



Date: December 5, 2012
To: Scout executives
From: BSA Outdoor Programs/Properties Department
Re: Camp swimming pools and ADA compliance

The U.S. Department of Justice has issued its final ruling on the implementation of the Americans with Disabilities Act. The date for compliance for accessible design (including pools) is **Jan. 31, 2013**. It is important that you understand your camp's requirements and the exemptions from compliance. The rule applies to existing and new construction.

For the majority of camps, this will involve the purchase of a pool lift, which costs about \$4,000. The National Council is working with several vendors to see what kind of agreement and pricing we can obtain for councils in need of purchasing the lift. If you have an interest in being included in this bulk purchase, please notify Dave Cornell at the national office (his contact information is below).

Public Accommodation¹

The first question to be addressed is applicability under the law. This law requires compliance by all Title II (public entities) and Title III (public accommodations and commercial entities) facilities. This includes recreation facilities, swimming pools, wading pools, and spas.

The camp is a public accommodation if it is used by groups other than Scouts and their families. From our viewpoint, if the camp is not used by non-Scouts or non-Scouters, the camp is exempt. However, the state and county may enforce a stricter interpretation of this. If so, it is left to the local council to decide if the effort involved in overturning the interpretation is worth the cost to interpret and possibly litigate. It is worth noting that this improvement is for the benefit of our membership and that the BSA embraces the principle of non-exclusion of individuals with disabilities.

¹ ADA regulations cover both public and private facilities, including pools operated by public park and recreation districts, hotels and motels, fitness and recreational sports clubs, country clubs, high schools and universities, water parks, and hospitals and health care facilities. Regulations may also apply to private residential facilities, such as homeowners, apartment, and condo associations if these facilities are open to the general public.





Pool Size

The ADA standards establish two categories of pools—large pools with more than 300 linear feet of pool wall, and smaller pools with less than 300 linear feet of wall. Large pools must have two accessible means of entry, with at least one being a pool lift or a sloped entry; smaller pools are required to have one accessible means of entry, provided that it is either a pool lift or a sloped entry. By way of example, a 75-by-30-foot pool represents $75 + 75 + 30 + 30 = 210$ linear feet of wall and is considered a smaller pool.

Summary Guidelines Permitted Means of Pool Access					
Pool Type	Sloped Entry	Lift	Transfer Walls	Transfer Systems	Stairs
Pools with less than 300 linear feet of pool wall	X	X			
Pools with 300 or more linear feet of pool wall	X*	X*	X	X	X

* Requires two means of access. The primary means must be sloped entry or pool lift; the secondary means can be any of the permitted types.

Exemptions

Under the ADA, there is no need to provide access to existing pools if doing so is not “readily achievable.” Not readily achievable is interpreted as involving “significant difficulty or expense.” Given that the cost of compliance will be approximately \$4,000 for most installations, it is believed that meeting the exemption hurdle will be difficult. However, be sure to include all costs needed to provide access from outside the facility to the lift. For example, replacing stairs with a ramp would be considered part of the cost, including the lift and its installation. Since the compliance date is in the future, the rule has not, as yet, been challenged by the BSA.

A number of special conditions will result from applying this rule to some of our camps. If your council falls into this category (for example, there are two pools) or if your cost of compliance significantly exceeds \$4,000, contact Dave Cornell of BSA Outdoor Programs/ Properties at 972-580-2412 or dave.cornell@scouting.org, or call the ADA hotline at 800-514-0301.

References: www.ada.gov/ga_existingpools_titleIII.htm and www.ada.gov/pools_2010.htm

