

Consumer Product Safety panel reverses itself on pool safety

By Gregory Korte, USA TODAY

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BETHESDA, Md. – A bitterly divided [Consumer Product Safety Commission](#) reversed itself on a pool-safety law Wednesday, voting 3-2 to approve a tougher rule that could require operators of thousands of public pools to install additional safety equipment.

The new rule means many public pools can no longer rely on drain covers alone to prevent children from drowning or being injured by the suction of a pool drain. Just before [Memorial Day](#), the commission announced a recall of 1 million drain covers because of defects in testing.

The vote reverses the commission's ruling last year exempting pools with drain covers from some requirements of the Virginia Graeme Baker Pool and Spa Safety Act of 2007.

STORY: [Pool safety law not working, advocates say](#)

The swing vote was [Robert Adler](#), appointed by [President Obama](#) to the commission in 2009. Adler said he changed his mind after members of Congress convinced him that the earlier rule didn't match their intent. Ten members of Congress wrote the commission Tuesday. "An additional layer of protection will ensure that children are protected when so-called 'unblockable' drain covers fail to work," said the members, all Democrats, including the law's sponsors, Rep. [Debbie Wasserman Schultz](#), D-Fla., and Sen. [Mark Pryor](#), D-Ark.

Adler proposed that the commission seek comment from pool owners about the new rule's effective date, scheduled for [May 28](#), 2012.

Adler's change of heart led to personal barbs and allegations of improper influence.

"What's missing from this conversation is that this isn't all about you, Bob," said Commissioner Nancy Nord, a [George W. Bush](#) appointee. She said seeking comments only on the effective date is like saying "We're going to guillotine you. What date would be convenient?"

"I'm going to take personal offense to the metaphor you used about a guillotine," Adler said. Nord's proposal to seek comments about the rule's economic impact was "asking the wrong people the wrong questions," he said. Commissioner Anne Northup, a Republican former Kentucky congresswoman, said many public pools would close because of the costs of more safety equipment.

The Cosumnes Community Services District in Elk Grove, Calif., spent \$25,000 on drain covers. Aquatic Supervisor Tom Hellmann wrote the commission that "the ones that will be screwed by such a decision are the local communities after their pools are shut down because of the expense to operate when it is just not necessary." Northup alleged the vote was orchestrated by a manufacturer of pool-safety equipment that would stand to gain financially. Paul Pennington founded the Pool Safety Council, which advocated for the change. His company, Vac-Alert, makes a \$500 system that shuts off a pool drain pump if the drain becomes blocked.

"Paul Pennington married his interest in having a market for his product with Debbie Wasserman Schultz's interest in protecting children," Northup said.

Pennington said he has never hidden his dual role and there are many other companies that make equipment that would comply with the rule.

Karen Cohn, whose 6-year-old son Zachary died in an entrapment drowning at her Connecticut home in 2007, said the vote was "a little messy, and a little emotional."

"All I could think about was my son," said Cohn, founder of the ZAC Foundation, a pool safety group. "And if the additional layers of protection were there, he would still be alive."