

**POOL SAFETY: THE TENTH ANNIVERSARY
OF THE VIRGINIA GRAEME BAKER
POOL AND SPA SAFETY ACT**

HEARING

BEFORE THE

SUBCOMMITTEE ON CONSUMER PROTECTION,
PRODUCT SAFETY, INSURANCE,
AND DATA SECURITY

OF THE

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

MAY 24, 2017

Printed for the use of the Committee on Commerce, Science, and Transportation



Available online: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

JOHN THUNE, South Dakota, *Chairman*

ROGER F. WICKER, Mississippi	BILL NELSON, Florida, <i>Ranking</i>
ROY BLUNT, Missouri	MARIA CANTWELL, Washington
TED CRUZ, Texas	AMY KLOBUCHAR, Minnesota
DEB FISCHER, Nebraska	RICHARD BLUMENTHAL, Connecticut
JERRY MORAN, Kansas	BRIAN SCHATZ, Hawaii
DAN SULLIVAN, Alaska	EDWARD MARKEY, Massachusetts
DEAN HELLER, Nevada	CORY BOOKER, New Jersey
JAMES INHOFE, Oklahoma	TOM UDALL, New Mexico
MIKE LEE, Utah	GARY PETERS, Michigan
RON JOHNSON, Wisconsin	TAMMY BALDWIN, Wisconsin
SHELLEY MOORE CAPITO, West Virginia	TAMMY DUCKWORTH, Illinois
CORY GARDNER, Colorado	MAGGIE HASSAN, New Hampshire
TODD YOUNG, Indiana	CATHERINE CORTEZ MASTO, Nevada

NICK ROSSI, *Staff Director*

ADRIAN ARNAKIS, *Deputy Staff Director*

JASON VAN BEEK, *General Counsel*

KIM LIPSKY, *Democratic Staff Director*

CHRIS DAY, *Democratic Deputy Staff Director*

RENAE BLACK, *Senior Counsel*

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY,
INSURANCE, AND DATA SECURITY

JERRY MORAN, Kansas, <i>Chairman</i>	RICHARD BLUMENTHAL, Connecticut, <i>Ranking</i>
ROY BLUNT, Missouri	AMY KLOBUCHAR, Minnesota
TED CRUZ, Texas	EDWARD MARKEY, Massachusetts
DEB FISCHER, Nebraska	CORY BOOKER, New Jersey
DEAN HELLER, Nevada	TOM UDALL, New Mexico
JAMES INHOFE, Oklahoma	TAMMY DUCKWORTH, Illinois
MIKE LEE, Utah	MAGGIE HASSAN, New Hampshire
SHELLEY MOORE CAPITO, West Virginia	CATHERINE CORTEZ MASTO, Nevada
TODD YOUNG, Indiana	

CONTENTS

	Page
Hearing held on May 24, 2017	1
Statement of Senator Moran	1
Prepared statement	20
Statement of Senator Blumenthal	21
Statement of Senator Klobuchar	23
Statement of Senator Cortez Masto	26

WITNESSES

Nancy Baker, Mother of Virginia Graeme Baker	1
Prepared statement	3
Karen Cohn, Co-Founder, The ZAC Foundation	6
Prepared statement	8
Richard Gottwald, President and Chief Executive Officer, The Association of Pool & Spa Professionals	10
Prepared statement	11
Connie Harvey, Director, Aquatics Centennial Initiatives, American Red Cross	13
Prepared statement	15

APPENDIX

Response to written questions submitted by Hon. Richard Blumenthal to:	
Nancy Baker	33
Karen Cohn	34
Richard Gottwald	35
Connie Harvey	45

**POOL SAFETY: THE TENTH ANNIVERSARY
OF THE VIRGINIA GRAEME BAKER
POOL AND SPA SAFETY ACT**

WEDNESDAY, MAY 24, 2017

U.S. SENATE,
SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT
SAFETY, INSURANCE, AND DATA SECURITY,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:51 p.m. in room SR-253, Dirksen Senate Office Building, Hon. Jerry Moran, Chairman of the Subcommittee, presiding.

Present: Senators Moran [presiding], Blumenthal, Klobuchar, Cortez Masto, and Hassan.

**OPENING STATEMENT OF HON. JERRY MORAN,
U.S. SENATOR FROM KANSAS**

The CHAIRMAN. Good afternoon, everyone. Thank you for your patience, particularly our witnesses, but also those in attendance. Senator Blumenthal and I serve on the Veterans Committee. We were required for a quorum. Both of these committees met at 2:30 p.m. this afternoon. He is en route.

And, Senator Klobuchar, thank you for joining us. Others as well, we're glad to have you. And I appreciate my colleagues being here.

As you know, in addition to the problems of a late start, we have two votes scheduled at 3:00 p.m. My intention is to forgo opening statements and get directly to the witnesses in hopes that we can hear your testimony before we depart for those votes. We'll then recess and I think that's my intention. It's what Senator Blumenthal and I talked about. We will recess during the two votes. We'll try to limit that to being there at the very end of the first vote and the very beginning of the second vote, and then we'll be back to conclude the hearing for additional questions.

So with that, I will even forego introducing the witnesses. Let's take your testimony. We'll get back to more formalities once we return from the vote.

Ms. Baker, you are recognized for your statement.

**STATEMENT OF NANCY BAKER,
MOTHER OF VIRGINIA GRAEME BAKER**

Ms. BAKER. Good afternoon. I would like to thank Chairman Thune, Senator Moran, Senator Blumenthal, for holding this hear-

ing to address drowning and to celebrate the anniversary of the Virginia Graeme Baker Pool and Spa Safety Act. Forgive my tears, I say her name sometimes, and I just remember her. And thank you, my friend.

Anyway, I would like to recognize some important leaders in this. I would like to recognize Senator Klobuchar, who persisted, never gave up; Congresswoman Debbie Wasserman Schultz; George Allen; and my good friend and invaluable partner, Alan Korn, who worked with Safe Kids and helped me along the way.

I'm honored to be with my friends, Karen Cohn, and Scott Taylor, who also lost their beloved children and are powerful advocates in drowning prevention. I'm grateful to testify in memory of a child that I dearly miss.

I became involved in drowning prevention in June of 2002 when I lost my daughter, Graeme, in a residential pool spa. Well over 50 people had gathered for a backyard graduation party around a pool where she drowned in 4 feet of water. Not one of the dozens of people gathered on the pool deck saw it happening. Graeme, an excellent swimmer, I might add the winner of the dive team competition that year, had slipped underwater and become entrapped on a flat drain of a pool spa. It looked just like this. [Witness held up an example of the drain.] By the time they lifted her up, however, the cement from the bottom of the pool and the drain itself had cracked. She sat on it. Her buttocks were sealing it. And it resulted in a tremendous vacuum, pinning her to the bottom with over 700 pounds of pressure. It was a death trap.

It was in May 2006 that I had the great honor of testifying before this committee on drowning as the public health crisis that it was, and it unfortunately remains. The role of government in many issues related to the safety of kids is without question a critical one.

In vaccinations, smoke alarms, car safety, and now drowning prevention, the government has played an active role in protecting kids. Proactively and with specificity, this legislation addressed entrapment, and we can celebrate the fact that since its passage, not one child has died due to entrapment in a public pool. Prior to its passage, year after year there were several reported incidences, many fatal, and one more horrifying and violent than the next. We're all aware that accidents from more traditional forms of drowning remain high.

VGB, which is the shortened version of the Virginia Graeme Baker Pool and Spa Safety Act, insisted on certain specific mandates in the design components of public pools, enabled the CPSC to launch a remarkably effective public safety campaign, and provided grants to states to encourage education and compliance. These don't extend to private pools, and we rely on the industry to apply the same safeguards in the maintenance and the construction of existing and new residential pools.

I recently gave a keynote address at the National Drowning Prevention Alliance, where I heard 30 members of a group called "Families United Against Drowning" share the stories of their loved ones' tragic drownings. The majority lost their child due to a momentary lapse in supervision, and tragically, these children gained unfettered access to the pool.

I'm committed to becoming part of an effort to address this tragic loss of life. The work of private organizations, as well as the Pool Safety program of the CPSC, has had a positive impact, though we will never know the lives that have been saved. We do know that swimming lessons matter, drowning prevention education is critical, all of it works to save lives, yet the tragic statistics indicate that work remains to be done. Drowning remains the leading cause of unintentional injury and death worldwide, and the highest rates are among children.

I believe that the positive outcome of the legislation is attributable to the intersecting components of the National Public Safety Campaign, the efforts of dedicated private organizations, and the mandated requirements that the legislation prescribed to prevent entrapment. I would like to see that multifaceted approach taken in order to address the loss of life due to kids undetected gaining access to their backyard pools.

Were there to be a requirement that new pools be built to include four-sided barrier fencing, closing and locking gates, and alarm systems, innocent lives would be saved. A solution to a stubborn threat to children's health would then incorporate drowning prevention education initiatives and a new era of pool design and construction driven by safety considerations first.

Let's move courageously to address the loss of life that continues to occur. This is not political, it's not ideological. These are adults and these are our kids. Children alone are drowning at a rate of two per day. Most are dying in their own backyards.

I hope to see this Committee continue to advocate to ensure the efficacy of the Virginia Graeme Baker Pool and Spa Safety Act and to strengthen provisions within it to proactively address the risk of drowning. This hearing alone represents an enormous shift in the recognition of drowning as the significant public health emergency that it is.

Thank you so much for having me today.

[The prepared statement of Ms. Baker follows:]

PREPARED STATEMENT OF NANCY BAKER, MOTHER OF VIRGINIA GRAEME BAKER

I. Introduction

I would like to thank Chairman Thune, Senator Moran and Senator Blumenthal for holding this hearing. You have brought together important partners and stakeholders to celebrate the anniversary of the Virginia Graeme Baker Pool and Spa Safety Act. It is an honor to be here to testify, in memory of a child I dearly miss, and on behalf of many who remain committed to the safety and well being of children. I'm pleased that some who worked on the passage of this legislation ten years ago are in attendance today. I'd like to recognize the hard work and commitment of my friend, a man of great character and a champion for children, Alan Korn. Early on, I partnered with him and Safe Kids Worldwide and I could not have done my work without him. I also want to thank Senator Klobuchar, Congresswoman Debbie Wasserman-Schultz and countless staff and private citizens who were unwavering in their support of its intent and played an instrumental part in the passage of this legislation. To this day I am comforted by the fact that so many good people came together in a concerted effort to make sure that what happened to my daughter would not happen to another child.

II. Graeme's Story

It was never my intention to become involved in drowning prevention. I am a mother of five and being a parent to my five girls has been the joy and challenge of my life. I am also an artist and for many years have pursued that as a vocation and profession. However, on June 15, 2002, I became an advocate for pool safety,

when my seven-year-old daughter, Graeme, drowned in a residential pool during a large gathering to honor graduating high school students. On that day, with well over fifty people gathered for a backyard barbeque around a pool, one of my children ran to me in horror to tell me that her sister was at the bottom of a pool spa directly connected to the pool. I ran with her to the edge of this spa and could not see into the water, as it was painted dark blue and the bubbling water obscured the surface. She literally disappeared in a moment, drowned in four feet of water and none of the dozens gathered on the pool deck, including me, saw it happening. Her older sister screamed that she was there and I jumped in, went underwater and discovered my child at the bottom. I tried to pull her up and was unable. I kept coming up for air, screaming for help and attempting to pull her to the surface. It was impossible. Graeme, an excellent swimmer, member of our neighborhood dive team had slipped underwater and become entrapped on the flat drain of this spa. She sat on the drain, her buttocks sealing it and that resulted in a tremendous vacuum, pinning her to the bottom with over seven hundred pounds of pressure. She was helpless in getting free from the force at the drain and in the end it took two adults to release her. She was flown to Fairfax Hospital and there I was told that the doctors had been unable to revive her and that she'd died. It took years to understand and absorb what had happened. I experienced a grief so long and dark. My children, our family and our community all suffered from the trauma of her loss.

It was a horrific accident and in time I gained understanding of the many things that contributed to her death. At the party there was no lifeguard, or person whose sole responsibility was to watch the water. This spa was old, built with a single drain that was attached to the pool pump and once blocked, the pump continued to pull water, then air, leaving her body cemented to the drain. The tub was painted like a lagoon, bubbles created by the jets, making it impossible to see beneath the surface. There was no emergency pump shut off or device that could detect the sudden change in the pressure to free her.

III. Into Advocacy

When our family arrived for her funeral, her grandfather, James A. Baker III, devastated by the circumstances of her death and the collective sorrow of her loss, pulled me aside and asked me to try to do something to address this danger. He offered to help me in any way he could. It did take time, as my children needed me as never before and we had a lot of healing to do. Yet along the way, seeking some greater understanding, I began to research this issue and learned that for years these accidents had been occurring and as a result technology and design advancements had been developed that, if installed, would prevent entrapments. However, they were not widely used and building codes and standards were inconsistent from one jurisdiction to the next.

Early in 2004, I visited the offices of Safe Kids Worldwide, which I had read was dedicated to preventing accidental death and injury of children. I told them what had happened to my daughter and in time we agreed to work together to address entrapment and other forms of drowning. The number of children that died in drowning accidents of all kinds was staggering and I felt compelled to be one authentic, voice in an effort to address it. I wanted to share our experience, to honor my daughter's memory and somehow allow her death to serve as a catalyst to prevent death and injury to others.

It was on May 3, 2006, that I had the privilege of appearing before this committee to testify and provide a written statement urging Congress to act on behalf of children to ensure their safety in pools and spas. Some of you may remember that Senator Ted Stevens, Chairman of the Commerce Committee, after hearing testimony that day describing the pervasive loss of life by drowning, announced to all in the room that the Committee would act. George Allen, then Chairman of the Subcommittee, followed through. It was their leadership and commitment that gave rise to the effort of so many to ultimately craft a bill whose passage we are celebrating today.

The role of government in many issues relating to the safety of children is without question a critical one. In so many instances; vaccinations, smoke alarms, car safety and many others the government has played a critical and active role in establishing standards to protect children in response to an immediate threat. The Virginia Graeme Baker Pool and Spa Safety Act is one such effort and it is an example of many constituencies working together, engaging in debate and reconciliation in order to remedy a public health crisis. With specificity, in the form of mandated changes in design and installation, the legislation addressed entrapment and all of us here can celebrate the fact that since its passage not one child has died due to entrapment in a public pool. Prior to this becoming law, each year there were sev-

eral reported incidences, some of which were fatal, one more violent and horrifying than the next.

VGB is a shining example of government working the way it is supposed to, to protect children. Ten years ago, members of Congress, stakeholders, industry representatives and parents all worked together toward a common goal and the validity of that effort has been affirmed by the statistics.

IV. Remaining Work To Be Done

As encouraged as I am by the elimination of incidences of entrapment in public pools, I am also aware, given the reported number of deaths due to the more traditional forms of drowning, that there remains work to be done. VGB insisted on the manufacture and sale of anti-entrapment drain covers and on their installation in public pool environments. It requires multiple layers of protections to be installed in public pools, depending upon the inherent risks in their construction and design. These requirements have eliminated the possibility of entrapment in compliant public pool settings. The changes and regulations that apply to these pools do not extend to private pools. The risk of entrapment remains and we, as citizens and concerned parents, must rely on pool industry leaders and safety advocates to apply these same safeguards in the maintenance and construction of existing and new pools.

Another important aspect of the legislation is the public safety education program enacted by the CPSC, entitled Pool Safely, which involves PSA's, partnerships with local organizations and a vital authoritative voice to educate the public on drowning prevention. I recently gave a keynote address at the National Drowning Prevention Alliance, where I listened to a presentation by members of an organization called Families United Against Drowning. Each family testified to the acting Chairman of the CPSC, sharing the specific circumstances of their child's tragic death. The vast majority had died due to an unintentional and momentary lapse of supervision either within the home or backyard where an innocent child gained unfettered access to a backyard residential pool. There was a resounding and repeated message from those parents; that everyone in the home thought they knew where the child was, that it happened in a silent moment, that they had felt that it could never happen here, that it had been their intention to build a barrier to the pool, that the alarms on the doors had been disarmed, that a gate had inadvertently been left open. I am committed to becoming part of an effort to address this tragic loss of life. There is no doubt that the work of private foundations and organizations, as well as the Pool Safely program of the CPSC has had a positive impact. We will never know the lives that have been saved; yet we do know that swimming lessons, drowning prevention awareness and education in active supervision are critical in saving lives. Yet the tragic statistics on drowning indicate that further action needs to be pursued by public, private and industry partners.

Still today, far too many are suffering permanent disability or dying as a result of accidents occurring in pools and spas across this country. The following is an excerpt of recent information published by the Centers for Disease Control and Prevention:

Drowning is a leading cause of unintentional injury death worldwide, and the highest rates are among children. Overall, *drowning* death rates in the United States have declined in the last decade; however, *drowning* is the leading cause of injury death among children aged 1–4 years. May 2, 2016

- From 2005–2014, there were an average of 3,536 fatal unintentional drownings (non-boating related) annually in the United States—about ten deaths per day. An additional 332 people died each year from drowning in boating-related incidents.
- About one in five people who die from drowning are children 14 and younger. For every child who dies from drowning, another five receive emergency department care for nonfatal submersion injuries.
- More than 50 percent of drowning victims treated in emergency departments (EDs) require hospitalization or transfer for further care (compared with a hospitalization rate of about 6 percent for all unintentional injuries). These nonfatal drowning injuries can cause severe brain damage that may result in long-term disabilities such as memory problems, learning disabilities, and permanent loss of basic functioning (*e.g.*, permanent vegetative state).

I believe that the positive outcome of the legislation we celebrate today in addressing entrapment can be attributed to the national public safety campaign, the efforts of dedicated private drowning prevention foundations and organizations and the mandated requirements that the legislation prescribed. I am inspired by the

work of the CPSC, the Zac Foundation and Abbey's Hope. I would like to see that multi-faceted approach taken in order to address the loss of life due to children having access to pools in their own homes. We know that it's been effective. I believe that the government has a role to play in setting a safety standard, which in time will create a new cultural norm. Were there to be a requirement that new pools be built to include four sided, barrier fencing, self closing and locking gates and alarm systems I have no doubt that innocent lives would be saved.

In doing so, a solution to a seemingly intractable threat to children's health would be met by a specific solution, which public and private entities could unite on to foster consistency in drowning prevention and a framework for innovative pool design and construction driven by safety first.

V. Conclusion

Please, let us move courageously to address the huge loss of life that continues to occur from coast to coast in this country. This is not political or ideological. These are adults and they are our children. Children alone are drowning at a rate of two per day. Most are dying in their own backyards. It is a fact that each aspect of the multi-pronged approach to entrapment contributed to the success of the Virginia Graeme Baker Pool and Spa Safety Act in this area of drowning prevention. I am convinced that were there a similar requirement, a specific standard set, regarding barrier fencing in private pools, we would see a greater positive impact on the overall incidences of childhood drowning. Residential pools would then conform to two realities; that what we value most is life itself and that we understand and have addressed the inherent risk involved in pools. In the future, it is my hope that new pool design and construction will serve to reflect these life saving principles.

It is my great honor to appear in this important hearing and I hope to be a continued advocate and partner with all of those in attendance today to maintain and ensure the continued success of the Virginia Graeme Baker Pool and Spa Safety Act and to strengthen provisions within it to proactively and courageously address the continued risk of drowning. I offer my sincere thanks to those of you who are members of this committee and work every day to protect our children. It's my hope that you will contact me to provide any assistance you may need in your efforts to reduce drowning accidents across the country. I want to do what I can for you, for my daughter, for the memory of the many children who have died and for those who won't due to your leadership. This hearing alone represents a tremendous shift in the recognition of drowning as the significant public health emergency that it is.

The CHAIRMAN. Ms. Baker, thank you very much for your heartfelt testimony. I'm sorry for the circumstances for which you're here, but I commend you for using a tragedy to save lives of other people, and we're honored by your presence. You did mention the role of Senator Allen, and I wanted to recognize that the former Chairman of this Subcommittee is in the room, and we very much appreciate your presence. Thank you very much, Senator.

[Applause.]

The CHAIRMAN. I didn't realize you would get so much applause and delay the hearing, Senator Allen.

[Laughter.]

The CHAIRMAN. I would now recognize Ms. Cohn for her testimony.

STATEMENT OF KAREN COHN, CO-FOUNDER, THE ZAC FOUNDATION

Ms. COHN. Good afternoon. Thank you so much for having me here. Chairman Moran, Ranking Member Blumenthal, and members of the Subcommittee, it is an honor to appear before you and a privilege to be here with this distinguished panel.

As I appear before this Subcommittee today, my heart is with the many families who have endured similar losses from drowning. Mr. Chairman, it has been 10 years, 10 years since this Committee led the charge along with Nancy Baker, Katey and Scott Taylor, and others to try to eliminate incidences of pool and spa drain entrap-

ment in the Virginia Graeme Baker law, and 10 very difficult years since we lost our son, Zachary, who tragically became entrapped in our backyard pool.

Zachary was an excellent swimmer, and his arm became stuck, and despite my husband and several other adults, the suction was simply too strong, and we couldn't release him. Zachary was six. He had his entire life ahead of him. And we miss him dearly.

Like many parents, we thought we had done everything we could to protect our children around the water, like enrolling them in swim lessons, setting the rules for behavior around the pool, and ensuring intense supervision, but we had no idea what danger lurked in our own backyard pool.

Since his passing, Zachary's legacy has touched the lives of thousands through a foundation started by my husband, Brian, and I to honor Zachary, and to offer programming to teach children and families about water safety. It is called the ZAC Foundation. We have written a children's book, partnered with the American Red Cross in support of their Centennial campaign to drive down drownings, and with the Boys and Girls Clubs of America to stage what we call the ZAC Camp. It's designed to provide water safety instruction to underserved children in cities across America. And to date, I am pleased to inform this Subcommittee that more than 10,000 children in 22 states have gone through ZAC Camps, and more than 80 million Americans have received our message through our media efforts.

To most Americans, drowning is something that happens to somebody else, somewhere else—something that you hear about in the news or read about in the paper. But what most do not know is that drowning is the second leading cause of accidental death of children under 14 and the number one cause of accidental death for children 1 to 4 years old.

Mr. Chairman, according to data released this week by the CPSC, we lose more than eight Americans to drowning every single day, or more than 3,200 Americans to drowning or boating-related deaths each year. When you do the math, you quickly realize that since VGB was signed into law, more than 32,000 Americans have drowned or enough to fill Kauffman Stadium, where the Chairman's Kansas City Royals play. I'll say it again, 32,000 Americans.

Mr. Chairman, I can assure you this is not a problem for someone else, somewhere else. This is a problem that is completely preventable when all water safety stakeholders are doing their part and working together. Just look at this panel before the Subcommittee today. Each person here is an important link in the chain of water safety.

It takes the pool and spa builders to demand that the state-of-the-art technologies are installed in pools, both public and private, to eliminate drain entrapment forever, and not actively lobby in states like Connecticut to roll back water safety laws.

It takes organizations like the American Red Cross to continue their heroic efforts to train lifeguards and offer swim lessons, and the Boys and Girls Clubs of America to reach into underserved and minority communities where children are drowning at a rate three times of non-minority children.

It takes homeowners' insurers to undertake a new effort demanding that residential pools are up to code before insuring the home. It takes organizations like the ZAC Foundation, Abbey's Hope, and Joshua Collingsworth Memorial Foundation, and many other family foundations to raise awareness. It takes parents to seek out information proactively and teachers to incorporate water safety messaging in their curriculum to keep children safe. And, yes, it takes Congress, the CPSC, CDC, and the states to continue to explore ways to improve laws for pools.

Mr. Chairman, let me close by saying the Virginia Graeme Baker law was a tremendous start toward water safety, but I worry the public may believe the law covers all pools and spas, when the reality is it only covers public pools and spas, or roughly 2 percent of the pools and spas in this country. Meanwhile, 98 percent, more than 14 million pools and spas, are privately owned and regulated by state laws that range from strong to very weak.

I urge this Committee to find ways to convene a discussion among states and all of the other stakeholders, including those of us at this table.

Thank you again for the opportunity to appear before the Subcommittee today. Together, we can drive down the unacceptable drowning that is robbing families of their loved ones each and every day.

[The prepared statement of Ms. Cohn follows:]

PREPARED STATEMENT OF KAREN COHN, CO-FOUNDER, THE ZAC FOUNDATION

Chairman Moran, Ranking Member Blumenthal, and Members of the Committee, it is an honor to appear before you, and a privilege to be here with my dear friend Nancy Baker, our wonderful partner Connie Harvey from the American Red Cross, and the rest of the distinguished panelists. And while I do not speak for the families who have suffered similar tragedies, my heart is with them as I appear before this Committee today.

Mr. Chairman, it has been ten years. Ten years since this Committee led the charge, along with Nancy Baker, Katey and Scott Taylor, and others, to try to eliminate incidences of pool and spa drain entrapment in the Virginia Graeme Baker (VGB) bill, and ten very difficult years since I lost my son Zachary who tragically became entrapped in a drain in our backyard pool; and, despite grown adults trying to pull him from the drain, the suction simply was too much. Zachary was six, he had his entire life ahead of him and we miss him dearly.

Like many parents, we thought we had done everything we could to protect our children around the water like enrolling them in swim lessons, setting the rules for behavior around the pool, and ensuring intense supervision. But we had no idea what danger lurked in our pool. We have spent the past decade making sure that parents have all of the information they need to keep their children safe, so that no family suffers the same tragic loss.

Since his passing, Zachary's legacy has touched the lives of thousands through a foundation started by my husband Brian and I to honor Zachary, and to offer programming to teach children and families about water safety. It is called *The ZAC Foundation*. We have written a children's book called *The Polar Bear Who Wouldn't, Couldn't Swim*; and we have partnered with the American Red Cross, in support of their Centennial Campaign and with the Boys and Girls Clubs of America to stage what we call "ZAC Camp" designed to provide water safety instruction to underserved children in cities across America. And, to date, I am pleased to say that more than 10,000 children in 22 states have gone through ZAC Camps, and more than 80 million Americans have received our message through our media efforts.

To most Americans, drowning is something that happens to somebody else, somewhere else. Something you hear about on the news or read about in the paper. But what most do not know is that drowning is the second leading cause of accidental death of children under 14, and number one cause of accidental death for children one to four years old.

Mr. Chairman, we lose 10 Americans every single day to drowning. Of those 10, two are children. Black and Hispanic American children are three times more likely to drown than their Caucasian counterparts. Three times. We lose more than 3,800 Americans to drowning or boating—related deaths each year. When you do the math, you quickly realize that since VGB was signed into law, more than 38,000 Americans have drowned—or enough to nearly fill Nationals Park. I'll say it again, 38,000.

Mr. Chairman, I can assure you this is not a problem for someone else, somewhere else. This is a problem that is completely preventable when all water safety stakeholders are doing their part and working together. Just look at this panel before the Subcommittee today. Each person here is an important link in the chain of water safety. In order to realize water safety:

- It takes the pool and spa builders to demand that state—of—the—art technologies are installed in pools—both public AND private—to eliminate drain entrapment forever, and not actively lobby in states like Connecticut to roll back water safety.
- It takes state lawmakers to refuse to weaken water safety standards and aggressively educate residential pool owners about the dangers and responsibilities of owning a pool.
- It takes operators of municipal pools to be adamant that safety is the first priority.
- It takes organizations like the American Red Cross to continue their heroic efforts to train life guards and offer swim lessons and the Boys and Girls Clubs of America to reach in to under—served and minority communities. Communities who have children who as I mentioned drown at a rate three times higher than non—minority children.
- It takes the homeowners' insurers to undertake a new effort demanding that residential pools are up to code before insuring the home.
- It takes organizations like The ZAC Foundation and other family foundations, and courageous leaders like Nancy Baker; Katey and Scott Taylor; and Kathy and Blake Collingsworth, to name only a few, to raise awareness.
- It takes parents to seek out information proactively and teachers to incorporate water safety messaging in their curriculum to keep children safe.
- And, yes, it takes Congress, the Consumer Product Safety Commission (CPSC), and the U.S. Centers for Disease Control and Prevention (CDC) to continue to explore ways to improve Federal law for public pools.

Mr. Chairman, the Virginia Graeme Baker law was a good start toward water safety, but my worry is that the public may be relying on the law to cover all pools when the reality is it only covers public pools—*or roughly three percent of the pools in this country*. Meanwhile *97 percent*—more than 10 million—of pools are privately owned and regulated by state laws that range from strong to very weak. I urge this Committee to bridge the jurisdictional divide and use your pulpit to find ways to convene a discussion among states and all of the other stakeholders, including those of us at this table.

Together we can eliminate all pool and spa drain entrapments in the United States and drive down the unacceptable number of unintentional drowning that is robbing families of their loved ones each and every day.

Thank you again Mr. Chairman for the opportunity to come here before the Committee today. I look forward to our discussion.

The CHAIRMAN. Ms. Cohn, thank you very much for your testimony. And on behalf of my colleagues here on the Committee, we express our condolences and sympathies to your family. And I appreciate again the efforts you're making to make certain that this tragedy occurs no more.

Ms. COHN. Thank you so much.

The CHAIRMAN. You're very welcome.

Mr. Gottwald.

STATEMENT OF RICHARD GOTTWALD, PRESIDENT AND CHIEF EXECUTIVE OFFICER, THE ASSOCIATION OF POOL & SPA PROFESSIONALS

Mr. GOTTWALD. Thank you, Chairman Moran, Ranking Member Blumenthal, and members of the Subcommittee for holding this important hearing. It is an honor and a privilege for me to be here today to mark the 10th anniversary of the Virginia Graeme Baker Pool and Spa Safety Act.

I do want to acknowledge Mrs. Baker and Mrs. Cohn and the other families that are here today for the horrible tragedies that they've endured, and I can say on behalf of the industry, we want to make sure that those tragedies never happen again.

My name is Rich Gottwald. I'm President and CEO of the Association of Pool & Spa Professionals (APSP). APSP is the world's oldest and largest trade association representing the entire pool and spa supply chain. I appreciate the opportunity today to share with you how the Virginia Graeme Baker Pool and Spa Safety Act, or the VGB, has influenced the pool and spa industry, and how 10 years later we continue to educate and train our members on how to keep all pools and spas safe, including the public pools covered by the VGB Act, as well as the residential pools that are not covered by the Act.

I have submitted testimony, but I want to really focus on just three key issues.

Number one, since 1985, APSP has been accredited by the American National Standards Institute to develop and promote the country's national consensus standards for pools, hot tubs, and spas. Compliance with our standard for suction fittings, also known as the Drain Cover Standard, is a requirement to the VGB. This standard was developed and continues to improve with the input of the CPSC staff and serves as an excellent example of collaboration between industry and government to protect all pool and spa users. A 2017 successor standard is slated to be adopted by this December.

In 2006, while the VGB was being finalized, APSP published the Standard for Suction Entrapment Avoidance, the first comprehensive systems approach to engineering swimming pools and spas to eliminate suction entrapment events. It protects against the three root causes of entrapments: suction, water velocity, and mechanical binding.

Number two, through our relationship with the International Code Council, our national consensus standards that I just mentioned are incorporated into the International Swimming Pool and Spa Code. This is a comprehensive national code that was developed jointly by APSP and the ICC, and the first edition was published in March 2012. The third edition is slated to be published later this year. The Code has been adopted by 22 states and 73 local jurisdictions. There is still a long way to go for full adoption. When adopted, the Code will provide the same level of safety protection for newly installed residential pools and spas that the VGB now mandates for public pools and spas. We have to get this into residential pools.

Further, this pool and spa code also requires barriers, such as fencing and covers, for all residential pools. We continue to urge

every state to adopt this code to protect all swimmers in both the public and residential pools and spas.

Number three, APSP continues our efforts to communicate water safety messaging and information to our members, our partners, and pool owners. APSP has created the “Check a Drain” initiative that reminds our members throughout the year to check their customers’ drains to make sure both public and residential pools and spas are in compliance with the VGB.

APSP actively urges builders and service professionals to contact the millions of existing pool owners to replace pre-VGB drain covers, that cover that you saw over there.

APSP work with the American Red Cross, the National Recreation and Park Association, and the World Waterpark Association to launch the National Water Safety Month campaign, which is held every May. This month marks its 10th year anniversary. National Water Safety Month has gained attention from Governors in all 50 states who have signed proclamations to recognize it.

In conclusion, APSP is committed to safety and fully supports the Virginia Graeme Baker Pool and Spa Safety Act. We hope the Subcommittee members will recognize and support statewide adoption of the International Swimming Pool and Spa Code so as to protect our residential pool and spa users as we do our public pool and spa users.

Thank you for this opportunity to testify.

[The prepared statement of Mr. Gottwald follows:]

PREPARED STATEMENT OF RICHARD GOTTWALD, PRESIDENT AND CHIEF EXECUTIVE OFFICER, THE ASSOCIATION OF POOL & SPA PROFESSIONALS

Thank you, Chairman Moran, Ranking Member Blumenthal, and Members of the Subcommittee for holding this important hearing. It is an honor and a privilege for me to be here before you to mark the 10th anniversary of the Virginia Graeme Baker Pool and Spa Safety Act.

My name is Richard Gottwald and I am the President and CEO of The Association of Pool & Spa Professionals. APSP is the world’s oldest and largest trade association representing the entire pool and spa supply chain: From pool, hot tub and spa manufacturers, to distributors, suppliers, and retailers, as well as the building and service professionals. We develop and promote the country’s national consensus standards for pools, hot tubs, and spas, and are the only pool and spa industry organization accredited by the American National Standards Institute since 1985 to do so. ANSI is a 100-year-old organization that serves as an administrator and coordinator of U.S. industry standards.

I appreciate the opportunity today to share with you how the Virginia Graeme Baker Pool and Spa Safety Act, or “VGB,” has influenced the pool and spa industry, and how, 10 years later, we continue to educate and train our association and members on how to keep all pools and spas safe, including the public pools covered by the VGB Act, as well as the residential pools that were not covered by the law.

History: A Seismic Shift

To say that the Virginia Graeme Baker Pool and Spa Safety Act was a seismic event in our industry is an understatement. In fact, VGB created a tsunami of safety awareness and education efforts by APSP and many others that reverberates today. Working with the family of Virginia Graeme Baker and Safe Kids Worldwide, Congresswoman Debbie Wasserman Schultz first introduced the legislation in 2006. The industry immediately stated its support for mandating safety requirements in all pools and spas, and actively worked with all parties involved in this critical bill, leading to the second iteration of the bill that was signed into law on December 19, 2007.

As I mentioned earlier, APSP is the only industry organization accredited by ANSI to develop and promote the country’s national consensus standards for pools, hot tubs, and spas. Compliance with our ANSI/APSP-16 Standard for Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs is a require-

ment of the VGB. This standard was developed and continues to improve with input from the Consumer Product Safety Commission (CPSC) staff and serves as an excellent example of collaboration between industry and government to protect all pool and spa users. A 2017 successor standard is slated to be adopted by this December.

In 2006, while the VGB was being finalized, APSP published the ANSI/APSP-7 Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Catch Basins. This standard is consistent with all of the provisions in the VGB and was the first comprehensive systems approach to engineering swimming pools and spas to eliminate suction entrapment events. It protects against the three root causes of entrapments: suction, water velocity, and mechanical binding. Based on sound science and best practices, this standard is consistent with and even exceeds the requirements in the Virginia Graeme Baker Pool and Spa Safety Act, current U.S. Consumer Product Safety Commission interpretations of the VGB, and model state legislation provided within the VGB Act.

In 2009, the ANSI/APSP-7 standard was recognized by the International Code Council (ICC) in their International Building and Residential Codes (IBC and IRC) and in 2012 was referenced in the International Swimming Pool and Spa Code (ISPSC). The ISPSC is the first ever all-inclusive comprehensive national code for swimming pools and spas developed in compliance with the principles defined by the OMB Circular A119, Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities, codified by Public Law 104-113, National Technology Transfer and Advancement Act of 1995. This key ANSI/APSP safety standard provides the ISPSC with the necessary model suction entrapment avoidance code language for national, state, and local adoption. The ANSI/APSP-7 standard has been adopted, either directly, or through the ICC Codes, in over 20 states, with numerous local adoptions where statewide adoption is not required.

The ISPSC also requires barriers for all residential pools, consistent with the VGB model state legislation language. We continue to urge all states to adopt this code to protect all swimmers in both public and residential pools and spas. The CPSC stated that the ISPSC meets all of the requirements of the model state legislation and VGB State Grant Program.

Safety Awareness

The final passage of the Virginia Graeme Baker Pool & Spa Safety Act also assisted us in our efforts to communicate water safety messaging and information to our members, affiliate organizations and pool owners. Beyond the very important technical requirements that the VGB and the International Swimming Pool and Spa Code require, APSP sought a larger platform that would aim to promote safe water practices and prevent drowning and water-related injuries. Working collaboratively with the American Red Cross, the National Recreation and Park Association, and the World Waterpark Association, we launched the National Water Safety Month campaign, which is held every May. This month marks its 10th year anniversary. National Water Safety Month has gained attention from governors of all 50 states, who have signed water safety proclamations, and Olympic swimmers, who have highlighted the vital importance of public education regarding safer practices for kids and adults in and around the water. Throughout the month of May, thousands of aquatic facilities and professionals recognize this important month through educational programs, public service announcements, governmental proclamations, and distribution of water safety materials, including CPSC's Pool Safely program materials. We remain committed to working with the Pool Safely Program, and organizations like the National Drowning Prevention Alliance (NDPA), recognizing and appreciating their outreach to swimmers, especially in minority communities.

In addition, APSP created the "Check A Drain" initiative that reminds our members throughout the year, especially at key swim times, to check their customers' drains to make sure both commercial and residential pools are in compliance with VGB. Since the adoption of the VGB, the APSP has actively urged and taught builders and service professionals to contact the millions of existing pool owners to replace pre-VGB drain covers.

Going Beyond Public Pools & Fighting for Adoption of ISPSC

Through our relationship with the International Code Council (ICC), our ANSI/APSP national consensus standards are incorporated into the International Swimming Pool and Spa Code (ISPSC). This first-ever comprehensive national pool and spa code was developed jointly by the APSP and ICC, with the first edition being published in March 2012. The third edition of this code is slated to be published this September. To date, this code has been or is in the process of being adopted by 22 states, 11 of which are mandatory adoptions (Louisiana, New Hampshire and

Massachusetts are those states in the process of adopting before the end of the year). In addition, there are 73 local jurisdictions across the country that have adopted the ISPSC. When adopted, the International Swimming Pool and Spa Code will provide the same level of safety protection for newly installed residential pools and spas that the VGB now mandates for public pools and spas.

It is important to note that the ISPSC not only addresses suction entrapment prevention in pools and spas, but also provides barrier protection requirements in order to reduce the risk of unattended access to the pool or spa; understanding that the primary layer of protection is constant adult supervision of toddlers. Providing these pool safety requirements to prevent drownings is of utmost importance and we continue to encourage each and every state to adopt this code.

Conclusion

In conclusion, on behalf of APSP and its many members, we appreciate what this subcommittee is doing to support water safety and recognize the efforts of industry, the many safety organizations and advocates who have played a significant role in reducing these tragic incidents since the inception of the Virginia Graeme Baker Pool and Spa Safety Act, understanding there is more work to be done.

We hope the Subcommittee members will recognize and support statewide adoption of the International Swimming Pool and Spa Code (ISPSC) to now protect our residential pool and spa users thus finally protecting *all* our nations' swimmers. Thank you for the opportunity to testify. I would be pleased to answer your questions.

The CHAIRMAN. Mr. Gottwald, thank you very much.

To my colleagues, the vote was called at 3:01. There are about 5 minutes left, but we're notifying the cloakroom we will be there shortly, and I call on Ms. Harvey.

STATEMENT OF CONNIE HARVEY, DIRECTOR, AQUATICS CENTENNIAL INITIATIVES, AMERICAN RED CROSS

Ms. HARVEY. Thank you very much. Good afternoon, Chairman Moran, Ranking Member Blumenthal, and distinguished members of the Subcommittee. My name is Connie Harvey, and I am the Director of the Aquatics Centennial Initiatives for the American Red Cross. It's an honor to be here to talk with you about the important issue of keeping children and families safe in and around the water.

Water provides opportunities for fun, fitness, sport, competition, rehabilitation, employment, but it also carries significant risks, risks that can be tragic. The work of your Committee to provide safer products, including pools and spas equipment and toys, aligns directly with the work of the American Red Cross to prevent, prepare for, and respond to emergencies and to help enjoy the water safely.

As you've heard this afternoon, drowning is a leading cause of death in the United States, especially for children. Drowning prevention requires a multipronged approach that includes prevention of unauthorized access to water, elimination of hazards, such as dangerous drains, and arming children and adults with knowledge and skills to help them be safe in and around water.

The Red Cross has a network of 13,000 aquatic providers across the Nation who teach more than 2.5 million people each year to swim and about water safety, and who train 325,000 lifeguards each year. But even with these impressive numbers, there are large segments of our population who are not learning to swim or who do not know critical water safety strategies that could save their lives.

In 1914, the American Red Cross added drowning prevention to its mission. To mark this milestone, in 2014, we launched our Aquatics Centennial campaign. We selected 50 communities where the drowning rates or the numbers of drownings are high. Through our training partners, we are providing access to lifesaving knowledge and skills to parts of their communities that were not getting this training. Our goal is twofold: teach an additional 50,000 children and adults to swim and about water safety, and train 1,000 more lifeguards and water safety instructors.

Parents and caregivers are critical to our campaign. We teach them the circle of drowning prevention, that is, the layers of protection that help prevent drowning from happening in the first place. And we teach about the chain of drowning survival, which are the skills and knowledge required to help in an emergency.

We seek aquatic facilities in underserved neighborhoods with convenient access to water. The Centennial campaign is a multiyear commitment, which allows us to help get swimmers to water competency and to develop lifeguards and swim instructors from within these communities. Not only does this provide job opportunities, but it also helps develop role models for participation in and excitement for the water.

So as we head into our fourth year of the Centennial campaign, we have helped initiate or expand programs that are affordable to families with the greatest need. So far, around 45,000 sets of swim lessons have been delivered, 900 lifeguards and water safety instructors have been certified, 800 youth have completed junior lifeguarding, and 3,000 parents and caregivers have participated in water safety training.

Today, we recognize the 10th anniversary of the Virginia Graeme Baker Act. The VGBA is making pools and spas across this Nation physically safer. The resulting CPSC's Pool Safely campaign is providing vital resources to aquatic facilities and the communities they serve with action steps that are very empowering and lifesaving.

The Red Cross has been an active partner of the Pool Safely campaign from the very beginning. We believe in the Pool Safely motto, "Simple Steps Save Lives." You don't know which it is until it does. This embodies the spirit of the need for partnerships. You do not know which organizations' messages or programs will resonate and convince someone to take actions like put a fence around their pool, enroll in swim lessons, and replace their drain covers with one that is VGBA-compliant. Of course, to make a real impact in reducing drowning, there must be strong coalitions of national organizations, such as Water Safety USA, which is made up of agencies who share a common mission of drowning prevention. Together, we amplify one another's work.

High profile activities raise awareness. With our diversity and aquatics partners, on May 15, International Water Safety Day, collectively we reached more than 1 million people around the globe with water safety messages. The World's Largest Swimming Lesson on June 22 will highlight the fact in a very big way that swim lessons save lives.

We are honored and humbled to work with families who have faced the tragedy of drowning and drain entrapment, such as the ZAC Foundation, the Baker family, Stew Leonard III Children's

Charities, and Drennen's Dreams. They share their tragic stories, and from their heartbreak, we work together to prevent them from ever happening again. But it will take us all working together to do so. Thank you for your role in this fight.

Again, thank you for giving the American Red Cross the opportunity to share information about our aquatics programs. We are proud of our work and know that we are making an impact to impact drowning.

[The prepared statement of Ms. Harvey follows:]

PREPARED STATEMENT OF CONNIE HARVEY, DIRECTOR, AQUATICS CENTENNIAL INITIATIVES, AMERICAN RED CROSS

Chairman Moran, Ranking Member Blumenthal, and distinguished Members of the Subcommittee, it is an honor to testify before you on behalf of the American Red Cross. We applaud your efforts today to bring attention to the important issue of keeping children and families safe around the water. I am the Director of the Red Cross Aquatics Centennial Initiatives and serve as a longtime advocate and spokesperson for pool and water safety.

The work of the Red Cross impacts lives every day—down the street, across the country and around the world. We help those affected by disasters; provide services to our military, veterans and their families; collect blood and blood products for patients; teach life saving courses and, internationally, partner with organizations to assist those in need.

We are able to achieve our mission through the power of volunteers and the generosity of the American public. Each day, through the Red Cross, thousands of people provide compassionate care to those in need. And, we do this every day because the Red Cross is needed every day.

Today, I am focusing on our preparedness and health and safety programs. About 16,000 times a day, a person receives life saving Red Cross health and safety training, which includes cardiopulmonary resuscitation (CPR) certification, automated external defibrillator (AED) training, babysitting courses and, of course, learning to swim. Throughout the nation, the Red Cross is working with essential partners in serving communities by teaching children and adults to swim and how to be safe in and around water.

Whether people live inland or by the water, they seek water for many reasons—recreation, fitness, sport—to name a few. We strongly believe that water safety knowledge and swimming are life skills that everyone should know.

American Red Cross Aquatics History

In 1914, the Red Cross teamed up with established lifesaver Commodore Wilbert Longfellow to form the National American Red Cross Life Saving Corps. Longfellow realized the rising death toll from drowning could become a national tragedy unless new safety standards were introduced. While building the Red Cross Life Saving Corps, the Commodore took on the additional challenge of providing sound, large-scale instruction in swimming.

And, for the next 33 years, Longfellow and the Red Cross along with other partners, such as the Boy Scouts and the YMCA, worked together in advancing the life saving and water safety program.

This work speaks for itself—not only did we see the Nation's drowning rate cut in half, we also witnessed a surge in the popularity of swimming, boating and other water activities. At the time of Longfellow's death in 1947, we estimate about 80 million Americans were participating in some form of aquatics recreation.

Today, Longfellow's legacy lives on. 103 years later, the American Red Cross Lifeguarding and Swimming and Water Safety programs are still helping keep Americans safer around the water. Each year more than 2.5 million people learn to swim from Red Cross Water Safety Instructors, and more than 325,000 lifeguards are trained to help protect America's pools, water parks and non-surf waterfronts.

While the hallmarks of the early Red Cross Lifesaving and Water Safety program can clearly be seen today, the Red Cross continues to evolve with the times and provide the highest quality educational methods, including embracing technology with simulation learning and our mobile applications, such as our Red Cross Swim App, designed to teach parents and children about water safety and track their progress through learning to swim.

Through the work and guidance of the American Red Cross Scientific Advisory Council, Red Cross aquatics programs of today are based on the latest available

science related to life saving, resuscitation and first aid as well as teaching methods and instructional design.

Our Aquatics sub-council of the Scientific Advisory Council has developed the Circle of Drowning Prevention, Chain of Drowning Survival and a definition of water competency as a means to educate the general public about the knowledge and skills that everyone should know to help keep them safer in and around water.

Drowning in the United States: Startling Statistics & the American Red Cross Response

Even with our ongoing effort to motivate all Americans to learn to swim, over the last decade, the national drowning rate averages more than 3,500 deaths per year.

Consider these alarming facts presented in 2016 by the Centers for Disease Control and Prevention (CDC):

- An average of ten people each day die from unintentional drowning.
- Drowning is responsible for more deaths among children ages one to four than any other cause except birth defects.
- Among our children between one and 14 years of age, drowning is the second leading cause of unintentional injury-related death, only behind motor vehicle crashes.
- For every child who dies from drowning, another five receive emergency care for nonfatal submersion injuries.

Even more concerning is that drownings do not affect everyone equally. Children, males, minorities (particularly African-American and Hispanic populations) and those in rural areas are at a greater risk for drowning.

The Red Cross believes these numbers are unacceptable, especially knowing that drowning is preventable.

A 2014 survey, conducted for the Red Cross, found that while 80 percent of Americans said they could swim, only 56 percent of the self-described swimmers can perform all five of the basic skills that could save their life in the water.

These critical water safety skills, also known as “water competency,” are the ability to:

1. Step or jump into water over your head;
2. Return to the surface and float or tread water for one minute;
3. Turn around in a full circle and find an exit;
4. Swim 25 yards to the exit; and
5. Exit from the water. If in a pool, be able to exit without using the ladder.

The survey also found that nearly half of Americans (46 percent) report that they have had an experience in the water where they were afraid they might drown. In addition, one in five (19 percent) said they knew someone who had drowned, and 20 percent knew someone who experienced a non-fatal drowning.

In 2014, the World Health Organization released the *Global Report on Drowning*, affirming the Red Cross belief that a proven strategy to prevent drowning is to improve swimming and water safety skills.

This may sound simple, but, actually, our response is not an easy task and the Red Cross must engage in a multi-pronged endeavor in order address these statistics. Our continuous outreach includes increasing access to swim lessons, motivating everyone (youth and adults) to overcome barriers and learn about water safety, and creating a sustainable ecosystem of water safety that engages the next generation.

Unsatisfied with the occurrence of any preventable drowning and deaths, the Red Cross is continuing our legacy of helping to save lives in, on and around the water.

American Red Cross Aquatics Centennial Campaign

In 2014, to mark our 100 year anniversary since the Red Cross added drowning prevention to its mission, we launched our Aquatics Centennial Campaign. We set a goal of helping 50,000 more people in 50 communities learn to swim and learn about water safety to help reduce the drowning rate in these communities.

Additionally, we set out to develop 1,000 more lifeguards and water safety instructors, train parents and caregivers in pediatric CPR/AED and offer water safety education for families.

We selected 50 communities where the drowning rate is higher than the national average (1.13 per 100,000) or where a high number of drownings occur.

Our effort is two-fold: providing basic swimming and safety skills to be water competent and delivering knowledge on how to prevent, recognize and respond to aquatic emergencies to families who likely would not otherwise have the opportunity to participate in this training.

However, creating a culture of water safety is a challenge, especially in communities with little or no resources dedicated to such an effort. Therefore, the Centennial Campaign focuses on 6 *goals*. It is through these key prevention strategies that we are able to reach more individuals and families with our message.

1. *Teaching Learn to Swim Classes*

In partnership with local Red Cross Licensed Training Provider facilities, our courses teach people the abilities to swim, think and act safely around the water. These courses center on water survival, safety and swimming skills, with a strong emphasis on drowning prevention and water safety.

While we most often serve children, we encourage adults to participate in these classes as well. We believe that water safety is a family activity and experience. For example, if a mom becomes more comfortable in the water, she may be more confident in enrolling her child in a swim class. Or, if an older teen gains the fundamentals of swimming, she now has the skills and confidence to enter a Lifeguarding or Water Safety Instructor course.

2. *Offering Water Safety Education*

In addition to learning to swim, children need to be taught how to make safe decisions around the water. Red Cross Longfellow's WHALE Tales (an acronym for Water Habits Are Learned Early), which was first introduced in 1988, is a water safety education program that teaches children potentially life saving decision-making skills. The program includes lessons on the importance of swimming only in designated swimming areas that are supervised by lifeguards, how to look out for dangerous conditions, to swim with a buddy and help a person in trouble in the water by reaching or throwing an object.

The best thing about our WHALE Tales program is that it can be delivered on dry land, beyond the swim lesson setting, and brought into the community through day cares, camps and schools.

3. *Enrolling Parents/Caregivers in Pediatric CPR/AED Training*

For every family with a child enrolled at a participating facility, parents and caregivers have the opportunity to attend a Red Cross Pediatric CPR/AED course at no charge.

In the time it may take for emergency help to arrive, a bystander's CPR skills could save someone's life. Bystander training is the cornerstone of our Red Cross preparedness mission. The earlier CPR is started and an AED is on the scene, the better chance of improved outcome for the victim.

4. *Training Lifeguards*

Every community needs a pipeline of experienced and certified lifeguards to provide reliable protection for water recreation activities.

According to the CDC, lifeguards rescue more than 100,000 persons from drowning each year. Actually, the most frequent actions of lifeguards are to prevent drowning from ever happening, such as warning individuals away from dangerous areas and suggesting that poor swimmers stay in shallow water. Without a doubt, trained, professional lifeguards have significantly reduced drowning deaths in the United States.

5. *Training Water Safety Instructors*

Water Safety Instructors are instrumental in creating and sustaining a water safety culture. They are part of our "train the trainer" outreach effort. We are helping develop much needed swim instructors who will help advance our message well beyond the Centennial Campaign.

6. *Raising Awareness*

Ultimately, specifically through the Centennial Campaign and, more broadly through the Red Cross aquatics mission, this program attempts to change the behavior of parents and caregivers by empowering them to be actively involved in drowning prevention. All are encouraged to apply their new skills and knowledge every time they are near the water in order to prevent drownings and to save lives.

As we head into our fourth year of the Centennial Campaign, we are working with 51 partners in 87 communities in 200 aquatic facilities across 17 states. We are serving vulnerable areas within these communities, such as those served by rental assistance or with special designations for additional services like "neighborhood strategy area" or "transforming neighborhoods initiatives." Already, more than 45,000 sets of swim lessons have been delivered to help children and adults gain the life skill of swimming.

The Centennial Campaign has trained nearly 900 lifeguards and Water Safety and Basic Swim Instructors in these same communities. And, we are developing future lifeguards through more than 800 youth who have completed Junior Life-guarding.

More than 3,000 parents and caregivers have participated in training to help them make good choices for their families around the water and to know what to do to respond in a water emergency until help arrives.

These partnerships are providing accessible, affordable, high quality swim lessons, by starting up or expanding swim lessons and reaching those in at-risk and underserved communities. Without this program, these individuals and families would not have the tools and resources necessary to help build a swimming and water safety culture.

While we are well on our way to achieving our service delivery goals, there is so much more work to be done to drive down the drowning rate in our country. It takes partnerships, like those we have with our training providers of parks and recreation departments, youth-service organizations, and many, many others.

Virginia Graeme Baker Act: 10th Anniversary

Today, we are recognizing the 10th anniversary of the Virginia Graeme Baker Act (VGBA) and its impact on pool and spa safety. The requirements set forth in the VGBA are making the pools and spas across this Nation “physically” safer. And while this first-of-its-kind Federal law regulates public facilities, the effects are also very evident in residential pools and spas with much safer equipment in the marketplace and a heightened awareness of the dangers of drains.

In addition to the requirements that help prevent injuries due to suction entrapment eviscerations from drains and other fittings in pools and spas, the Act mandated a public information campaign with a goal to prevent drowning and entrapment incidents in pools and spas nationwide. The result is the CPSC’s *Pool Safely* Campaign.

The Red Cross has been an active partner of the CPSC and the *Pool Safely* Campaign from the very beginning. *Pool Safely* is providing vital resources to aquatic facilities across the Nation that help raise awareness of the risks associated with the water and the dangers of drain entrapment at a very grass roots level. But the messages are also very empowering, providing critical water safety information—and action steps—that saves lives.

We at the Red Cross believe in the *Pool Safely* motto: Simple Steps Save Lives. It is true that you do not know which step it is, until it does. This motto embodies the spirit of the need for partnerships among our organizations. You do not know which organization’s message or programs will resonate with someone and convince them to take actions like put a fence around their pool, enroll in swim lessons, learn CPR or replace their drain cover with one that is VGBA compliant—but it may only take one to save a life.

The Need for Continued Collaboration

To make a real impact in reducing drowning, there must be strong coalitions of national organizations, such as Water Safety USA, a coalition of non-profits and governmental agencies that share a common mission of drowning prevention. Together, we are able to amplify one another’s work and help raise awareness of the need for swimming lessons for all and the importance of knowing basic water safety concepts and how to respond when things go wrong.

I am proud of the Aquatics industry that is coming together for our common mission to stop drowning with high profile awareness activities. Earlier this month, with our Diversity in Aquatics partners, on International Water Safety Day held on May 15, collectively we reached 1 million people around the globe with water safety messages. We look forward to the World’s Largest Swimming Lesson on June 22, which is a day to highlight that swim lessons save lives.

We are honored and humbled to work with families who have faced the tragedy of drowning and drain entrapment, such as The ZAC Foundation, Stew Leonard III Children’s Charities and Drennen’s Dreams. They share their tragic stories—and from their heartbreak, we are working together to prevent them from happening again.

But, it will take us all working together to do so.

Conclusion

There is little doubt that the need to train children and adults water safety and swimming skills is not only essential, it is life saving. Through our ongoing efforts, with particular focus on our Aquatics Centennial Campaign, the Red Cross can help provide access in communities with the greatest need to develop the skills and be-

haviors to make families and communities safer, to be responsible around the water and to know how to help and protect each other and their future generations.

Again, thank you for giving the American Red Cross an opportunity to provide information about our ongoing aquatics programs and highlight our Centennial Campaign initiatives. We are proud of our work as we continue to advance water safety training efforts to help reduce drowning and deaths in communities across the Nation.

I am happy to address any questions you may have.

The CHAIRMAN. Ms. Harvey, thank you very much for your testimony. Thank you for the Red Cross's efforts.

I'm going to recess this hearing for approximately 15 minutes, so I'll recess it until the sound of the gavel of the Chair, so that we can go cast two votes. We'll be back. I'll give the Ranking Member the opportunity to offer an opening statement, and then we'll turn to questions. So we stand in recess till the sound of the gavel.

[Recess.]

The CHAIRMAN. Thank you all very much for your patience. I will call the hearing back to order. And I think what we'll do is give Senator Blumenthal and I an opportunity to make a few comments, and then open it to questions by the Committee members.

I would explain that the reason I thought it was useful to have your testimony go before anything else is that it gave you the opportunity to have the largest number of Senators in the room and listening, and what you have to say is much more significant and important than what—I don't know about Senator Blumenthal, but what I might say.

But I do think because part of the purpose of this hearing is to make certain that we raise public awareness, I want to make certain that at least some of these things that are being talked about are understood. And so I would again tell you that it's an honor to have all of you here and to have this hearing. And I appreciate the working relationship that Senator Blumenthal and I have in bringing this hearing to fruition. This is the second hearing of our subcommittee this year, and as I say, in part, it's designed to raise awareness of issues that are important to protecting Americans and their family members, to protect consumers. It's part of this Subcommittee's jurisdiction and our assignment.

We're specifically examining the issue of pool and spa safety. It has been several years since Congress last held a hearing on this issue. This year does mark, as we've heard from the testimony, the 10th anniversary of the Virginia Graeme Baker Pool and Spa Safety Act. It was signed into law on December 19, 2007, by President George W. Bush. The legislation, as we've heard, is known as VGB, and it's aimed to enhance the safety of public and private pools and spas, reduce child drownings, and educate the public on the need for constant supervision of children in and around water. The hearing is designed to examine the extent to which the VGB has accomplished those goals over the past decade since its enactment.

While I wish we were here under different circumstances, as I've indicated previously, we honor the parents who are here to help make certain that what happened in their family's life happens in no other family's life. There is also an additional individual that's with us today, that's Scott Taylor. And his daughter, Abbey Taylor, was also a victim of suction entrapment, and her death inspired

Abbey's Hope Foundation in her name to educate the public about pool and spa safety and to keep kids safe.

As was indicated, this month of May is National Drowning Prevention Month, and to that end, I'm pleased to join the Ranking Member, Senator Blumenthal, and Commerce Committee Chairman Thune, and I think Senator Nelson in introducing today a resolution supporting the states and including my own state of Kansas that have signed proclamations declaring May as National Water Safety Month. We wish to recognize and express support for those goals and for ideals of that designation.

And this upcoming Memorial Day, just a few days away now, this weekend traditionally marks the beginning of summer swimming season. For American families, recreational swimming is a time-honored tradition. Swimming pools, such as the Big Pool in Garden City, Kansas, it's the largest outdoor municipal concrete swimming pool in the world, are fixtures of our local communities.

I smiled with Ms. Harvey's testimony, one of the meanest persons, at least I thought as a 5- or 6-year-old, was my Red Cross swimming instructor, who continually forced me to get into freezing water well before there were ever heated pools in my community's life. They are a mainstay of American life, and we want that mainstay to be as safe and secure as possible.

Parents and adults work to monitor children around pools and spas and take precautions such as stopping them from running on wet surfaces. Many don't realize the potential dangers that are posed by pool drains. Even when we have attentive parents and adults around, accidents unfortunately still happen.

Drownings continue to be ranked second or third among the leading causes of death for children, depending on the state, especially for children ages 1 to 4 years old. In Kansas, there have been 297 drownings in the past decade. What makes these tragedies all the more painful for families is that the accidents are, in many instances, preventable.

I appreciate the willingness that our witnesses have shown in discussing these sensitive topics, and I appreciate the perspectives that they bring. And I know that they took time to prepare and to come here to present their heartfelt testimony.

It's my hope that a Senate hearing calling attention to pool safety leading into this summer season will have a positive impact on reducing pool- and spa-related injuries and deaths. And again I thank my colleague, Senator Blumenthal, for his efforts in bringing this issue forward in the past and today. And if greater awareness can prevent one child's death, then this committee hearing has served a useful purpose.

So again thank you, witnesses, for joining us. I apologize for the time circumstances we found ourselves in.

[The prepared statement of Senator Moran follows:]

PREPARED STATEMENT OF HON. JERRY MORAN, U.S. SENATOR FROM KANSAS

Good afternoon, everyone. I call to order this hearing of the Senate Subcommittee on Consumer Protection, Product Safety, Insurance and Data Security. Today is the second gathering of the Subcommittee this year, and again our purpose is to raise awareness of issues important for the protection and betterment of American consumers.

I have convened today's hearing to specifically examine the issue of pool and spa safety. It has been several years since Congress last held a hearing on this issue. This year marks the tenth anniversary of the Virginia Graeme Baker Pool and Spa Safety Act, which was signed into law by President George W. Bush on December 19, 2007.

This legislation, known as VGB, aimed to enhance the safety of public and private pools and spas, reduce child drownings, and educate the public on the need for constant supervision of children in and around water. This hearing will examine the extent to which VGB has accomplished these goals over the past decade since enactment.

I understand former Senator George Allen of Virginia is in the audience today. Senator Allen is to be commended for his leadership in getting VGB signed into law during his time as Chairman of this Subcommittee.

Of course, while I wish she were here under different circumstances, I am pleased that we are joined today by Nancy Baker, whose daughter Virginia Graeme Baker was the namesake for this legislation after her tragic death in June of 2002.

I want to recognize one more individual with us today and that is Scott Taylor, whose daughter Abbey Taylor was also a victim of suction entrapment, and whose death inspired the Abbey's Hope foundation in her name to educate the public about pool and spa safety and keep kids safe.

As some of you are aware, the month of May is National Drowning Prevention Month. To that end I am pleased to join Ranking Member Senator Blumenthal and Commerce Committee Chairman Thune today in introducing a resolution supporting the states, including Kansas, that have signed proclamations declaring May as "National Water Safety Month," recognizing and expressing support for the goals and ideals of that designation.

The upcoming Memorial Day weekend traditionally marks the start of summer swimming season. For American families, recreational swimming is a time-honored tradition. Swimming pools such as The Big Pool in Garden City, Kansas—the largest outdoor municipal concrete swimming pool in the world—are fixtures in local communities and popular destinations for relief from the summer heat.

While parents and adults work to monitor children around pools and spas and take precautions such as stopping them from running on wet surfaces, many don't realize the potential dangers posed by the pool drains, and so even when attentive parents and adults are around accidents can unfortunately still happen.

Drowning continues to be ranked second or third among the leading causes of death for children, depending on the state, especially for children ages one to four years old. In Kansas, there have been 297 drownings in the past decade. What makes these tragedies all the more painful for families is that the accidents are, by and large, preventable.

I appreciate the willingness of our witnesses to discuss sensitive topics. Each of our witnesses will bring unique perspective on how to avert harm and improve safety for pool and spa-related activities, as well as ideas beyond this hearing for improving consumer awareness. I appreciate the time you have taken to prepare your heartfelt testimony.

It is my hope that a Senate hearing that calls attention to pool safety leading into the summer season will have a positive impact on reducing pool and spa-related injuries and deaths. I thank my colleague and Ranking Member, Senator Blumenthal, for being here to help promote awareness of the issues surrounding pool and spa safety. Certainly if greater awareness can prevent just one child's death, we will have succeeded.

Once again, thank you all for being here. I will now turn to the Ranking Member, Senator Blumenthal, for his opening remarks.

The CHAIRMAN. And I recognize the Ranking Member.

**STATEMENT OF HON. RICHARD BLUMENTHAL,
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thank you, Chairman Moran, and thank you for having this hearing. I'm very proud to join with you in the resolution recognizing May as National Water Safety Month. As a longtime swimmer and user of many pools, and as the father of four children who have used pools, this is a cause close to my heart. I learned about this nightmare from fortunately a few con-

stituents in Connecticut when I was Attorney General, notably Karen Cohn, of Greenwich.

I thank you for being here today, Karen, as well as Nancy Baker, and sharing your stories with such incredible courage and strength and helping us to avoid similar kinds of deaths in the future.

There is no excuse, none, for having the kind of drain that led to these deaths. And most Americans probably wouldn't recognize one compared to the other, but I just want to have both of them held so that you can see, that is, you, the audience, can see the difference. [Senator displays two different types of drains.] The dangerous drain, on your right, which probably is in use in most private pools around the country, and the safer one on the left. It's not that pools have to go without drains, they just have to install safe drains. And as you can see by the comparison, it's not like one is vastly more expensive than another, they're made of the same material, it's just a different design. And there is absolutely no excuse for pools to continue with the less safe one.

I want to thank Senator Klobuchar for her leadership on this issue. The Virginia Graeme Baker Pool and Spa Safety Act was first enacted in 2007. And since then, there have been no deaths in such public pools and spas across the country. Since 2009, there have been two deaths in private and residential pools and spas, and that has been my focus as an advocate and as Attorney General. The simple fact of the matter is the VGB Act covers only public pools, which represent just 3 percent of all pools in the country. The vast majority of the pools in the United States, 8.5 million, are private residential pools without the protection of the VGB Act.

I think that public awareness is tremendously important here, and is one of the reasons we're having this hearing, and one of the reasons why consumer protection is so important. I felt public awareness was critically significant when I served as Attorney General and I continue to feel that way now in the United States Senate. We can be teachers and educators in this body. And you are performing a vitally important service by being here and sharing your story because as much as we may speechify on the floor of the Senate or elsewhere, your stories carry the main impact.

I hope we will move forward with our resolution. I hope also that the plan offered by the President, the budget that cuts resources for the Consumer Product Safety Commission, is defeated. Reducing those resources simply enables the kinds of neglect of consumer and product safety that will lead to less awareness and less protection. This budget eliminates funding for VGB grants for Fiscal Year 2018.

As much as we're here to champion this cause, the stark fiscal picture is pretty discouraging, and I can guarantee you, Karen and Nancy, that I will fight to continue that funding.

Thank you.

The CHAIRMAN. Senator Blumenthal, thank you very much. I know Senator Klobuchar had a significant role in this legislation over a long period of time.

Senator, any opening statement or brief comments you would like to make?

**STATEMENT OF HON. AMY KLOBUCHAR,
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. Well, thank you. I did want to get to our witnesses, but I want to recognize Scott Taylor, who is in the audience. Where are you, Scott? Right there. He and Katey were really an inspiration for me when Abbey Taylor was severely maimed in a swimming pool in the suburbs of the Twin Cities, and she lived for a year after. And I will never forget, I went to her hospital room, and this little girl with this big smile, all of her intestines sucked out, and she looked at me and she says, "I don't want this to happen to any other kid." And then she went on, and her parents—Scott would never give up on this. He literally called me on my cell phone every week and said, "Has the bill passed yet?" as if it's that easy to pass bills. But, with good leadership and the help of a lot of people, including our two wonderful witnesses today and their families, Ted Stevens, Mark Pryor, Harry Reid, and Trent Lott we got this done. So I'm glad we got this done, and I don't want us to rest on our laurels when we know there are so many other problems with children drowning stemming from private drains, and unrelated to drains.

So thank you so much.

The CHAIRMAN. Senator Cortez Masto, anything you would like to say before we go to questions?

Senator CORTEZ MASTO. No.

The CHAIRMAN. Thank you very much. I'm going to defer my questions till later, and I'll recognize the Ranking Member once again.

Senator BLUMENTHAL. Thank you very much. Again my thanks, Mr. Chairman, for having this very important hearing and for giving me this opportunity to ask a few questions.

Let me first ask you, Ms. Cohn, how many children have you been able to teach to swim through the Bridgeport ZAC Camp, which really has been such a great model and contributor to this cause? In your experience, what impact does the VGB grant and ZAC Camp have on the Bridgeport community and Connecticut?

Ms. COHN. Yes. So first I believe that the grant program is very important, so any funding that could be allocated to water safety is so important. And so we were able to hold a camp, a ZAC Camp, in Bridgeport, as well as Stamford, and we've been holding ZAC Camps in Greenwich, Connecticut, since 2011. The Greenwich camp is not through the grant program, but the Stamford and the Bridgeport was. And we reached about a little more than 200 kids through those camps during that time.

Senator BLUMENTHAL. How did you happen to form that camp? Are you aware of other camps that are similarly funded through the VGB program?

Ms. COHN. So what we did was we ran our own camp, which we partner with the Boys and Girls Clubs throughout the country to reach underserved children in minority communities, and we do that through the BGCA.

And the ZAC Camp actually has three components. We have a curriculum for water safety, and we also include first responders, where they come in and do their own safety lesson with the kids as well. And that partnership we have throughout the country. And

through that partnership, we've actually reached over 10,000 children. However, what we do is we have the ZAC Camps and we use the media markets to get our messaging out, so that there are many, many more people that are actually hearing about the water safety in addition to the kids that we're reaching directly through the camps.

Senator BLUMENTHAL. That's such an important contribution, especially when you consider that drowning remains the number one cause of unintentional injury and death in children 1 to 5 years old. How would you recommend that we make this grant program more flexible, do better outreach, so that more states and localities apply for pool safety grants? I'll open this question to others on the panel as well who may have some thoughts.

Ms. COHN. Well, first state and localities, what's important is that they need to know about the grant program and that it's available. And I think that's what we were finding, that they were not aware of the ability to apply for the grants. And then I think that—I don't know if it's possible, but something that we've always talked about is actually allowing the other organizations, like the ZAC Foundation or Abbey's Hope or other family foundations that are 501(c)(3)'s, that maybe they could apply for the grant program as well.

Senator BLUMENTHAL. Any other thoughts from other members of the panel?

Ms. HARVEY. I would echo what Karen said related to having other organizations be able to apply. Like we are fundraising to be able to provide our Centennial campaign, and the requirements deny—they do not allow us to apply for that funding. So we actually partner with organizations like the ZAC Foundation to extend what they are doing in their ZAC Camps into a situation that can be year-round, so those children are getting swimming lessons, the parents are learning CPR. It gets started with the ZAC Camp and then keeps moving throughout the year through the Boys and Girls Clubs.

Senator BLUMENTHAL. Your organization does great work, and there are others, including Stew Leonard's. Stew Leonard has a wonderful organization.

Ms. HARVEY. Absolutely.

Senator BLUMENTHAL. I've worked with Stew Leonard and he does great work. It's really an example of cooperative work and teamwork and I think a collaboration that sets a model for all of us, and I want to thank you as well for being here today. Thank you.

Thanks, Mr. Chair.

The CHAIRMAN. Senator Klobuchar.

Senator KLOBUCHAR. Thank you very much. I thought we'd have Abbey's picture up there so everyone remembers her smiling face that I told you about.

I wanted to start with you, Ms. Baker. We have learned there are some cuts in the budget that could affect our efforts, and they're to the grant program. Maybe you or Ms. Cohn or any one of the witnesses can describe the grant program that's part of our bill and why it's so important.

Ms. BAKER. Well, my understanding of the grant program is that when states—states could apply for this, and the receipt of that funding was contingent on their efforts to fund compliance, fund a mechanism to check on compliance, in public pool settings and to create statewide drowning prevention initiatives. So I think in terms of both the educational component and also the more concrete and tangible mechanical structural changes that VGB insisted on, that grant program was meant to incentivize states to work for compliance. And I think it does a terrible disservice to cut the funding.

I do agree with Mrs. Cohn when she said—and she mentioned that states may not be aware that that funding is available to them, were they to be proactive in drowning prevention, and I think the CPSC, although—I mean, the Pool Safely program has truly been successful.

Senator KLOBUCHAR. Right. Thank you, Ms. Baker. Maybe you want to talk about the education efforts, Ms. Cohn, and how you think it would be helpful to have more education for private pool owners as well.

Ms. COHN. So there are several things that through the ZAC Foundation we were thinking about, and one I mentioned in my testimony, and that is this Subcommittee oversees insurance, correct? And so we were thinking that maybe partnering with insurance companies so that when they actually go to inspect a home—and I actually just had to do this recently in my own home because my insurance was changing, and they come in and they do a complete inspection.

While they do that, we have been thinking over the years that what they should do is also work with the either locality or the state to make sure that that pool at that house is built in accordance with the law, and then not insure the home until they can insure that it actually is, that that would be one way. And also while you're doing that, by the way, you're also educating the family because otherwise, they don't know that their pool is required to have certain safety rules.

And then another thing that we talked about with the insurance company is also offering discounts to people if they have additional safety around their pool that's maybe not required by law, but—

Senator KLOBUCHAR. OK. Thank you, Mr. Gottwald. Do you want to talk about those drains again and what makes the new drain covers safer? What's the difference in price between them?

Mr. GOTTWALD. Sure. Thank you, Senator. Well, the difference in price is minimal. I think what I'd like to comment to you—

Senator KLOBUCHAR. Isn't it just a few dollars? Since I remember we talked about this.

Mr. GOTTWALD. I'm sorry?

Senator KLOBUCHAR. When we first passed the bill, there was a lot of discussion. Would it cost that much?

Mr. GOTTWALD. No. It's under \$100.

Senator KLOBUCHAR. Right.

Mr. GOTTWALD. I don't have the exact, but it's minimal. And I think to your point, is that—

Senator KLOBUCHAR. And the government didn't pay for the drains, it was much more—whatever the public pool was that paid for it.

Mr. GOTTWALD. Correct. Moving beyond the drains as well, by adoption of the code that I mentioned in my testimony, that gets into the residential pools. If a state or a locality adopts this code, that means the VGB requirements will now be applicable to residential pools. So that takes care of the drain piece, but as mentioned, there are other safety issues as well. This code also has barrier requirements, whether they be fencing or whether they be covers on—lockable covers on hot tubs, it is the design of the pool, you know, the bell in the pool, so that kids, or adults for that matter, don't dive in and hit the corner of the pool and get injured that way.

So there are a whole bunch of safety requirements, including the VGB, but beyond the VGB, and adoption of this code would go a long way to solving that. I think there is somewhere around 25 or 26 states in this country that don't mandate a fence around a swimming pool. And we, as the industry, don't believe that's correct. And we're lobbying to change that and working to change that, but whatever this committee can do to help us would be enormously appreciated.

Senator KLOBUCHAR. OK. Thank you very much. Thank you, all of you.

The CHAIRMAN. Ms. Cortez Masto.

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you. Thank you for this important discussion, and thank you for being here.

I want to follow up on the conversation because we were talking a lot about state law, but a lot of this can be implemented through county code as well, and I don't want us to forget about that. I represent the State of Nevada, and we have implemented this law through regulations through the state. However, Clark County, which is the largest populated county in southern Nevada, with nearly 2 million people, actually adopted a code mandating this.

I don't want us to forget that there are ways to really address these issues both at the state and local level—through local ordinance as well. I'm very proud that we have a Child Drowning Prevention Coalition in southern Nevada. Drownings of children 14 and under in southern Nevada went from 49 between 1994 and 1998 down to 21 from 2012 and 2016, and that's thanks to all of you and the advocacy on this issue and bringing attention to it. So I really appreciate it. But as you have stated here, there's more work to be done and more education is necessary.

I have a couple of questions. One is for all of you. Nevada has a very large population, but it's also both rural and urban. Out of the 17 counties in Nevada, 15 are rural. I'm curious if you see a difference in how we can address the education piece when it comes to our rural communities versus our urban areas. Do any of you have any thoughts on how we address that and bring attention to some of our rural communities?

Ms. HARVEY. The American Red Cross feels very strongly that dry land water safety education should be required in schools, and they should get it every year.

Senator CORTEZ MASTO. So every school in every community—

Ms. HARVEY. Every school every year learns about water safety. It doesn't take a body of water in order to learn the practices that can save their lives. And if we could get it required in schools, we could go a long way to making certain that people know how to behave safely around the water and make good choices for themselves around the water.

Senator CORTEZ MASTO. Perfect. Schools, physical education—

Ms. HARVEY. Absolutely.

Senator CORTEZ MASTO.—as long as we still require physical education in our schools—

Ms. HARVEY. Right.

Senator CORTEZ MASTO.—which would be good. I appreciate that because I agree, I think there are many ways that we can tackle this and thinking outside the box in how we address this.

The other issue that I'm interested in, which you mentioned in your statement, Ms. Cohn, is the fact that Black and Hispanic American children are three times more likely to drown than their Caucasian counterparts.

Ms. COHN. Yes.

Senator CORTEZ MASTO. I'm curious, what can the Federal Government do to help bring attention to and address this issue? Do you have additional ideas?

Ms. COHN. Well, from the Federal Government's side, I think the grant program would still be helpful to address those children. What we are doing is we're partnering with those organizations, but that's me, as a private organization—

Senator CORTEZ MASTO. Right.

Ms. COHN.—partnering with the Boys and Girls Clubs that are in those communities to reach those children and families. I am not—I don't know if I can think of anything else off the top of my head right now about what else the Federal Government could do. Obviously making sure that these children are swimming in safe pools is important. And education, I think maybe through, you know, through Pool Safely and educating families about it.

I think for many of the Black and Hispanic families, it's a cultural and generational issue, where the parents don't swim, and so they have a fear, and they are afraid to allow their children to even learn how to swim. So they try to avoid water completely, but that is impossible to do.

So I would say education and grant programs that could be used—

Senator CORTEZ MASTO. And access to swimming lessons or programs that are—

Ms. COHN. Of course, yes, yes.

Senator CORTEZ MASTO. OK.

Ms. COHN. So, yes. So what we do is we work with the Boys and Girls Clubs, and then we also work with the American Red Cross on their Learn to Swim program, and we're reaching those same children through those programs.

Senator CORTEZ MASTO. OK. Thank you. I appreciate the conversation today. Thank you very much.

Ms. COHN. Thank you.

Senator CORTEZ MASTO. Oh, I'm sorry, did you—

Ms. HARVEY. Sure. I would love to add to that as well.

Senator CORTEZ MASTO. Please. Go ahead.

Ms. HARVEY. I believe wholeheartedly that we need to expand the conversation so that we get to those target audiences in other ways. So looking at the programs at Historically Black Colleges and Universities as an example, making certain that those swimming programs stay around in their programs and thrive and become part of the community, such as what is happening in Prairie View, Texas, and in Coppin State University in Baltimore.

We recently had a symposium with our partners. There's an organization called Diversity in Aquatics where it represents primarily African American and Hispanics who want to dispel the myth that African Americans and Hispanics don't swim, because they do. And they also want to encourage participation in aquatic activities. So it's made up of organizations like the Association of Black Scuba Divers and collegiate athletes and Olympians and such.

So reaching—working with organizations like that who provide role models and say, “Yes, we do swim,” and, “Yes, this is a life skill for us all.” And fraternities and sororities, talking to the moms and sisters, who are often making choices for their kids about whether they're going to take swimming lessons or not. So we just need to expand the conversation and keep it going and look to our partners, our diverse partners, who could also be sitting up at this table and helping, and they are helping to solve this problem.

Senator CORTEZ MASTO. Thank you, and thank you for those comments. As somebody who has fought for so many years just on education and awareness, recognizing that's the first step in prevention, we never fund education and awareness and that to me is really the first step. I thank you again for the advocacy and bringing attention to this issue and awareness. You're going to save lives, so thank you for that.

Ms. HARVEY. Thank you.

The CHAIRMAN. Thank you, Senator. What I'm told by my staff, which is—I've questioned them several times because it seems incorrect to me, but they assure me that it's true, that only to date the Consumer Protection Safety Commission has only provided grants to applicants under this program on five occasions. That seems to me to be a very, very low number, and my understanding in part is that a number of the grantees have been in Connecticut, and particularly where the ZAC Foundation has promoted the grantee the grant application and the award. And that means that there's a positive balance in that account, more money to be made available for grants, or money is available for grants.

So what is it that—you've all touched on this, but what am I missing here that's not happening? This is directed to anyone who wants to explain.

Mr. Gottwald?

Mr. GOTTWALD. Well, I can't really comment on why they're not going for the grants, but I do know that through the work of the International Code Council and the trade association as well that 22 states have now adopted the code, and by adopting the code, the CPSC has determined that that means you are in compliance with their requirements in order to get grants. But the good news is—

The CHAIRMAN. Let me stop you then.

Mr. GOTTWALD. Yes.

The CHAIRMAN. So the grant is not designed to get a pool in compliance?

Mr. GOTTWALD. The grant—from the way I understand it, the grant does a couple of things. In order to get the grant, you've got to commit to coming into compliance, and then it provides you materials to educate about why that is important and to get people into compliance. So if a state adopts the code, they're now eligible for the grant.

So the good news of that is that states are starting to see the value of adopting the code—

The CHAIRMAN. Therefore, the grant becomes more important.

Mr. GOTTWALD. Yes. The grant becomes—now it becomes available to them. Now, why they're not taking that next step, I don't know the answer to that.

The CHAIRMAN. Let me ask this question then. So if your state hasn't adopted the code, are you ineligible for the grant?

Mr. GOTTWALD. There are other ways to become eligible for the grant, but that's the easiest way to become eligible for the grant. You could adopt, for instance, just the standard that's in here called APSP-7, you could adopt that standard. That's one of the requirements to be—there are several things that they list out in order to become compliant to get that grant, but this is the easiest and most comprehensive way.

The CHAIRMAN. Do you all have any suggestions, a critique of the Consumer Protection Safety Commission? I serve on the Appropriations Committee subcommittee that funds that Commission. When their appropriations request is in front of us or we're talking to the Commission, what is it that you would like for me to emphasize or to pursue with them?

Ms. BAKER. I would like you to ask the CPSC why it is that more states have not actually applied for this grant opportunity?

The CHAIRMAN. So I ask them the question I'm asking you.

Ms. BAKER. Exactly.

The CHAIRMAN. Correct. As I was asking the question, it made—

Ms. BAKER. Because I think it's curious why even in states where—that are in compliance, it leads me to believe that states are just not aware that there is grant money available to them for becoming compliant and also for making sure that there's a mechanism for checking pools. Obviously, you have to check pools and verify that the compliance, the requirements, have been met, or the code has been met.

The CHAIRMAN. And I assume that's done by state and local officials, not—

Ms. BAKER. So that's oversight, yes.

The CHAIRMAN. And do any of you have an idea of what the parameters of the grant—what's the average or normal size of a grant? Is the number of dollars sufficient that it becomes worthwhile to pursue the grant?

Ms. BAKER. Do you know?

Ms. COHN. Is it—I think it—I think it's—yes, I think it's \$250,000. I'm not positive, but I think that's the amount.

The CHAIRMAN. OK. I'm not expecting you necessarily to know the answers. There are others, the Commission in particular, that I can be asking these questions of, but you're helping me get prepared.

Ms. COHN. But I also think, as Nancy said, I think it's just a matter of the states and the localities being unaware that the program even exists.

The CHAIRMAN. OK.

Ms. BAKER. And you also just rang a memory bell for me. When I saw this, and it is, it's a bell, and it gets dim in time, but I do recall the money that was available to each state through this grant program was really not significant. I think the overall appropriation was \$2 million for 52 states. I mean, if every state became suddenly great pool safety drowning prevention advocacy, that's not a large pool of money when you consider paying the salaries of the local people who have to go out and check that indeed the requirements have been met and kids and families are safer.

The CHAIRMAN. I've been informed that the five grantees: the City of Bridgeport, Connecticut, almost \$75,000; the District of Columbia Department of Health, about \$170,000; the Florida Department of Health, Broward County, \$250,000; the Florida Department of Health, Lake County, \$155,000; and the City of Stamford, Connecticut, \$131,000. So you were correct, several hundred thousand dollars.

Any belief that the Commission is—let me ask you again, is there anything in particular other than what Ms. Baker just said that I should be asking the Commission about this grant program? It's being managed well from your perspective except it needs to be more—better utilized?

Mr. GOTTWALD. Yes, I would respond to that. The CPSC are great partners for us, and why the people aren't going for the grants, I don't know that, but beyond that, they're very good partners I think in the work that we do with them.

Ms. HARVEY. And similarly, the Red Cross hasn't been involved in the grants side of it, but the Pool Safely campaign is a super important campaign to the industry in that it provides wonderful resources that aquatics facilities across the Nation are able to access and share with the communities they serve. And so it really does provide a consistent set of messages. Again, they are action steps that are lifesaving, and it really is important to be able to have that. Otherwise, each organization, you take it down to the Parks and Recreation Department level, they would have to create their own. They may have incomplete messages. It depends on the veracity of their communications departments often.

So it is extremely valuable to the Parks and Recreation, Boys and Girls Clubs, JCCs, YMCAs out there. We really rely on those resources.

The CHAIRMAN. Is there any state or local unit of government that any of you would hold out as a role model, somebody that's doing this especially well that we ought to highlight and indicate to other states and local units of government, "Look here, this is how to do this"?

Ms. HARVEY. I think the ones to look to, to see how they are doing are the ones that have a lot of experience. And the City of Las Vegas, Clark County; Maricopa County in Arizona: those are two counties that are extremely impacted by drownings, and they have very strong coalitions, and I think they're definitely worth looking at what they have done, bringing in a large coalition of people, including the fire departments, all the pools across their systems. So those are two to certainly check out.

The CHAIRMAN. Mr. Gottwald, as I indicated earlier, community pools, municipal pools, are the norm across Kansas. You can be the smallest, one of the smallest communities in our state, you will still have a municipal pool. And who is it that's telling that city council, that city clerk, that, "Your pool needs to comply with these standards"?

Mr. GOTTWALD. So first of all, from public pools, so it's the law of the land. So who's telling them that they should be—the health department or the building department, depending on different municipalities, are going to be the ones who are going to be regulating that.

The CHAIRMAN. When one of your members sells a new pool, that's clearly going to be part of the contract, the agreement, of what's purchased, right?

Mr. GOTTWALD. Absolutely. And the genius of the Virginia Graeme Baker Act, the VGB Act, is that year one, you can no longer manufacture the problem fittings. So those are off the market, they can't be sold, and that's been 10 years now. So no matter what's being replaced today, it's a compliant drain cover.

The CHAIRMAN. In the public sector?

Mr. GOTTWALD. In all sectors. You can't buy that anywhere.

The CHAIRMAN. OK.

Mr. GOTTWALD. So even in the residential sectors, we have what I mentioned earlier, the "Check A Drain" campaign. So we talk to our members who are in someone's backyard, we're always telling them, "Check the drain, "Check the drain," "Make sure it's compliant." So slowly, but it's slowly, they're being replaced with compliant drains. It's the law in the public pools. In the residential pools in many places, it's not the law.

The CHAIRMAN. Where it's not the law in the private sector, the private pools?

Mr. GOTTWALD. Correct.

The CHAIRMAN. It's still taking place is what you're telling me because of the requirement that the pool, the manufactured pool, has to be compliant. So as new pools come into play, they're compliant even in the private sector.

Mr. GOTTWALD. In the new pools, but I think as, you know, was mentioned earlier, the existing pools are where the challenge lies, and there are a few million out there.

The CHAIRMAN. My time is well expired. Let me see if Senator Blumenthal has any additional questions?

Senator BLUMENTHAL. I don't.

The CHAIRMAN. Senator Cortez Masto?

[No audible response.]

The CHAIRMAN. I appreciate the conversation today. It has been very helpful to me. And I'm very grateful for the chance to try to make certain that communities across Kansas and private pool owners in my state and around the country know of not only their responsibilities, but their opportunity to do something in a very safe and secure manner.

Let me ask perhaps my final question. The Red Cross, you've been training lifeguards for as long as I've been around. We have plenty of lifeguards in the country and the supply meets the demand?

Ms. HARVEY. We always are in an effort to ensure that there are enough lifeguards in the Nation. There are pockets of the country where we hear that there are lifeguarding shortages. This is one of the reasons that the Centennial Campaign is so great, where we are really trying to make certain that we continue to feed that pipeline of lifeguards by ensuring that people get to water competency so when it's time for them to become lifeguards, they have the skill to do so. So it's a continuous effort.

The CHAIRMAN. Let me ask, I'm asked this in every hearing I chair, is there anything that any of you would like to make more clear and respond to something that you were asked or something that you were not asked, something you want to make certain we know before I conclude the hearing?

[No audible response.]

The CHAIRMAN. OK. Thank you very much. Thank you all for joining us. This hearing is concluded. The committee members have until a few days from now to put their questions in writing, and we would ask that you respond as quickly as possible if there are those. And again thank you for your presence today. The Committee hearing is adjourned.

[Whereupon, at 4:27 p.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO
NANCY BAKER

Question 1. While advertising campaigns and educational materials promoting water safety are vitally important, is there any substitute to in-person and hands-on classes where at-risk children can learn how to swim?

Answer. Unlike baseball, football, chess and other important activities for which children engage and learn from, swim lessons are different and more critical. Other activities are “life skills” while learning to swim is a “lifesaving skill”. We speak so often about “layers of protection”. One of the most important layer is learning how to swim (starting at an early age). Swim lessons should be readily accessible or very inexpensive or better yet free to all populations, but especially for minority populations. Groups like Abbey’s Hope Charitable Foundation and its partnership with the YMCA and The ZAC Foundation and its partnership with the Boys & Girls Clubs do an excellent job of crafting and underwriting programs that get children in the pool to learn hands-on swimming and safety skills. To date, these organizations have provided free swim lessons to thousands of children around the country. Abbey’s Hope alone has provided well over 10,000 lessons to children in the State of Minnesota. Congress should support these programs and even consider using a portion of the Consumer Product Safety Commission Pool Safely funding to support these activities in communities across the Nation.

Question 2. Drowning remains the number one cause of unintentional injury death in children 1–5 years. Wouldn’t funding cuts to states and localities that teach at-risk children how to swim hurt efforts to reduce drowning?

Answer. Yes. That does not mean, however, that the CPSC grant program cannot be reformulated or reorganized to better serve water safety efforts. See answer to Questions #3 & #4 below.

Question 3. How does the 2015 International Swimming Pool and Spa Code compare to the requirements in the VGB Act? In what areas is it stronger or weaker? Do you think VGBA grants should be updated to reflect the requirements under the most recent International Swimming Pool and Spa Code?

Answer. The original purpose of the VGB Act Grants were to do for residential pool & spas what the actual requirements of the VGB Act did and does for public pools. In other words, because Congress felt, at the time of passage, it could not require private residential pool and spa owners to comply with the Federal Act requirements by mandating anti-entrapment safety & drowning prevention devices, the original grant program was meant to incentivize States (and later municipalities) to pass laws that require the same safety devices in residential pools as the VGB Act does for public pools. As is mentioned, the original grant program has only had limited success.

The ISPSC is consistent, and in fact stronger, than the requirements of the Act and the original grant scheme in many ways (electrical bonding, diving depths, safety markings poolside, water quality and chemical safety . . .), but the code does leave out one very important requirement. It does not apply to existing residential pools and spas, but only new construction of residential pools and spas. Adding the ISPSC would improve the strength of the Act, but would leave out existing residential aquatic venues and therefore not meeting the intent of the original grant program. Adding the ISPSC code requirements would be helpful, so long as the protection for residential pools and spas are preserved.

Question 4. Do you think more flexibility in how grant dollars can be used would encourage more states and localities to apply for Pool Safely Grants?

Answer. The lack of demand for the grant program almost demands more flexibility. Grant money, if awarded, should be used for enforcement, training, education hiring inspectors and even reasonable administrative costs including salaries. Congress could also consider expanding the type of eligible recipients of the grants to include non-profits in the drowning prevention arena (*i.e.*, non-profit members of

Families United Against Drowning like Abbey's Hope Charitable Foundation, The ZAC Foundation, The Joshua Collingsworth Memorial Foundation, CPR Parties among many others, Safe Kids Coalitions, YMCA Chapters . . .). Those non-profits can partner with the State or municipality that passes a law that meet the requirements of the VGB Act Incentive Grant Program. These non-profits can help expand the reach of programs under the Act. Many of these non-profit programs are already organized and implemented so very little of the received grant money would go to start up or administrative costs, therefore, more resources would reach need populations on a faster basis. Expanding the list of eligible grant recipients to include non-profits that are doing good water safety work would also motivate them to help pass the stronger state laws for which the original grant program was intended. Were Congress to make established non-profits eligible for grants under VGB many would become an even stronger advocacy voice in their communities.

Question 5. Do you think lifeguards or pool owners should be required to check that drains are securely in place before opening to the public each day?

Answer. Yes. In fact, one of the requirements of the Minnesota law, The Abigail Taylor Pool & Spa Safety Act requires just such a daily inspection. Abbey Taylor died as a result of a broken drain that, if it had been inspected that day, could have prevented the tragedy from happening in the first place. The VGB Act did not specifically require a daily safety inspection and it should have. It is good practice and should be required.

Question 6. Should preventing electrical shock or increasing awareness and what to do when someone is suffering an electrical shock be a part of our water safety education efforts?

Answer. Yes.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO
KAREN COHN

Question 1. While advertising campaigns and educational materials promoting water safety are vitally important, is there any substitute to in-person and hands-on classes where at-risk children can learn how to swim?

Answer. The ZAC Foundation (TZF) has found via its programming in media markets throughout the United States that it is true that hands-on education and training is the most effective approach to water safety, but general educational awareness should not be discounted as effective. TZF has found that there often exists a generational, cultural, and/or pool access gap that leaves, particularly minority children, with a lack of understanding regarding the danger that water poses. The goal of any water safety program should be to create a generational impact that will be passed on to future generations in perpetuity—similar to the generational change that occurred with bike helmets. Among many other tools and programs, the Foundation published a book—“The Polar Bear Who Couldn't, Wouldn't Swim”—in an effort to effectuate this change. We have anecdotal evidence that our ZAC Camps (weeklong swim education programs conducted in partnership with the Boys & Girls Clubs of America where each of the 13,000 children have received a copy of the children's book) and the media attention that these Camps spur, have served to reduce incidences of unintentional drowning in those communities.

Question 2. Drowning remains the number one cause of unintentional injury death in children 1–5 years. Wouldn't funding cuts to states and localities that teach at-risk children how to swim hurt efforts to reduce drowning?

Answer. The ZAC Foundation believes in education and awareness of water safety, as well as the exposure of all Americans to water safety lessons. To answer this question one would need to know the reporting data that came from those programs. The Foundation supports water safety grants, but believes that any use of funding have a direct correlation to safety impact. TZF was involved in those Connecticut grant sites, and the Foundation has eagerly awaited any report or data that resulted. In general, the Foundation would support a change in the Virginia Graeme Baker grants to enable foundations like ours to compete to employ such funding for effective programming. If the programming is not effective, it should not be pursued. The Foundation believes that the lack of participation historically in the water safety grant program has been the requirement that the state/locale pass legislation equivalent to or exceeding VGBA. This is not something policymakers have been willing to do in order to secure a short-term, one-time grant. If the government is looking to apply funds and receive exponential returns on that investment, then our Foundation believes grant recipients should be the party or parties with the most direct reach and effective approach to education and safety.

Question 3. How does the 2015 International Swimming Pool and Spa Code compare to the requirements in the VGB Act? In what areas is it stronger or weaker? Do you think VGBA grants should be updated to reflect the requirements under the most recent International Swimming Pool and Spa Code?

Answer. The ZAC Foundation supports the strongest and most effective water safety standards, period. That said, the Foundation does not believe standards should be raised if the effect is not to improve safety. The VGBA, including any other water safety law, should be revisited periodically to ensure that it reflects the most modern technology and standards. And taxpayer funds only should be applied when recipients are compliant with the agreed upon standards for water safety. The Committee should be aware of efforts by the pool and spa industry to weaken state pool and spa safety regulations/laws, such as the effort that was successful in our and your home state of Connecticut.

Question 4. Do you think more flexibility in how grant dollars can be used would encourage more states and localities to apply for Pool Safety Grants?

Answer. Yes. The participation has been very limited despite our recruitment across the country to convince states/locales to apply. The issue has more to do with the threshold to qualify—to meet or exceed VGBA standards. We believe this standard coupled with the regulatory restrictions related to salaries and enforcement personnel are artificial limitations to delivering life-saving water safety education to targeted audiences. The Foundation respectfully suggests that the grant program be opened to competitive bid to applicants, including state and local communities, nonprofits and other parties, that propose the most effective and efficient uses of the grant funding for their intended purpose—to reduce unintentional drowning incidences.

Question 5. Do you think lifeguards or pool owners should be required to check that drains are securely in place before opening to the public each day?

Answer. No pool, public or private, should be operational without inspection of pool drains, irrespective of who inspects. The gap in VGBA is that it only applies to public pools—which represents only ~3 percent of pools in the United States. No pool should be built in the U.S. without being compliant with drain safety standards, and the Foundation believes that homeowners insurance policy providers should require that pool drains and other aspects of pools be inspected before covering those pools under their policies.

Question 6. Should preventing electrical shock or increasing awareness and what to do when someone is suffering an electrical shock be a part of our water safety education efforts?

Answer. Swimming pools and spas are inherently dangerous consumer products. Electrocutation absolutely has entered the national dialogue as a result of several unfathomable incidences, and The ZAC Foundation has engaged effected families in partnership to raise awareness of this issue. The Foundation believes electrocution should be part of the dialogue, we will continue to include the messages in education efforts, and believe that homeowners' insurance providers should include inspection of electrical lines and lights in and around pools and spas.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO
RICHARD GOTTWALD

Question 1. While advertising campaigns and educational materials promoting water safety are vitally important, is there any substitute to in-person and hands-on classes where at-risk children can learn how to swim?

Answer. Learning to swim is by far one of the most important things that can be done to prevent drowning not only for at-risk children, but all children. Although there are additional ways to combat drownings, we believe there is no substitution to in-person and hands-on swim classes. We believe that USA Swimming's Make a Splash learn to swim initiative is one of the many outstanding programs that serve all children, but specifically target at-risk children. Many APSP local chapters throughout the country promote drowning prevention in various ways, including raising money for swimming lesson scholarship funding to help low-income families access lessons.

Although nothing can substitute for learning to swim, APSP provides advertising campaigns and educational materials highlighting the critical importance of adult supervision, even for children who know how to swim, along with the importance of complying with barrier prevention methods and addressing other safety risks such as suction entrapment avoidance. All of the critical components to drowning prevention are highlighted in our National Water Safety Month campaign held each

May: <http://www.nationalwatersafetymonth.org>. All 50 states provide proclamations recognizing May as National Water Safety Month, and in observance of National Water Safety Month, events are planned throughout the country and water safety tips and resources are provided to the public.

APSP and its local chapters support and collaborate with not-for-profit foundations such as Safe Kids WorldWide, the National Drowning Prevention Alliance, American Red Cross, National Recreation and Park Association, YMCA, and the World Waterpark Association's World's Largest Swim Lesson. Many of these same groups, along with other associations and industry companies, partner with us to raise awareness for National Water Safety Month, but our efforts do not end there. Promoting water safety throughout the year, with an emphasis on teaching kids to swim, is critical to drowning prevention.

Question 2. How does the 2015 International Swimming Pool and Spa Code compare to the requirements in the VGB Act? In what areas is it stronger or weaker? Do you think VGBA grants should be updated to reflect the requirements under the most recent International Swimming Pool and Spa Code?

Answer. The ISPSC (2012, 2015 and 2018 editions) meets and exceeds all of the requirements of the VGB Act with regard to entrapment protection by:

1. Referencing the ANSI/APSP-16, which is the current Drain Cover Standard adopted by the Consumer Product Safety Commission (CPSC) under section 1404(b).
2. Referencing and including a copy of the ANSI/APSP 7 Entrapment prevention standard. This Standard requires compliant drain covers on all pools, consistent with 1404(c)(1)(A)(i).
3. Requiring additional devices on all pools with a single main drain, other than an unblockable drain, consistent with (1404(c)(1)(A)(i)).
4. Requiring all new pools to be built with: no drain, an unblockable drain, or multiple drains properly spaced and balanced.
5. Specifically permitting drainless pools.

The ISPSC also extends each of the above protections to all residential pools, consistent with the VGB Act State Grant Program. A state that adopts the ISPSC now will be required to provide entrapment protection whereas the VGB Act does not mandate such requirements on residential pools, only public pools.

The ISPSC imposes barrier requirements on all public and residential pools, in a manner consistent with the VGB Act State Grant Program (Section 1406 and CPSC Model State Legislation). These requirements also meet or exceed the requirements of every state that has adopted barrier requirements by law. Again, adoption of the ISPSC provides barrier protection requirements beyond what is mandated in the VGB Act.

The CPSC has confirmed that any state or locality that adopts the ISPSC is in compliance with all of the eligibility requirements for the VGB Act State Grant Program, and on December 11, 2015, issued a Fiscal Year 2016 grant to the District of Columbia under this program based on its adoption of the ISPSC.

Updating the State Grant Program to reference the ISPSC would provide strong encouragement to states and local jurisdictions to adopt this Code, thereby strengthening their respective barrier requirements and ensuring that their entrapment and barrier provisions meet and exceed those in the VGB Act. Many states currently do not require any barriers on residential pools.

In addition, the ISPSC provides other pool safety requirements not included in the VGB Act related to the proper construction of a pool, such as compliant dimensions and slopes (to prevent diving accidents), exits and entry, decking and lighting provisions, along with compliance with the National Electrical Code. The ISPSC is the first and only comprehensive swimming pool and spa code that addresses all types (residential and public) and covers all aspects of construction and design, including the barrier and entrapment prevention requirements under the VGB Act.

Finally, we encourage Congress to extend the grant program to allow non-profit organizations to apply, because they may be best equipped to provide the education and safety awareness and training intended in Section 1405.

Please see attached ISPSC FAQ developed by the APSP.

Question 3. What is the life span of a pool drain cover? How can pool owners tell when a drain should be replaced?

Answer. The International Swimming Pool & Spa Code (ISPSC) references the ANSI/APSP-16 Standard for Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs, which requires that manufacturers determine a life expectancy and place a permanent mark on the top surface of the cover/grate with

“Life: X Years” to indicate that drain cover’s exact life span. Many manufacturers have designated a life span of 5 years. Others have designated longer or shorter periods. Since the VGB Act, numerous fittings have been installed; therefore, many have or are about to reach their expiration date and need to be replaced before the start of a new swim season.

Knowing this time-frame was upon us, a few years ago APSP began its “Check A Drain” Campaign. The initiative reminds both homeowners as well as pool and spa professionals to make sure pool, spa, and hot tub drain covers are replaced per the manufacturer’s time requirement stamped on the cover in accordance with Federal mandates in the VGB Act. Further, APSP encourages homeowners to contact their pool, spa, and hot tub professional to ensure that all installed drain covers comply with the ANSI/APSP–16 Standard. All units should be installed by an industry professional, in accordance with the drain cover manufacturers’ instructions.

The “Check A Drain” initiative also includes FAQs regarding drain cover life expectancy and replacement (attached).

Question 4. Are there new or improved filtration techniques or chemicals that can improve water quality? If so, what is the barrier to their adoption? Are there common sense guidelines or new technology that will keep pools clean and free of these contaminants?

Answer. The APSP and the pool and spa industry continue to constantly address water quality and sanitization in accordance with Environmental Protection Agency (EPA) regulations, CDC recommendations, and the regulated manufacturer product labeling, through several means, including:

1. The ISPSC, which requires proper equipment and methods in public and residential pools for circulation and sanitization.
2. The development of the ANSI/APSP–11 Recreational Water Quality Standard which addresses existing and new potential means for maintaining public pools.
3. Provisions in the ANSI/APSP–5 Standard for Inground Residential Pools addressing quality and sanitization of residential pools.
4. Participation in development of other relevant standards such as NSF–50, the standard for “Equipment for Swimming Pools, Spas, Hot Tubs and other Recreational Water Facilities,” which also focuses on maintaining a clean and healthy recreational water facility.
5. Promoting and offering industry education including the APSP Certified Service Professional program, which highlights issues such as maintaining proper water quality, sanitization, and circulation.

In addition, the ISPSC and all APSP standards are performance-based to allow for and to encourage innovation, which has included automatic and manual chemical feeders and alternative substances.

The APSP does not believe there are any substantial barriers to entry for any substances or related products in this area. Equipment and chemicals are regulated by NSF certification, upon state adoption to require such certification and by Federal EPA regulations.

Question 5. In 2003, the CPSC and American Red Cross teamed up to warn the public about another hidden danger to swimmers: electrocution from faulty underwater lighting, aging electrical wiring, equipment that is not grounded, or electrical appliances falling into the water. At the time, there had been 60 deaths and nearly 50 serious shocks reported over the past 13 years involving electrical hazards in and around swimming pools. Since then, 14 people have died by electrocution in swimming pools between 2003 and 2014. What more can pool and spa professionals be doing to prevent electrocution? Are these risks considered in the International Swimming Pool and Spa Code?

Answer. The International Swimming Pool & Spa Code (ISPSC) requires compliance with NFPA 70, the National Electrical Code (NEC). The APSP has always and continues to educate its members on the importance of following the NEC and what requirements exist within that Code. One of our technical committee members sits on Panel 17 of the National Fire Protection Association, the panel charged with reviewing and adopting changes to Article 680, NFPA 70 (the National Electrical Code), which provides the electrical requirements for pools and spas. By having the ISPSC require compliance with the NEC, we are ensuring consistency, but also providing another means for requiring compliance with the pool and spa electrical provisions within the NEC.

APSP has also issued press releases reminding its members and the public that all pools and spas should be built and installed in compliance with the ISPSC and

the National Electrical Code. APSP encourages inspection, detection, and correction of electrical hazards in and around swimming pools, hot tubs, and spas. We regularly remind our members and the public that proper maintenance and upkeep is critical, *especially for older pools and spas and equipment*, which not only exhibit the effects of age but also might have not been built to modern standards.

Older pools can pose a higher risk of exposure to stray current (regardless of its source) due to wear and tear of existing equipment that may have not been inspected in years. Aging electrical wiring, damaged underwater lighting in light niches, sump pumps and vacuums that are not grounded, and lack of proper equipotential bonding are all concerns that the public and professionals must be aware of. All of these hazards present an even greater risk if the lighting, circuits, and nearby receptacles are not protected by proper Class A Ground-Fault Circuit-Interrupters (GFCIs)—one of the best safety devices to help prevent electrocution. All of these issues can be evaluated and addressed by a qualified and trained industry professional. In some states, licensure is required to do such electric work.

We have found that in many incidents, the Code has not been followed, unqualified people have been hired, or an older pool has not had the proper maintenance provided over the years. APSP works to educate our members and the public on the importance of proper maintenance, choosing qualified and trained professionals and following the Codes. An FAQ was also developed to address the electrical incidents in pools & spas (attached).



FREQUENTLY ASKED QUESTIONS ABOUT ELECTRICAL INCIDENTS IN POOLS & SPAS

Q. Are there any electric safety guidelines for pool and spa owners?

A. Yes, owners of pools and spas should make sure their pool or spa is built and installed in compliance with the International Swimming Pool & Spa Code (ISPS) which requires compliance with the National Electrical Code (NEC). Equally important, all manufacturers' instructions must be followed with regard to installation and maintenance.

Q. How do I know my pool or spa is in compliance with the ISPS and NEC?

A. The best protection for families is inspection, detection, and correction of electrical hazards in and around swimming pools, hot tubs and spas. Consumers are encouraged to have their pool or spa inspected by an APSP professional. To find a professional near you, visit APSP.org/MemberLocator.

Q. My pool seems to be fine. We've been using it for years. Why should I bother with an inspection?

A. Proper maintenance and upkeep is critical, especially for older pools and equipment, which not only exhibit the effects of age but also were not built to modern standards. This is especially important in seasonal climates where the pool often goes unused for months. Older pools can pose a higher risk of exposure to stray current (regardless of its source) just due to wear and tear of existing equipment that may have not been inspected in years. Aging electrical wiring, damaged underwater lighting in light niches, sump pumps and vacuums that are not grounded, and lack of proper equipotential bonding are all concerns. All of these hazards present an even greater risk if the lighting, circuits, and nearby receptacles are not protected by Class A Ground-Fault Circuit-Interrupters (GFCIs) – one of the best safety device to prevent electrocution. All of these issues can be evaluated and addressed by an APSP industry professional. It is important to remember that in some states, licensure is required to do such electric work.

Q. What technical standards should my pool and spa professional know in regards to electric safety around water?

A. In addition to the International Swimming Pool & Spa Code (ISPS) and National Electrical Code (NEC) requirements, a pool professional should refer to the following American National Standard Institute (ANSI) approved standards:

For residential pools, ANSI/APSP/ICC-5 2011 American National Standard for Residential Inground Swimming Pools, it states: *Electrical components installed in and/or adjacent to an inground residential swimming pool shall comply with the requirements of the latest published edition of the National Electrical Code NFPA 70 (NEC), the*

jurisdiction having authority and any federal, state, or local codes. In areas where no authority has jurisdiction, the latest published NEC and any federal, state, or local codes shall apply.

For public swimming pools, ANSI/APSP/ICC-1 2014 American National Standard for Public Swimming Pool states: *The electrical installation shall meet the requirements of the National Electrical Code (NEC) NFPA 70, as adopted by the Authority Having Jurisdiction (AHJ), or the latest public edition of the (NEC) NFPA 70, if it has not been adopted by any AHJ or other entity.*

Q. Where can I find more information?

A. The U.S. Consumer Product Safety Commission keeps statistics and provides [Safety Tips for Preventing Electrocutions In and Around the Pool](#).

For additional information contact [Jennifer Hatfield](#), APSP Director, Government Affairs

**FREQUENTLY ASKED QUESTIONS
DRAIN COVER LIFE EXPECTANCY & REPLACEMENT**

Q. How can I determine the life expectancy of installed fittings/covers?

A. The life expectancy in years should be marked on the top surface of the cover/grate. Information can also be obtained from manufacturer literature or by contacting the manufacturer.

Q. If the pool was retrofitted as part of the 2011 recall, is replacement still necessary now?

A. That depends. If a complete new cover/grate was installed then its life expectancy would start from the time of installation. If a riser ring or similar component was installed beneath the existing cover/grate, then you would count from the date of original installation.

Q. Will replacement due to life expectancy be enforced by the CPSC in commercial pools?

A. The CPSC has not issued any statement in this regard. However it is aware of the issue. In addition, the VGB and the APSP-16 (and APSP-7) Standard requires that fittings in public pools be installed in accordance with manufacturer instructions, which include the need to replace when life expectancy is reached.

Q. Can I use existing fasteners when replacing the covers?

A. No. All fittings must be installed with new accompanying fasteners. If they do not fit the existing sump/frame, other changes may be needed.

Q. Can I simply use the same model or one with the same flow rating?

A. If the current model and flow rating are known to be compatible with the sump and circulation system, the same model may be used provided that 1) it was not subject to the 2011 recall, and 2) maximum system flow has not changed (i.e., due to pump replacement). Similarly, if the maximum system flow has increased, it may be necessary to use a different model fitting.

Q. How do I determine if a drain cover is properly rated for a given pool or spa?

A. First, determine the maximum flow capability of the installed circulation system. Each drain cover is assigned a rating which determines the maximum flow in gallons per minute (GPM) that should be allowed to flow through that fitting. This rating is based on testing for body entrapment and hair entrapment under the APSP-16 Suction Fitting Standard. For public facilities, some jurisdiction further limit the flow rating of covers base on water velocity, in these instances you will need to consult local code or the Authority Having Jurisdiction, which may require a permit or other form of approval before work begins.

For single and dual-drain systems the rating for each drain cover must equal or exceed the rating for the pump/pool or spa circulation system. For systems with three or more submerged suction outlets connect together

without a valve capable of isolating one from the others, it may be permissible to combine the flow of all but one outlet; consult the manufacturer's instructions.

Q. Who is responsible for paying for the cost of replacement?

A. All costs and expenses are the responsibility of the pool owner / operator.

VERY IMPORTANT: The ANSI/APSP-7 Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Catch Basins includes a variety of tools to assist in the proper evaluation of maximum flow rates, including Appendix B of the Standard. There is a Field Checklist that is also very helpful in identifying other important aspects of suction outlet safety, including fasteners, sumps and drain spacing. The Standard and the Field Checklist are available at APSP.org.

The APSP reminds all pool and spa professionals, as well as owners and operators of public and residential pools, that drain covers must be installed in accordance with manufacturer instructions, including fastening, spacing, and GPM rating. The ANSI/APSP-7 Standard can readily assist in this process, and ensure the proper evaluation and verification of drain covers matched correctly to the maximum system flow rates.



INTERNATIONAL SWIMMING POOL & SPA CODE (ISPSC)

1. **What is the ISPSC?** The ISPSC is the first and only comprehensive model swimming pool and spa code available for states and localities to adopt. It is the only model code that addresses ALL (public and residential) types of pools and spas, and covers ALL aspects of construction & design; including barriers, entrapment prevention, materials, finishes, dimensions and slopes, exits and entries, circulation, sanitization, signage and depth markers, and energy efficiency. It also covers ancillary components such as suction fittings, filters, pumps, motors, heaters, diving equipment, ladders and steps. It is part of the family of International Code Council model codes and was developed jointly with the APSP.
2. **Why is the ISPSC needed?** There is no other Code or Standard that addresses all aspects of residential and public pool and spa construction & design. While most states and local jurisdictions have some form of existing public pool code, most lack a comprehensive code or laws that address the design, construction and safety of residential pools, which is where most pool related injuries occur. Many jurisdictions lack even a barrier or suction-fitting requirement in residential pools.
3. **Why would a state or locality want to adopt the ISPSC?** Adoption of the ISPSC will:
 - Substantially reduce child drowning or near drowning incidents by introducing or enhancing existing barrier requirements in residential pools and spas.
 - Eliminate entrapment incidents by requiring compliance with the provisions in the Virginia Graeme Baker Pool and Spa Safety Act, and the ANSI/APSP-7 Entrapment Avoidance Standard.
 - Eliminate electrical incidents in and around pools and spas by requiring compliance with the National Electric Code.
 - Save lives and reduce visits to the ER generally by establishing a state of the art comprehensive code that reduces child drowning by requiring barriers, compliant designs and slopes and exists and entry, eliminates entrapment incidents once and for all, ensures pools & in-ground spas are built with proper materials.
 - Reduce both energy & water consumption in pools and spas.
 - Make life easier for code inspectors by adopting simple, understandable & verifiable language.
 - Bring states into compliance with the Virginia Graeme Baker Pool & Spa Safety Act, as well as help them qualify for grants under the Act.
4. **How was the ISPSC developed?** The ISPSC was developed through the rigorous International Code Council Government Consensus Process, which requires full and fair consideration of all comments and submissions, first by a balanced panel of recognized experts, and secondly, a final determination by the public servants who have hands on experience, and who comprise the ICC membership.
5. **Are the ANSI approved APSP standards included in the ISPSC?** Yes, the ISPSC is derived from and fully supported by the ANSI/APSP national consensus standards, which have been developed under the rigorous due process requirements of the American National Standards Institute. This process ensures full and fair considerations of all comments and submissions, and final determination by a balanced panel of recognized experts, including representatives of public health departments, independent testing facilities, the National Safety Council and the US Consumer Product Safety Commission.
6. **Does the ISPSC cover public pools, spas, & aquatic recreation facilities?** Yes, the ISPSC covers all aspects of design and construction of public (commercial) pools, spas & aquatic recreation facilities by incorporating language from the APSP-1, APSP-2, and APSP-9 Standards and incorporating best practices from state codes. Further, it separates public pools into several discreet and necessary categories (including semi public, distinguishing between large municipal and hotel or condominium pools for example) as well as spas (inground, portable and swim).

7. **How does a State or Locality go about adopting the ISPSC?** Most states adopt building codes on a three-year cycle, with a state agency that oversees the adoption of such codes holding rulemaking hearings when reviewing new codes for consideration. A state can adopt a new code for mandatory use statewide or it can then be determined at the local level whether a particular jurisdiction wants to adopt a particular code by a local ordinance. Many times a separate state agency (health and/or environmental state agency) oversees public pools and spas; therefore, it is also imperative to work with this agency to ensure any public pool or spa rule adopts construction & design language consistent with the ISPSC.
8. **How can APSP members help to ensure adoption of the ISPSC in their State or Locality?** They can start by discussing the ISPSC with their local building officials and inspectors, hold joint APSP and ICC (building official & inspector) meetings to discuss when the next opening for adoption of a new code is in a particular state or locality, and then participate in the rulemaking process to support the adoption of the ISPSC. APSP members can also encourage their building officials and inspectors to discuss with health inspectors the importance of the ISPSC, to encourage consistency between any rules (codes) adopted by the health inspectors.
9. **How will the ISPSC be enforced?** Once adopted by a state or locality, building and/or health inspectors will enforce the ISPSC through the permitting and inspection processes. Direct action against noncompliant facilities may be taken by local building or health officials enforcing state or health building codes that reference the ISPSC. Violations of the Code may prevent issuance of a permit or certificate of occupancy, subject a covered pool to closure, and/or subject the builder or owner/operator to civil liability or penalties.
10. **Does the ISPSC apply to both existing and new pools and spas?** As a design and construction code the ISPSC is intended to apply to newly constructed or renovated pools and spas (meaning those built or renovated after the date the new code goes into effect). Individual jurisdictions can elect to make certain provisions retroactive or require that when certain parts are being replaced they must comply with the new code, i.e. drain covers or energy efficient pumps or motors.
11. **How many editions of the ISPSC currently exist?** The 2015 ISPSC is the 2nd and current edition and is available for adoption. A number of states and localities have already adopted or are in the process of adopting or considering the prior 2012 edition. As with all I-codes, the ISPSC undergoes a rigorous triennial review process, allowing a code to be open to improvement as new technologies and scientific advances are presented – the 2018 ISPSC edition will be published and available for adoption in September 2017..
12. **Where can I learn more about the ISPSC requirements?** APSP has developed a course, "How to Build and Comply with the ISPSC" that can be scheduled by contacting APSP. Further, as with other I-codes, the ISPSC also provides a concise commentary book for users that provides an understanding of requirements found in the code. Information on both the ISPSC and the ISPSC Commentary can be found on the APSP website and at www.ICCsafe.org.
13. **What are the Top benefits of a state or locality adopting the ISPSC?**
- The only comprehensive model residential and public swimming pool and spa code available.
 - "NEW" state and local jurisdictions adopting the ISPSC are eligible for [Consumer Product Safety Commission \(CPSC\)](#) yearly training money.
 - Enhances residential pool barrier requirements, reducing drowning or near drowning.
 - Eliminates entrapment incidents, and ensures Virginia Graeme Baker Act compliance and eligibility under the VGB State Grant Program by reference to APSP-7 Standard for Suction Entrapment Avoidance.
 - Uses time-proven ANSI/APSP standards by reference and integration.
 - Contains barrier, decking and lighting provisions coordinating with the IBC.
 - Covers all types of aquatic vessels, including residential and public pools, portable and in-ground spas, water parks, exercise spas, and hot tubs.
 - Is based on up to date, scientific and third party testing and research on issues such as entrapment prevention, drowning prevention, energy usage and materials and dimensions.
 - Requires portable spas be certified to the latest industry standards, eliminating the need to inspect inaccessible interior components.
 - The first swimming pool and spa code to address aquatic recreation facilities.
 - The first swimming pool and spa code to address energy usage by including an energy standard for residential portable electric spas and for residential in-ground swimming pool and spa equipment.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO
CONNIE HARVEY

Question 1. While advertising campaigns and educational materials promoting water safety are vitally important, is there any substitute to in-person and hands-on classes where at-risk children can learn how to swim?

Answer. The American Red Cross advocates that everyone becomes “water smart.” It is a combination of water safety and swimming knowledge and skills that help children and adults to be able to enjoy the water safely.

When it comes to learning to swim, there is no substitute for in-person, in-water lessons for people of all ages. The Red Cross has established a definition of water competency—the minimum skills that everyone should have. These critical water safety skills are the ability to do the following, in a sequence: 1. Step or jump into water over your head; 2. Return to the surface and float or tread water for one minute; 3. Turn around in a full circle and find an exit; 4. Swim 25 yards to the exit; and 5. Exit from the water. If in a pool, be able to exit without using the ladder.

Water safety knowledge and skills should be an integral part of every swim lesson experience as they teach people how to prevent water emergencies from happening in the first place and appropriately respond if things go wrong.

The Red Cross also advocates that water safety education be included in dry land settings, such as classrooms and parks and recreation programs. Teaching the basic concepts of water safety and drowning prevention helps lay a foundation and raises awareness of the need to be prepared and safety-conscious whenever around water.

Question 2. Drowning remains the number one cause of unintentional injury death in children 1–5 years. Wouldn’t funding cuts to states and localities that teach at-risk children how to swim hurt efforts to reduce drowning?

Answer. The Red Cross believes that swimming is a life skill that everyone should have, regardless of their ability to pay for swim lessons. Many organizations that offer swim lessons do not have the resources to be able to subsidize the expenses that would make them available at low or no cost. Grant funding can help organizations make swim lessons and water safety education available, accessible and affordable in parts of their communities where the need is greatest.

Grant funding that focuses on drowning prevention can help organizations advance important goals, especially when multiple groups come together. In my written and oral testimony, I shared highlights of the Red Cross Aquatics Centennial Campaign. Our Centennial Campaign supports Red Cross Licensed Training Providers by helping provide more swim lessons to the communities they serve by significantly reducing the costs of swim lessons and water safety education. The campaign also offsets the cost of training the lifeguards and swim instructors needed to provide the lessons.

Grant funding that is made available to national organizations, like the Red Cross, can help extend what our training partners, such as municipal parks and recreation departments, schools and service organizations, can do. There is no doubt that these collaborations, powered by grant and donor dollars, make a lifesaving difference.

Question 3. Does the Red Cross teach its lifeguards about the risks of drain entrapment? Are Red Cross-certified lifeguards trained to regularly check drains to ensure they are compliant with the VGB Act and are securely in place to reduce risk of drain entrapment?

Answer. The dangers of drains and drain entrapment are included in all Red Cross training programs for lifeguard managers, lifeguards, swim instructors and swim lesson participants. Facility management and/or pool operators ultimately have responsibility for the overall safety of an aquatic facility, which includes meeting federal, state and local requirements, such as compliance with the Virginia Graeme Baker Pool and Spa Safety Act (VGBA).

The Red Cross recommends that each facility includes personnel trained in the Red Cross Lifeguard Management course, which helps educate them about these responsibilities, including compliance with the VGBA. Lifeguard Management participants are taught that to meet the requirements of the Federal law, main drains must have a VGBA-compliant cover, a mounting frame, a sump and fasteners to make sure the drain cover is attached securely to the sump. They are also encouraged to conduct daily inspections of aquatic facilities as an important risk management strategy.

Lifeguards play an important role in facility safety. As part of the safety team, lifeguards are typically tasked with conducting daily facility safety checks that include making sure the drain covers and suction fittings are undamaged and secured. Red Cross-trained lifeguards are also instructed to intervene if patrons are playing

around drains and suction fittings and warn them of the dangers. And, Red Cross-trained Water Safety Instructors (swim instructors) are taught the dangers of drains and entrapment injuries so they can help educate swim lesson participants about drain safety.

Although requirements of the VGBA only apply to public pools, the Red Cross, in partnership with the National Swimming Pool Foundation, included the recommendation for all pool and spa owners to install VGBA-compliant covers in the online course Home Pool Essentials: Maintenance and Safety and cautions to avoid playing or swimming near drains and suction fittings.

Question 4. What steps can we take to minimize our exposure to the bacteria and bugs in the water?

Answer. Red Cross Lifeguard Management, Lifeguarding, Water Safety Instructor, Home Pool Essentials and swim lessons courses all include content on the importance of good water quality, recreational water illnesses and prevention practices, including the Six “Pleas” for Healthy Swimming that are based on guidance from the Centers for Disease Control and Prevention.

The Six “Pleas,” as presented in the American Red Cross Swimming and Water Safety manual, are adapted from Centers for Disease Control and Prevention: Six Steps for Health Swimming (<http://www.cdc.gov/healthyswimming/>):

1. Please do not swim when you have diarrhea. This is especially important for children in diapers.
2. Please avoid getting pool water in your mouth, or swallowing it.
 - Please practice good hygiene.
 - Please shower with soap before swimming.
3. Please wash your hands after using the toilet or changing diapers.
4. Please take your children on bathroom breaks and check diapers often.
5. Please change diapers in a bathroom or a diaper-changing area, but not pool-side.
6. Please wash your children thoroughly (especially the buttocks area) with soap and water before swimming.

Question 5. Are Red Cross lifeguards trained in inspecting grounds for faulty wiring and preventing electrocution? Are lifeguards certified by Red Cross trained with what they should do if they witness someone suffering an electrical shock in a pool?

Answer. Similar to the answer regarding the VGBA (Question #3), facility management and/or pool operators ultimately have responsibility for the overall safety of an aquatic facility, which includes meeting federal, state and local requirements, including compliance with electrical codes. The electrical systems of an aquatic facility should be inspected regularly by a licensed electrician as state and local electric codes are strict about the position of electrical outlets and use of electrical devices around pools.

The Red Cross Lifeguard Management course teaches that electrical shock is a potential danger in the operation of aquatic facilities. Conducting and documenting a safety check of electrical equipment should be included as part of a daily or weekly maintenance routine.

In the event of an electrical shock, lifeguards are trained to remove the victim from the water then respond to the condition of the victim, including providing full CPR if the victim is not breathing and does not have a pulse.

This page intentionally left blank.

