



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

April 4, 2012

Ms. Allison Nichol
Chief
Disability Rights Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Re: RIN 1190—AA69

Dear Ms. Nichol:

We the undersigned veterans and military organizations submit the following comments on the proposed rule announced by the Department of Justice (DOJ) concerning delaying the compliance date for 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 pools and spas. The notice was officially published for comment on March 20, 2012.

Our organizations have consistently supported the principles of the ADA. After a decade of war, a significant number of servicemembers have sustained life-altering injuries. Many wounded warriors reintegrate into their communities by participating in adaptive sports. Whether skiing, rowing, or rock climbing, our warriors are able to participate in a diverse number of activities. These same warriors should have the opportunity to access pools and spas in their communities without further delay.

DOJ published the final rule on requiring compliance with the 2010 ADA Standards for Accessible Design that relate to accessible entry and exit for existing pools and spas on September 15, 2010. The requirement was to become effective on March 15, 2012. The implementation of the rule has already been delayed until May 21. The proposed rule would further delay compliance until September 17, 2012.

We believe that the accessibility requirements for existing pools and spas should not be delayed past May 21. DOJ published the final rule on accessibility in September 2010 after engaging in six years of public outreach. This outreach included multiple opportunities for public comment and a hearing. Once published, pool and spa owners and operators had 18 months to understand their requirements under the law. Ample opportunity to comment on

and address any confusion among pool and spa owners and operators regarding requirements has already occurred.

In addition, existing swimming pools and spas are already subject to the “barrier removal” requirement that has been in place since 1992. Covered entities are required to remove barriers to entering pools and spas when it is “readily achievable”—that is, easily accomplishable and able to be carried out without much difficulty or expense. The requirements of the 2010 ADA Standards for Accessible Design only build on earlier requirements.

Further delaying implementation of regulations requiring access to existing pools and spas would set a bad precedent in ADA implementation. It has been over 20 years since the ADA was originally signed into law. The promises of the ADA for community inclusion have yet to be fully realized. It is time to implement the final rule to ensure access.

We appreciate the opportunity to comment on this proposed rule. If you have any questions, please contact Heather Ansley, Vice President of Veterans Policy for VetsFirst, a program of United Spinal Association, at (202) 556-2076, ext. 7702 or by e-mail at hansley@vetsfirst.org.

Sincerely,

American GI Forum
Blinded Veterans Association
Disabled American Veterans
Iraq and Afghanistan Veterans of America
Jewish War Veterans of the USA
Military Officers Association of America
National Association for Black Veterans
Paralyzed Veterans of America
Veterans of Foreign Wars
Veterans of Modern Warfare
VetsFirst, a program of United Spinal Association
Vietnam Veterans of America