

## Minnesota Department of Health

### ORDER ADOPTING RULES

**Adoption of Rules Governing Public Swimming Pools, Minnesota Rules, 4717.0150 – 4717.3975; Revisor’s ID Number 4442; OAH docket number 9-9000-36964**

#### BACKGROUND INFORMATION

1. The Minnesota Department of Health (agency) has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law.

2. One letter (with three comments) was posted on the OAH rule comment site. No persons requested a public hearing.

3. The agency made one non-substantive change to the proposed rule. The commenter informed us of name changes for companies approved to do Certified Pool Operator training. We are making these revisions so the names are up to date and correct. This change will help people find and contact the approved training companies. This updated language does not add any additional regulatory requirement. The adopted rule is not substantially different as outlined in Minnesota Statutes, section 14.05, subdivision 2, from the proposed version. This revision was approved in the Office of Administrative Hearings Order on Review dated May 5, 2021. The revised rule reads as follows:

Subp. 5. Operator training. The owner or operator must ensure that the designated trained operator is trained to operate the pool in compliance with parts 4717.0150 to 4717.3975.

A. The trained operator must be trained in safe chemical handling and the use of protective equipment in addition to pool operation and sanitation described in items B to F.

B. Until January 1, 1997, any operator is eligible for certification through attendance at and successful completion of a pool operator's training course.

C. After January 1, 1997, the trained operator must be certified as successfully completing a pool operator training course as specified in item E.

D. A certified trained operator must successfully complete a training course as specified in item E at least once every five years after January 1, 1997.

E. Acceptable training courses are:

(1) the Pool and Hot Tub Alliance Certified Pool Operator course;

(2) the Pool and Hot Tub Alliance Certified Service Technician (CST) and Certified Maintenance Specialist (CMS) and Certified Hot Tub Technician

(CHTT) courses, both CST and CMS are required for operation of pools, CHTT is required for operation of spas and hot tubs;

(3) the National Recreation and Park Association Aquatic Facility Operator course;

(4) the Aquatic Training Institute Certified Pool Technician course; or

(5) the Starfish Aquatics Institute AquaTech course.

F. After January 1, 1997, a copy of the trained operator's training certificate must be

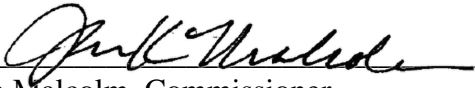
posted at the facility whenever the pool is open for use.

4. The rules are needed and reasonable.

**ORDER**

The above-named rules, in the form published in the State Register on November 9, 2020, with the modifications as indicated in the Revisor's draft, file number 4442, dated April 28, 2021, are adopted under my authority in Statutes, section 144.1222, subdivision 1.

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Date                      7/7/2021

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Jan Malcolm, Commissioner  
Department of Health