



The Week in COVID

This past week found the PHTA team focusing on state issues and continued communications, as well as working on our public health outreach.

STATE OUTREACH



MICHIGAN

ISSUE: Governor Whitmer signed one of the most restrictive stay-at-home orders in the country and, when the Governor extended the order earlier this month to remain in effect through the end of April, she toughened it up even further.

ACTION: PHTA has been working with our Michigan Chapter to address the current restrictions, and in many cases closures, on pool and hot tub retail, service and maintenance, and active construction. Early last week we held a strategy call with the Michigan Chapter and created a Michigan-specific position paper.

PHTA submitted letters to the House Speaker, including his Chief of Staff Rob Minard and Constituent Relations Director Jon Mieczkowski. Mr. Minard responded to PHTA and noted he and his policy team were reviewing our requests. The letter was also sent to House leadership and a response was received from the Director of the House Republican Policy Office stating they will do their best to advocate on our behalf and consider legislative remedies moving forward.

Additionally, we also submitted letters to the President Pro Tempore, his chief of staff and his constituent relations director.

PHTA will continue this dialogue with legislative leaders.

The National Conference of State Legislatures (NCSL) contacted the Michigan Speaker of the House on our behalf. The National Environmental Health Association (NEHA) also contacted the Speaker and provided their position statement, which supports proper maintenance. Additionally, our consultant, Tracynda Davis, reached out to her contact at the MI Department of Environment, Great Lakes and Energy (EGLE), which has oversight of public aquatic facilities. While her contact was off the record, most of what she told us has been corroborated by members.

Additionally, we are working with industry trade press and have reached out to the local FoxNews station.

OUTCOME/NEXT STEPS

PHTA is following up with the Speaker's Chief of Staff, the Director of the House Republican Policy Office and others on the policy team, to encourage them to advocate on our behalf and consider legislative remedies moving forward.

An email will be sent to all Michigan members with information on how to contact their state legislators on Monday, April 20.



ISSUE: A combination of agency legal staff interpretation of the Executive Order and Governor Evers' FAQs on the Order had restricted - and in many cases closed - pool and hot tub retail, service, and maintenance, as well as active construction in the state.

ACTION: PHTA Midwest Chapter members reached out to Jennifer Campbell, who is the Chief Legal Counsel for the Wisconsin Economic Development Corporation with our concerns about the risk to public health and safety if pool businesses were not allowed to maintain water quality. The chapter asked for clarity on previous interpretations as to how the state order affects the pool and hot tub industry.

PHTA followed up with Ms. Campbell asking for Governor Evers' FAQs on the order to also be updated.

A notice was sent to all WI members regarding both the [updated guidance](#) (sent on April 10) and the updated [Executive Order FAQ](#) (sent on April 17). Additionally, *AQUA* magazine distributed the guidance to its subscribers in Wisconsin earlier this week.

OUTCOME/NEXT STEPS

On April 10, the WEDC guidance was updated to allow for in-process construction, pool maintenance, and retail sales of supplies and parts with the caveat that businesses must follow certain COVID-19 best practices.

On April 16, the FAQs were updated to include "pool cleaning companies" as essential.



PENNSYLVANIA

ISSUE: While maintenance of swimming pools and hot tubs continues to be allowed, PHTA continues to advocate with NESPA to also allow pool and hot tub retail stores to be considered essential, as well as the construction of pools and spas (all the while implementing COVID social distancing and best practices).

ACTION: Over the past week, PHTA identified several legislative measures that may help affected members. On Monday, April 13, PHTA and NESPA [distributed a “call to action” to members](#) to urge their legislators’ support of HB 2400, which provides a waiver on the Business Closure Order to all public and private construction activities. A joint letter of support was sent to the House Speaker and other House leaders, urging action on HB 2400. Additionally, PHTA reached out to one of the bill sponsors to advise her of PHTA’s support of this measure.

PHTA has also identified the following measures that can assist our members in PA:

HB 2389: Representative Diamond is sponsoring a bill that allows for businesses that can operate and follow social distancing guidelines to operate. PHTA has reached out with an offer of support.

PA SM 31608: Senator James R. Brewster has announced his intent to sponsor legislation to begin safely re-opening closed businesses in the Commonwealth.

HM 31603: Representative Anita Astorino Kulik has announced her intent to sponsor legislation that would allow limited operations of small retail businesses during the COVID-19 pandemic.

SM 31580: Senators Michele Brooks and Camera Bartolotta have announced their intent to sponsor legislation that would change the definition of essential businesses in the Commonwealth. This would require the state to follow CISA guidelines.

Please note - memorials (denoted by a SM or HM) are the first step in the legislative process in PA; therefore, all but two (HB 2400 and HB 2389) of the above measures identified are not yet eligible for action.

OUTCOME/NEXT STEPS

PHTA is ready to submit comments on any of the above measures and have talking points for our PA members ready to go when needed. In the meantime, our top focus remains on HB 2400, as it is eligible for consideration by the entire Assembly.



ISSUE: On March 27, the State revised its definition of essential businesses. PHTA worked with NESPA to prepare FAQs based on this new information, which strictly limited the work of the industry.

ACTION: NESPA carefully crafted a letter requesting clarification on aspects of the state’s revised guidance, sending this letter to the Empire State Development Corporation.

On April 16, NESPA received the following communication from the Empire State Development Corporation:

Businesses that provide “essential services necessary to maintain the safety, sanitation and essential operations of residences or other businesses” including general maintenance are deemed essential. While this does not explicitly mention service related to the opening and maintaining swimming pools, it would include any service to ensure the safety, sanitation and general operations of the residence or building.

This communication appears to allow for not only the continued maintenance of pools and hot tubs that were already open, but also for the opening of pools and hot tubs that are still currently winterized.

Please note, in this case opening is not meant to patrons but is meant for the continued maintenance of public pools and ability to use one’s backyard pool or hot tub.

OUTCOME/NEXT STEPS

This aligns with the information provided by NESPA and PHTA that included the critical health and safety aspects of why opening pools and hot tubs are necessary in order to

prevent dangerous situations, including the development of waterborne and mosquito-borne diseases.

PUBLIC HEALTH OUTREACH



PHTA has engaged with the National Environmental Health Association (NEHA), the National Conference of State Legislatures (NCSL), the Council for the Model Aquatic Health Code (CMAHC), the National Drowning Prevention Alliance (NDPA) and the National Association of County and City Health Officials (NACCHO) to garner support in the public health and safety aspect of pool and hot tub maintenance.

ACTION: We have submitted a blog article to NEHA and NCSL in an additional effort to reach state legislators and state environmental health staff and we are continuing outreach to the CDC.

We have made requests to the NDPA Board and to NEHA, to sign onto three documents.

PHTA will be included in the NACCHO Resource Guide on COVID-19.

We have reached out to the CDC related to the new documents PHTA has created and a request to work on guidance for additional measures that will need to be followed once pools and hot tubs open to patrons, as well as what guidance they have for swim schools.

OUTCOME/NEXT STEPS

We created two new documents that we are attempting to co-brand with NDPA, NEHA and others:

A flyer on the health and safety benefits of properly maintaining your pool and hot tub. We hope this flyer helps explain the public health and safety issues that may occur in the

absence of proper pool maintenance. It will be sent out once we get NDPA and NEHA sign off.

An infographic that serves as a companion piece to the health and safety flyer.

Additionally, we will share the public aquatic facilities piece, on which we will add logos from NEHA and possibly others as their endorsements come in.

We will continue to coordinate and communicate with the CDC and the above associations.

COMMUNICATIONS



PHTA continues to develop communication tools and resources to support our members. This week, we focused primarily on the public health and safety component of pool and hot tub maintenance.

As noted above, an infographic was shared with the public health associations and will be distributed to industry trade press. We also developed a operators and homeowners guide to help them understand the health and safety benefits of proper pool and hot tub maintenance that will be distributed this week, once we receive responses from NDPA and NEHA.

Additionally, we have responded to requests for articles for *PoolPro* magazine and *Funworld*, which is a publication of the International Association of Amusement Parks and Attractions.

As we continue to develop materials to respond to our members' immediate needs, we are also beginning to identify the next areas in which our members will need our assistance. This week we will be distributing a *Coronavirus Toolkit for Pool & Hot Tub Professionals* to our membership.

For a review of the PHTA response to COVID-19 from March 20 through April 9, [listen to the Town Hall webinar that was provided on April 10.](#)

To provide guidance and help you and your company navigate COVID-19, make sure to visit our [Coronavirus webpage](#).

If you have any questions, please reach out to phta@phta.org.

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