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## Private Parties Lengthen Facility Season

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Designing Therapy Pools For Unusual Settings

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# Deadline Nears for ADA Compliance

Laws such as the Federal Handicapped Law and the California Administrative Code have mandated for several years that newly constructed or modified public pools be made accessible to individuals with disabilities. However, many aquatic organizations across the country either ignored the provisions of these laws, or believed the requirements did not pertain to them.

With passage of Public Law 101-336, better known as the Americans With Disabilities Act (ADA), and its signing by President George Bush on July 26, 1990, stringent requirements that pools be made accessible, enforcement procedures, and penalties for ignoring the law have been defined. Although this law has major impact on the aquatic industry, the design and operation of aquatic facilities, employment practices, and the services aquatic facilities provide to the public, many pool owners and operators are still unaware of the law and its requirements.

Have you begun implementing changes and modifying your facility as required by the law? To avoid becoming embroiled in civil rights violation lawsuits, or having Equal Employment Opportunity Commission (EEOC) complaints filed against your organization, begin the process of complying with the law today. Monetary damages will be awarded to those filing suits to compensate them for being discriminated against. The resulting negative publicity could seriously damage your facility's reputation with the public.

ADA regulations were promulgated by the Department of Justice and the federal Architectural Barrier and Transportation Compliance Board (ABTCB) for the purpose of mainstreaming non-able-bodied individuals into American society. A complete copy of the 80-page text of the Americans With Disabilities Act of 1990 can be obtained from the U.S. Senate Subcommittee on

Disability Policy, 113 Senate Hart Office Building, Washington, D.C. 20510.

Public accommodations, including public swimming pools and spas, are required to comply with the ADA on or before January 26, 1992.

The ADA extends the Civil Rights Act of 1964 to include disabled citizens. The ADA prohibits discrimination in places of public accommodation against those with disabilities. All Americans, regardless of disability, are entitled under this law to full enjoyment and equal opportunity of public services, facilities, employment, goods and opportunities. The only groups of individuals not included under provisions of the law are alcoholics, drug abusers, homosexuals or individuals having certain behavioral disorders.

This law requires that auxiliary aids and services be provided. Needs of the disabled must be anticipated. It requires that architectural changes be made to remove physical barriers from existing facilities. Modification of policies, practices and procedures to reasonably accommodate disabled individuals is required. Accessibility is mandated in all new construction or when alterations to a facility are made.

The only facilities exempt from compliance are those owned by private clubs and religious organizations. However, private organizations may be considered public accommodations if their operation affects commerce — they charge for goods or services or for use of their facilities. Exemptions also may be granted where undue burden can be demonstrated, or where it can be shown that compliance would fundamentally alter the nature of the goods, services or facilities.

Major modifications to some aquatic facilities may be necessary to accommodate the broad spectrum of participants covered under the law. New facilities must be designed to meet needs of the total population. Approximately

12 percent of U.S. residents are physically disabled or have orthopedic impairments. Another 17 percent of the population suffer from disabling diseases or injuries, particularly lower back problems and arthritis. Individuals seriously injured in accidents are surviving because of medical advances, and aquatic therapy is often prescribed to assist the recuperative process. Individuals over the age of 65 are the fastest growing segment of aquatic facility users, and demographics show the U.S. population is aging rapidly. Individuals with limited strength or agility, expectant mothers, visual or hearing impaired, the overweight, and those with temporary orthopedic injuries all are covered under the law.

Modifications must be made to pools to allow disabled individuals to enter and use the facility with little or no assistance, and without drawing undue attention to themselves. Some of the ways pools can be designed or modified to accommodate the disabled include the installation of:

- Removable stairs or ramps;
- Wet ramps;
- Dry ramps;
- Chair lifts;
- Railing systems;
- Movable floors;
- Sound targets for the blind or visually impaired;
- Visual targets for the hearing impaired;
- Zero depth entry; and
- Deck level gutters;

Now is the time to determine whether your facility is really accessible to everyone. What modifications are necessary? Examine various means or methods of safe and comfortable ingress and egress for all patrons. Recognize individual differences, minimize hazards and eliminate barriers. And most importantly, remember the goal of the ADA: to mainstream disabled individuals, increase self-reliance and provide aquatic opportunities for all Americans.

— Alison Osinski, Ph.D.