

## BREASTFEEDING IN POOLS

Breastfeeding at a public pool may raise concerns from the general public about the potential health hazard from exposure to breast milk in pool water, partial nudity of nursing mothers, and social acceptance of breastfeeding in a public environment.

There is no significant public health threat from exposure to breast milk in pool water. Pathogen transmission is rare but documented<sup>1</sup>. The CDC website <sup>1</sup> advises that exposure to human breast milk does not require special precautions and has not been shown to transmit HIV or HBV infection to others. The exception is that “breast milk has been implicated in transmitting HIV from mother to infant”<sup>1</sup>(p. FAQs). If breast milk is spilled into the pool water, it will be promptly diluted. Additionally, recreational water disinfection systems are designed to inactivate pathogens. The potential for ingestion of pathogens is therefore minimal.

### Recreational Water Disinfection Systems:

Pool recirculation and disinfection systems are designed to remove larger particles via the filtration equipment and inactivate pathogens that may be associated with otherwise healthy swimmers. Bathing pools are routinely subjected to discharges of bodily fluids (saliva, nasal discharges, urine, perspiration) and organic debris (hair, skin cells and oil, fecal residue) from human sources. These systems become challenged when there are substantial discharges associated with ill bathers (vomitus spills, diarrheal fecal accidents).

Contamination from breast milk would be considered a non-faecally derived contamination of pool water and is described by the World Health Organization<sup>2</sup> and shown in figure 1. None of the non-faecally-derived pathogens listed are from breast milk<sup>12</sup>. Breast milk discharge to pool water does not pose a risk to the bathing public either in terms of volume of discharge or as a source of pathogens.

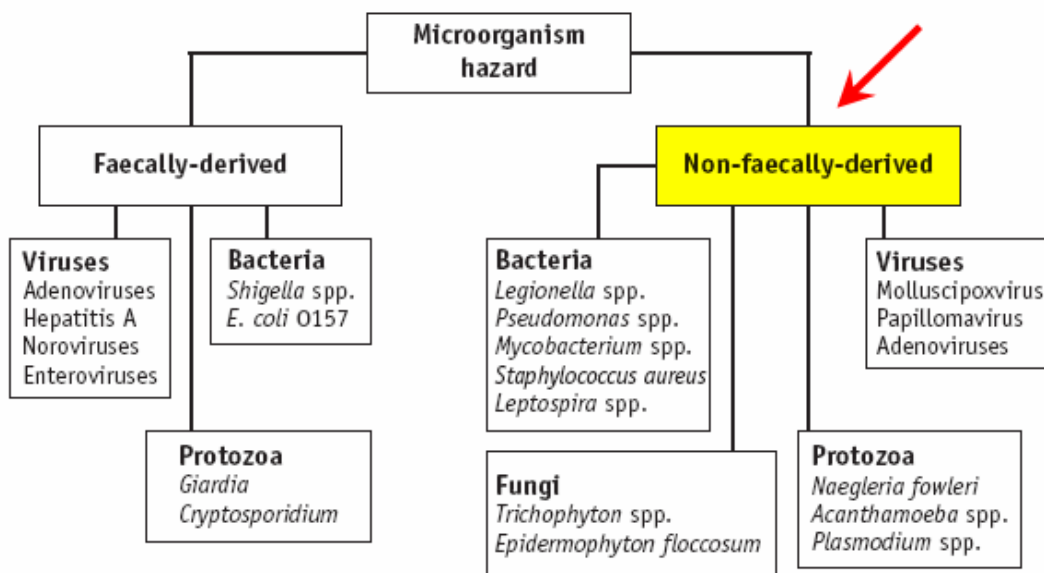


Figure 1. Potential microbial hazards in pools and similar environments<sup>2</sup> (p.27)

Other concerns related to breastfeeding in pools include partial nudity of nursing mothers. This issue was reviewed by the Supreme Court of British Columbia. The Honourable Mr. Justice R.R. Holmes ruled, in 2000, that a Maple Ridge bylaw requiring covering of the breasts was *ultra vires* (i.e. beyond the powers allowed by the legislative authority of Maple Ridge) and concluded that the issue falls within federal law<sup>3</sup>. More specifically, the Criminal Code<sup>4</sup>, states,

174. (1) Every one who, without lawful excuse,  
(a) is nude in a public place, or  
(b) is nude and exposed to public view while on private property, whether or not the property is his own, is guilty of an offence punishable on summary conviction.

(2) For the purposes of this section, a person is nude who is so clad as to offend against public decency or order.

(3) No proceedings shall be commenced under this section without the consent of the Attorney General.

The issue of public nudity in the context of the Criminal Code has been examined before the courts. Cases regarding ‘top-free’ females have been argued, with the following summary being notable:

The law concerning the appearance of top-free females in public places has been recently considered and defined. The mere act of public nudity is not an offense. [**R. v. Jacob 1996 CanLII 1119 (ON C.A.)**, (1996), 112 C.C.C. (3d) 1 (Ont.C.A.)].<sup>3</sup>

Finally, the social acceptance of breastfeeding in public environments in their publication *Human Rights in British Columbia*, the BC Ministry of the Attorney General clearly states, “Nursing mothers have the right to breastfeed their children in a public area, and it is discriminatory to ask them to cover up or breastfeed somewhere else”<sup>5</sup>.

#### Cited References:

1. US *CD Infectious Diseases and Specific Conditions Affecting Human Milk*. Diseases and Conditions. May 22, 2007 <http://www.cdc.gov/breastfeeding/disease/index.htm>. Accessed Nov 11, 2008.
2. World Health Organization (2006). *Guidelines for safe recreational waters. Volume 2 - Swimming pools and similar recreational-water environments*. Chapter 3, Microbial Hazards. [http://www.who.int/water\\_sanitation\\_health/bathing/srwe2chap3.pdf](http://www.who.int/water_sanitation_health/bathing/srwe2chap3.pdf). Accessed Nov 11, 2008.
3. Supreme Court of BC (June 8, 2000). *Maple Ridge vs. Meyer*. 2000 BCSC 902. <http://www.canlii.org/en/bc/bcsc/doc/2000/2000bcsc902/2000bcsc902.pdf>. Accessed Nov 11, 2008.
4. Criminal Code of Canada (R.S.C. 1985). *Part V: Sexual Offences, Public Morals and Disorderly Conduct, Section 174 Disorderly Conduct*. <http://www.canlii.org/ca/sta/c-46/sec174.html>. Accessed Nov 11, 2008.
5. BC Ministry of the Attorney General (January 2008). *Human Rights in British Columbia*. <http://www.ag.gov.bc.ca/human-rights-protection/pdfs/SexDiscrimination&Harassment.pdf>. Accessed Nov 28, 2008.

#### Other References:

6. Strange, Barb (August 16, 2002). *Breastfeeding at Municipal Pools in Canada - A Report from the Breastfeeding Action Committee of Edmonton*.