TPSC COVID-19 UPDATE

Tuesday, March 24, 2020

Dear Member,

As of today, we have “Shelter-In-Place” orders for Dallas County and Waco with Travis, Harris and Bexar County preparing for similar actions. Likewise, we have enhanced restrictions issued in Tarrant County and the City of Fort Worth. These enhanced orders are in addition to the statewide executive order issued by Governor Abbott on 3/19 and supersede any prior local orders from these particular cities/counties. At this point, it’s likely that some sort of proclamation or order restricting social movements and business interactions has been issued for the city or county in which most of our members operate. Importantly, these orders typically contain one common element - the ability of “essential services” to continue operating in our local communities. So, naturally, many of our members would like to know whether or not their businesses qualify as “essential services”?

The Texas Pool and Spa Coalition (TPSC), working in conjunction with the Pool and Hot Tub Alliance (PHTA), has been in contact with our state and local leaders to explain why we believe pool and spa maintenance services should qualify as an “essential service”, necessary to support public health and safety during the COVID-19 pandemic. We have reached out to all executive and legislative leadership offices in Texas, the Department of State Health Services (DSHS) and all five major metro county judge’s offices with a detailed message supporting our position and requesting action on this designation. As an example, please take a moment to read the attached TPSC letter which was recently sent to Governor Abbott’s office on behalf of our industry. View the letter and other COVID-19 information here.

With respect to the question posed above, there are several reasons why we believe pool and spa maintenance services should continue to operate under a “essential service” designation. Please consider the following important information when electing to make decisions on your current operations:

- According to the Centers for Disease Control and Prevention (CDC), there is no evidence that COVID-19 can be spread to humans through the use of pools and hot tubs.
- Proper operation, maintenance, and disinfection (e.g., with chlorine and bromine) of pools and hot tubs should remove or inactivate the virus that causes COVID-19, as well as mitigate the growth of pathogens and mosquito breeding grounds.
- The World Health Organization states that controlling water quality is necessary to prevent the transmission of infectious diseases.
• Guidance from a memorandum circulated to state and local officials by the Department of Homeland Security CISA Agency on what are considered essential services contains the following:

PUBLIC WORKS:

• “Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences.”

PUBLIC HEALTH:

• “Manufacturers....warehouse operators, and distributors of...cleaning, sanitizing, disinfecting or sterilization supplies...”

WATER AND WASTERWATER:

• “Chemical disinfectant suppliers for...personnel protection.”

CRITICAL MANUFACTURING:

• “Workers necessary for the manufacturing of materials and products needed for...chemical manufacturing...”

CHEMICAL:

• “Workers supporting the chemical supply chains...including workers at chemical manufacturing plants...workers at distribution facilities...”

• “Workers who support the production and transportation of chlorine...and prevents the contamination...of water.”

Based on the description of these essential service categories, a strong argument can be made that pool and spa maintenance falls within the scope of these essential services and, if you look at the highlighted portions of the Fort Worth and Dallas orders (attached), it appears that pool and spa maintenance would be covered as essential public health services in each of those orders. Moving forward, if your business elects to continue serving customers during this time, our best guidance would be to utilize the above information as support for the “essential service” designation. While it remains the prerogative of each city or county to enforce their orders, it seems unlikely that the continued maintenance of recreational bodies of water would be curtailed during a time when stopping the spread of disease is of paramount importance for society.

In addition to pool and spa maintenance, the federal CISA guidance cited above includes provisions that are applicable to pool/spa construction, retail and distribution, as well as chemical manufacturing. In addition to that information, these member segments have additional reasoning for why they should be deemed essential:
• Retailers are making accommodations to service customers with curbside pick-up, ship-to-home, and the like.

• Builders working to finish an active in-ground pool and spa construction project are being urged to have staff travel in multiple vehicles to limit close contact.

• Distribution and chemical manufacturers are providing critical sanitization and disinfection materials not only for the 12 million Americans who have our products in their backyard, but for other critical uses during this time such as surface disinfection.

As we know, this situation is rapidly evolving and it’s important that we stay as informed as possible, but also make sure we’re informing others about the important work our industry provides to our customers. In support of that mission, the PHTA developed literature to support our efforts and I have attached that information to this email. Please take time to read it and become familiar with the messaging included in each document and, as always, please know we are working hard to serve the fine men and women who work tirelessly to ensure Texas’ pools and spas are safe, clean and free of disease. Warmer months are here to stay, and our job has never been so important as it is today!

It is critical that we support one another and work to ensure our industry is protected during these unprecedented times. Our advocacy efforts are crucial more now than ever. Thank you for your continued support of the Texas Pool and Spa Coalition.

Sincerely,

Rick Hagan, TPSC President