Memo to Pool Companies located or operating in New York

New York Update as of March 25 at 10:00am

Source documents referenced below

• NESPA Letter to Officials (Pool & Spa Industry is Essential)
• Empire State Development: Guidance for Determining if Your Business is Essential
• Governor’s Guidance on Essential Workers
• Executive Order 202.8
• New York State: COVID-19 Info

Under Governor Cuomo’s “New York State on Pause” Executive Order, all non-essential businesses statewide must close in-office personnel functions effective on Sunday, March 22 at 8pm.

Essential businesses or entities, including any for profit or non-profit, regardless of the nature of the service, the function they perform, or its corporate or entity structure, are not subject to the in-person restriction. View the State’s guidance on determining if your business is essential above.

It is our position that both pool & spa construction and pool & spa service are classified as essential businesses that can continue to operate. In the State’s own guidance on what is essential, there is a clear inclusion of construction (under article 9).

Additionally, there is space for anyone who provides “essential services necessary to maintain the safety, sanitation and essential operations of residences...“(under article 11) Per our open letter linked above, and our position, which we have communicated to the state, is that pool service and maintenance falls under that category.

Any operating staff should comply with CDC recommendations for sanitization of workspaces as well as social distancing requirements.

Additional guidance that may be helpful:

• Travel is restricted but there is a clear statement that employees can travel to and from work.
• Businesses are encouraged to give each employee a letter indicating that the employee works in an industry permitted to continue operations.
• Non-essential retail businesses must close storefront and brick-and-mortar operations. Businesses may continue any online operations. Hardware and home improvement stores are listed as an exception.

This information is being provided to you as a member of the Northeast Spa and Pool association and is intended for your use to make decisions about your individual business during the restrictions put in place as a result of the COVID-19 outbreak. If you have concerns about your specific business operation you should consult your attorney. This is not intended to be legal advice.