

ONTARIO REGULATION

made under the

HEALTH PROTECTION AND PROMOTION ACT

PUBLIC SPAS

INTERPRETATION

1. In this Regulation,

“automatic sensing device” means a device that;

- (a) automatically determines the sanitizer residuals and pH value of the water in a public spa,
- (b) regulates the operation of chemical feeding to maintain the proper level of sanitizers and pH and
- (c) continuously displays both values;

“chlorine source” means chlorine, a chlorine compound or a device that produces chlorine;

“circulation system” means a system that;

- (a) maintains circulation of water through a public spa by pumps,
- (b) draws water from a public spa for treatment and returns it to the public spa as clean water, and
- (c) provides continuous treatment that includes filtration and chlorination or bromination and other processes that may be necessary for the treatment of the water;

“clean water” means water, in the circulation system, returning to a public spa after treatment;

“daily bather uses” means the estimated number of uses each day;

“daily use period” means the time that a public spa is open for use in an operating day;

“make-up water” means water added to a public spa from an external source;

“medical officer of health” means the medical officer of the health unit in which a public spa is located;

“operating day” means a day on which a public spa is in operation and open for use;

“operator” means a person;

- (a) designated by the owner of a public spa as being responsible for the operation of the public spa,
- (b) who has been trained in public spa operation and maintenance, water chemistry, filtration systems, and safety and emergency procedures,
- (c) every owner is the operator unless another person is so designated;

“owner” means a person who is the owner of a public spa;

“public spa” means a hydro-massage pool containing an artificial body of water that is intended primarily for therapeutic or recreational use, that is not drained, cleaned or refilled before use by each individual and that utilizes hydro-jet circulation, air induction bubbles, current flow or a combination of them over the majority of the pool surface area **but does not include,**

- (a) a spa that is located on a **private residential** property under the control of the owner or occupant and that is limited to use by the owner or occupant, members of their family and their visitors, or
- (b) a spa that is used solely for commercial display and demonstration purposes or
- (c) a spa which is **part of a guest room** in a hotel, inn, motel or bed and breakfast **and is drained after each use;**

“public swim spa” is a public spa and uses devices to create current flow and/or hydrotherapy jet action over the majority of the pool surface area to allow for in-place swimming or resistance walking.

APPLICATION

2. (1) This Regulation applies to all public spas.
- (2) The **operational and safety standards** of a public spa are included in this Regulation.
Design, construction and filtration rate considerations are included in the Ontario Building Code Act and Regulations made there under.
- (3) No person shall operate a public spa, use equipment, engaged in an activity, process or procedure, to which this Regulation applies except in accordance with this Regulation.

USE AFTER CONSTRUCTION, ALTERATION OR CLOSURE

3. (1) Before a public spa is put into use after construction or alteration, the owner shall give written notice to the medical officer of health, setting out,
 - (a) the date of the first operating day;
 - (b) the name and home or business address of the owner of the public spa;
- (2). No person shall put a public spa into use after construction or alteration without obtaining permission in writing from the medical officer of health.
- (3) (a) Every owner shall, after any closure of a public spa for more than four weeks duration and where the owner now intends to re-open the public spa, notify the medical officer of health, in writing, of the date that the public spa is to be re-opened.
 - (b) Section 3(a) does not apply to closures as a result of routine maintenance, repair or replacement of existing equipment.

OPERATION

4. Every owner and every operator shall ensure, during the daily use period, that
 - (1) the water is treated with a **chlorine source** or a **bromine compound** by means of an adjustable dosing device and so maintained, that there is in every part of the water,
 - (i) **free available chlorine** or a **total bromine residual** of at least 5 but not more than 10 milligrams per litre, and where an automatic sensing device is utilized, there is an **Oxidation Reduction Potential** value of not less than 650mV.
 - (ii) a **pH** level between 7.2 and 7.8,
 - (iii) a **total alkalinity** of not less than 80 milligrams per litre,
 - (2) the **water temperature** is controlled by an upper limit cut-off device, equipped on the public spa water heater, so that the maximum water temperature in the public spa is 40C or less. The upper limit cut-off device shall be tamper proof and independent of the public spa water thermostat.
 - (3) the **water clarity** is such that the lowest water outlet drain in the public spa is clearly visible when the water is in the un-agitated or non-turbulent state.
5. **At the end of each daily use period** every operator shall ensure that the free available chlorine or the total bromine residual is increased to a minimum of 10 milligrams per litre.

GENERAL REQUIREMENTS

6. Every owner shall,
 - (1) post a **sign** that indicates that every bather shall take a shower using soap and water and thoroughly rinse off all soap before entering into a public spa.
 - (a) The sign in subsection (1) shall use letters not less than 25 millimetres high, and
 - (b) shall be posted at every entrance to the public spa.
 - (2) ensure that a clock is installed in a conspicuous location and readily visible to users who are in the water of a public spa;
 - (3) ensure that carpeting or other water retentive material is not used in areas which become wet during the daily use period.
 - (4) equip every suction system that serves a public spa with a vacuum release system or a vacuum limit system.

7. Every operator shall,
 - (1) except for stoppage for maintenance, repairs or backwashing of filters or a continuous closure period of seven days or more, ensure that the filtration system and the chemical feeders are in continuous operation throughout the entire twenty-four hours of each day without regard to the duration of actual use of the public spa.
 - (2). ensure that all fittings, water outlet covers and every safety feature including the emergency shut-off switch and the vacuum relief mechanism within the public spa are properly secured, operational, inspected and tested at least once within each period of 30 operating days.
 - (3) ensure that the test-buttons associated with a ground current leakage detecting and de-energizing devices are activated before a public spa is opened for use each operating day.
 - (4) where a public spa has a deck, clean and sanitize the deck at least once a day.

8. Every owner and operator shall,
 - (1) except during the daily use period, ensure that a public spa is **inaccessible** to persons who are not involved with its operation, inspection or maintenance.
 - (2) maintain the public spa in a clean and sanitary condition.
 - (3) maintain all mechanical equipment and all safety equipment of a public spa in good working order.
 - (4) ensure that all surfaces of the public spa deck, walls, showers and washrooms are maintained in a sanitary condition and free from potential hazards.

MAKE-UP WATER AND WATER REPLACEMENT INTERVAL

9. (1) Every operator of a public spa **with a volume of water that exceeds 4000 litres** shall ensure that not less than 30 litres per bather uses per day is wasted daily and replaced with make-up water, up to a maximum of 20% of the total public spa volume.
- (2) Every operator of a public spa with **a volume of water less than 4000 litres** shall drain to waste **the entire volume of water** and refill using the following formula:

$$\frac{\text{Spa volume in litres}}{\text{Daily bather uses} \times 10} = \text{Water Replacement Interval}$$

where,

“Daily bather uses” means the estimated number of uses each day

“Water Replacement Interval” means the maximum number of days that may elapse between draining the entire volume of public spa water and the last complete drainage.

- (3) After the entire volume of the water in a public spa is drained to waste, and before refilling, every operator shall inspect all parts of the public spa and ensure that all fittings, drain covers and every safety feature within the public spa are properly secured and operational.

EMERGENCY TELEPHONE

10. (1) Every owner of a public spa shall provide ready access to an **emergency telephone** that is;

- i. within the immediate vicinity of the public spa,
- ii. capable of permitting emergency calls to be made to 911 or an equivalent agency,
- iii. clearly marked by a **sign** containing the words:

“EMERGENCY TELEPHONE”

- iv. not a cellular phone or internet telephone.

(2) Every owner of a public spa shall post adjacent to the emergency telephone a notice that provides the **full address** of the public spa.

- (3) (a) The **sign** in subsection (1) (iii) shall use letters not less than 25 millimetres high and
(b) shall be posted above the emergency telephone.

EMERGENCY SHUT-OFF SWITCH

11. . (1) Every owner shall ensure that all water circulation pumps used in the operation of a public spa are capable of being deactivated by an **emergency shut-off switch**.

(2) The emergency shut-off switch referred to in subsection (1) shall,
a. be clearly marked by a **sign** containing the words:

“EMERGENCY SHUT-OFF SWITCH”

**“IN THE EVENT OF AN EMERGENCY
USE EMERGENCY SHUT-OFF SWITCH
AND THE EMERGENCY PHONE.
AN AUDIBLE AND VISUAL SIGNAL
WILL ACTIVATE”**

- b. be a switch that is separate from the public spa hydro-jet massage timing device,
- c. be located within the immediate vicinity of the public spa,
and
- d. activate an audible and a visual signal when used.

(3) (a) The **sign** in subsection 2(a) shall use letters not less than 25 millimetres high, and
(b) shall be posted above the emergency shut-off switch,

MESSAGE JET TIMING DEVICE

12. (1) Every owner of a public spa containing hydro-massage jet fittings shall ensure that the public spa is equipped with a hydro-massage jet timing device that,
 - i. is clearly marked by a **sign** containing the words:

“MESSAGE JET TIMING DEVICE”
 - ii. controls the period of operation of the jet pump to a maximum of 15 minutes;
 - iii. is placed in a location that requires a user to exit the public spa to reset the timing device, and
 - iv. shall be in good working order at all times.
- (2) (a) The **sign** in subsection 1(i) shall use letters not less than 25 millimetres high and
(b) shall be posted above the message jet timing device.

FIRST-AID BOX

13. Every owner of a public spa shall provide, in a place conveniently located and easily accessible, a first-aid box containing,
 - (a) a current copy of a **Standard** First Aid Manual,
 - (b) 12 safety pins,
 - (c) 24 adhesive dressings, individually wrapped,
 - (d) 12 sterile gauze pads, each 75 millimeters square,
 - (e) four rolls of 50 millimeter gauze bandages,
 - (f) four rolls of 100 millimeter bandages,
 - (g) four sterile surgical pads suitable for pressure dressings, individually wrapped,
 - (h) six triangular bandages,
 - (i) two rolls of splint padding,
 - (j) one roll-up splint,
 - (k) one scissors,
 - (l) non-permeable gloves, and
 - (m) one resuscitation pocket mask.

CAUTION NOTICE

14. (1) Subject to subsection (2) and (3), every owner shall ensure that a notice be posted in a conspicuous space at each entrance to the public spa.

(2) The notice in subsection (1) shall contain the following warnings;

CAUTION

“CHILDREN UNDER THE AGE OF 12 ARE NOT ALLOWED IN THE PUBLIC SPA UNLESS SUPERVISED BY A PERSON WHO IS SIXTEEN YEARS OF AGE OR OLDER.

NO PERSON WITH AN OPEN SORE OR A RASH SHALL ENTER THE PUBLIC SPA.

PROLONGED EXPOSURE TO HOT WATER MAY HARM YOUR HEALTH. 10 TO 15 MINUTES MAY BE EXCESSIVE FOR SOME INDIVIDUALS

PERSONS WITH KNOWN HEALTH OR MEDICAL CONDITIONS AND PREGNANT WOMEN SHOULD CONSULT WITH A PHYSICIAN BEFORE USING THE PUBLIC SPA.

NO GLASS CONTAINER, FOOD OR BEVERAGE OF ANY DISCRIPTION IS PERMITTED IN THE PUBLIC SPA

LONG HAIR MAY BE ENTRAPPED IN PUBLIC SPA DRAINS.”

(3) The **notice** in section 10(1) shall use a lettering size for the word “**CAUTION**” of not less than 50 millimetres high and all other lettering size shall not be less than 10 millimetres high.

RECORDS

15. All records shall be signed by the person who performed the test, carried out the inspection or retrieved the data from the automatic sensing device and all records shall state the time of day.
16. All records shall be retained by the owner of a public spa for a period of one year from the date of making the record.
17. Every operator shall, determine and record, **each operating day**
 - (a) by means of a manual test method, the sanitizer residual, the pH value, the total alkalinity and the water temperature one-half hour before users are admitted into the public spa, and thereafter at time intervals not exceeding one hour until the daily use period has ended; **or**
 - (b) where automatic sensing devices are utilized, by means of the FAS-DPD-DROP test kit method, the sanitizer residual and the pH value one-half hour before users are admitted into the public spa. The total alkalinity and the water temperature are to be determined and recorded at this time.
18. (1) Every operator of a public spa shall determine and record the estimated number of bather uses, each operating day.
 - (2) When applicable, additional records shall be maintained of,
 - (a) the type and amount of any chemicals **manually** added to the public spa,
 - (b) details of emergencies or equipment breakdowns,
 - (c) the date that the public spa was completely emptied, inspected and then refilled,
 - (d) the activation of the test buttons associated with the ground current leakage detecting and de-energizing devices,
 - (e) the inspection and testing of all fittings, water outlet covers and every safety feature within the public spa and that they were properly secured and operational.

PUBLIC SWIM SPA

19. (1) Every owner of a public swim spa or a public spa that has an inner horizontal dimension greater than 3 metres, shall ensure that there are provided in places conveniently located for emergency use,
- (a) an electrically insulated or non-conducting reaching pole at least 3.65 metres long with a Sheppard's hook,
 - (b) two buoyant throwing aids, each of which has securely attached to it a six millimeter diameter rope of a length not less than one-half the width of the public swim spa plus 3 metres, and
 - (c) a spine board or device designed for transporting a person who has incurred a spinal injury.
- (2) The owner of a public swim spa or a public spa that has an inner horizontal dimension greater than 3 metres, which operates in the immediate vicinity of a public pool in which the requirements set out in subsection 1 are provided, is not required to install duplicate emergency equipment.
20. Every owner of a public swim spa or a public spa that has an inner horizontal dimension greater than 3 metres shall,
- (a) post a **sign** containing the words:

“CAUTION”

“SHALLOW WATER – NO DIVING “

- (b) use letters not less than 50 millimetres high and
- (c) post the sign in a conspicuous location .

MAXIMUM BATHER CAPACITY

21. The maximum number of persons permitted to use a public spa at any one time shall be the lesser of:
- (i) one person per 1.0 square metres of surface water area or
 - (ii) the maximum designed bather load.

INSPECTION

- 22.. A Medical Officer of Health or a Public Health Inspector acting under his direction may enter upon any public spa, at any reasonable time, whether the facility is open or not, for the purpose of inspecting the facility.

COMMENCEMENT

23. This Regulation comes into force on **January 1, 2005.**

