

# Recreational Water Protocol, 2019

Ministry of Health and Long-Term Care

**Effective: February 2019**

## Preamble

The Ontario Public Health Standards: Requirements for Programs, Services, and Accountability (Standards) are published by the Minister of Health and Long-Term Care under the authority of section 7 of the *Health Protection and Promotion Act* (HPPA) to specify the mandatory health programs and services provided by boards of health.<sup>1,2</sup> The Standards identify the minimum expectations for public health programs and services. Boards of health are accountable for implementing the Standards including the protocols and guidelines that are referenced in the Standards. Protocols are program and topic-specific documents incorporated into the Standards which provide direction on how boards of health shall operationalize specific requirement(s) identified within the Standards.

## Purpose

The purpose of this protocol is to assist in the prevention and reduction of water-borne illness and injury related to recreational water use by providing direction to boards of health on the delivery of local, comprehensive recreational water programs, which include, but are not limited to:

- Surveillance and inspection of public recreational water facilities, public beaches and waterfronts that are part of a recreational camp;
- Investigation of, and response to, adverse events and complaints at public recreational water facilities, public beaches and waterfronts that are part of a recreational camp, and communication strategies for the public and facility owner/operators;
- Promoting awareness of safe use and operation of public recreational water facilities, public beaches and waterfronts that are part of a recreational camp, and training of owner/operators of public recreational water facilities and camps; and

Legislation and regulations that are relevant to this protocol include:

- *Public Pools, RRO 1990, Reg. 565 (Public Pools regulation)* under the HPPA including spas and other recreational water;
- *Recreational Camps O. Reg. 503/17 (Recreational Camps regulation)* under HPPA;
- *Health Protection and Promotion Act, RSO 1990, c H.7, s 1 (1)*; and
- *Ontario Building Code, O. Reg 332/12* under the *Building Code Act, 1992, c.1, s.1.4.1.*<sup>2-5</sup>

## Reference to the Standards

This section identifies the standards and requirements to which this protocol relates.

### Effective Public Health Practice

**Requirement 9.** The board of health shall publicly disclose results of all inspections or information in accordance with the *Food Safety Protocol, 2018* (or as current); the *Health Hazard Response Protocol, 2018* (or as current); the *Infection Prevention and Control Complaint Protocol, 2018* (or as current); the *Infection Prevention and Control Disclosure Protocol, 2018* (or as current); the *Infection Prevention and Control Protocol, 2018* (or as current); the *Recreational Water Protocol, 2018* (or as current); the *Safe Drinking Water and Fluoride Monitoring Protocol, 2018* (or as current); the *Tanning Beds Protocol, 2018* (or as current); and the *Tobacco, Vapour and Smoke Protocol, 2018* (or as current).

### Safe Water

**Requirement 1.** The board of health shall:

- a) Conduct surveillance of:
  - Drinking water systems and associated illnesses, risk factors, and emerging trends;
  - Public beaches and water-borne illnesses associated with recreational water, risk factors, and emerging trends; and
  - Recreational water facilities;
- b) Conduct epidemiological analysis of surveillance data, including monitoring of trends over time, emerging trends, and priority populations; and
- c) Use the information obtained to inform safe water programs and services in accordance with the *Infectious Diseases Protocol, 2018* (or as current); the *Population Health Assessment and Surveillance Protocol, 2018* (or as current); the *Recreational Water Protocol, 2018* (or as current); the *Safe Drinking Water and Fluoride Monitoring Protocol, 2018* (or as current); and the *Small Drinking Water Systems Risk Assessment Guideline, 2018* (or as current).

**Requirement 3.** The board of health shall ensure the availability of education and training for owners/operators of small drinking water systems and recreational water facilities in accordance with the *Operational Approaches for Recreational Water Guideline, 2018* (or as current); the *Recreational Water Protocol, 2018* (or as current); the *Safe Drinking Water and Fluoride Monitoring Protocol, 2018* (or as current); and the *Small Drinking Water Systems Risk Assessment Guideline, 2018* (or as current).

**Requirement 5.** The board of health shall provide all the components of the Safe Water Program in accordance with:

- a) The *Safe Drinking Water and Fluoride Monitoring Protocol, 2018* (or as current) and all applicable statutes and regulations to protect the public from exposure to unsafe drinking water; and
- b) The *Operational Approaches for Recreational Water Guideline, 2018* (or as current) and the *Recreational Water Protocol, 2018* (or as current), to reduce the risks of illness and injuries at public beaches and recreational water facilities.

**Requirement 8.** The board of health shall ensure 24/7 availability to receive reports of and respond to:

- a) Adverse events related to safe water, such as reports of adverse drinking water of drinking water systems, governed under the *Health Protection and Promotion Act* or the *Safe Drinking Water Act, 2002*;
- b) Reports of water-borne illnesses or outbreaks;
- c) Safe water issues arising from floods, fires, power outages, or other situations that may affect water safety; and
- d) Safe water issues relating to recreational water use including public beaches in accordance with the *Infectious Diseases Protocol, 2018* (or as current); *Operational Approaches for Recreational Water Guideline, 2018* (or as current); the *Recreational Water Protocol, 2018* (or as current); the *Safe Drinking Water and Fluoride Monitoring Protocol, 2018* (or as current); and the *Small Drinking Water Systems Risk Assessment Guideline, 2018* (or as current).

## Operational Roles and Responsibilities

### Surveillance and inspection

#### Inventory of public recreational water facilities, public beaches and recreational camp waterfronts

- 1) The board of health shall maintain a current inventory or inventories of all public recreational water facilities and recreational camp waterfront areas within the health unit, and public beaches within the health unit, as defined in this protocol:
  - a) Public recreational water facilities;
  - b) Recreational camp waterfront areas;
  - c) Public beaches;\* and
  - d) Public beach areas within provincial parks.†

#### Assessment and inspection of public recreational water facilities and public beaches

- 1) Inspections of public recreational water facilities carried out by boards of health shall include but are not limited to:
  - a) Observations to determine compliance with applicable facility and water safety regulations under the HPPA; including the review of test logs and response procedures;<sup>2</sup>
  - b) Testing water quality parameters and collection of water samples, as applicable and as deemed necessary; and

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\* The board of health is not responsible for routine monitoring of private residential beaches.

† Public beach areas within provincial parks are monitored and managed by the Ministry of Natural Resources and Forestry in consultation with the board of health.

- c) Communication of inspection results and, if applicable, requirements to the owner or operator of the recreational water facility.

## Public pools and public spas

- 1) The board of health shall:
  - a) Upon notification, inspect public pools and public spas prior to opening or reopening after construction, alteration, or closure of more than four weeks to determine compliance with Ontario's *Public Pool* regulation;<sup>3</sup>
  - b) Inspect public pools, and public spas that are open year-round at least once every three months while operating to determine compliance with Ontario's *Public Pools* regulation;<sup>‡,3</sup>
  - c) Inspect seasonal public pools and public spas that are open only part of the year at least once every three months while operating to determine compliance with Ontario's *Public Pools* regulation;<sup>3</sup>
  - d) Inspect public pools and public spas that are open for a short period of time (i.e., less than 4 weeks) at least once per year to determine compliance with Ontario's *Public Pools* regulation;<sup>3</sup> and
  - e) Conduct additional inspections of public pools and public spas as necessary to address non-compliance with Ontario's *Public Pools* regulation, observed during previous inspection(s); to investigate complaints and/or reports of illness, injury or death; and/or to monitor the safety of the facilities.<sup>3</sup>

## Public wading pools, spray/splash pads and other public recreational water facilities (e.g., waterslide receiving basins)

- 1) The board of health shall:
  - a) Inspect new public wading pools, spray/splash pads and other public recreational water facilities prior to opening or reopening after construction, alteration;
  - b) Inspect public wading pools; splash pads/spray pads and other public recreational water facilities (e.g., water slide receiving basins) at least once per year while operating to monitor the safety of these facilities. The board of health shall conduct these inspections in accordance with the most current version of the *Operational Approaches for Recreational Water Guideline, 2018* (or as current);<sup>6</sup> and
  - c) Conduct additional inspections of public wading pools, spray/splash pads and other public recreational water facilities (e.g., waterslide receiving basins) as necessary to follow up on observations from previous inspection(s) to investigate

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<sup>‡</sup> Once every three months is defined as one inspection occurring within each three month period of the calendar year, based on fixed dates (January 1 – March 31; April 1 – June 30; July 1 – September 30; October 1 – December 31).

complaints and/or reports of illness, injury or death; and/or to monitor the safety of the facilities.

## Public beaches

- 1) The board of health shall undertake the following activities using the *Operational Approaches for Recreational Water Guideline, 2018* (or as current):<sup>6</sup>
  - a) Conduct an assessment of all public beaches annually, including an environmental survey and review of historical and epidemiological data, to:
    - i) Confirm the inventory of beaches that require monitoring as per this protocol;
    - ii) Determine the suitability of the site for public recreational use supported by a water sampling program and appropriate level of surveillance, in collaboration with the owner/operator;
  - b) Conduct routine beach surveillance of all public beaches, including inspection of public beaches after operations commence at least once a week during the period of operation or use, to adequately monitor the safety of public bathing areas and establish strategies for management of health hazards. Exceptions to this are as follows:
    - i) Based on a risk assessment as described in the *Operational Approaches for Recreational Water Guideline, 2018* (or as current), sampling frequency may be reduced to once per month where historical data of the geometric mean and environmental surveys indicate water quality was consistently within the water quality threshold for the previous bathing season and confirmed through the pre-season sampling results.
    - ii) Sampling may also be reduced to once per month for public beaches that historically fail to meet water quality thresholds for previous or entire bathing seasons. In this case, the medical officer of health shall implement a communication strategy to minimize use of the beach by the public (i.e. permanent posting).
  - c) Where weekly sampling is unduly challenging (e.g., remote north) the board of health should implement a communication strategy to reduce risk (i.e. permanent posting) and where possible, leverage resources of the local municipality to assist in monitoring public beaches; provide ongoing communication of test results and recommend actions to public beach owners or operators; and
  - d) Communicate to the public, information on the status of public beaches including, but not limited to, beach postings and promotion of strategies to prevent illness and injury.

**Table 2: Summary of Inspection Frequency for Public Recreational Water**

	Pools and Spas			Wading Pools, Spray/Splash Pads, Waterslide Receiving Basins	Beaches	Recreational Camp Waterfronts
	YEAR-ROUND	SEASONAL	≤4 WEEKS PER YEAR			
Pre-opening	Prior to opening or reopening after construction, alteration, or closure of >4wks			New and/or renovated facilities	Annual survey & data review	Once per year *
Minimum frequency* <i>*Includes pre-opening inspection, where applicable; balance must be while operating (and for single annual inspections).</i>	Once every 3 months	Once every 3 months while in operation	In addition to the opening inspection for the season, re-inspections to address any outstanding compliance issues	Once per year	Once a week* <i>*Or based on a risk assessment in accordance with the Operational Approaches for Recreational Water Guideline.</i>	<i>*See Health Hazard Response Protocol for recreational camp inspection requirements.</i>
Additional inspections may be conducted as needed (e.g., follow-up; complaints; monitoring)						

## Management and response

### 24/7 on-call and response policy

- 1) The board of health shall have an on-call system for receiving and responding to reports of water-related emergencies, reports of injury, illness or death, outbreaks and incidents in the health unit on a 24 hours per day, 7 days per week (24/7) basis related to recreational water use.
- 2) The board of health shall act on reports related to recreational water use at public recreational water facilities and public beaches/recreational camp waterfront areas, within 24 hours of notification of the report to determine the appropriate response.

### Enforcement actions and procedures

- 1) The board of health shall establish policies and procedures to address non-compliance with the HPPA and applicable regulations and take action with respect to recreational water use at public recreational water facilities and public beaches/recreational camp waterfront areas, where a health hazard exists or may exist during recreational water use.<sup>2</sup>

The policies and procedures shall include but are not limited to:

- Interagency collaboration, where appropriate;
- Consideration of existing, repeat and multiple infractions of regulation; and
- Enforcement actions under the HPPA.<sup>2</sup>



## **Liaison with owners, operators**

- 1) The board of health shall, upon being notified or becoming aware of new public recreational water facilities, public beaches and recreational camps with a waterfront area to be used for aquatic activities, liaise with the owners/operators, to make them aware of applicable regulatory requirements and operational best practices.

## **Public awareness and education of operators**

### **Community awareness and owner/operator education**

- 1) The board of health shall work with other organizations/agencies as needed to ensure the availability of information and/or educational material to private citizens regarding the safe use of recreational water facilities referred to in this protocol.
- 2) The board of health shall ensure the availability of:
  - a) Information and/or educational material to owners and operators, through the inspection process and at other available opportunities, regarding applicable regulations and operational procedures relevant to public recreational water facilities, public beaches and recreational camp waterfronts; and
  - b) Training material, and shall promote recreational water facility training to owners and operators of public recreational water facilities. Components of a recreational water facility training program may include, but are not limited to:
    - i) Public health legislation and regulations, as applicable;
    - ii) Prevention of illness, injury or death;
    - iii) Pool water chemistry;
    - iv) Sanitary operation of other amenities in the facility;
    - v) Provision of safety equipment;
    - vi) Emergency communication and procedures;
    - vii) Safety supervision;
    - viii) Admission Standards, as applicable; and
    - ix) Record keeping.

## **Disclosure**

### **Public Disclosure of Inspection Results for Pools, Spas, Splash Pads, and Wading Pools**

- 1) The board of health shall publicly disclose a summary report on each routine and complaint based inspection of all pools, spas, splash pads and wading pools as



regulated under Ontario's *Public Pools* regulation. Complaint based inspections are to be disclosed when:

- a) The complaint is substantiated and upon conducting a risk assessment, the public health inspector has determined that the premises requires an on-site inspection; and
- b) A risk of transmission of disease(s) or injury is identified during the inspection.

2) Reports:

a) Shall be posted on the board of health's website in a location that is easily accessible to the public within two weeks of a completed inspection. Reports must be posted for two years.

b) Shall contain:

- i) The type of premises;
- ii) The name and address of the premises;
- iii) The date of inspection;
- iv) The type of inspection (e.g. routine, re-inspection, complaint based);
- v) Inspection status (e.g., in general compliance, found to have minor infractions, infractions corrected on-site, critical infractions found requires re-inspection, other means of describing status based on existing disclosure programs);
- vi) A brief description of any corrective measures to be taken;
- vii) A brief description of any corrective measures taken (if applicable);
- viii) The date all corrective measures were confirmed to be completed (if applicable); and
- ix) Contact information of the board of health for more information.

c) Reporting requirements may be adapted to match the visual style of the board of health's website. Boards of health are encouraged to integrate the required content areas listed above into existing public disclosure programs.

d) Shall be compliant with relevant legislation, including the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), the *French Language Services Act* (FLSA) (if applicable), the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and the *Personal Health Information Protection Act, 2004* (PHIPA). No personal information or personal health information shall be disclosed in a report.<sup>7-10</sup>

3) Where follow up inspections are required, the board of health shall post a subsequent report or amend the posted report with additional information and include the date(s) of the re-inspection(s) within two weeks from the date(s) or earlier as needed. The board of health shall also consider the urgency of the new relevant information, and whether a potential risk to the public exists if there is a delay in updating the public report(s).

4) Where enforcement actions result in the issuance of tickets, summons, or closures the board of health shall post the following information:

- a) Name and address of the premises;

- b) Short form wording of the ticket or summons in accordance with the *Provincial Offences Act*; and
- c) The date on which the ticket or summons was issued and date of conviction.

## Public Disclosure of Inspection Results for Public Beaches

- 1) The board of health shall publicly disclose the status of beach water quality on a weekly basis at minimum, during the operating season. The status of the public beaches will be determined by the geometric mean of water test results, predictive modelling outcomes and/or onsite observations. Reports:
  - a) Must be posted on the board of health's website in a location that is easily accessible to the public immediately as they become available and must be updated whenever the beach status changes between weekly reports.
  - b) Must be maintained on the website or other public disclosure program during the calendar year in which the public beach was monitored.
  - c) Can be adapted to match the visual style of the board of health's website. Boards are encouraged to integrate the required content areas listed below into existing public disclosure programs.
  - d) Of inspection results, must contain:
    - i) The name and address of the public beach;
    - ii) The date of the public beach status update (posting of results either on site or website);
    - iii) The type of inspection (e.g., routine monitoring, complaint based); and
    - iv) Public beach status (e.g., safe for swimming, precautionary, unsafe for swimming).
  - e) Must be compliant with relevant legislation including *the Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*, the *French Language Services Act (FLSA)* (if applicable), in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* and the *Personal Health Information Protection Act, 2004 (PHIPA)*.<sup>7-10</sup>

## Glossary

**Environmental survey:** An inspection of the physical beach area to identify changes to existing structures, installation of new structures (e.g., drainage lines, storm water outfalls, signs, etc.), changes in beach landscape that affect runoff, potential pollution sources, garbage or debris collection, and any other environmental factor that has the potential to impact water quality, water safety, and/or public health.

**Public wading pool:** Any structure, basin, chamber, or tank containing or intended to contain an artificial body of water having a depth of water equal to 75 centimetres (30 inches) or less at any point that is provided for the recreational or instructive use of young children, other than a private residential wading pool or a wading pool for display or promotional purposes only.<sup>4</sup>

**Public recreational water facilities** include public pools, spas, wading pools, splash pads/spray pads and water slide receiving basins.

As defined in Section 1 of the HPPA, a public pool means a structure, basin, chamber or tank containing, or intended to contain, an artificial body of water for swimming, water sport, water recreation or entertainment, but does not include:

- i) one that is located on a private residential property, (e.g., backyard pool), under the control of the owner or occupant and that is limited to use for swimming or bathing by the owner or occupant, members of their family and their visitors; or
- ii) one that is used solely for commercial display and demonstration purposes.<sup>2</sup>

**Recreational camp waterfront** is a waterfront area that is used for aquatic activities as part of a recreational camp, as defined in *Recreational Camps* regulation under the HPPA.<sup>2,4</sup>

**Seasonal public pools and public spas:** Public pools and spas that are open only part of the year, usually during the summer months (typically located outdoors).

**Public beaches** include any public bathing area owned/operated by a municipality to which the general public has access, and where there is reason to believe that there is recreational use of the water (e.g., beach signage, sectioned off swimming area, water safety/rescue equipment, lifeguard chairs, etc.), which may result in waterborne illness or injury as determined by the local medical officer of health.

## References

1. Ontario. Ministry of Health and Long-Term Care. Ontario Public Health Standards: programs, services and accountability, 2018. Toronto, ON: Queen's Printer for Ontario; 2018. Available from: [http://www.health.gov.on.ca/en/pro/programs/publichealth/oph\\_standards/default.aspx](http://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/default.aspx)
2. *Health Protection and Promotion Act*, RSO 1990, c H.7. Available from: <https://www.ontario.ca/laws/statute/90h07>
3. *Public Pools*, RRO 1990, Reg 565. Available from: <https://www.ontario.ca/laws/regulation/900565>
4. *Recreational Camps*, O. Reg 503/17. Available from: <https://www.ontario.ca/laws/regulation/r17503>
5. *BUILDING CODE*, O. Reg 332/12, s 1.4.1. Available from: <https://www.ontario.ca/laws/regulation/120332>
6. Ontario. Ministry of Health and Long-Term Care. Operational approaches for recreational water guideline, 2018. Toronto, ON: Queen's Printer for Ontario; 2018. Available from: [http://www.health.gov.on.ca/en/pro/programs/publichealth/oph\\_standards/protocol\\_guidelines.aspx](http://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/protocol_guidelines.aspx)

7. *Accessibility for Ontarians with Disabilities Act, 2005*, SO 2005, c 11. Available from: <https://www.ontario.ca/laws/statute/05a11>
8. *French Language Services Act*, RSO 1990, c F.32. Available from: <https://www.ontario.ca/laws/statute/90f32>
9. *Municipal Freedom of Information and Protection of Privacy Act*, RSO 1990, c M.56. Available from: <https://www.ontario.ca/laws/statute/90m56>
10. *Personal Health Information Protection Act, 2004*, SO 2004, c 3, Sched. A. Available from: <https://www.ontario.ca/laws/statute/04p03>

## Resources

The following resources provide supplementary information and guidance regarding issues related to recreational water quality. This is not an exhaustive list and the documents listed below are subject to change.

Health Canada. Guidelines for Canadian recreational water quality. 3<sup>rd</sup> ed. Ottawa, ON: Her Majesty the Queen in Right of Canada, represented by the Minister of Health; 2012. Available from: <https://www.canada.ca/en/health-canada/services/publications/healthy-living/guidelines-canadian-recreational-water-quality-third-edition.html>

Ontario. Ministry of Health and Long-Term Care. The feasibility of predictive modeling for beach management in Ontario, 2013 [unpublished]. Toronto, ON: Queen's Printer for Ontario; 2013.

Ontario. Ministry of the Environment. Technical bulletin: Is your beach a candidate for predictive modeling? [unpublished]. Toronto, ON: Queen's Printer for Ontario; 2012.

Ontario. Ministry of Health and Long-Term Care, Ontario Ministry of Natural Resources. Memorandum of understanding: Protocol for reporting adverse water quality – Provincial Parks, 2004 [unpublished]. Toronto, ON: Queen's Printer for Ontario; 2004.

