmental Quality under present state government organization) shall review the design, construction, and operation of public swimming pools to protect the public health, prevent the spread of disease, and prevent accidents or premature deaths. The department is required to promulgate rules to carry out this function.

### ***FISCAL IMPLICATIONS:***

The bill would have no fiscal impact on the state, according to the House Fiscal Agency, and would result in a reduction in costs to operators of public pools (including high schools and higher educational institutions) not in compliance with the new rule. Modifications would cost between \$250,000 and \$1 million, says the HFA. (Fiscal note dated 12-7-01)

### ***ARGUMENTS:***

#### ***For:***

The new requirements for pools with starting platforms are onerous and would impose a costly and unfair burden on school swimming pools and other public pools where swim meets are held. Representatives of colleges and universities have complained about the expense they would incur in complying with this newly issued requirement. Some people consider the promulgation and enforcement of this rule overreaching by the department. While newly constructed pools should take such rules into account, it would be burdensome to require the modification of existing pools.

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***Against:***

In its current form, the bill goes too far. The Department of Environmental Quality carried out research into pool safety, including surveying injury statistics, and held public hearings before developing the new rule on pool depth and platform height requirements for starting platforms used in competitive swim meets. The aim of the rule is to protect competitive swimmers. The bill as introduced and a later substitute version applied only to college pools. While some sort of exemption could be made for collegiate swimmers in sanctioned swim programs under certain circumstances, this bill waives the rule for all public swimming pools with starting platforms. This is not a good idea.

***POSITIONS:***

The Department of Environmental Quality is opposed to the H-3 version of the bill. (12-10-01)

Analyst: C. Couch

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.