

## MEMORANDUM

**To:** City/County Directors of Environmental Health  
District Directors

**From:** Brian M. Miner, Director  
Bureau of Community Environmental Health and Food Protection

**Date:** May 19, 2020

**Subject:** Statewide Variance – Acceptance of Aquatic, CPR, and  
First Aid Certifications beyond State Sanitary Code Specifications

Many recertification courses for CPR, first aid, lifeguarding and other aquatic courses are not able to occur due to the COVID-19 public health emergency. As a result, effective immediately, the Bureau of Community Environmental Health and Food Protection is issuing a statewide variance to the regulatory provisions that impose a time limit for the validity of such courses to allow individuals to work or volunteer at regulated swimming pools, bathing beaches, recreational aquatic spray grounds, and children's camps. Specifically, a statewide variance is issued for subdivision (l) of section 6-1.2, section 6-1.31, section 6-2.20, subdivision (e) of section 6-3.2, subdivisions (m) and (n) of section 7-2.2, subdivisions (f) and (g) of 7-2.5, and subdivision (a) of section 7-2.11 of title 10 NYCRR. This variance will be applicable to certifications that expire between January 1, 2020 and September 22, 2020.

The variance is issued with the condition that each individual certificate holder to whom this variance applies attests in writing that they have reviewed their course training materials for the required certifications. Further, facility operators must maintain signed attestation forms for each employee, contractor, or volunteer providing services pursuant to a certificate subject to this variance, onsite for review by the local health department or district office having jurisdiction. A sample attestation form is attached for distribution to regulated facilities.

This variance applies to all regulated swimming pools, bathing beaches, recreational aquatic spray grounds, and children's camps in New York State. If you have any questions concerning this issue, please contact Tim Shay at (518) 402-7600.

### Attachment

cc: G. Ginsberg  
M. Cambridge  
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