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## A Dangerous Gap in Pool Safety

By ANJALI ATHAVALEY

The bulk of the country's public swimming pools are in violation of a new federal safety rule aimed at keeping people from becoming trapped in underwater drains, and some pools have begun closing down temporarily while they scramble to comply with the law.

About 80% of the country's roughly 300,000 public pools and spas, located in communities, hotels and fitness centers, still need to retrofit their facilities to meet the new requirements, which took effect last month, according to the National Swimming Pool Foundation, a nonprofit group that promotes aquatic education. Pool operators complain that the new, safer drain covers required by the law didn't hit the market until the fall and continue to be in short supply. For most facilities, the new equipment costs between \$1,000 and \$10,000 to purchase and install, depending on the type of pool and the size of the drain.

Drains, located on the bottom or sides of a swimming pool, are part of a pool's circulation system that pumps water into filters and chemical treatment devices to keep it clean. But the suction caused by pumping the water can sometimes cause swimmers, especially children, to get stuck to the drain. Sometimes the suction is so great that people are unable to peel themselves off. Other times, body parts, such as fingers or hair, or the material from a swimsuit, can get caught in a drain. The result can be a drowning death or severe injury. Between 1999 and 2007, there were 74 reports of entrapments in pool drains, causing nine deaths and 63 injuries, according to the Consumer Product Safety Commission.

Congress in 2007 passed the Virginia Graeme Baker Pool and Spa Safety Act, named after former Secretary of State James Baker's granddaughter, who became trapped in a hot-tub drain and drowned in 2002. The law set new standards for drain covers for public pools and spas, or hot tubs. The standards are optional for existing residential pools. However, all new equipment must meet the standards, so people repairing their pools or building new ones must install the new drain covers.

### *Liability Questions*

Worries about legal liability have prompted some public pools to shut down until they can install the new drain covers. The Beecher Road School Pool in Woodbridge, Conn., normally is open year-round. But town officials ordered the pool to be drained last month and expect it likely will remain shuttered until spring. Woodbridge wasn't able to locate drains for the facility that meet the new guidelines, and the town counsel and the pool's insurer advised closing it down.

"Based on that, we took the safe course of action," says Joe Hellauer, the town's administrative officer. Because the pool has drains that are an unusual shape, Mr. Hellauer says the estimated cost of the retrofit will be \$50,000 to \$85,000. "That frankly terrifies me because that is way more money than we have budgeted for the pool," he says.

At least one insurer says pools may not be covered in case of an accident. "We understand that people are having a hard time getting the [drain-cover] product," says Jeff McCollum, a spokesman for State Farm Insurance, which covers condos, condo associations and community pools. Pools won't have their coverage canceled for not having certified drain covers, he says, but if a drain-related accident were to happen, "the policy holder will probably have a more difficult time proving that they are not liable."

### *Making the Effort*

Still, most pools that operate in the winter months have remained open, despite not having the proper safety equipment, the National Swimming Pool Foundation says. YMCA of Greater Houston, for example, has 38 pools and spas that are currently open. So far, it has begun installing new drain covers in spas at five of its facilities but hasn't been able to obtain equipment for any of its pools. The group says it hopes to be in full compliance with the new law by Memorial Day.

YMCA of Greater Houston says it is making a good-faith effort to get the necessary parts. "We decided to keep our pools open with the understanding that we have already begun our compliance plan and are working to implement it rapidly," says spokeswoman Trazanna Moreno. She says the organization has explained the matter to its insurer. "As long as we have our plan in place and have done our due diligence, we would be covered in case of an accident," she says.

Older-style drain covers are typically flat and sit flush against the bottom of a pool. By contrast, covers that meet the new standards are domed, which limits the surface area that comes into direct contact with a swimmer's body. They also have smaller openings to prevent fingers and hair from getting trapped, and they limit the rate at which water flows into the drain to prevent entrapment by suction. The law also requires that pools with single main drains, which are more

likely to trap swimmers, must install an additional safety device, such as a suction release system.

### *Backlog of Orders*

Manufacturers say that after the law was passed in 2007, it took many months to get the new safety equipment tested and approved. Now, "all of us are fighting the backlog issue and demand," says Olaf Mjelde, co-founder of San Diego-based AquaStar Pool Products Inc. He says larger drain covers that measure 18 inches to 24 inches across currently have waiting times of three to six weeks. That wait could increase as spring approaches and pools that aren't currently open place new orders. "We are running at full capacity. The orders keep rolling in," he says.

The Consumer Product Safety Commission, the agency in charge of enforcing the standards, says it is aware of the backlogs.

### *Risk to Children*

"For us, the attention will be on the areas that pose the greatest risk to young children," such as wading pools, kiddie pools and in-ground hot tubs, says commission spokesman Scott Wolfson. These pose the greatest risk because children are most likely to have direct contact with a drain in shallow water. The commission is also looking to state officials to help enforce the new rules, he says

In one incident in 2005, Ryan Kotschedoff, who was 3 at the time, was caught in the drain of the family's hot tub in Mission Viejo, Calif. The suction from the drain, which had no cover, began to disembowel him, or draw his intestines out of his body, through his swimsuit. Luckily, his mother turned off the hot tub almost immediately and was able to pull him off the drain and take him to a hospital.

"We've been extremely lucky that he's made a full recovery," says Peter Kotschedoff, Ryan's father. "You just sort of take for granted that everything is designed right and it's safe. Then you find out the hard way that it wasn't."

Safety groups acknowledge that it will take time for pools to come into compliance with the law but say public pools that aren't following federal law pose risks to children. "For those that are open year round we would certainly hope that there is an urgency for coming into compliance as soon as possible," says John Procter, spokesman for the Pool Safety Council, a nonprofit consumer-advocacy group.

There are steps parents can take to ensure their child is safe while swimming this year. Alan Korn, director of public policy and general counsel at Safe Kids USA, an advocacy group that helped push for the recent law's passage, recommends that parents inquire whether their local pools are compliant with the new federal

standards.

They should also scan their public pools themselves to make sure they are not missing drain covers or have any that are loose, especially in wading pools or hot tubs. In general, parents should advise their kids not to swim near the drain and should watch them closely.

### *Water Polo on Hold*

San Diego temporarily closed its Allied Gardens Pool, one of the few the city normally keeps open in December and January, while awaiting installation of the new drain covers. "Water fitness classes, water-polo teams, and lap swimmers were definitely affected," says Julie Jones, the pool's manager.

But the city's Bud Kearns Pool, an older facility that is harder to fit with new safety equipment, remains closed. "We make it a habit of complying with the law," says Darren Pudgil, spokesman for San Diego Mayor Jerry Sanders. "We want to remedy it as quickly as possible."

**Write to** Anjali Athavaley at [anjali.athavaley@wsj.com](mailto:anjali.athavaley@wsj.com)

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