

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by Representative Robert H. Miller at \_\_\_\_\_  
Chairperson

1:30 a.m./p.m. on February 2, 1984 in room 526S of the Capitol.

All members were present except:

Committee staff present:

Russ Mills, Research Department  
Mary Torrence, Revisor's Office

Conferees appearing before the committee:

Larry Hume  
Tom Welsh  
Kathleen Vonachen  
Kent Jackson, Fish & Game  
Ted Cunningham, Kansas Outdoors Unlimited  
Representative Patterson  
Ron Vine, Topeka Parks & Recreation  
Dr. Joe Hollowell, Health & Environment  
Ford Bohl  
Representative Elizabeth Baker  
Sondra VeDock  
John Meyers

The meeting was called to order by Chairman Miller.

Representative Peterson made a motion, seconded by Representative Smith, that the minutes of the February 1 meeting be approved. The motion carried.

SBl86 - Windsurfing

Larry Hume gave testimony in support of the bill and gave a brief history of it. He told the committee that according to the Federal Register the Coast Guard has concluded that there would be no significant adverse effect on boating safety to continue to exempt operators of the windsurfer from life jackets on the vessel. See attachment A.

A letter from Major Hall was distributed which explained the effects of having to wear a PFD while sailboarding. See attachment B. Also a letter from Prairie Windsurfing, Inc., a windsurfing school, was discussed. See attachment C.

Mr. Hume stated that the requirement to have a personal floating device was not needed and it should be the option of the surfer.

Tom Welsh explained to the committee that he was a sailing instructor and is opposed to the bill. He told the committee of an experience he had with Fish & Game issuing a ticket for not having a life jacket aboard or on while he was windsurfing. Sailboards have none of the safety hazards of boats that make carrying an additional flotation device necessary and useful on boats. See attachment D.

Kathleen Vonachen gave testimony in opposition to the bill. According to Ms. Vonachen, her experience as a windsurfing instructor has given her some insight into the necessity for windsurfers to be required to carry at least one coast guard approved lifesaving device. See attachment E.

Kent Jackson, Assistant Director of Fish & Game, gave testimony in opposition to this bill. Passage of this bill would set a precedent on exempting certain vessels from safety vessels.

Ted Cunningham, Kansas Outdoors Unlimited, gave testimony in opposition to the bill. He also told the committee he would like to see a requirement

CONTINUATION SHEET

Minutes of the F&SA Committee on February 2, 1984

which mandated the windsurfers wear the life preserver.

HB2308 - Swimming pools and hot tubs

Representative Patterson, sponsor of the bill, gave the committee a brief history of why the bill was introduced. This bill was requested by water safety people. Attachment M

Ron Vine, Director of Topeka Parks & Recreation, gave testimony in support of the bill. He told the committee that the safe and successful operation of public bathing places is among the responsibilities of his department. Many of the recommendations and procedures of the bill are standard procedure at most pools. Mr. Vine said he felt there are problems and concerns which this bill could help to address. See attachment F.

Dr. Joe Hollowell, Department of Health & Environment, gave testimony in support of this bill with recommendations. See attachment G.

Ford Bohl, Bohl & Associates, gave testimony in support of the bill. Mr. Bohl stated they work in a five state area building and supplying commercial swimming pools and tubs and that Kansas is the only state who does not have enabling legislation. Operators of public pools need to be competently trained in this area.

Hearings on HB2308 were concluded.

HB2188 - Community Education

Representative Elizabeth Baker, sponsor of the bill, explained that HB2188 enables seed money to be granted to communities so that they can begin programs of community education like the one in Derby. See attachment H. Also distributed by Representative Baker was a letter from President Reagan. See attachment I.

Sondra VeDock, Director of Community Education in Derby, gave testimony in support of comprehensive community education. See attachment J.

John Meyers gave testimony in support of the bill. He explained that he has worked for two years with community education and feels this bill is necessary for communities to begin community education programs. Mr. Meyers distributed a copy of the fiscal note from February 9, 1983. See attachment K.

There was discussion concerning the community education programs going on throughout the state without state assistance.

Hearings were concluded.

Chairman Miller announced he had a request for the committee to introduce a bill concerning the transient guest tax. See attachment L.

Representative Matlack, made a motion, seconded by Representative Ott, to introduce the bill concerning the transient guest tax. The motion carried.

The meeting was adjourned.

33 CFR Part 175  
(CGD 78-163)

Exception From PFD Carriage Requirement for Sailboards

AGENCY: Coast Guard, DOT.  
ACTION: Withdrawal of notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is withdrawing its proposal to exempt sailboard operators from the requirement to carry a personal flotation device. This results from a determination that sailboards should not be subject to Federal regulation. So that State and local governments may be free to regulate sailboards if the need arises, they are being exempted from a provision in the Federal Boat Safety Act of 1971 that would prohibit such action. As the Federal government will no longer be involved in the regulation of sailboards, an exemption previously granted to one sailboard manufacturer that allowed its products to be used without personal flotation devices is being terminated. These actions will allow the Coast Guard to withdraw from an area in which there was never a clearly established need for its involvement, while preserving the opportunity for such involvement at more appropriate levels of government.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ray Franseen, Consumer Affairs and Administrative Staff, Office of Boating, Public, and Consumer Affairs, G-BA-1, U.S. Coast Guard Headquarters Building, 2100 Second Street, S.W., Washington, D.C. 20593. Telephone 202-426-1080.

**SUPPLEMENTARY INFORMATION:** On February 18, 1973 an exemption from the requirements of § 175.15, Title 33, Code of Federal Regulations was granted to Windsurfing International, Inc., allowing craft it marketed as "Windsurfer" to be used without a personal flotation device. The "Windsurfer" is basically a sailboard with a triangular sail on a pivoted mast. There is no rudder nor any rigging or stays. The operator maneuvers the boat through the trim of the hand-held sail and distribution of body weight on the sailboard. In issuing the exemption, the Coast Guard described the "Windsurfer" as "in essence . . . more a novelty craft used as a swimming toy than a vessel used or capable of being used for transportation". At that time the "Windsurfer" was relatively new to the domestic market and the terminology "sailboard" was not in use. Since the granting of the exemption to Windsurfing International, Inc., many

manufacturers both foreign and domestic have manufactured surfboards with an attached free fall sail system and the term "sailboard" has come into common usage.

On March 29, 1979 the Coast Guard published an advance notice of proposed rulemaking at 44 FR 18765 soliciting comments to help it decide whether to withdraw the exemption from the Personal Flotation Device (PFD) carriage requirement issued to Windsurfing International, Inc. to extend the exemption to all other sailboard manufacturers or to develop alternative approaches. Based upon the comments received, the Coast Guard concluded that there would be no significant adverse effect on boating safety to continue to exempt operators of the "Windsurfer" from the PFD carriage requirement.

On July 19, 1980 the Coast Guard published a notice of proposed rulemaking at 45 FR 47876 that was directed at extending the treatment accorded to "Windsurfer" operators to the operators of all sailboards. If adopted, the proposed rule would have amended the regulations governing the carriage of PFD's to except sailboards from their coverage. The comments received on the proposed rule can generally be divided into two categories. The manufacturers of sailboards and most sailboard operators were in favor of granting an exception to all sailboards; however, State and local law enforcement agencies, a few sailboard operators, and other boat operators were generally in favor of terminating the existing exception and requiring all sailboard operators to carry PFDs.

Through the use of many thousand sailboards by both experienced and inexperienced sailboarders, it has become apparent that sailboarding has become a sport, similar to surfing or skiing and that sailboards are not normally being used as a means for transportation. There are differences of opinion as to whether they are practically capable of being used as a means for transportation on the water and thereby qualify as "vessels" subject to regulation under the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 et seq.). The sailboarder must gain skill in balance and exhibit good dexterity to maintain the sailboard upright and moving. The sailboarder must exhibit some of the skills of a surfboarder, a sailor, and a skier to properly use the sailboard.

Many water sport items have evolved over the years which, although they may be capable of a limited use as a means of noncommercial transportation on the water, have not been subjected to

regulation under the Federal Boat Safety Act of 1971. These water sport items include inner tubes, inflatable air mattresses, float boards, and surfboards. It has been determined by the Coast Guard that the sailboards should be treated in a manner similar to water sport items and that formal regulation of sailboards is not needed at this time. The exemption granted to Windsurfing International, Inc. is therefore being terminated and the notice of proposed rulemaking concerning PFD carriage on sailboards is being withdrawn. Although the Coast Guard does not intend to regulate sailboards under the Act, it plans to continue monitoring sailboard activities to determine whether regulatory action may be needed. The Coast Guard will not hesitate to consider imposing requirements on sailboards if it is determined that problems of safety exist.

Although the Coast Guard has determined that regulation of sailboards under the Federal Boat Safety Act of 1971 is not needed at this time, it recognizes that there might be State interest in doing so. The Federal preemption provision in section 10 of the Act (46 U.S.C. 1459) prohibits States from imposing safety standards or associated equipment requirements that are not identical to those issued by the Federal government. However, States may be exempted from this prohibition under Section 9 of the Act (46 U.S.C. 1458). Such an exemption is being granted as part of this action so that States that find it necessary to regulate sailboards may be free to do so. By eliminating Federal involvement in a matter that at present may be better addressed at the State and local level, this action is in furtherance of the Administration's efforts to achieve regulatory reform.

The National Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in this matter. The transcript of the meetings of the National Boating Safety Advisory Council at which this matter was discussed is available for examination in Room 4224, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, D.C. 20593. The minutes of the meetings are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G-BA/42), U.S. Coast Guard, Washington, D.C. 20593.

Drafting Information

The principal persons involved in drafting this document were Mr. Ray Franseen, project manager, Office of Boating, Public and Consumer Affairs,

and M  
attor  
In  
that s  
Fede  
Boar  
et sec  
follow  
1. V  
rulem  
publis  
2. E  
States  
Comm  
Amer  
Virgin  
the Na  
Territ  
other  
the U  
their p  
portio  
Safety  
that w  
establ  
govern  
sailbo  
equip  
identif  
3. To  
docke  
Winds  
Febru  
(46 U.S.  
Date  
H. W. I  
Rear A  
of Bo  
IFR Doc  
BILLING  
=====  
ENVIR  
AGEN  
40 CFR  
[A-10-  
Appro  
Imple  
Comm  
AGENC  
Agenc  
ACTIO  
propos  
SUMMA  
to exte  
the pro  
State  
regulat  
1981 (+  
notic  
comme  
DATE: 21, 1981

Atch A

B

Major Hall  
3315 N.E. 16th Place  
Ft. Lauderdale, FL 33305

February 3, 1983

Senator Eugene A. Skowronski, Co-Chairman Environment Committee  
Rep. Teresalee Bertinuson, Co-Chairman Environment Committee  
General Assembly, State Capitol  
Hartford, CT 06115

Dear Sen. Skowronski, Rep. Bertinuson, and other Legislators:

Re: Bill #5472 Removing PFD Requirement From Sailboards

As you are probably aware, sailboarding is to be a new sport in the 1983 Summer Olympics. Although I still maintain a Connecticut address, I am now in Florida working hard with our best athletes as the Coach of the U.S. Boardsailing Team, from which the U.S. representatives to the Olympics will come.

I have been associated with boardsailing for many years, as well as virtually all other aspects of amateur sailing and sailing competition from Olympics down to local competitions. Naturally, I am interested in boardsailing as a sport and in encouraging the growth of this healthy and relatively inexpensive activity in a constructive and as safe a manner as possible.

In my experience, boating accidents where flotation devices can be of help involve non-swimmers. In contrast, sailboarders -- like surfers -- are by definition swimmers. They must swim a great deal to learn how to use a sailboard.

I am afraid a strenuously enforced law requiring sailboarders to wear "PFD's" could do needless and irreparable harm to the sport, all for no good reason. Requiring "carrying" a PFD aboard is almost the same as requiring that they be worn, since there is no suitable place on such a small craft to stow a PFD. Serious sailboarding is an action sport requiring a great deal of body movement both in the water and out of the water, not unlike surfing. A sailboarder wearing a PFD (approved PFD's are invariably bulky) has his movements restricted when he is up on the sailboard hull, and when he is in the water. Such a requirement would hinder boardsailing athletes just like it would hinder a swimming team or a gymnastic team.

Carrying or wearing of PFD's is virtually unknown among sailboarders, especially at championship levels. Until this past year the Coast Guard had exempted Windsurfers from the need to carry a PFD. Accidents indicating the use of PFD's simply have not occurred. Many states such as Massachusetts, Florida, California, and Hawaii have no such requirement.

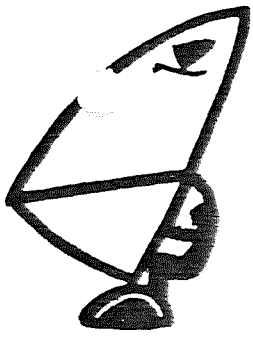
In my opinion, requiring sailboarders to wear or carry PFD's would greatly inhibit the growth of this sport in Connecticut, and to a degree the image of Connecticut as a watersports state. As of this time we have a Connecticut contender on the U.S. Boardsailing Team, Wendy Thomson of Darien. I hope you will see fit to help our present and future Connecticut athletes in this inexpensive, healthy, and safe sport by enacting your proposed bill #5472 returning to the situation of a year or so ago when the Coast Guard exempted sailboarders from the need to carry PFD's.

Sincerely yours,

*Major Hall*

This information provided  
courtesy of Boardsailing U.S.A.  
and  
Board & Sail Magazine

*Arch. B*



# PRAIRIE WINDSURFING, INC.

THE BOARDSAILING CENTER

ULLA NEUBURGER

To Senator Steineger  
347 N. Capitol

Topeka, Ks. 66612

Wichita, Ks., Jan. 28, 1983

Dear Senator Steineger,

as a sailboard dealer and a supervisory instructor of an International Windsurfer Sailing School in Wichita, Kansas, I strongly oppose the mandatory wearing of PFD's on sailboards. During 5 years of involvement with all levels of windsurfing I have never encountered a situation when the safety of the boardsailor depended on the wearing of a lifejacket. To the contrary: it restricts the sailor's mobility on the board and in the water so severely that in certain situations it could be dangerous.

The sport of windsurfing attracts by it's very nature only swimmers (just like surfing). It is like surfing a "boardsport", involving much swimming, especially during the sailor's learning stage. The few non-swimmers, who feel attracted to watersports, wear PFD's and usually don't pursue windsurfing to a more demanding level.

The allround-sailboard, like the Windsurfer<sup>®</sup>, is the best PFD in itself: 400 lbs. flotation! When the boardsailor falls, the rig (mast, sail & boom) falls as well and works like a sea-anchor, so that the board cannot travel away, particularly since today all boards are equipped with safety-leashes (connecting board & rig). No more than 1-3 swimming strokes are needed to get back to the board. In heavy winds (for which Kansas is known) it might occasionally take a few more strokes, which only with a restricting life jacket could become a problem. So has been the PFD in a situation, when the sail falls on top of the sailor. Today's sails are cut very flat; not offering the "camber" (billowing), that let the sailor breathe above the water under the sail. So one has to dive under immediately to come up next to sail and board. The diving under is a necessity as well, when heavy winds and waves catapult the board: the boardsailor has to dive momentarily to avoid getting hit by equipment. Hawaii is a great example for these practices - with a high safety record!

The last point: The sailboard is not designed to carry PFD's on board - it is a highly maneuverable, responsive and economical piece of equipment. And it is the perfect flotation device in itself, having been used worldwide for sea-rescue action.

It is the fastest growing sport with a perfect safety record, it is an Olympic event, and it is an affordable healthy athletic activity. The required wearing of a PFD is detrimental to all safety aspects. Please, do consider our concerns!

INTERNATIONAL WINDSURFER<sup>®</sup> SAILING SCHOOL  
and  
WINDSURFER<sup>®</sup> DEALER

Sincerely,

Ulla Neuburger

OFFICE: 14201 Brookline Ct., Wichita, KS 67230 — Tel. (316) 733-2113

Atch. c

D

Sailboards (eg. Windsurfers) have none of the safety hazards of boats that make carrying an additional flotation devise necessary and useful of boats.

1. CAPSIZE IMPOSSIBLE by definition: There is no cockpit to fill; the board floats as well upside down as right side up.
2. WON'T SINK: Extremely durable; can't deflate; no air tanks to puncture and fill; no foam to fall out; will float as well even if chopped to pieces.
3. CAN'T SAIL AWAY like a motor boat with a jammed throttle; like a sailboat with a well balanced helm and cleated sheets; won't even drift rapidly because sail falls immediately to water when released and acts as a sea anchor.
4. SERIOUS INJURY UNLIKELY (eg. to the head): Rig has no heavy (metal) parts; board is constructed of expanded foam very similar to that used to pad motorcycle helmets; rig falls to water immediately when released and doesn't flail dangerously.
5. WINDSURFING & SWIMMING GO HAND-IN-HAND: Non-swimmers won't be on sailboards; people will not be out in conditions for which they are not prepared (eg. cold weather or cold water without a wetsuit).
6. BETTER FLOTATION THAN PFDs: PFDs are designed, at best, to float one victim's head and shoulders above the water; A Windsurfer will float the entire bodies of two victim's clear of the water; won't drift as rapidly from a victim as a PFD in a blow or a strong current.
7. USED AS A RESCUE DEVISE BY RED CROSS: Sailboards are of a nearly identical construction to rescue boards used by the Red Cross in their Lifesaving and Water Safety courses; the board can be used as effectively to rescue yourself as rescue others.
8. WINDSURFERS ARE CLASSIFIED AS SURFBOARDS, NOT AS BOATS: In states where sailboards have been popular for some time (eg. California, Hawaii) they have received a special classification and additional flotation in the form of a PFD is not required.

Prepared by: Tom Welsh, Defendant  
Water Safety Instructor, American National Red Cross  
Sailing Instructor, K.U. Sailing Club  
Sailing Instructor, Lawrence Continuing Education

Atch. D

E

TO: HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
FROM: KATHLEEN VONACHEN  
RE: SENATE BILL NO. 186  
DATE: February 2, 1984

My name is Kathleen Vonachen. I am a senior at Washburn University and a native of Hutchinson, Kansas. I appear before you today as an opponent of SB 186.

My past experience as a wind surfing instructor for several years in northern Wisconsin may provide some insight into the necessity for wind surfers to be required by law to carry at least one coast guard approved lifesaving device of the sort prescribed by rules and regulations.

Due to the tremendous increased interest in wind surfing the highest safety precautions must be maintained for the protection of wind surfers. There are several reasons why these high safety standards (i.e.: coast guard approved lifesaving devices) must be maintained.

1) Windsurfing does present hazards to even the most expert surfer. Without a life preserver, the possibility of the mast and sail falling down on top of the surfer, causing head injury, and possible drowning is very real.

2) Without the life preservers, wind surfers are totally dependent upon the sail board. In cases of the wind dieing (irons) or a storm coming, wind surfers have no alternative than to stay with their board.

*Kath. E*

3) Without a requirement to wear life preserver, the lives of wind surfers who are not adequate swimmers would be in jeopardy. There is no minimum swimming competency which surfers must meet. Allowing these surfers to enter the sport of wind surfing without a life preserver would be detrimental and disadvantageous.

A bill which promotes unsafe practices for any water sport must be defeated. The state's obligation is to the safety of it's citizens, and SB 186 goes against this obligation.



Testimony before the House Federal and State Affairs Committee

In re: House Bill No. 2308

February 2, 1984

Mr. Chairman and Members of the Committee,

My name is Ron Vine, Director of Parks and Recreation for the City of Topeka, and Legislative Chairperson for the Kansas Recreation and Park Association. I am here to speak on behalf of the City of Topeka and the Kansas Recreation and Park Association regarding House Bill No. 2308.

The members of our association are keenly interested in this bill as our departments are among the chief operators, if not the chief operators, of public bathing places in the State of Kansas. The city of Topeka alone operates five municipal pools within our corporate limits, serving nearly 100,000 swimmers per year. The safe and successful operation of these public bathing places is among the most important responsibilities of our departments. Many of us feel that no single recreational experience poses so keen a safety issue as the operation of a municipal pool. We would always welcome assistance toward effective and efficient operation of public bathing places.

Toward that regard, the Kansas Recreation and Park Association and the City of Topeka support, in principal, the concerns and provisions of House Bill No. 2308. In actuality, many of the provisions and recommendations of this bill are standard procedure at the pools we operate. Still we feel there are problems and concerns which this bill can help to address.

Notwithstanding our support of House Bill No. 2308, we would like to comment regarding specific provisions of the bill, with the hopes that these recommendations would help to strengthen rather than inhibit what the bill attempts to accomplish.

Section 2 pertains to the secretary establishing reasonable standards pertaining to the sanitation, design, construction, safety, and sanitary operation of public bathing places. Presently, there are several sets of guidelines used by municipal pool operations across the state, including those established by the National Spa and Pool Institute, the National Swimming Pool Foundation, and the NCAA. The Kansas Recreation and Park Association

Atch. F

would like to offer our assistance to the Secretary of Health and Environment and the staff toward the establishment of reasonable standards pertaining to the operations of public bathing places in the State of Kansas. Additionally, we would like to offer our assistance to the Department of Health and Environment toward the establishment and operation of training institutes and workshops pertaining to the education of personnel across the state regarding the institution of these standards.

Section 2-E<sup>3</sup> refers to a requirement for all persons utilizing public bathing places to take a cleansing shower or bath using warm water and soap prior to entering the water. Although this is standard procedure at most if not all pools, some of our pools (particularly the older ones) do not have hot water tanks. While leaving in the language pertaining to cleansing showers or baths, we would suggest grandfathering in provisions for water temperature.

Section 4 (Line 66) refers to the design of public bathing places, saying that they shall be based on modern public health engineering practices and shall comply with the minimum design and operational requirements for the health and safety of patrons. It goes on to say that pamphlets shall be distributed outlining these minimum requirements. We are concerned that this section does not address what steps would be taken to bring facilities in compliance. Such failure may increase the liability and exposure of municipalities. We feel that specific guidelines need to be developed which address the grandfathering in of certain pre-existing conditions, while at the same time, taking steps to correct existing conditions which constitute a public health hazard. Again, our association would be happy to be of assistance in the development of such standards.

In conclusion, notwithstanding the suggestions made, we are supportive in principal of House Bill No. 2308. It would be our hope that an opportunity is given during this session of the legislature to address the concerns we have made, therefore allowing this legislation to be acted upon and approved during this session of the legislature.

Thank you for your attention to our testimony. I would be most happy to answer any questions you might have regarding our position.

## KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON HOUSE BILL 2308

PRESENTED FEBRUARY 2, 1984

## HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

This is the official position taken by the Kansas Department of Health and Environment on House Bill 2308.

House Bill 2308 will allow the Secretary the authority to establish a statewide swimming regulatory program. This bill is permissive in that the Secretary would have a great deal of flexibility in program scope. As authorized by this bill, the Secretary could design and implement a regulatory program including plan review, on-site inspections and regular sampling of all affected bathing places. Such an endeavor would require staff additions equivalent to 1 engineer, 2 environmental technicians, and 2.5 laboratory technicians. The fiscal impact of such a program would be approximately \$200,000 annually for salaries, travel and laboratory services. An estimated 1,500 to 2,000 would require inspection and sampling services.

An alternative provided by this bill would permit the Secretary to implement a limited program directed at education and complaint investigation. Such a program would rely on pool operators having the abilities to maintain bathing places in safe and sanitary condition. The Kansas Department of Health and Environment would assume the responsibility of making educational materials and opportunities easily accessible for pool operators. This approach to pool regulation would have a fiscal impact of approximately \$40,000 annually and would require the addition of one position to coordinate the program. There would be remedies available should violations be detected.

Past experience has shown that diseases associated with public bathing places have not been a prominent public health problem of major significance, although public bathing places have the potential for subjecting many individuals to pathogenic organisms. Most health problems have been self limiting or easily treatable. Serious health consequences have been associated with hot tubs as presented in literature, however, none have been reported in Kansas. At the present time fewer than 40 hot tubs are estimated to be in use associated with lodging facilities in Kansas.

The Secretary supports the concept set forth by this bill of providing safe bathing places which pose minimal threats to the public health. The Secretary recommends this end be sought through the educational approach rather than through the traditional inspection/monitoring program.

The Department of Health and Environment recommends that House Bill 2308 be amended (see attached balloon of bill).

*Alc. C*

# HOUSE BILL No. 2308

By Representative Patterson

2-9

0017 AN ACT concerning public health; relating to public bathing  
0018 places.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. As used in this act:

0021 (a) "Public bathing place" means all entirely artificially con-  
0022 structed wading pools, swimming pools and bathhouses used  
0023 collectively by a number of persons for wading, swimming,  
0024 recreative or therapeutic bathing, together with all sanitary fa-  
0025 cilities, bathing suits, buildings, equipment and appurtenances  
0026 pertaining to such bathing places. Such term shall pertain to  
0027 public spas and hot tubs, but shall not apply to facilities main-  
0028 tained by an individual for the use of family and friends;

0029 (b) "secretary" means the secretary of health and environ-  
0030 ment.

0031 Sec. 2. The secretary shall establish reasonable standards  
0032 pertaining to ~~the~~ sanitation, design, construction, safety and  
0033 sanitary operation of public bathing places.

0034 Sec. 3. (a) All public bathing places shall be maintained in a  
0035 sanitary and safe condition. The owners, managers, operators  
0036 and other attendants in charge of any public bathing place shall  
0037 be responsible for the sanitation and safety of such places during  
0038 the season or seasons when the public bathing place is in use.

0039 (b) The water in a public bathing place shall conform to the  
0040 standards established by the secretary concerning turbidity,  
0041 chemical content, pH value, bacterial content and any other  
0042 factor which the secretary deems necessary for the protection of  
0043 the health and safety of the public.

0044 ~~(c) All bathing suits and towels used by and maintained for~~  
0045 ~~the use of the public shall be thoroughly washed, sterilized,~~

operator education,

should be in regulations

0046 ~~rinsed and dried each time they are used.~~

0047 ~~—(d) All persons known or suspected of being infected with~~  
0048 ~~any transmissible condition of a communicable disease shall be~~  
0049 ~~excluded from the pool.~~

0050 ~~(e) All persons shall be required to take a cleansing shower or~~  
0051 ~~bath, using warm water and soap, prior to entering the water of~~  
0052 ~~any public bathing place.~~

0053 ~~(f) A complete system of artificial lighting shall be provided~~  
0054 ~~for all sections of public bathing places which are to be used at~~  
0055 ~~night, but underwater lighting in the pool shall not be required.~~

0056 ~~(g) All interior sections or rooms of public bathing places~~  
0057 ~~shall be properly ventilated.~~

0058 ~~Sec. 4. The materials used in construction and finish of a~~  
0059 ~~public bathing place shall be an easily cleaned and have a~~  
0060 ~~nonabsorbent surface. Adequate toilet facilities, sanitary drink-~~  
0061 ~~ing fountains and a supply of safe water, showers and lavatory,~~  
0062 ~~both with hot and cold water under pressure shall be provided~~  
0063 ~~for all public bathing places. The requirement of toilet facilities,~~  
0064 ~~hot water for showers and lavatories for wading pools may be~~  
0065 ~~waived by the secretary if such omission would not constitute a~~  
0066 ~~public health hazard. The design of public bathing places shall~~  
0067 ~~be based on modern public health engineering practices and~~  
0068 ~~shall comply with the minimum design and operation require-~~  
0069 ~~ments for the health and safety of patrons. The secretary shall~~  
0070 ~~prepare for free distribution to architects, engineers and others a~~  
0071 ~~pamphlet outlining in detail such minimum requirements. The~~  
0072 ~~equipment used in public bathing places shall be such as to~~  
0073 ~~minimize accidents and to provide for the health and safety of~~  
0074 ~~the patrons of public bathing places.~~

0075 Sec. 5. No public bathing place shall be constructed, en-  
0076 larged or changed unless the plans and specifications therefor  
0077 have been prepared by a licensed professional engineer or such  
0078 other person as approved by the secretary. Such plans and  
0079 specifications shall be accompanied by an application for a  
0080 permit and both the plans and specifications and the application  
0081 shall bear the signature of the person for whom the work is to be  
0082 done.

Should be in  
regulations

0083 Sec. 6. The secretary or an authorized representative, or the  
0084 local health officer, may at all reasonable times enter all parts of  
0085 the premises of a public bathing place to conduct any examina-  
0086 tion and investigation to determine the sanitary conditions of  
0087 such places and whether the public bathing place is complying  
0088 with the requirements of this act and any rules and regulations  
0089 adopted by the secretary.

0090 Sec. 7. Any public bathing place which is not constructed,  
0091 operated or maintained in compliance with the requirements of  
0092 this act or the rules and regulations adopted by the secretary is  
0093 hereby declared to be a public nuisance and dangerous to public  
0094 health. The secretary may prohibit the operation or require  
0095 correction of public bathing places which are not in compliance.

0096 Sec. 8. The secretary of health and environment is autho-  
0097 rized to adopt all rules and regulations necessary to implement  
0098 the provisions of this act.

0099 Sec. 9. This act shall take effect and be in force from and  
0100 after its publication in the statute book.

TO: Federal and State Affairs Committee

FROM: Representative Elizabeth Baker

RE: House Bill 2188

OBJECTIVE: To prevail upon the committee to pass favorably House Bill 2188 because "quality education is everybody's business."

BACKGROUND: Last year this bill was passed favorably by the House Education Committee never brought up on the calendar, and was re-referred to this committee.

RATIONALE: Last month when some of us had the good fortune to receive invitations to lunch in the White House, I was seated with Dr. Terrel Bell, Secretary of the Department of Education. We discussed at length our views on Community Education, its scope, and its ability to meet the needs of the people. He expressed that our federal government is advocating local units pursuing and adopting plans similar to the one in my community. Dr. Bell's plan is entitled Partnership's in Education. To discover community needs and fill these needs is the fundamental idea behind Community Education and/or Partnerships in Education. From the Department of Education's, Partnership's in Education, "Until recently, however, there has been no broadbased national effort to encourage more partnerships between the private sector and public education. President Reagan, as well as other government, business and education leaders, has challenged Americans to build partnerships with their local school systems," and ..... "concerned citizens in the business community, educators, and students develop a unique partnership that helps strengthen the educational process. This partnership fosters a better understanding of the community's school system-strengthens and improves school programs and curricula-creates a climate of involvement and interaction between businesses and schools-and involves the community in preparing for its own economic future through the quality education of its young citizens." "Partnerships between the business community are founded on the premise that quality education is everybody's business."

House Bill 2188 enables seed money to be granted to communities so that they can begin their own programs. To provide services, to enhance an enrich lives are some of the objectives of a comprehensive Community Education Program.

*Atch. H*

We have had this program in Derby for a number of years and feel the work we have been able to accomplish through the close relationship between school and community has truly been outstanding. This year we did receive the National Award in Community Education and would like to be able to share our success with others.

Thank you for your consideration.





## National Care and Share Day

*By the President of the United States of America*

### A Proclamation

Voluntarism is a uniquely American tradition. The concept is as old as our Nation itself. It was individuals working towards dreams, visions, and hopes that created this country. Today, that vitality still exists, as manifested in the large number of private initiative and volunteer efforts in which Americans strive to improve the lives of their fellow citizens. People from all walks of life; of all ages, races, and income levels; members of business and labor; and community organizations of all types are contributing their share in partnerships with neighbors and friends to help others.

In this holiday season and time of giving, I call upon all Americans to reflect this spirit of generosity and private initiative by providing additional food to those in need. I enlist the aid of each American who is able to donate an item of food for the needy. In addition, I strongly urge those in the food industry to donate and distribute extra food to food banks, so that this effort may complement the government programs which are providing unprecedented levels of total food assistance to low-income Americans.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim December 19, 1983, as National Care and Share Day and call upon the people of the United States to pay tribute to acts of charitable voluntarism and to promote community involvement in caring for the needs of our neighbors.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of December, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and eighth.

*Ronald Reagan*

*Atch. I*

~~5~~ ~~5~~  
5

TURNING A TOWN "ON" --- TO COMMUNITY EDUCATION

By

Sondra A. Vedock

Director of Community Education

Derby, Kansas

*Alch. J*

## TURNING A TOWN "ON" - TO COMMUNITY EDUCATION

As recently as two years ago, in the early part of 1980, the facilities of the Derby school district were used only for the education of its children. The doors of the buildings were unlocked between the hours of 8:00 A.M.-3:45 P.M. during the nine months that school was in session. Occasionally, buildings and fields were used in the evenings by the school age population for extra-curricular activities. A beautiful new track was built to encircle the hallowed ground of the football field and was used only in the spring by the high school track team. The rest of the year, the track and football field were locked up tightly.

There were some Adult Education classes in existence at that time and were perhaps the driving force behind what happened here. We had begun Adult Education classes in 1976. At that time, 90 adults took non-credit hobby classes at night. Four years later, 1200 adults were taking classes and were clamoring for new and better and more challenging curriculum offerings. During these years, I was a high school English teacher with a Master's Degree in Educational Administration. I was given a stipend to co-ordinate the Adult Education program in the evenings. I began to perceive several changes occurring both in me and in the participants in the programs. For example, I had created all of the classes being offered from my own imagination for four years. I made up courses like "Couples Dance," "Early Bird Figure Control for Women" (A weight lifting class for ladies which met at 6:30 A.M. and had 18 women enroll), and various crafts and hobby classes. This was all well and good, however, each of us can only have so many ideas, and after four years, I had used up all of mine. I was "burning out" and I was frightened, because people were beginning to take classes as a natural course, and they seemed to expect each new brochure which listed classes to have lots of new choices. I later learned that this kind of paranoid thinking is fairly natural behavior for those of us in these positions.

Another interesting thing that I began to observe was that many people (most especially women) were following a kind of progression through the classes. They would take aerobics, then a crafts course, then a "language for fun" course, then something like refresher math, and then they would ask if it would be possible to get some college courses in Derby.

The result of all this, is that I was running out of ideas, and the citizens in the community seemed to have more needs than I could meet.

In the fall of 1979, I was fortunate enough to be contacted by Dr. Robert Shoop, the Director of the State Community Education Association in Manhattan,

Kansas. I applied for and received a Mott Grant to do a feasibility study to determine whether or not Community Education was a concept the people of Derby wanted to adopt.

In January of 1980, I spent two weeks in Flint, Michigan at the National Center for Community Education. They provided me with materials, information, and answers to my many questions. During this workshop, I wrote a plan which detailed how I would educate an entire community to this concept. My decision was to be placed on the agenda of every organization in Derby, and to give a general comprehensive speech to each group, which would detail the possibilities of a Community Education program. While at these meetings, I asked each group to select one interested member to join a Community Education Task Force which would meet only three times.

In February of 1981, I spoke to 23 community organizations. I talked about the fact that school buildings literally belonged to the taxpayers. The public received this information with gleaming eyes and rather vocal support. (It was a fact they had suspected for a long time.) Some school personnel, on the other hand, tended to shudder with distaste at the thought of the public being given "carte blanche" freedoms with school facilities.

A Task Force Council was formed. Members consisted of one representative from every organization in town, plus interested citizens who wanted to be part of the action. This group met once a month for three months. Their meetings were well organized, they were taught how to "brainstorm," and for the first time for many of them, each of their ideas were listened to and discussed. I began to see immediately that thirty heads are better than one. They mentioned resource people in the community who could fill specific needs, people I didn't know existed. It began to be very clear to all of us, that by working together, we could indeed accomplish a great deal!

We also began to realize that many, many people agreed that schools needed to be open for the community use. In addition hundreds, maybe thousands of people would support the Community Education concept. This meant that simply by numbers, we were becoming a force. We all knew that by presenting a proposal to the school board as the Community Education Task Force Council, that the school board was going to listen closely. We represented a very broad-based economic and educational spectrum. This was no "special" interest group. It was, instead, a great many people who had the same interest.

The council did its homework. In May 1981, we presented a fifty page proposal to the USD #260 school board which addressed the following issues:

1. Definition/Logo of Community Education
2. Needs/resources assessment results
3. Task Force Council Membership
4. Community Education staff (volunteers/paid teachers)
5. Time schedule for programs/salaries for teachers
6. Director of Community Education job description
7. Budget
8. Interagency cooperation/support letters
9. Brochure plans
10. Community Education/Evaluation

The school board was pleasantly overwhelmed. They voted to support the concept of Community Education, but determined the money for such a project was not available in the budget. Therefore they suggested that we find another way to fund the program.

It was decided at this time that we needed approximately \$48,000. in our budget, so through much thought, our Deputy Superintendent, Charles Hubbard suggested holding a referendum election to raise the money.

The Task Force Council, about 35 members strong, knocked on doors in the community for six weeks. In retrospect, the fact that citizens talked to other citizens openly and honestly about the exact cost to individual taxpayers seemed to be vital. On August 4, 1981 the referendum passed by a 2 to 1 vote.

Everything that these council members, ever dreamed of, and more, has occurred since that day. It is extraordinary when educators tap the resources of citizens in their community and join hands with them to enrich the lives of every individual of every age. Some examples of what now exists in USD #260:

1. The High School track is now open all day and evening year around for the joggers, and is in constant use.
2. 3,000 - 5,000 people a month go in and out of buildings. Clubs use schools for meetings, bazaars, fashion shows, travelogues, dinners and much more. Individuals from organizations are often given keys to buildings on week-ends.
3. 2,000 people of all ages took non-credit courses in Community Education in 1981-82. These courses ranged from Russian, Latin, French, German, Spanish and Italian for children and adults, through "Bubblegum Cookery" for 10-12 yr. olds, to "Introduction to Computers" for adults.
4. Duplication of services has been eradicated through cooperation between the Derby Recreation, the Derby Arts Council, Wichita

- State University, and the various social service agencies in the area. An example of this is the brochure we put out four times a year. It has information from every agency in it, so there is no need for each agency to publish its own brochure. This saves money, and gives people one constant, reliable source of information.
5. Wichita State University enrolled 768 people in Derby classes in 1982-83. 700 of these were undergraduate students and approximately half of these were first time college freshmen.
  6. Derby Community Education No-Interest Student Loan was established. The only criteria for application is that one must be a resident of U.S.D. #260, a high school graduate, and in financial need. The Board of Directors selects the recipients, and in our first year, they awarded \$2,500 to a young man who was entering his first year at K.U. Medical School. \$1,200. was given to a 26 year old woman with two children to become a Licensed Practical Nurse. The money was raised by the Community Education Council from clubs in town, and through money raising projects like a spaghetti feed and a community-wide garage sale. Both of the recipients signed agreements to pay back their loans 5 years from the day they received them. For this reason, the Council will raise money for 4 years, and from then on, Derby residents will help send Derby residents to school forever.
  7. G.E.D. classes are offered to school district residents-free. The teacher's salary is paid from the referendum money. This service is provided because we are trying to offer growth opportunities to all our residents, and those needing a GED Diploma are often those whose income is low.
  8. English-As a Second Language courses are offered to adults-free. These courses are free for the same reason as above. We have approximately 100 Laotian students in our day schools, and feel that by teaching their parents to speak English, we are improving the communication between the schools and these families.
  9. The Adult Night high school opened in the Fall of 1982 and presently has 50 adults enrolled. They are taking courses in Science, Literature, Composition, Algebra and General Math. One lady has been out of school for 38 years, and has returned to fulfill a life long ambition to earn her high school diploma.

10. The members of the Community Education Council themselves are getting involved. One fifty-year-old man is presently taking his first college class, two members are making plans to run for the school board, several of the housewives have recently gotten jobs after years in their homes. As individuals, they are growing in confidence and pride.
11. Community Education has total support from USD #260 Board members and central office and building administrators. Some of these people are on the Community Education Council, some teach Community Education classes, and many enroll in classes. Our superintendent, Dr. Theador Jones recently traveled to Topeka to make a presentation before the State Board of Education as to the positive impact of Community Education on our community.

And there's more. We were visited in October by a representative from the Center for Early Adolescence, University of North Carolina, and cited as a community which provides numerous programs for children between the ages of 10-15 after school. With so many working women in the world today, these are the people who are too old for sitters and too young for jobs, who need meaningful experiences to keep them busy after school.

The Derby Community Education Council was awarded the outstanding Community Education Program Award at the Kansas Community Education Association conference in Manhattan, Kansas in November of 1982, and nine members of our local council attended that conference.

I have been invited to speak to four state conference associations and one national association in the last year, and was recently selected President-elect of the Kansas Community Education Association.

Even though our title is Derby Community Education, we have initiated a most interesting project. On February 7, 1983 a Food Bank was opened to feed needy residents of USD #260. The Food Bank is located in a low-income area, and is staffed entirely by volunteers from this same area. Food is being collected weekly from distribution points located at each school located in the district. There are also food boxes in the Derby City Building, the local banks, and local stores. In its first two weeks, the Food Bank has fed approximately 120 individual children and adults. Over \$3,000. worth of food has been collected. Individuals and groups have contributed approximately \$200. in cash for milk, eggs and bread. A local farmer donated 60 lbs. of ground beef. And now that the children in our schools are eating, we feel they will be more apt to learn.

We are most proud of the fact that because of Community Education, community pride and spirit has been raised. We want to take care of our own.

Because this town is now so "Turned On" to Community Education our motto, "When People Care About Each Other....Learning Is Forever." embraces the entire school district population of 15,000.

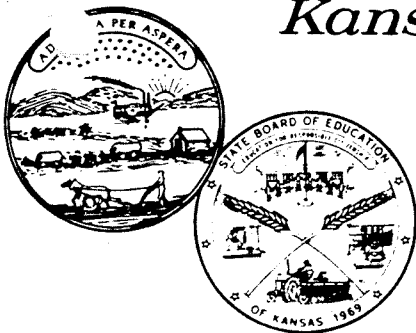
What happened here can happen anywhere.



# Kansas State Department of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612



February 9, 1983

TO: Lynn Muchmore, Budget Director

FROM: Dale M. Dennis, Asst. Commissioner  
Division of Financial Services

SUBJECT: 1983 House Bill 2188

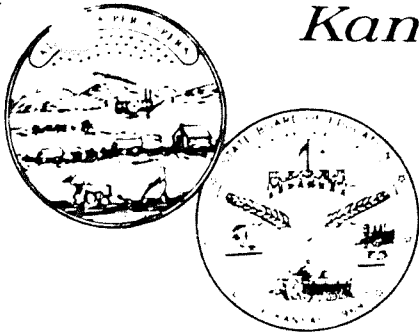
House Bill 2188 requires the State Board of Education to provide seed grants to local community agencies wishing to start community education programs. A total of \$40,000 is requested for these seed grants which are not to exceed \$5,000 per individual community.

There will be additional costs with this legislation of \$19,150. These funds will be used for seed grant administration, staff travel, training workshops, advisory council expenses, newsletters, and other miscellaneous expenditures.

It should be noted that local communities will be required to match seed grant monies with local funds in order to qualify for the seed grant program.

In summary, passage of House Bill 2188 will require additional funds of approximately \$59,150.

*Atch. K*



# *Kansas State Department of Education*

*Kansas State Education Building*

120 East 10th Street Topeka, Kansas 66612

---

March 11, 1983

TO: Dale Dennis, Assistant Commissioner, Financial Services  
FROM: John Hanna, Specialist, Postsecondary Administration  
RE: Breakdown of Fiscal Note for H.B. 2188

The details of the \$19,150.00 cost in H.B. 2188 are as follows:

1. Advisory Council for Community Education Expenses (travel and per diem)	\$ 5,000.00
2. Travel (for community representatives as well as community education experts in the provision of technical assistance)	3,000.00
3. Workshop (training workshops for seed grant recipients as well as for officials from other agencies)	2,000.00
4. Newsletter (to be printed every two months) (6 issues @ \$500.00 per issue)	3,000.00
5. Miscellaneous (postage, telephone, supplies, etc.)	<u>6,150.00</u>
TOTAL	\$19,150.00

HOUSE BILL NO.  

---

AN ACT concerning the transient guest tax; imposing certain requirements on certain recipients of moneys collected therefrom.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Any entity, whether public or private, which receives more than 50% of its annual budget or more than \$200,000 in any calendar year from moneys received from a transient guest tax levied pursuant to K.S.A. 12-1693 or 12-1697, and amendments thereto, shall:

(a) Be subject to the provisions of K.S.A. 75-4317 et seq., the open public meetings law;

(b) file with the city or county imposing the tax a quarterly statement of expenditures made by the entity from the moneys received, which statement shall be filed within 30 days after the close of each calendar quarter; and

(c) file annually with the city or county imposing the tax an audit report by a certified public accountant.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

*Atch. 4*

# editorials

U

## Hot Tub Hygiene

The emergence of *Pseudomonas* urinary tract infections and pneumonia related to whirlpool bath exposure, as Salmen, Rose, and their respective colleagues report in this week's JOURNAL (pp 2025 and 2027), is indeed new. What is not new is that the skin infection *Pseudomonas* folliculitis has been clearly linked to exposure to inadequately filtered and chlorinated hot bath waters.

See also pp 2025 and 2027.

A flurry of epidemiologic studies in the late 1970s validated the observation that *Pseudomonas* folliculitis was contracted from contaminated whirlpools.<sup>1,3</sup> By 1981, the Centers for Disease Control (CDC), Atlanta, saw the public health hazard potential and established standards for maintenance of proper pH, chlorination, and filtration of hot tubs.<sup>4</sup>

The whirlpool environment differs dramatically from the static water of swimming pools, explaining why the bacteria-induced folliculitis clinically surfaced with the popularity of spas. Water is mechanically agitated by circulation through pressurized jets. This turbulence, in addition to the increased concentration of nitrogen debris shed from bathers in a smaller water volume, interferes with the maintenance of stable free chlorine levels. Also, tepid temperatures spur pseudomonal growth. Yet Kush and Hoadley<sup>5</sup> were still able to culture the organism from bath waters maintaining recommended pH and free chlorine concentrations, even following superchlorination treatment when bactericidal chlorine levels are high.

Not surprisingly, only one of the whirlpool baths in the cases reported in this week's JOURNAL complied with regulatory standards at the time of infection. The startling observation is that none of these cases developed the usual folliculitis, a self-limited rash affecting the hair-bearing skin of the buttocks, hips, axilla, and trunk. Instead, the *Pseudomonas* organisms infected the respiratory and genitourinary tracts of immunocompetent individuals. Salmen and his colleagues argue that exposure of one's genitourinary orifices to swirling water jets in improperly disinfected whirlpools may cause urethral and bladder infection. The anatomically shorter female urethra probably increased the two adolescent girls' risk of infection, facilitating organism entry from the introitus and urethra into the bladder.<sup>6</sup> The adult male's urinary tract presumably was trespassed when he ejaculated into the water jet.

Community-acquired *Pseudomonas* pneumonia is an unlikely, even reportable clinical event.<sup>7,8</sup> Rose and his colleagues describe a patient with an intact immune system who had a life-threatening *Pseudomonas* pneumonia after inhaling a consid-

erable aerosolized inoculum from a whirlpool tub that may have served as a culture medium. The report resembles the experience of those patients receiving mechanical ventilation who inadvertently inhale contaminated humidified air and then develop *Pseudomonas aeruginosa* tracheal colonization and subsequent pneumonia.<sup>9,10</sup>

Pathogenicity of the *Pseudomonas* bacteria is probably not a factor in the evolution of clinical infection in these patients. Hojyo-Tomaka and her associates<sup>11</sup> determined that superhydrated skin of normal individuals (achieved with occlusive wet dressings) resulted in a dermatitis from which significant counts of *Pseudomonas* colonies were cultured. One index of infectivity is the organism's population, which is directly related to pH, free chlorination, and filtration of the bath waters. Rose and his colleagues actively measured colony counts by holding agar plates above the hot tub to catch the organisms aerosolized by the water blower. No colony counts were obtained from the spa waters in the patients with urinary tract infections.

Further surveillance and documentation of whirlpool-associated infections will demonstrate whether these cases are simply medical flukes or an emerging epidemiologic phenomenon. Nevertheless, the public health message in these case reports resounds: sanitation standards for whirlpool tubs, which have been clearly delineated by the CDC, must be followed with renewed vigor. *Pseudomonas* folliculitis is a benign self-limited infection, rarely requiring treatment. *Pseudomonas* invasion of the urinary and respiratory tracts, however, portends critical, potentially life-threatening illnesses.

CARLOTTA M. RINKE, MD  
American Medical Association  
Chicago

1. McCausland WJ, Cox PJ: *Pseudomonas* infection traced to motel whirlpool. *J Environ Health* 1975;37:455-459.
2. Vogt R, LaRue D, Parry MF, et al: *Pseudomonas aeruginosa* skin infections in persons using a whirlpool in Vermont. *J Clin Microbiol* 1982;15:571-574.
3. Gustafson TL, Band JD, Hutcheson RH Jr, et al: *Pseudomonas* folliculitis: An outbreak and review. *Rev Infect Dis* 1983;5:1-8.
4. Centers for Disease Control: *Suggested Health and Safety Guidelines for Public Spas and Hot Tubs*, publication (CDC) 99-960. Dept of Health and Human Services, 1981.
5. Kush BJ, Hoadley AW: A preliminary survey of the association of *Pseudomonas aeruginosa* with commercial whirlpool bath waters. *Am J Public Health* 1980;70:279-281.
6. Fang LST, Tolkoff-Rubin NE, Rubin RH: Localization and antibiotic management of urinary tract infection. *Annu Rev Med* 1979;30:225-239.
7. Hoogwerf BJ, Khan MY: Community-acquired bacteremic *Pseudomonas* pneumonia in a healthy adult. *Am Rev Respir Dis* 1981;123:132-134.
8. Fishman H, Eaton B, Lipson A, et al: Primary *Pseudomonas* pneumonia in a previously healthy man. *South Med J* 1983;76:260-261.
9. Redding PJ, McWalter PW: *Pseudomonas fluorescens* cross-infection due to contaminated humidifier water. *Br Med J* 1980;281:275.
10. Goodison RR: *Pseudomonas* cross-infection due to contaminated humidified water. *Br Med J* 1980;281:1288.
11. Hojyo-Tomaka MT, Marples RR, Kligman AM: *Pseudomonas* infection in superhydrated skin. *Arch Dermatol* 1973;107:723-727.

Address editorial communications to the Editor, 535 N Dearborn St. Chicago, IL 60610.

Arch. M

## *Pseudomonas* Pneumonia Associated With Use of a Home Whirlpool Spa

Harold D. Rose, MD; Timothy R. Franson, MD; Neela K. Sheth, MD;  
Michael J. Chusid, MD; Abe M. Macher, MD; Charles H. Zeirdt, PhD

*PSEUDOMONAS* pneumonia is characteristically a hospital-acquired infection in patients with serious underlying disease or impaired host defense mechanisms.<sup>1,2</sup> The appearance of this pneumonia in a previously healthy person residing in a community setting is rare. Only 2% of a normal adult population harbor *Pseudomonas aeruginosa* in their pharynx, the organisms being present in very small numbers.<sup>4</sup> Two of three normal

a cough that became productive of bloody sputum. He was hospitalized three days later.

Medical history disclosed a cigarette habit of two packs a day for 25 years and the social use of alcohol. Except for hospitalization for the nephrotic syndrome eight years previously, which cleared without recurrence, he had been in excellent health and was taking no antimicrobial agents or other medication.

Physical examination disclosed an acutely ill man with rapid shallow breathing. The temperature was 39.4 °C; BP, 120/70 mm Hg; pulse rate, 120 beats per minute; and respirations, 30/min. Percussion dullness and bronchial breathing was noted over the right upper posterior hemithorax. The remainder of the physical examination findings were within normal limits.

### Laboratory Studies

Laboratory studies showed a hemoglobin value of 15.8 g/dL; hematocrit value, 45.6%; and a leukocyte count of 12,000/cu mm, with a left shift of the differential cell count. Results of urinalysis were normal. Liver function tests, fasting and two-hour postprandial blood glucose levels, serum protein electrophoresis, and quantitative immunoglobulin electrophoresis levels were normal. A chest roentgenogram showed a right upper lobe infiltrate with cavitation (Figure). Arterial blood pH was 7.46; PCO<sub>2</sub>, 30 mm Hg; and PO<sub>2</sub>, 48 mm Hg while receiving 2 L/min of oxygen by nasal cannula. Gram's stain of a sputum smear demonstrated numerous neutrophils, few epithelial cells, and many gram-negative bacilli. Cefamandole nafate (1.5 g every six hours) and tobramycin (80 mg every eight hours) were administered intravenously (IV).

The following day, the sputum culture yielded a heavy growth of *P aeruginosa*.

Blood cultures (four separate specimens) and a urine culture were sterile. Cefamandole therapy was discontinued, and ticarcillin disodium (3.0 g every four hours) was administered with the tobramycin. Sputum examination results for malignant cells (two separate specimens) and smears and cultures for acid-fast bacilli (two separate specimens) were normal and negative, respectively.

On day 5 of his hospital stay, the patient's symptoms improved notably, and his fever subsided on day 9. Sputum cultures continued to yield *P aeruginosa*. Tobramycin and ticarcillin were administered IV for a total of 21 days, and the patient was discharged two days after completion of therapy.

When seen two months after discharge from the hospital, he was feeling well, and a chest roentgenogram showed complete clearing of the infiltrate, decrease in size of the cavity, and apical pleural thickening. Serologic studies for antibodies to *Legionella pneumophila* had disclosed a titer of less than 1:64 in acute and convalescent specimens. A sputum culture did not yield *P aeruginosa*. Ventilatory function tests and polymorphonuclear leukocyte function studies were performed. The forced vital capacity (FVC) was 4.48 L (predicted normal, 4.94 L); the 1.0-s forced expiratory volume (FEV<sub>1</sub>) was 3.41 L (predicted normal, 3.68 L), and the FEV<sub>1</sub>/FVC ratio was 76% (predicted normal, >70%). The endotoxin-stimulated nitroblue tetrazolium test, random and directed motility studies, and chemiluminescence studies using heat-killed *Staphylococcus aureus* and live *P aeruginosa* as phagocytic stimuli showed no abnormalities in polymorphonuclear chemotaxis, phagocytosis, or metabolism.<sup>5,6</sup>

### Epidemiologic Studies

One month before the patient's illness, he had a new portable, acrylic-shell whirl-

See also pp 2025 and 2031.

persons with this infection who have been described in detail were bacteremic.<sup>5,7</sup> The source of the organism was never determined in either patient. The pulmonary infection in the third patient apparently arose from the pharyngeal flora that had been altered by the administration of several courses of antibiotics for a mild respiratory tract infection.<sup>7</sup> An acute, nonbacteremic *Pseudomonas* pneumonia developed in a previously healthy man who apparently acquired the infection during the use of a home whirlpool spa.

### Report of a Case

A 47-year-old man experienced a sudden onset of fever, malaise, pleuritic pain, and

From the Infectious Disease Section, Departments of Medicine (Drs Rose and Franson), Pathology (Dr Sheth), and Pediatrics (Dr Chusid), The Medical College of Wisconsin, and Wood Veterans Administration Medical Center (Drs Rose, Franson, and Sheth), Milwaukee; and the Microbiology Service, National Institutes of Health, Bethesda, Md (Drs Macher and Zeirdt).

Reprint requests to Medical Service/111, Veterans Administration Medical Center, Wood, WI 53193 (Dr Rose).



Chest roentgenogram (posteroanterior view) showing right upper lobe infiltrate with cavitation.

pool spa installed in a patio next to his garage. The recommended guidelines for care of the spa were followed, including steps to maintain water pH at 7.2 to 7.8 and a chlorine level at 1.0 to 1.5 ppm. Two other persons had used the spa on one occasion without suffering any ill effects. The patient used the spa on four different occasions and had not experienced folliculitis or other local skin infection. The evening before the onset of symptoms, he sat immersed to his neck for 90 minutes while watching a televised baseball game. He denies excessive use of alcohol or any period of altered consciousness. During operation of the spa, the heated water circulates and is aerated by an air blower.

The patient consented to the investigation of his spa unit. A random culture of spa water yielded a predominant growth of *P aeruginosa*. A subsequent quantitative culture (processed 30 minutes after collection) yielded the same organism at a concentration of  $2.3 \times 10^6$  bacteria per milliliter. While the unit was in operation, blood agar plates were opened, inverted, and the exposed agar surface was held 15 cm above and facing the water surface for 30, 60, 90, and 180 s. The plates were incubated for 18 hours at 37 °C, and the total colony count per plate of *P aeruginosa* was determined. They yielded 22, 54, too numerous to count, and 90 colonies, respectively. The isolates from the pa-

tient's sputum and spa water were serotyped and belonged to serogroup 1. Both isolates had an identical antimicrobial susceptibility pattern as determined by the standard single-disk method.

#### Comment

*Pseudomonas aeruginosa* is a water-related organism frequently recovered from environmental sources, both in and out of the hospital.<sup>10,11</sup> Normal adults may harbor the organism in their pharynx or colon or on the skin.<sup>11</sup> The organism is of relatively low pathogenicity, however, and invasive disease should not occur when these carrier sites remain intact and systemic defense mechanisms are normal.

The lower respiratory tract of man is normally sterile.<sup>12</sup> Structural changes of the lower airways, particularly chronic bronchitis and emphysema, are accompanied by colonization of the tracheobronchial mucosa with organisms carried in the pharynx.<sup>12,13</sup> *Pseudomonas aeruginosa* may become the predominant organism in these sites after hospitalization, antimicrobial therapy, or both.<sup>13</sup> These well-recognized changes rarely predispose to *Pseudomonas* pneumonia in the otherwise normal ambula-

tory patient. However, this disease can occur when large numbers of organisms are carried into the lower airways during aspiration of pharyngeal secretions or treatment with contaminated inhalation therapy equipment.<sup>14</sup>

We were unable to identify any underlying disease or defect in defenses against bacterial infection in our patient. Specifically, there was no evidence of chronic alcoholism, chronic obstructive lung disease, diabetes mellitus, decrease in serum immunoglobulin levels, or abnormality in polymorphonuclear leukocyte function. He did have a history of long-term cigarette smoking. Long-term exposure to tobacco smoke has been reported to cause an increased frequency of lower respiratory tract infections in man.<sup>15</sup> This finding is attributed to disruption of the tracheobronchial mucosa, impairment of ciliary function, and an adverse effect on the metabolism and function of pulmonary alveolar macrophages.<sup>16</sup> It is highly unlikely that these changes alone, even in the presence of bronchial mucosa colonization, would adequately explain the subsequent invasion of the lung by this organism.

Pharyngeal colonization with *P aeruginosa* from water droplets of the whirlpool spa, followed by aspiration of pharyngeal secretions, is one possible mechanism for the appearance of pneumonia in our patient. However, direct inhalation of large numbers of aerosolized organisms occurring during the patient's 90-minute session in the contaminated whirlpool spa seems more likely. The recently described cases of *Pseudomonas* folliculitis associated with the use of motel and home whirlpool spas further substantiate the ease with which these units may become contaminated.<sup>17,18</sup> There is evidence that the recommended chlorine levels in the spa water may not only be difficult to maintain but are probably inadequate to suppress the growth of *P aeruginosa*.<sup>17,20</sup> The free chlorine level is important for bactericidal activity, and organic material in the whirlpool water may lower it even though the total chlorine level is adequate.

The circumstances of our patient's illness indicate that the repeated inhalation of a large inoculum of *P aeruginosa* may cause pneumonia in a normal adult. In contrast to the

superficial and self-limited *Pseudomonas* folliculitis, serious deep-seated infection may result from the use of a contaminated whirlpool spa. The overall mortality of *Pseudomonas* pneumonia approaches 70%.<sup>1,2</sup> Early initiation of appropriate antimicrobial therapy and the absence of underlying disease were responsible for the favorable outcome of the illness in our patient.

Catherine A. Walther provided typing and editorial assistance.

#### References

1. Rose HD, Heckman MG, Unger JD: *Pseudomonas aeruginosa* pneumonia in adults. *Am Rev Respir Dis* 1973;107:416-422.
2. Pennington JE, Reynolds HY, Carbone PP: *Pseudomonas* pneumonia: A retrospective study of 36 cases. *Am J Med* 1973;55:155-160.
3. Iannini PB, Claffey T, Quintiliani R: Bacteremic *Pseudomonas* pneumonia. *JAMA* 1974; 230:558-561.
4. Rosenthal S, Tager IB: Prevalence of gram-negative rods in the normal pharyngeal flora. *Ann Intern Med* 1975;83:355-357.
5. Hoogwerf BJ, Khan MY: Community-acquired bacteremic *Pseudomonas* pneumonia in a healthy adult. *Am Rev Respir Dis* 1981; 123:132-135.
6. Govan J, Reiss-Levy E, Bader L, et al: *Pseudomonas* pneumonia with bacteremia. *Med J Aust* 1977;1:627-628.
7. Rose HD: Chronic *Pseudomonas aeruginosa* pneumonia in a normal adult. *Dis Chest* 1968; 53:643-648.
8. Hill HR, Hogan NA, Mitchell TG, et al: Evaluation of a cytocentrifuge method for measuring neutrophil granulocyte chemotaxis. *J Lab Clin Med* 1975;86:703-710.
9. Chusid MJ, Sohnle PG, Fink JN, et al: A genetic defect of granulocyte oxidative metabolism in a man with disseminated aspergillosis. *J Lab Clin Med* 1981;97:730-738.
10. Favero MS, Carson LA, Bond WW, et al: *Pseudomonas aeruginosa*: Growth in distilled water from hospitals. *Science* 1971;173:836-838.
11. Reynolds HY, Levine AS, Wood RE, et al: *Pseudomonas aeruginosa* infections: Persisting problems and current research to find new therapies. *Ann Intern Med* 1975;82:819-831.
12. Laurenzi GA, Potter RT, Kass EH: Bacteriologic flora in the lower respiratory tract. *N Engl J Med* 1961;265:1273-1278.
13. Pierce AK, Sanford JP: Aerobic gram-negative bacillary pneumonias. *Am Rev Respir Dis* 1974;110:647-658.
14. Reinartz JA, Pierce AK, Mays BB, et al: The potential role of inhalation therapy equipment in nosocomial pulmonary infection. *J Clin Invest* 1965;44:831-839.
15. Haynes WF, Krstulovic VJ, Bell ALL: Smoking habit and incidence of respiratory tract infections in a group of adolescent males. *Am Rev Respir Dis* 1966;93:730-735.
16. Hocking WG, Golde DW: The pulmonary alveolar macrophage. *N Engl J Med* 1979; 301:639-645.
17. Sausker WF, Aeling JL, Fitzpatrick JE, et al: *Pseudomonas* folliculitis acquired from a health spa whirlpool. *JAMA* 1978;239:2362-2365.
18. Burkhart CG, Shapiro R: *Pseudomonas* folliculitis: Development after the home use of personal whirlpool spa. *Cutis* 1980;25:642-643.
19. Farmer JJ, Weinstein RA, Zierdt CH, et al: Hospital outbreaks caused by *Pseudomonas aeruginosa*: Importance of serogroup O11. *J Clin Microbiol* 1982;16:266-270.
20. Kush BJ, Hoadley AW: The association of *Pseudomonas aeruginosa* with commercial whirlpool bath water, abstracted. Read before the Annual Meeting of the American Society of Microbiologists, New Orleans, May 9-13, 1977.