

<h1 style="margin: 0;">OCFP</h1> <p style="margin: 0;"><b>Office of Child and Family Policy</b></p>	<b>Department of Children and Family Services</b>	
	<b>Index No: 2001.06</b>	<b>Issuance Date: September 26, 2001</b>
	<b>Origin of Request: Central Office of Licensing</b>	
	<b>Distribution: Licensing Staff, Administrative Staff (A,L,P)</b>	
	<b>Key Words: 89 IAC 406, Licensing Standards for Day Care Homes, 89 IAC 407, Licensing Standards for Day Care Centers, 89 IAC 408, Licensing Standards for Group Day Care Homes, Wading Pools</b>	
	<b>Approved by:</b>	

## Interpretation

**Question:** Are all portable wading pools required to be drained and disinfected daily regardless of their circumference?

**Applicable To:** Licensed Day Care Homes, Licensed Day Care Centers, and Licensed Group Day Care Homes

**Policy Citation:** Section 406.2 Definitions

“Wading pool” means any natural or artificial basin of water less than two feet six inches (2'6") in depth which is intended for recreational bathing, water play or similar activity. The term includes recessed areas less than two feet six inches in depth in swimming pools which are designated primarily for children.

(Source: Amended at 21 Ill. Reg. 4524, effective April 1, 1997)

406.8(a)(21) Portable wading pools shall be emptied daily and cleaned with a germicidal solution before being air-dried.

(Source: Amended at 19 Ill. Reg. 2765, effective February 23, 1995)

Section 407.45 Definitions

"Wading pool", for purposes of this Part, means any natural or artificial basin of water less than two feet six inches (2'6") in depth which is intended for recreational bathing, water play or similar activity as specified in the Illinois Swimming Pool and Bathing Beach Act and Code. The term includes recessed

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areas less than two feet six inches in depth in swimming pools and includes wading pools at private clubs, health clubs and private residences when used for children enrolled in a child care facility.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

Section 407.290            Swimming and Wading

- a)        Swimming and wading pools shall be appropriately maintained and supervised.
  
- b)        All swimming pools and wading pools, whether at the day care center or elsewhere, shall comply with the Illinois Department of Public Health rules 77 Ill. Adm. Code 820, Illinois Swimming Pool and Bathing Beach Code.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

Section 408.5    Definitions

"Wading pool" means any natural or artificial basin of water less than two feet six inches (2'6") in depth which is intended for recreational bathing, water play or similar activity. The term includes recessed areas less than two feet six inches in depth in swimming pools which are designated primarily for children.

(Source: Amended at 21 Ill. Reg. 4563, effective April 1, 1997)

Section 408.30(k)(5) Portable wading pools shall be emptied daily and cleaned with a germicidal solution before being air-dried.

(Source: Amended at 19 Ill. Reg. 2784, effective February 23, 1995)

408.95(b) All children must be directly supervised (caregiver physically present with the child(ren)) at all times when child(ren) are wading or swimming. A

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second adult shall be available to supervise any children not swimming.

(Source: Amended at 19 Ill. Reg. 2784, effective February 23, 1995)

**Discussion:**

The citations above define wading pools for licensed day care homes, licensed day care centers, and licensed day care group homes. Though differing slightly, all define a wading pool as a basin of water less than two feet six inches (2'6") in depth and all require portable wading pools to be emptied and cleaned at least daily.

It is the position of some providers that extremely large pools, e.g. 12 feet by 30 feet in circumference, should not be required to be emptied and cleaned daily, regardless of the fact that they are movable and their shallow depth classifies them as wading pools under Parts 406, 407, and 408. By definition, anything capable of being carried is portable. The wading pools in question are not designed to be permanently affixed to a playground; they are designed and advertised as being able to be taken up and carried away in a relatively easy manner. While some portable objects are by their nature more cumbersome than others, that alone does not make them fixed objects. Portable wading pools are not designed for water filtration and chemical treatment, which is why they require daily emptying and disinfectant cleaning.

**Response:**

**Regardless of their circumference, all pools fewer than two feet six inches (2'6") in height and capable of being carried are required to be drained and disinfected daily.**