

## Notification of Environmental Justice Assessment on Potential Legislative Changes

Updated February 1, 2024

### WHAT

The Washington State Department of Health (department) is conducting an Environmental Justice Assessment on potential agency legislative action for 2025. The department is considering a bill to amend [chapter 70.90 RCW](#) which regulates water recreation facilities. The proposed amendments would align state law with the federal Centers for Disease Control and Prevention (CDC)'s Model Aquatic Health Code (MAHC) standards. The MAHC is based on the latest science and water recreation best practices. A few key amendments being considered are to:

- **Remove therapy pool exemption** – Currently, therapeutic pool facilities are exempt from state regulation. Therapeutic pool facilities are categorized as an “Increased Risk Aquatic Venue” in the MAHC, meaning there is an increased risk of infection. The department is proposing to remove this exemption in alignment with the MAHC.
- **Address designated swim areas at natural beaches.**
- **Clarify rules applicable to water recreation facilities within communities that have 15 or fewer living units.**

The purpose of an environmental justice assessment is to identify:

- Overburdened communities and vulnerable populations that might be most impacted by an agency action
- Environmental benefits, harms, and health impacts of the action
- Ways to minimize or eliminate negative environmental impacts
- How to equitably distribute positive environmental impacts.

Visit our [Environmental Justice webpage](#) to learn more about Environmental Justice Assessments.

### WHY

Amending chapter 70.90 RCW, considering the MAHC as a guide, will allow us to adopt rules to ensure that aquatic facilities and natural aquatic areas used by the public for recreation and therapy will become safer and more accessible, reducing individual and community exposure to toxic chemicals, pollutants, hazards, and other harms. Adopting rules to ensure aquatic facilities meet the MAHC standards will benefit individuals and communities by providing opportunities to improve physical, mental, and social health; recreate; cool off on days with higher temperatures; and learn to swim. Removing the exemption for therapy pools will allow DOH to adopt rules to ensure that individuals receiving hydrotherapy are doing so in a manner that will prevent environmental harm and associated risks that may contribute significantly to cumulative environmental health impacts.

### WHO

We are specifically trying to reach communities and populations who *use, own, or operate public pools or natural swimming areas*. These may include, but are not limited to:

- People who use, own, or operate pools or spas, at places such as community centers, hotels, apartment complexes, waterparks, spray pads, including designated swimming areas in natural waters.
- People who use, own, or operate therapy pools.

- People who use, own, or operate water recreation facilities within apartment complexes, mobile home parks, or other communities that have less than 15 living units.
- People who use, own, or operate designated swim areas with or without artificial barriers.
- People who use, own, or operate water recreation facilities in rural and urban areas.
- Tribally-owned or operated water recreation facilities.
- People with chronic health conditions or sensitivities that put them at higher risk.
- People who use or own residential pools or spas marketed online for rent, separately or as part of a house rental.

If you identify as a member of one or more of these groups and would like to share your thoughts or connect with one of our staff, please contact us at [waterrecreation@doh.wa.gov](mailto:waterrecreation@doh.wa.gov) or see ways to get involved below.

## WHEN

### Proposed Timeline for Potential Legislative Changes

\*Indicates opportunity for public engagement

Date	Milestone
June- December 2023	Identify amendments needed to chapter 70.90 RCW.
February 2024*	Initiate environmental justice assessment. <ul style="list-style-type: none"> <li>• Identify communities and populations potentially impacted by draft bill.</li> <li>• Engage with communities and populations.</li> <li>• Begin Tribal engagement.</li> </ul>
March- May 2024*	Draft bill ready for review. <ul style="list-style-type: none"> <li>• Proposed amendments to chapter 70.90 RCW will be: <ul style="list-style-type: none"> <li>○ Posted to our webpage,</li> <li>○ Emailed to interested parties, and</li> </ul> </li> <li>• Communities and populations will have an opportunity to review proposed amendments and provide input. Listening sessions to learn more may be scheduled if necessary.</li> </ul>
June 2024*	Finalize draft bill. <ul style="list-style-type: none"> <li>• Finalize proposed amendments to chapter 70.90 RCW based on community engagement and input.</li> <li>• Finalize environmental justice assessment based on community engagement and input.</li> </ul>
<i>If bill is accepted:</i>	
January 2025*	Legislative session will determine outcome.

## HOW TO GET INVOLVED

To get involved, please visit our website: <https://doh.wa.gov/community-and-environment/water-recreation/regulated-facilities/rules-and-guidelines/water-recreation-facilities-potential-agency-request-legislation>.

For questions about this potential legislative change or environmental justice assessment, please contact water recreation program staff at [waterrecreation@doh.wa.gov](mailto:waterrecreation@doh.wa.gov).



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