
New Penalties on Youth Lifeguarding Occupations At Pool and Water Facilities

Youth aged 15 or older may be employed to perform limited lifeguard duties at traditional swimming pools and water amusement parks. The youth must be trained and certified by the American Red Cross or a similar certifying organization in aquatics and water safety (29 CFR § 570.34(l)(1)). The permitted occupations include working at wave pools, lazy rivers, and specialized activity areas such as waterfalls, sprinklers, and baby pools. Fifteen year olds may NOT work at or around, attend or lifeguard the elevated areas of motorized water slides and water features.

A new penalty provision goes into effect and violators can now be subject to a maximum civil penalty of \$50,000 for each violation or \$100,000 for repeated or willful violations. New penalties and regulations start on July 19, 2010.

Prohibited Activities

Persons younger than age fifteen, regardless of certification, may not:

- Enter or work in any mechanical room, pump room, or chemical storage areas, including any areas where the filtration and chlorinating systems are housed.
- Tend or operate power equipment, or operate or tend power-driven equipment including power-driven elevated water slides often found at water amusement parks and some swimming pools.
- Be employed as dispatchers or attendants at the top of elevated water slides performing such tasks as maintaining order, directing patrons as to when to depart the top of the slide, and ensuring that patrons have begun their “ride” safely.

Allowable Activities

Persons aged fifteen and up may be lifeguards at “traditional swimming pools” if trained by the American Red Cross or equivalent certifying organization in aquatics and water safety. Permitted lifeguard duties for age fifteen and up include:

- Rescuing of swimmers in danger of drowning.
- Monitoring of activities at pool side to prevent accidents.
- Teaching water safety.
- Providing assistance to patrons.
- Maintaining order and cleanliness in the pool and pool areas.
- Checking in and out items such as towels and personal items such as rings, watches and apparel.
- Using a ladder to access and descend from the lifeguard chair.
- Using (non-power) hand tools to clean the pool and pool area.
- Testing and recording of water quality for temperature and/or pH levels, using all of the tools of the testing process including adding chemicals to the test water sample.
- If properly certified, these lifeguards may also give swimming lessons, teach swimming classes, conduct or officiate at swim meets, be stationed at the “splashdown pools” located at the bottom of the elevated water slides to perform those permitted duties listed in this subsection or administer first aid.

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Definitions of Facility Terms

A “traditional swimming pool” is a water tight structure of concrete, masonry, or other approved materials located either indoors or outdoors, used for bathing or swimming and filled with a filtered and disinfected water supply, together with buildings, appurtenances and equipment used in connection therewith, excluding elevated “water slides”. A “water amusement park” means an establishment that not only encompasses the features of a traditional swimming pool, but may also include such additional attractions as wave pools; lazy rivers; specialized activities areas such as baby pools, water falls, and sprinklers; and elevated water slides. Not included in either definition are natural environment swimming facilities as rivers, streams, lakes, reservoirs, wharfs, piers, canals, or ocean side beaches.

What This Means For Counties and Special Districts

Before allowing anyone under the age of eighteen to perform work, check the work area and task assignments for use of or proximity to prohibited facilities, hazards and tools. To be on the safe side, act immediately to remove all persons under the age of eighteen from any potential assignments, tools, or facilities, or proximity to these that would violate the terms of the new restrictions. Prepare a list of the questionable factors and consult your attorney for an opinion on your practices under the new regulations.

For more information, contact your CTSI loss prevention representative at 303-861-0507.