

Is Your Swimming Pool Really as Clean as it Looks?

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Imagine a situation where several small children become ill after using *your* municipality's swimming pool or water park. The pool "looks" clean. You have staff who are responsible for the care and maintenance of the pool and they assure you that everything is being done correctly. Unfortunately, the children all got very sick after using your municipal pool and now no one on your staff can find adequate documentation verifying that water testing was done. What now?

Obviously, it is *critical* that all the applicable industry standards are followed regarding the cleanliness of pool water to protect those using

it. Not only do we *not* want people to become sick, we also want to protect our city from the potential liability exposure if someone were to become sick. Ask yourself:

1. Who is responsible for the pool water cleanliness?
2. Are they properly trained?
3. Can you prove they did the necessary steps to maintain safe pool water?

Let's first consider training. It goes without saying that it's essential to have certified lifeguards monitoring the pool when open. However, it's also essential that the people responsible for assuring the pool water is safe are adequately trained and certified – not as lifeguards but as "Certified Pool Operators." There are several different agencies that offer courses covering all aspects of operating a public swimming pool as well as specifically covering, in detail, the necessary testing, filtration and chemical balance needed to maintain a safe environment. The Center for Disease Control (CDC) has a webpage that has links to several of these at www.cdc.gov/healthywater/swimming/pools/pool-operator-training.html.

Now for documentation. As with many aspects in liability exposure, it often comes down to whether you can show you actually did what you say you did. Meaning: show me the documentation. In the above scenario, detailed and accurate documentation outlining that the necessary testing and chemical alterations were implemented is the only way of proving that you did everything in your power to maintain safe pool water. Although Alabama does have a strong Recreational Immunity statute that may apply in this scenario, if it can be shown that there was little attempt to maintain the water quality – or that the documentation is inaccurate or false – that immunity may be jeopardized.

We all want to protect the children using our municipal facilities. Not doing so can be a very costly mistake. (We have the claims to prove it!) So please ensure you have a certified individual maintaining and operating your municipal pool *and* that the testing and documentation is being done correctly.

