

**Disability Rights Education and Defense Fund (DREDF)****Comments on U.S. Department of Justice  
Notice of Proposed Rulemaking, Americans with Disabilities Act (ADA)  
Delaying the Compliance Date for Existing Swimming Pool Entry and Exit****CRT Docket No. 123; AG Order No. 3327-2012  
RIN 1190-AA69**

Submitted by:

Marilyn Golden  
Disability Rights Education and Defense Fund (DREDF)  
(510) 644-2555  
<mgolden@dredf.org>

Disability Rights Education & Defense Fund (DREDF) is a leading national law and policy center that advances the civil and human rights of people with disabilities through legal advocacy, training, education, and public policy and legislative development.

DREDF strongly opposes the DOJ proposal to extend the date for compliance with certain requirements in the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design that relate to provision of accessible entry and exit for existing swimming pools and spas. The ADA was enacted over 21 years ago, and all the new ADA rules have undergone extensive review for more than 10 years, with multiple comment periods and many opportunities for hotels and other facilities with swimming pools to learn about their responsibilities. The new requirements already had a generous phase-in period of 18 months, which has been extended already by two months. DOJ should not extend it further.

Providing access to swimming pools and spas is doable, not burdensome. The ADA accessibility requirements for barrier removal in existing facilities are very reasonable—they only require what is easily accomplishable and able to be carried out without much difficulty or expense. The rules are carefully crafted to take the needs of covered entities like hotels into account. No extension is needed.

Also, it is not acceptable for the Department of Justice to backtrack on ADA requirements because an industry exerts pressure. To do so is an invitation to other industries to say, "Roll back our requirements, too." Today it's the hotel industry. What weakening changes will come tomorrow?

Moreover, providing access to swimming pools is very important. Many people with disabilities need the accessibility provisions in the DOJ rule to swim on their own, or

with their families. Many veterans returning from Iraq and Afghanistan also cannot use the pools in the facilities they visit without these crucial accessibility provisions. It is excellent that DOJ has finally added ADA requirements for recreation facilities including swimming pools, so that people with disabilities will have opportunities that have been available to the general public all along. Disabled people should have the same access to recreation and exercise as everyone else. In many cases, this form of exercise is even more important for certain individuals with disabilities. Exercise can be lifesaving, and recreation opportunities should not be withheld on the basis of disability. Furthermore, recreation facilities such as swimming pools are key features of the lodging industry. The ADA now rightly covers all aspects of hotels.

As the summer tourist season approaches, people with disabilities should be able to enjoy the same recreational opportunities as everyone else. Delaying the effective date of the regulations an additional six months will mean another summer travel and vacation season where people with disabilities will be denied the opportunity to use pools when they travel on vacations with their families or on business. It represents an unacceptable backsliding based on industry pressure. DOJ knows how reasonable ADA compliance is, and has conveyed it thoroughly to the hotel industry. There is no need for further delay.

People with disabilities who want and deserve the same opportunity to use public swimming pools just like their family members, friends and peers without disabilities have been waiting almost 22 years. Do not make them wait any longer. We call upon the Department of Justice to reject the proposed delay.