

# Down the drain: Government reverses course on safety rule for public swimming pools

By JENNIFER C. KERR - Associated Press

WASHINGTON -- Thousands of public pools in cities and towns nationwide will be taking a fresh look at their safety systems after federal regulators changed course Wednesday on measures required to keep swimmers, especially children, from getting trapped in pool drains.

The Consumer Product Safety Commission voted 3-2 to revoke guidance it provided pool operators nearly 18 months ago about how to comply with a sweeping 2008 law aimed at preventing drain suction from trapping swimmers under water. The law was passed in response to several horrific child entrapment deaths, including the 7-year-old granddaughter of former Secretary of State James A. Baker.

The new guidance requires public pools with a single main drain to have a back-up system that could shut the suction of the drain. Previously, they had been told they could use a new "unblockable" drain cover, usually a dome-shaped piece of equipment that covers the drain and prevents someone from getting trapped. The concern is that the "unblockable" drain cover could break, come loose or be improperly installed.

The move means public pools with those single-drain systems would have to buy new and costly back-up systems. Some pools may close if they don't have the new equipment by next May.

The new guidance comes after one of the five commissioners at the agency decided to change his earlier vote on how pools should interpret the law.

After siding last year with the two Republican commissioners, Democrat Bob Adler said Wednesday he has had a change of heart about what Congress intended when it wrote the law.

"My previous interpretation is wrong," Adler said, explaining that he has spent months talking to lawmakers who helped write the law and to industry officials, as well as hearing from parents who lost children in entrapment accidents.

The decision followed nearly two hours of contentious and emotional debate among the commissioners at a public meeting.

The overall impact on cities and states is not clear. Neither the CPSC nor the industry could provide figures on how many of the nation's estimated 300,000 public pools have single-drain systems. Bigger pools with multiple drains are not affected by the vote.

Republicans on the commission said the unblockable drain option is safe. They fumed about cities and towns that have spent thousands of dollars re-fitting their pools with new drain covers, and questioned whether the seconds that pass before the back-up system kicks in would come too late to save a child.

They were also critical that the public - states and cities having to comply with the law - did not have a chance to weigh in before Wednesday's meeting.

In the end, public comment will be sought about whether the May 28, 2012, effective date for the changed policy is reasonable. But that did not satisfy Republican Commissioner Nancy Nord, who pressed for more facts before making changes to the agency's position.

"It's like saying we're going to guillotine you, now tell us what day would be convenient," said Nord.

Thomas Lachocki, who heads the National Swimming Pool Foundation, a nonprofit organization that offers safety and educational training for pool operators, says the new agency position will not make children safer and may close pools.

"It doesn't make sense to increase the financial hardship on pools in a very challenging economic time," Lachocki said in an interview. "That could result in a reduction of swim lessons, which results in an increase in drownings."

Between 1999 and 2010, there were 12 fatalities - mostly children - in pool and hot tub drain entrapments and about 80 injuries, according to government figures.

Nancy Baker, who lost her daughter Graeme in 2002 when the child was sucked onto a hot tub drain, says no parent should have to endure the loss and pain she and her family suffered.

Unblockable drains can fail, she said in a letter to the agency. "That is why the law included a provision requiring a back-up system regarding single drain pools, with an understanding that a drain cover would only prevent an accident were it in place and functioning properly."

Read more: <http://www.bnd.com/2011/09/28/1879043/govt-changes-course-on-pool-safety.html#ixzz1ZHMSiwuu>