

# COVID-19 Public Pools under Executive Order 21-01

1/6/2021

Executive Order 21-01 will go into effect Sunday, Jan. 10 at 11:59 p.m. and does not have an end date. Public pools must comply with the requirements set forth in EO 21-01 and the requirements provided in this document, to mitigate the risk of transmission of COVID-19. Frequently asked questions about all Executive Orders may have additional clarifications about requirements and recommendations. See [Frequently Asked Questions about Stay Safe MN \(https://mn.gov/covid19/for-minnesotans/stay-safe-mn/faq.jsp\)](https://mn.gov/covid19/for-minnesotans/stay-safe-mn/faq.jsp) or [Stay Safe Guidance for Businesses and Organizations \(https://staysafe.mn.gov/industry-guidance/index.jsp\)](https://staysafe.mn.gov/industry-guidance/index.jsp).

## Executive Order (EO) 21-01

### EO requirements

The full executive order (EO) with all requirements can be found at [Executive Orders from Governor Walz \(https://mn.gov/governor/news/executiveorders.jsp\)](https://mn.gov/governor/news/executiveorders.jsp).

- **Social gatherings limited.** Social gatherings are limited as stated on [Stay Safe in Social Gatherings \(https://staysafe.mn.gov/individuals-families/social-gatherings.jsp\)](https://staysafe.mn.gov/individuals-families/social-gatherings.jsp). Most commercial activities are not considered social gatherings, so this change will not impact most industries.
- **Masks and face coverings required.** Executive Order 20-81, requiring face coverings in certain settings, remains in full force and effect. See [Face Covering Requirements and Recommendations under Executive Order 20-81 \(www.health.state.mn.us/diseases/coronavirus/facecover.html\)](http://www.health.state.mn.us/diseases/coronavirus/facecover.html). Executive Order 21-01 clarifies that face coverings may not be removed during exercise or activities involving physical exertion. However, **do not allow swimming with cloth face coverings on. Cloth face coverings can make it difficult to breathe when wet, increasing the risk of drowning.**
- **People at higher risk.** All people currently living within the State of Minnesota who are at higher risk of severe illness from COVID-19, as defined by Executive Order 20-55, are strongly urged to stay at home or in their place of residence and follow the provisions of Executive Order 20-55.
- **Work from home.** All people who can work from home must continue to do so.
- **Businesses and activities are affected differently.** For a full listing of all business and activity requirements and limitations, see the full executive order at [Executive Orders from Governor Walz \(https://mn.gov/governor/news/executiveorders.jsp\)](https://mn.gov/governor/news/executiveorders.jsp). Please review the guidance below for industry-specific requirements.

## Public pools defined

- Public pools are defined in [Minnesota Statutes 2020, Section 144.1222](http://www.revisor.mn.gov/statutes/cite/144.1222) ([www.revisor.mn.gov/statutes/cite/144.1222](http://www.revisor.mn.gov/statutes/cite/144.1222)).
- “Public pool” means any pool other than a private residential pool, that is:
  - Open to the public generally, whether for a fee or free of charge;
  - Open exclusively to members of an organization and their guests;
  - Open to residents of a multiunit apartment building, apartment complex, residential real estate development, or other multifamily residential area;
  - Open to patrons of a hotel or lodging or other public accommodation facility; or
  - Operated by a person in a park, school, licensed child care facility, group home, motel, camp, resort, club, condominium, manufactured home park, or political subdivision.
- Swimming pools at family day care homes licensed under section [Minnesota Statutes 2020, 245A.14, subdivision 11](http://www.revisor.mn.gov/statutes/cite/245A.14#stat.245A.14.11) ([www.revisor.mn.gov/statutes/cite/245A.14#stat.245A.14.11](http://www.revisor.mn.gov/statutes/cite/245A.14#stat.245A.14.11)), paragraph (a) are not “public pools.”

## Public pool requirements, effective Jan. 10 at 11:59 p.m.

Effective Sunday, Jan. 10, at 11:59 p.m., public pools may be open to all users, provided that the elements found in this guidance document are addressed in an organization’s COVID-19 Preparedness Plan.

Occupancy of public pool enclosures must not exceed 25% of the normal occupant capacity as established by state or local authorities in accordance with applicable codes and requirements, not to exceed 150 people.

Additionally, a minimum of 9 feet of social distancing for patrons from different households is required in the pool and on the deck at all times.

If a pool is located within a place of public accommodation with limited occupancy, such as a fitness center, the occupants of a pool must be counted toward the overall occupancy of the place of public accommodation.

Spa pools may open, but steam rooms and saunas must remain closed until further notice.

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## COVID-19 Preparedness Plans

All public pools must develop and implement a COVID-19 Preparedness Plan in accordance with applicable guidance. See [Stay Safe MN \(https://staysafe.mn.gov/\)](https://staysafe.mn.gov/) for additional information. Unless clearly indicated that an action included in the guidance below is recommended, the action should be understood as required. In instances where the guidance uses language “to the extent possible,” the action is required but only to the extent it is possible to implement the requirement.

Public pools must address all the guidance requirements applicable to their operations in their COVID-19 Preparedness Plans and as set out in each of the components below.

The Plan must be evaluated, monitored, executed, and updated under the supervision of a designated Plan Administrator within your business or organization.

The Plan must be posted on site in an easily accessible location (or distributed to staff electronically) to allow for the Plan to be readily reviewed by all staff, as required.

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## Pools that remain closed

### Secure premises to prevent access

Drowning remains a leading cause of accidental injury death in the United States. Be sure all doors, gates, and windows that allow access are closed and locked.

### Maintain recirculation and disinfection

#### All pools and spas

Maintain the pool chemistry even if the pool is not operational.

- Keep the water chemically balanced to prevent damage to surfaces and equipment by corrosive or scale-forming water. Properly balanced water will prevent biofilm and algae growth.
- Minimize the use of pool heaters. Heaters should be run for 15-20 minutes after starting circulation to ensure they are operating correctly. After that, they can be turned off until the pool is ready to be open for bathers.
- Reduce the speed of the circulation pump. Ensure there is enough water flow to keep the chemical controllers operating, and to turn the volume of water over at least once daily.
- Maintain the pool as normal. Check and balance the water chemistry, remove debris, and clean the skimmer and pump baskets no less than once a week. Continued maintenance includes brushing, vacuuming, and backwashing.

#### Aquatic play features

Aquatic play features or fountains such as water slides, cascading mushrooms, dumping buckets, or spray decks must be operated intermittently. Circulate water through these features several times per week for at least 30 minutes to help reduce pathogens in plumbing lines that service these features.

### Hot tubs and spas: *Legionella* concerns

Extended closures of hot tubs and spas can increase the risk of waterborne diseases such as Legionnaires' disease. *Legionella* is the organism that causes Legionnaire's Disease and Pontiac Fever. It is important to ensure hot tubs and spas are safe to use and minimize the transmission of *Legionella* and other bacteria.

See the following CDC guidance:

[Extended Hot Tub/Spa Closures \(www.cdc.gov/healthywater/swimming/aquatics-professionals/extended-hot-tub-closures.html\)](https://www.cdc.gov/healthywater/swimming/aquatics-professionals/extended-hot-tub-closures.html)

[Operating Public Hot Tubs/Spas \(www.cdc.gov/healthywater/swimming/aquatics-professionals/operating-public-hot-tubs.html\)](https://www.cdc.gov/healthywater/swimming/aquatics-professionals/operating-public-hot-tubs.html)

[Guidance for Reopening Buildings After Prolonged Shutdown or Reduced Operation \(www.cdc.gov/coronavirus/2019-ncov/php/building-water-system.html\)](https://www.cdc.gov/coronavirus/2019-ncov/php/building-water-system.html)

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## Planning for reopening

### Capacity and distancing

The pool operator is ultimately responsible for ensuring that social distancing requirements are met. Determine user capacity based on social distancing requirements, and the facility's pool, spa deck, restroom, and locker room configurations.

#### Planning for reduced capacity

Occupancy of public pool enclosures must not exceed 25% of the normal occupant capacity as established by state or local authorities in accordance with applicable codes and requirements, not to exceed 150 people. If a pool is located within a place of public accommodation with limited occupancy, such as a fitness center, the occupants of a pool must be counted toward the overall occupancy of the place of public accommodation.

Additionally, a minimum of 9 feet of social distancing for each patron from different households is required in the pool and on the deck at all times. Ensure that capacity allows for proper social distancing on the pool deck in the event of a fecal incident or other life-safety situation where bathers may need to exit the pool and remain on the pool deck or evacuate to another location. Additional spacing is required for various activities, as described in this document.

- Establish a schedule with time slots for various activities, and allow sign-ups online and/or by phone.
- Consider assigning separate entries and exits, and manage the flow of users to move in one direction.

#### Lobby and locker rooms

Consider staggering entry of users and establish time limits to maximize the number of users while maintaining capacity limits.

- Ensure 6 feet of social distancing is maintained at all times in locker rooms, lobbies, and other areas outside of the pool or pool deck.
- Establish safe places for guests to wait for entry.
- Encourage re-arranging locker rooms or putting in place other physical barriers or markings to encourage social distancing.
- Install sanitizing stations at the entrance to your facility and at key locations throughout the facility where customers are likely to contact shared equipment. If hand sanitizer is provided, ensure it contains at least 60% alcohol.
- Enforce the requirements for user sanitation and safety, including showering, as stated in [Minnesota Rule 4717.1650: User Sanitation and Safety \(www.revisor.mn.gov/rules/4717.1650/\)](https://www.revisor.mn.gov/rules/4717.1650/).

- Do not allow guests to congregate while waiting for access. Consider using floor markings, outdoor distancing, waiting in cars, or other techniques to maintain adequate separation.

### **Spa pools**

Social distancing of 9 feet must be maintained between users of a spa pool. Limiting the use of the spa pool to one user at a time may be necessary, depending on the size of the spa pool.

### **Wading pools**

Social distancing requirements do not need to be met for household members using a wading pool together, for example, a parent and small child. Each household group must maintain 9 feet of social distance from members of other households.

### **Pool deck and accessory features**

Locate deck furniture in accordance with distancing requirements.

If diving boards, slides, or other aquatic play features are used, queuing areas must be marked to provide for physical distancing of 6 feet. For example, by using floor markings, lane lines, and/or marking of adjacent areas where patrons are waiting for their turn.

## **Lap swim, swimming lessons, group fitness classes**

### **Swimming lessons**

- Students in swimming lessons must remain a minimum of 9 feet apart from one another. The social distancing requirement does not need to be met for students from the same household.
- The maximum number of students allowed in a swimming lesson class is 25 students.
- If more than one swimming lesson class is held concurrently, each class must be spaced at least 9 feet away from any other class.
- Stagger start and end times between swimming lesson classes to minimize crowding on deck and in locker rooms.
- Instructors must wear masks as described in EO 20-81. Masks may be removed temporarily while demonstrating strokes or when the instructors' faces must be in the water.
- The use of floating swimming devices/aids (floating barbells, kickboards, etc.) is encouraged to minimize hands-on assistance, and to increase the distance between the swimmers and the instructors.

### **Group fitness classes**

- Group fitness classes may not be held concurrently with other activities such as swimming lessons or lap swimming.
- A maximum of 25 people is allowed per group fitness class.
- Social distancing of at least 9 feet between people must be maintained while class is in session, and whenever activities involving physical exercise or exertion are being performed.
- A reservation system must be established for each class.

### Recreational lap swimming

- One patron per lane at a time is allowed for recreational lap swimming. 9 feet of social distance is required between swimmers in parallel lanes.
- A reservation system must be established for using the lap swimming pool.

### Competitive lap swimming

Organized Youth and Adult competitive swim teams must ensure that 6 feet of social distance is maintained between swimmers at all times, and are encouraged to provide more space (e.g., 9 feet) when feasible. More than one swimmer per lane, up to a maximum of five swimmers per lane, may be allowed for competitive swim practice, if a facility's COVID-19 Preparedness Plan includes a diagram of proposed lane configurations and a description of how social distancing requirements will be met.

- Refer to USA Swimming for guidance related to competitive swimming practice lane configurations: [USA Swimming Facility Reopening Plan Guidelines \(www.usaswimming.org/docs/default-source/coronavirus-resources---updated/facilityreopeningv3.pdf\)](http://www.usaswimming.org/docs/default-source/coronavirus-resources---updated/facilityreopeningv3.pdf).
- Teams must also follow the COVID-19 Guidance for Youth and Adult Sports on [Stay Safe Guidance for Organized Sports \(https://staysafe.mn.gov/industry-guidance/organized-sports.jsp\)](https://staysafe.mn.gov/industry-guidance/organized-sports.jsp).

## Staffing

Ensure adequate staffing to accommodate modifications to the operation, including altered hours of operation and enhanced cleaning and disinfecting protocols. Train all staff on new procedures and expectations.

Each facility must have a designated person on site to ensure that guidelines and regulations are followed. A facility may appoint an attendant or other staff member to perform these duties, as long as the facility is otherwise properly staffed. **A lifeguard while on lifeguard duty may not perform duties of the attendant** or be given additional duties that distract from the responsibilities of lifeguarding.

Plan employee schedules so that cohort groups work together, when practical. For example, Aaden, Javier, and Ann always work together; Hodan, Dawb, and Peter always work together. However, members of one team never work with another team. Scheduling in teams can help to reduce exposures within the staff.

For pools without lifeguards, make a plan to determine how mandated capacity limits and access will be monitored. Options may include using a screener at the pool entrance, or using a video monitoring system.

### Lifeguards and Trained Pool Operator Certification

Certification courses for lifeguards and trained pool operators may be held. Distance learning should be optimized, and in-person class sizes are restricted to those allowed by current Executive Orders.

Health screening must be done before each class, and those experiencing symptoms should be excluded.

For in-person lifeguard certification courses, each instructor and student should have their own manikin, educational equipment, and disposable supplies, as applicable. Manikins and shared instruction

materials must be disinfected between each use. Follow manufacturers' guidance for manikin cleaning and disinfection.

Every effort should be made to maintain physical distancing of at least 6 feet, except for aspects of training that can only be performed within closer distances and/or contact. The Red Cross has developed social distancing guidance for resuscitation education and "Interim Virtual Skills Training" for portions of its lifeguarding courses. Facilities with access to this material are encouraged to use it when planning and implementing courses.

## Signage

Identify and post additional signage, including for:

- Capacity and social distancing
- Masks and face coverings
- Reminders to wash hands and practice good personal hygiene
- Location of handwashing and sanitizing stations
- Instructions on how to identify symptoms of COVID-19
- Information about being excluded if people or household members are exhibiting symptoms of COVID-19

## Emergency protocols and other safety considerations

Evaluate COVID-19 impact on rescue protocol:

- Ensure adequate supply and reliable source of personal protective equipment (PPE).
- Evaluate and revise CPR protocol as needed (example: acquire bag valve mask to eliminate the need for mouth to mouth resuscitation).
- Have staff treat any emergency victim as COVID-19 positive until otherwise determined.

## Cleaning and disinfecting the facility

In addition to regular maintenance, establish a cleaning protocol that includes:

- Defined times of day when cleaning and disinfection will occur (examples include before opening, between shifts, after closing).
- Defined areas and equipment that need to be cleaned (for example: frequently touched surfaces such as ladders and hand rails, diving equipment, tables, doorknobs, switches, deck furniture, drinking fountains, emergency phones, toilets, faucets, sinks).
  - Discourage people from sharing items that are difficult to clean, sanitize, or disinfect, or those that are meant to come in contact with the face (for example, goggles, nose clips, and snorkels).
  - Discourage people from sharing equipment and toys with others who are not part of their household.

- Ensure adequate equipment for patrons and swimmers, such as kick boards and pool noodles, to minimize sharing to the extent possible, or limiting use of equipment by one group of users at a time and cleaning and disinfecting between uses.
- For indoor pools, establish a cleaning protocol that addresses the HVAC system.
- Do not allow chemicals used to enter the pool water that are used to clean the decks, furniture, or other equipment.

See the following CDC guidance:

[Cleaning and Disinfection for Community Facilities \(www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html\)](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html).

## Communicating expectations

Prepare your staff and community for your anticipated new operating procedures.

Notify customers of new expectations, Preparedness Plan, and restrictions in advance, and the need to cooperate for the pool to remain open.

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## After opening

### Water chemistry and maintenance

Proper operation, maintenance, and disinfection (with chlorine or bromine) of swimming pools should kill the virus that causes COVID-19. Maintain the disinfection residuals required in the Minnesota pool code: [Minnesota Rule 4717.1750: Pool Water Condition \(www.revisor.mn.gov/rules/4717.1750/\)](https://www.revisor.mn.gov/rules/4717.1750/).

### Ensure sick workers stay home

Establish health screening protocols for workers at the start of each shift (e.g. health screening survey, taking temperature). See the Minnesota Department of Health (MDH)'s [Visitor and Employee Health Screening Checklist \(www.health.state.mn.us/diseases/coronavirus/facilityhlthscreen.pdf\)](https://www.health.state.mn.us/diseases/coronavirus/facilityhlthscreen.pdf). The checklist is also available in Hmong, Somali, and Spanish on [Businesses and Employers: COVID-19 \(www.health.state.mn.us/diseases/coronavirus/businesses.html\)](https://www.health.state.mn.us/diseases/coronavirus/businesses.html).

Workers with COVID-19 symptoms should be sent home immediately. If they cannot be sent home immediately, isolate in a closed room until they can be sent home. Workers who have been in close contact with a household member with COVID should not be at work until their quarantine period is finished.

Establish communication protocols and steps to take when workers have been exposed to COVID-19 in the workplace.

Designate an individual to maintain communication with and gather information from workers who may be ill, to ensure the privacy of workers is maintained.

## Helping customers minimize transmission

### Requirements



- Post signage at the entry of the business and develop messaging via websites, advertisements, or other marketing explaining that if customers do not feel well or have any symptoms compatible with COVID-19, they should stay home as much as possible. They should also stay home if they have a household member experiencing symptoms compatible with COVID-19. Refer to [CDC: What to Do if You are Sick or Caring for Someone Who is Sick \(www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/index.html\)](https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/index.html)
- If customers begin to feel unwell while in the business, they must leave immediately and isolate themselves at home. See [CDC: Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 \(COVID-19\) \(www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html\)](https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html).
- Advise customers to wash and/or sanitize their hands upon entering the business, and to regularly wash and/or sanitize their hands while at the business.
- Require customers to wear a face covering or mask, other than when in the pool, or when eating or drinking. More information about face covering requirements and exemptions is available at [Masks and Face Coverings \(www.health.state.mn.us/diseases/coronavirus/prevention.html#masks\)](https://www.health.state.mn.us/diseases/coronavirus/prevention.html#masks). Additional resources are also available on [Face Covering Requirements and Recommendations under Executive Order 20-81 \(www.health.state.mn.us/diseases/coronavirus/facecover.html\)](https://www.health.state.mn.us/diseases/coronavirus/facecover.html) and [Frequently Asked Questions About the Requirement to Wear Face Coverings \(www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html\)](https://www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html). Cloth face coverings are NOT a substitute for maintaining social distance from other people. For additional information about cloth face covering and how to make, wear, and wash them, refer to CDC: [Use of Masks to Help Slow the Spread of COVID-19 \(www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html\)](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html).
- Make sure that surfaces (e.g. terminals, carts, touch screens) are wiped down before and after each use by a customer. Ensure that wipes or other tools used for cleaning and disinfecting are properly disposed of.

## Recommendations

- Advertise business protocols, advising customers of the added COVID-19 precautions that will be taken prior to their arrival at the business. Use websites, social media, pre-reservation phone calls and confirmations, and other outlets to educate customers on the steps being taken for their protection and the protection of workers.
- Advise and encourage customers to conduct a self-check of their body temperature the day of their visit to the business.
- Encourage customers to review a screening survey that checks for COVID-19 symptoms, close contacts with confirmed cases and quarantined cases, and out of state travel. See [Visitor and Employee Health Screening Checklist \(www.health.state.mn.us/diseases/coronavirus/facilityhlthscreen.pdf\)](https://www.health.state.mn.us/diseases/coronavirus/facilityhlthscreen.pdf).
- Encourage customers who may be at higher risk for severe illness consider delaying visits to restaurants and bars (see CDC: [People at Increased Risk \(www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html\)](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html)).

## Surface cleaning and disinfection

### Cleaning hard (non-porous) surfaces

If surfaces are dirty, they should be cleaned using a detergent or soap and water before disinfection.

Use U.S. Environmental Protection Agency (EPA)-approved [List N: Disinfectants for Use Against SARS-CoV-2 \(www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2\)](http://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2) to thoroughly clean and disinfect the entire facility, especially if it has been closed.

Focus on high-contact surfaces (e.g., tables, doorknobs, light switches, faucets, point-of-sale systems, keyboards, telephones) that would be touched by both employees and guests.

Follow the manufacturer's instructions for all cleaning and disinfection products. For example, concentrations, application method, contact time, and the use of personal protective equipment. Do not mix them together.

### Cleaning soft (porous) surfaces and laundry

For soft (porous) surfaces such as carpeted floors, rugs, and drapes, remove visible contamination if present and clean with appropriate cleaners indicated for use on these surfaces.

For items that can be laundered such as towels, follow the manufacturer's instructions using the warmest appropriate water setting for the items and then dry items completely. Otherwise, use products that are EPA-approved and suitable for porous surfaces:

[List N: Disinfectants for Use Against SARS-CoV-2 \(www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2\)](http://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2).

### Cleaning electronics

For electronics such as tablets, touch screens, keyboards, remote controls, and ATMs, remove visible contamination if present. Clean and disinfect according to manufacturer's recommendations. Consider using wipeable covers for these items, if possible.

If no manufacturer guidance is available, consider the use of alcohol-based wipes or sprays containing at least 70% alcohol to disinfect touch screens. Dry the surfaces thoroughly to avoid damage to the equipment.

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## Additional Resources

Visit the CDC website for additional guidance about prevention of COVID-19 and public aquatic facilities: [Considerations for Public Pools, Hot Tubs, and Water Playgrounds During COVID-19 \(www.cdc.gov/coronavirus/2019-ncov/community/parks-rec/aquatic-venues.html\)](http://www.cdc.gov/coronavirus/2019-ncov/community/parks-rec/aquatic-venues.html).



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