

**ADOPTION SECTION**

**HEALTH**

**PUBLIC HEALTH SERVICES BRANCH**

**DIVISION OF ENVIRONMENTAL, EPIDEMIOLOGICAL AND OCCUPATIONAL**

**HEALTH**

**CONSUMER, ENVIRONMENTAL, AND OCCUPATIONAL HEALTH SERVICE**

**Notice of Readoption**

**Public Recreational Bathing**

**Readoption: N.J.A.C. 8:26**

Authority: N.J.S.A. 26:1A-7 and 26:4A-7; P.L. 2009, c. 31, § 4; and Reorganization Plan No. 003-2005.

Authorized By: Cathleen D. Bennett, Commissioner, Department of Health, in consultation with the Public Health Council.

Effective Date: August 5, 2016.

New Expiration Date: August 5, 2023.

**Take notice** that, pursuant to N.J.S.A. 52:14B-5.1, the Commissioner (Commissioner) of the Department of Health (Department) hereby readopts N.J.A.C. 8:26, Public Recreation Bathing, which was to expire on September 6, 2016.

N.J.A.C. 8:26 establishes sanitary and safety standards for public recreational bathing facilities. Subchapter 1 contains the purpose and scope of the chapter, and establishes definitions of terms and waiver provisions. Subchapter 2 establishes the administrative process by which one can obtain authorization to locate, construct, and/or alter public recreational bathing facilities. Subchapters 3 and 4 establish

physical plant standards governing, respectively, swimming pools, and hot tubs and spas. Subchapter 5 establishes safety standards applicable to public recreational bathing facilities, including swimming pools, wading pools, hot tubs and spas, water slides, and waterfronts, and addresses exceptions applicable to “specially exempt facilities” within the meaning of that term at N.J.S.A. 26:4A-4 et seq. Subchapter 6 establishes sanitation standards applicable to public recreational bathing facilities. Subchapter 7 establishes standards governing microbiological sampling and water quality criteria applicable to public recreational bathing facilities. Subchapter 8 establishes the procedures by which the chapter is to be enforced.

The Department is developing rulemaking to revise, update, and reorganize existing N.J.A.C. 8:26, and anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course. However, this rulemaking could not be proposed prior to the expiration of existing N.J.A.C. 8:26. The Commissioner, in consultation with the Public Health Council, has reviewed N.J.A.C. 8:26 and has determined that, pending the finalization of the anticipated rulemaking described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which the Department originally promulgated it, as amended and supplemented over time, and should be readopted.

Therefore, pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 8:26 is readopted and shall continue in effect for a seven-year period.