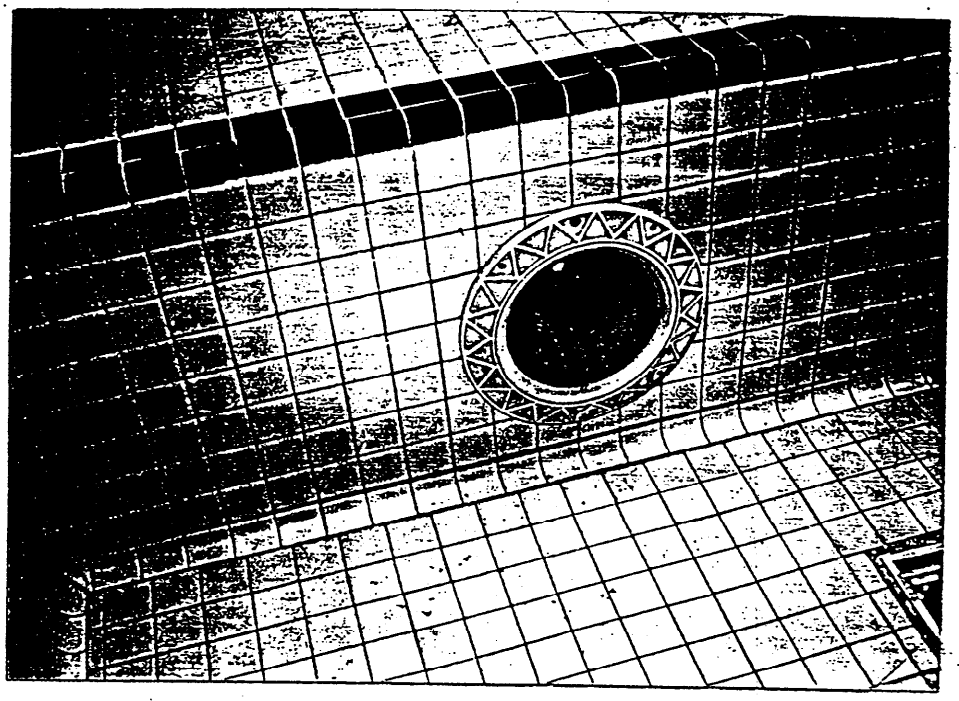


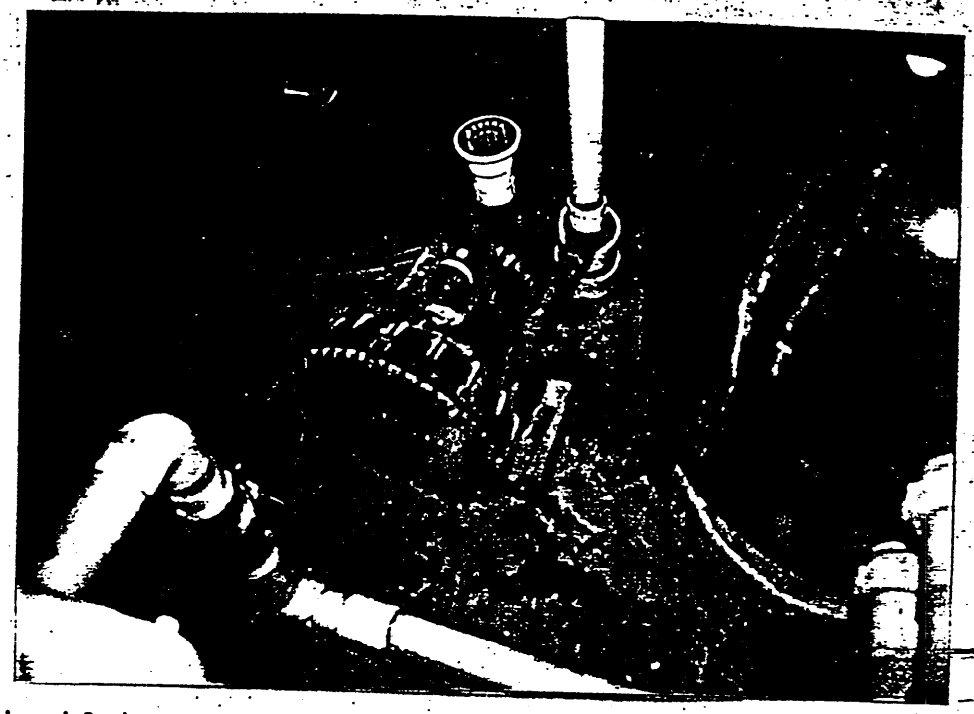
29

One of three circular lights in hot tub. This one is mounted on wall near involved drain at right.

30

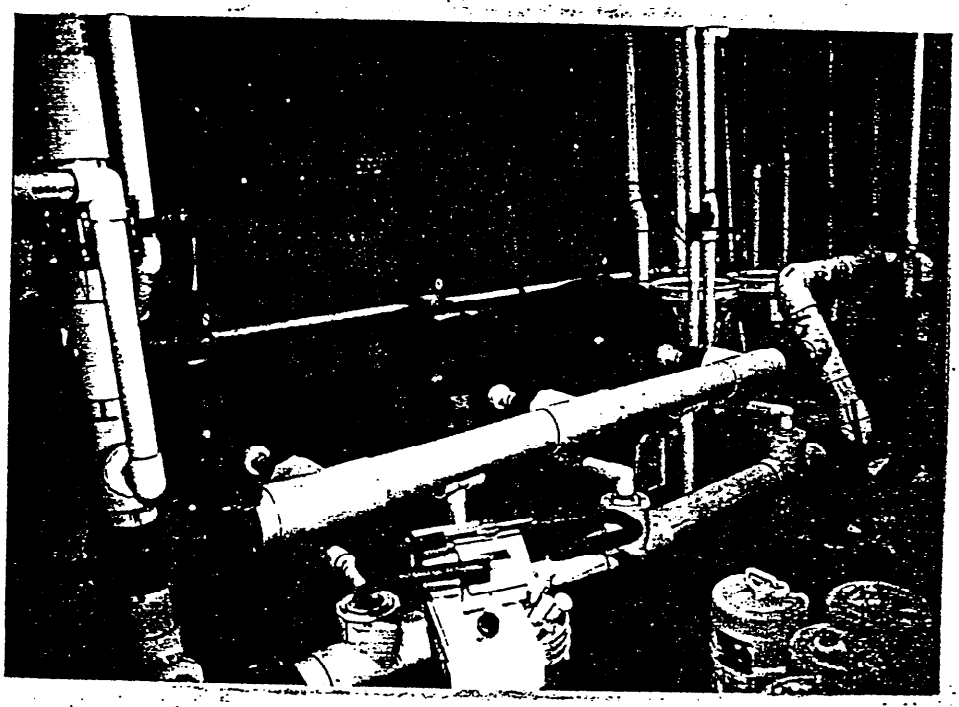
Pump room below hot tub. Piping and filters at left are for the swimming pool. Two pumps at center are the hydrotherapy pumps rated at 10 hp. each. The pump to the left is reportedly for the swimming pool. The center pump is reportedly connected to the involved drain above and is an original pump. The right pump is reportedly connected to the noninvolved drain and is a replacement pump. The 4" PVC pipe on wall between pumps goes from the main drain at to the right where bromine, oxygenation and fitration are done. It has a separate pump reportedly rated at 10 hp.

EXHIBITS I 29/30



31

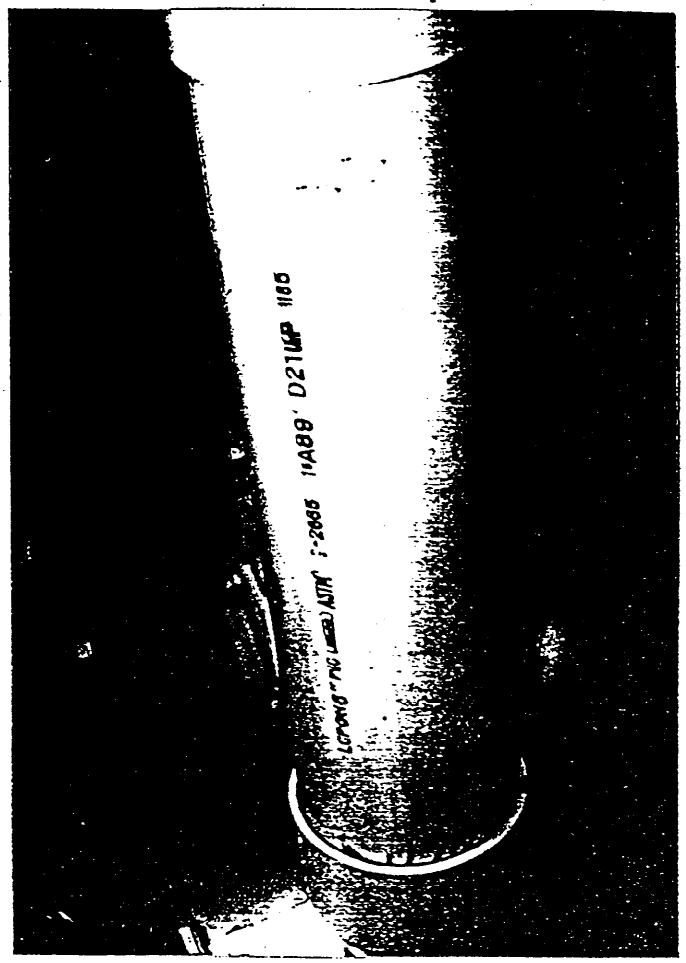
Bromine liquid is reportedly added to the return line by this pump shown. One of the filters is at the right.



32

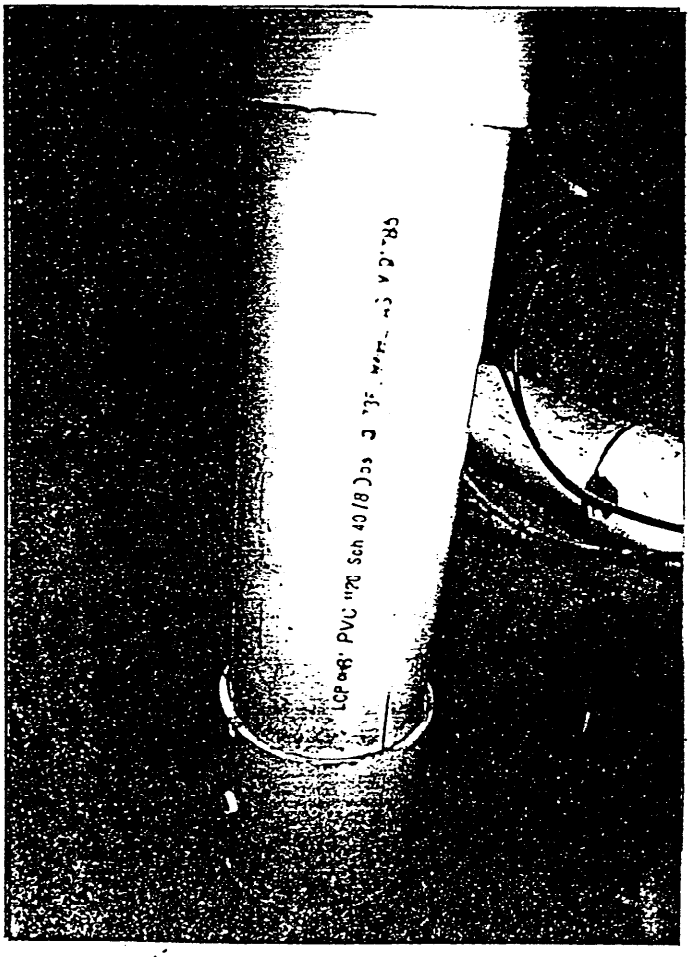
This photograph shows the filtration system for the swimming pool and none of this system was involved in the incident. The hot tub system in the pump room is at the right out of this photograph.

EXHIBITS I31/32



(33)

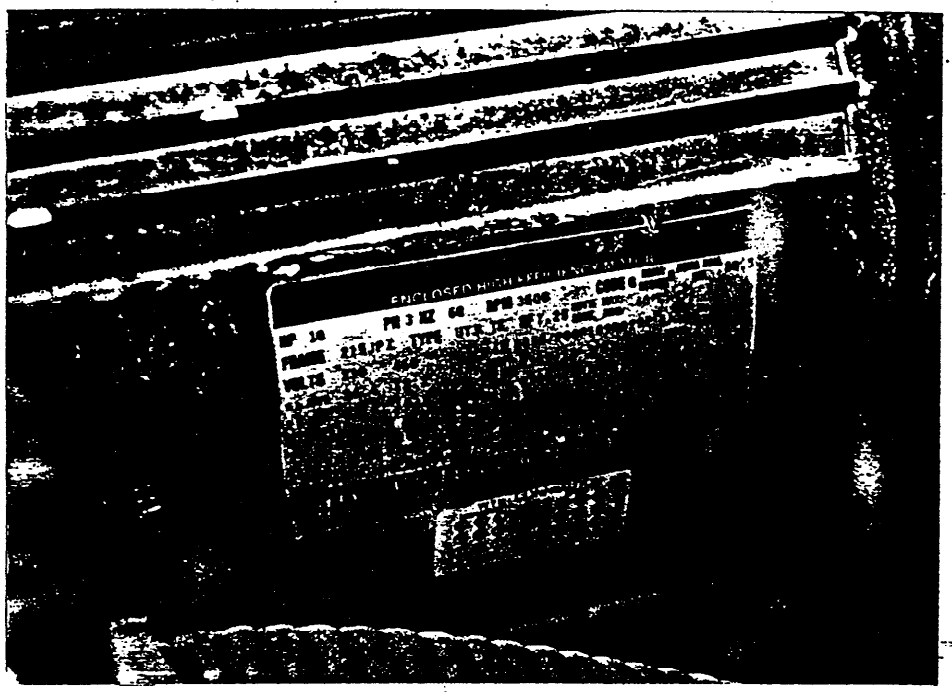
6" diameter PVC pipe from involved drain above goes directly to pump, there is no bypass.



(34)

6" diameter PVC pipe from NON involved drain goes directly to pump, there is no bypass. Behind is the 4" diameter PVC drain pipe from center drain.

EXHIBITS I33/34



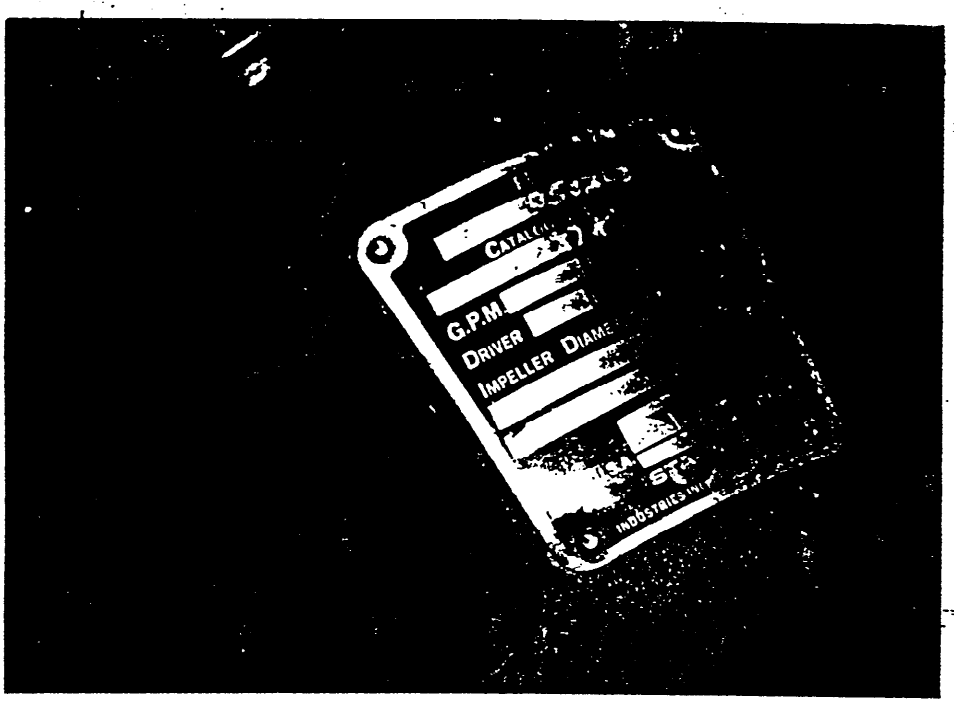
35

Label on the involved 10 hp. motor. Reportedly this is the original motorfrom 1989.

36

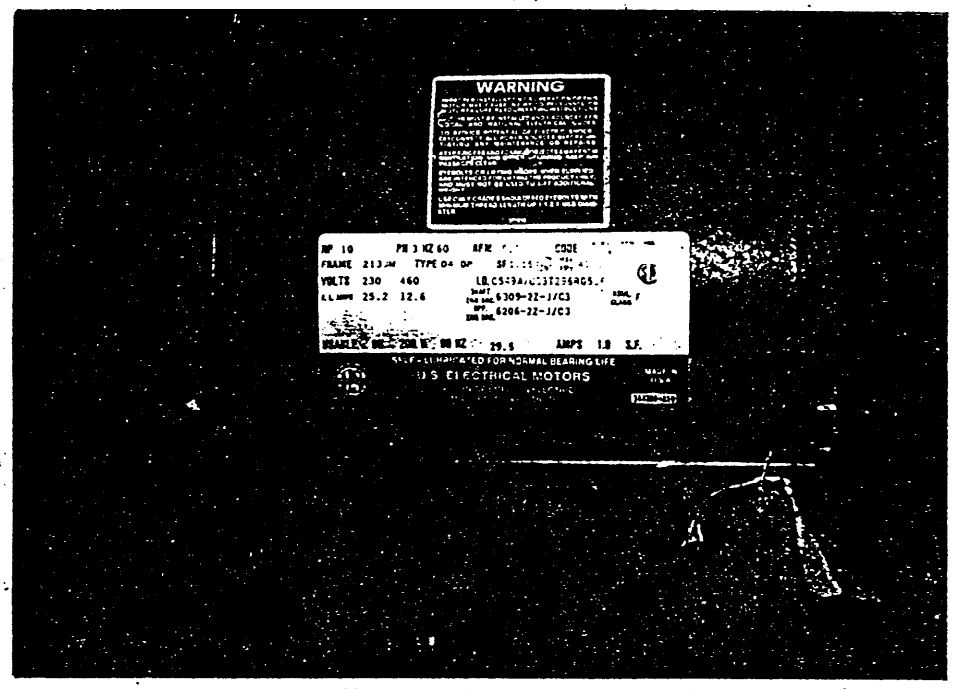
WARNING labeling on the involved motor.

EXHIBITS I 35/36



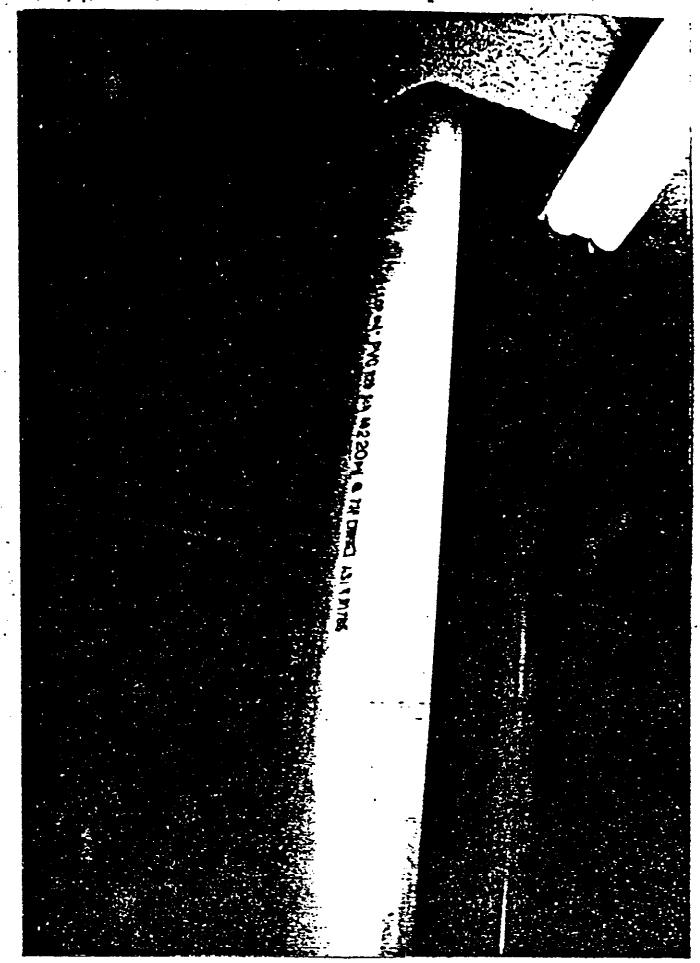
37

Pump is a STA-RITE, Sta-Rite Industries, Delavan, WI. It is catalog number 30E2BS55L3 and Series No. 61XX7K.



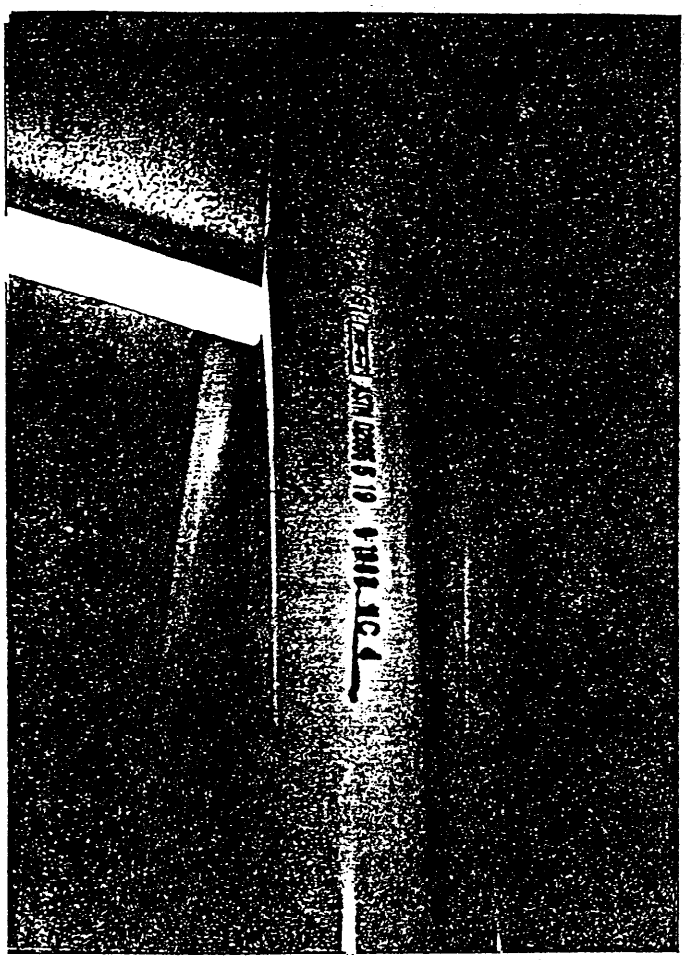
38

Labeling on NON involved motor. This was reportedly a replacement motor and has a much shorter housing requiring wood supports at the pump end. It is rated the same as the original and from U.S. Electric Motors as the original. When the motors were changed is not known.



(39)

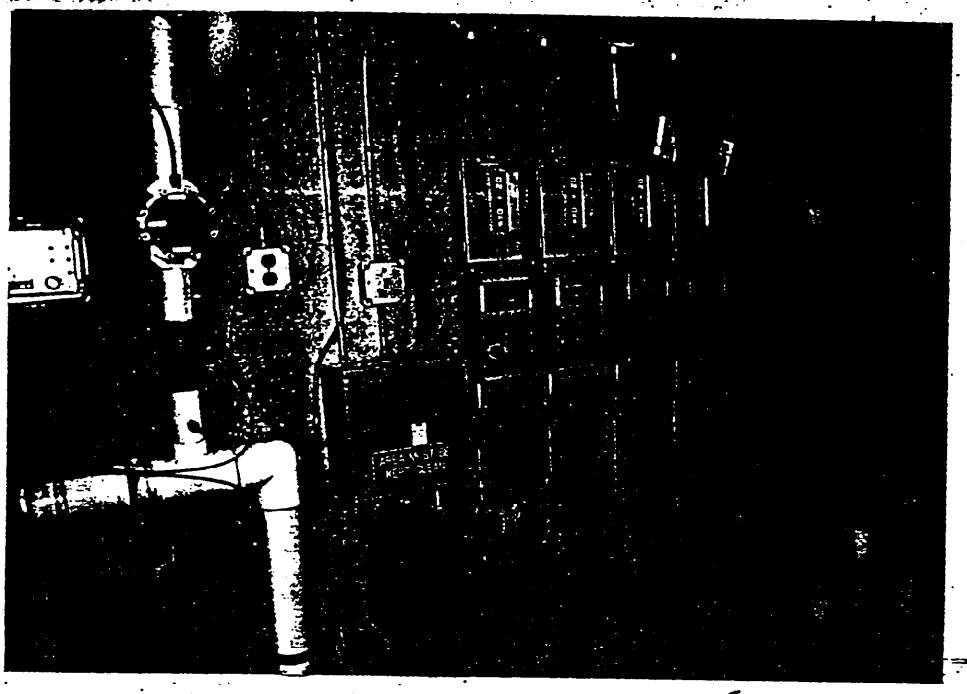
4" diameter PVC pipe from involved pump returns water to jets in hot tub.



(40)

4" diameter PVC pipe from NON involved pump returns water to jets in hot tub. Note that ceiling panels were NOT removed.

EXHIBITS I 39/40



(41)

Panel boxes on wall of pump room. The 4" PVC drain/to hot tub (horizontal pipe) is at left and vertical pipe appears to be used for taking samples or testing water quality. The three skimmers may also be connected to this vertical pipe. The drain has a bypass system with the 3 skimmers connected. NOTE that the panel box #4 is the shut off for the hot tub ("whirlpool").

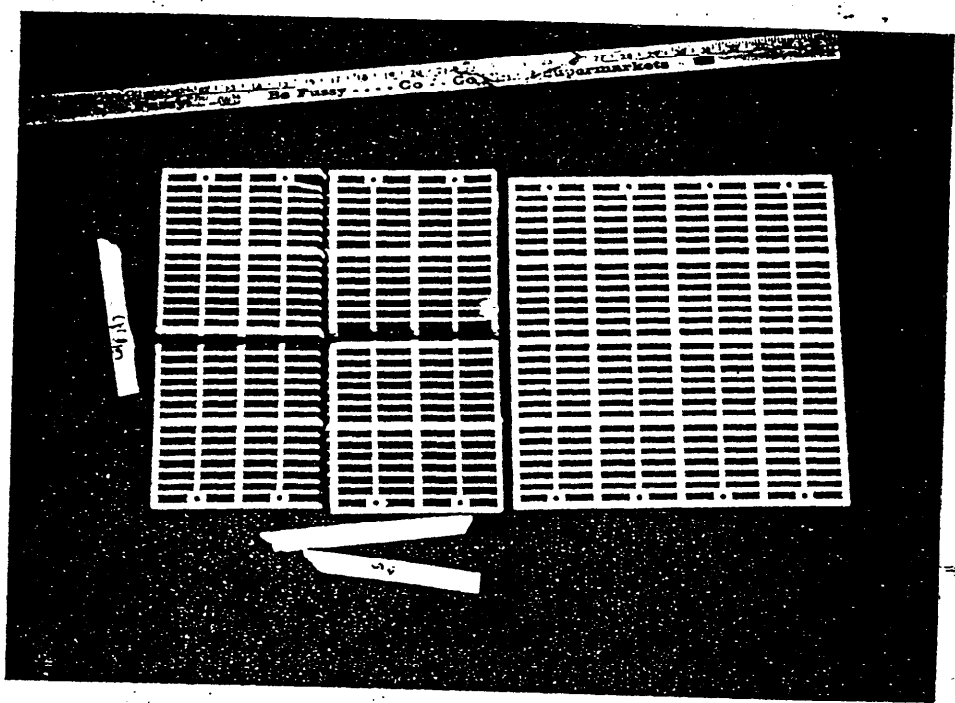
(42)

Timer box for hottub. The code called for a maximum of 15 minutes operation of the hydrotherapy jets. The club had timer set for 10 minutes. The timer starts when the ON button upstairs is activated.

EXHIBITS I 41/42

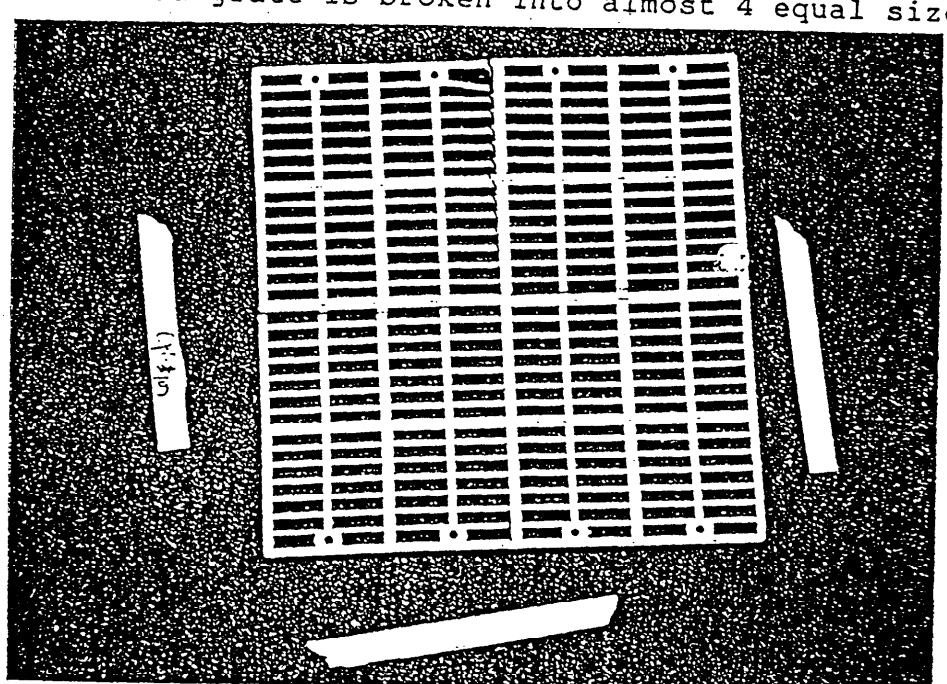
960528CNE5144

PHOTOGRAPHS OF THE DRAIN GRATES WERE TAKEN AT THE MONMOUTH COUNTY PROSECUTOR'S OFFICE. THEY WERE COLLECTED BY WALL TWP. POLICE DEPT. AS EVIDENCE.



43

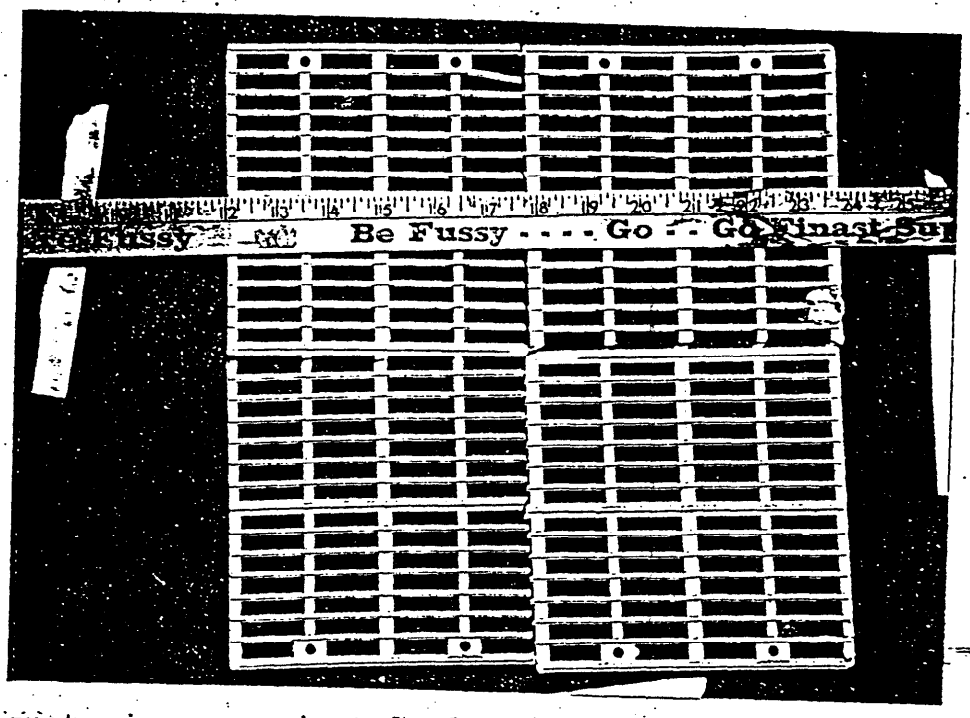
This photo shows the involved drain grate at left and the noninvolved drain grate at right. They appear identical but closer examination reveals the noninvolved drain grate is (1) not stained as much as the involved grate(presumeably from bromine), (2)is a heavier plastic or with thicker slots and (3)has the "H SP-1032" identification and a partly illegible code whereas the involved grate has no apparent labeling. Note the involved grate is broken into almost 4 equal sized pieces.



44

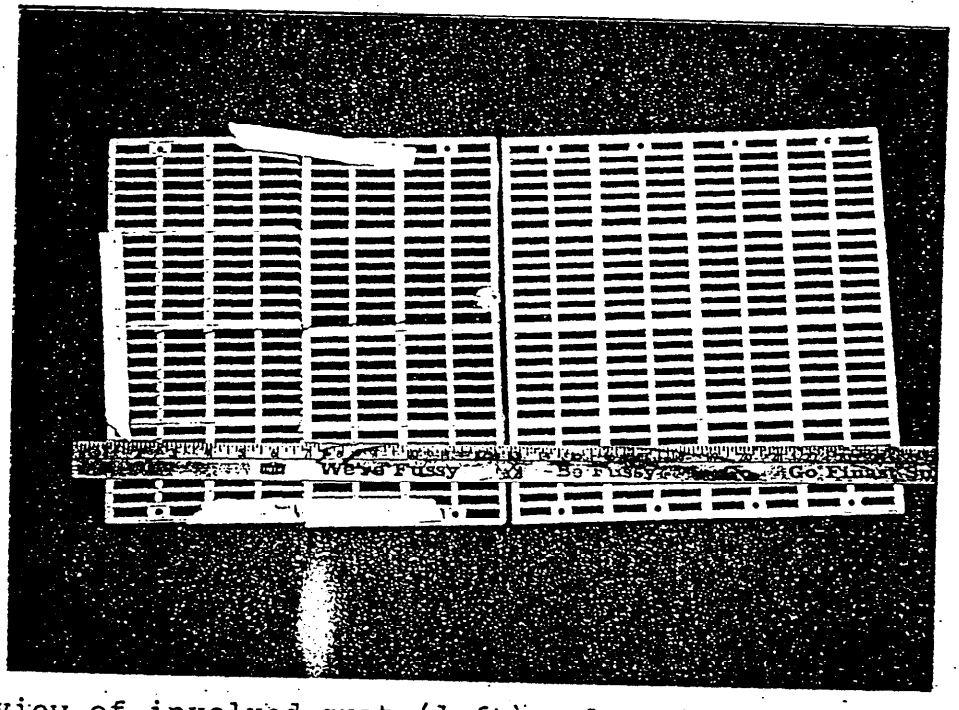
Closer view of involved grate with pieces of frame retrieved from sump.

EXHIBITS I 43/44



45

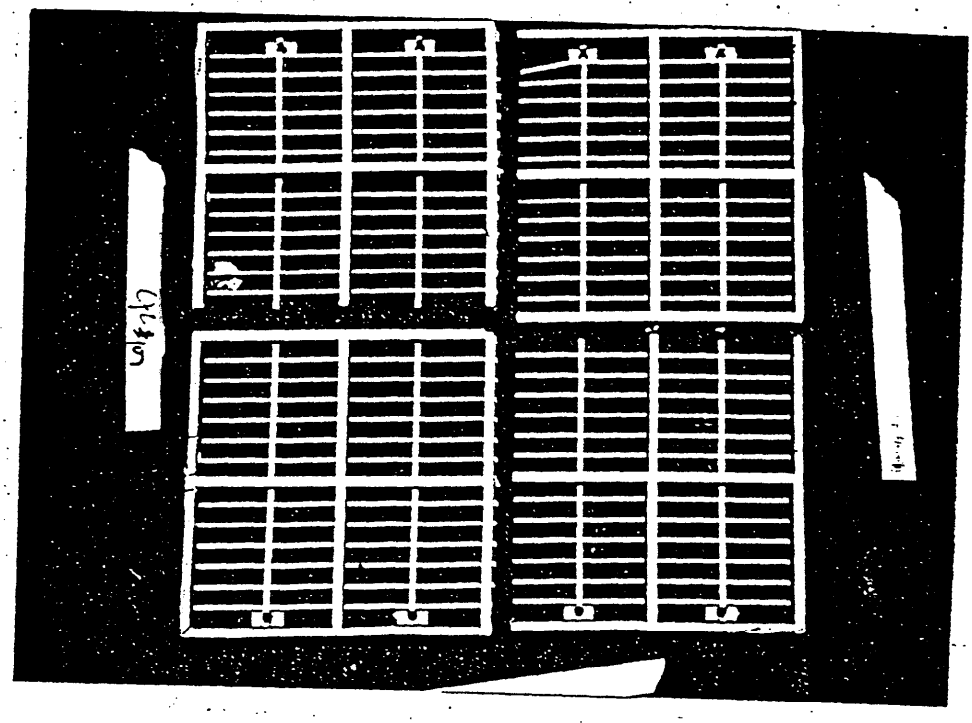
Involved grate is approximately 11 3/4" square. Note screw holes but police report no screws were found to secure grate to frame.



46

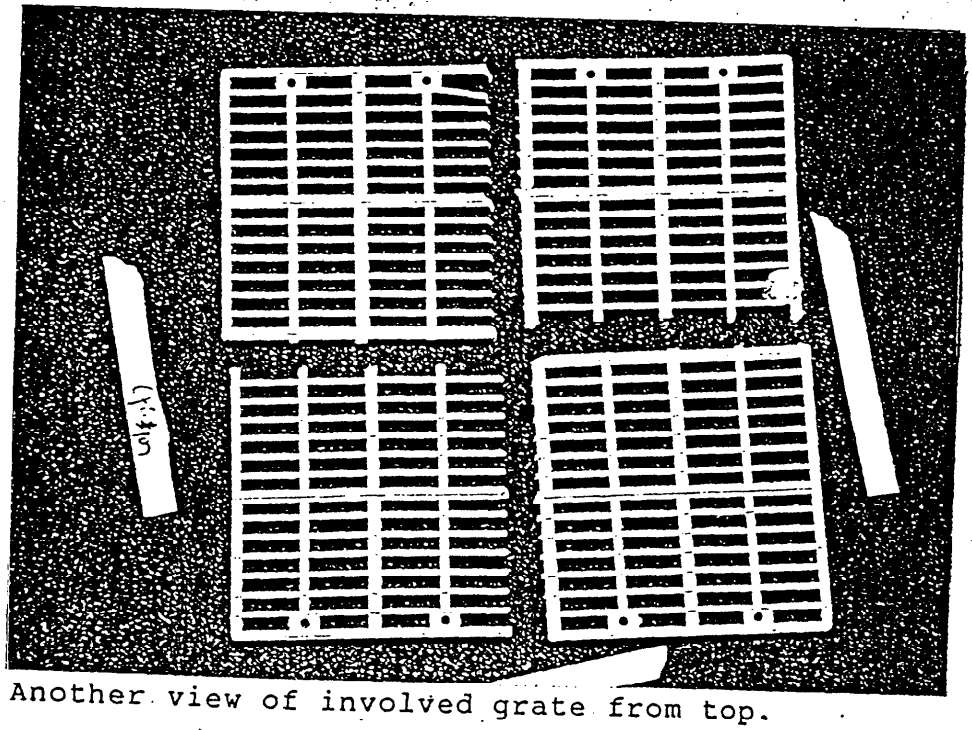
Another view of involved grate(left) and noninvolved grate(right).

EXHIBITS I 45/46



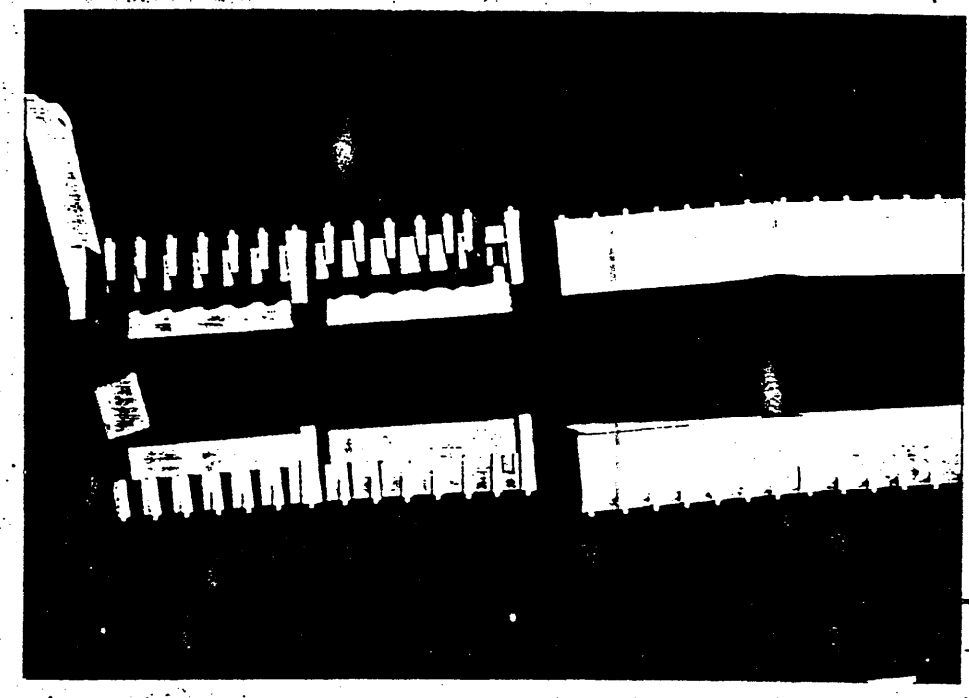
47

Reverse side of involved grate to show almost 4 equal sized pieces.



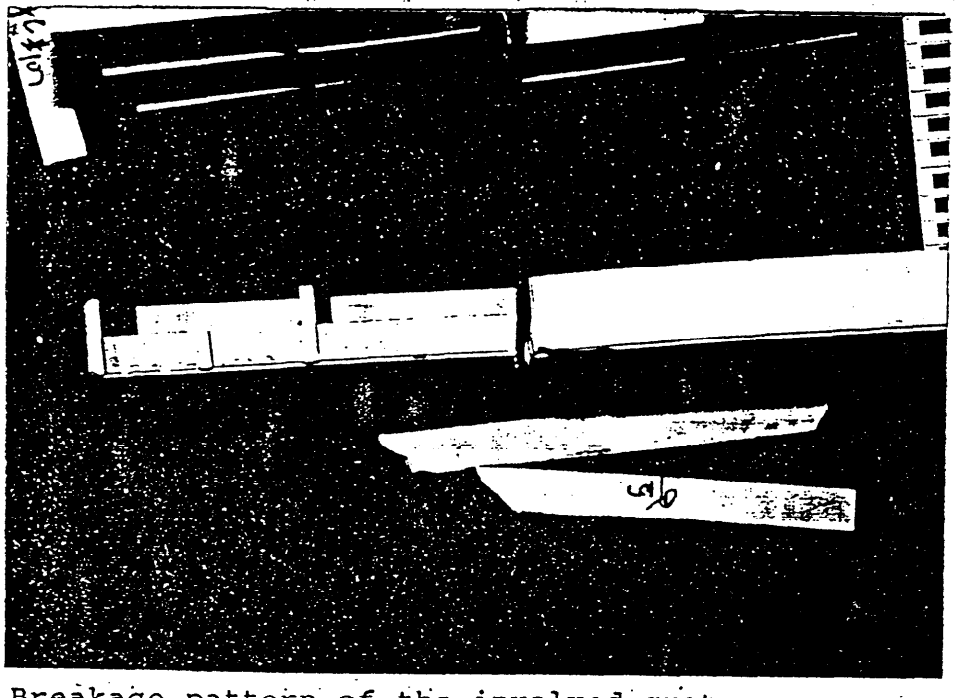
48

Another view of involved grate from top.



49

Breakage points in grate. Theses appear whiter in color than stained grate and may indicate recent breakage. Note that the autopsy photos when received will show a breakage pattern on the victim's buttocks indicating the grate broke as the victim was trapped on the grate and both the grate and victim were being sucked into the sump.

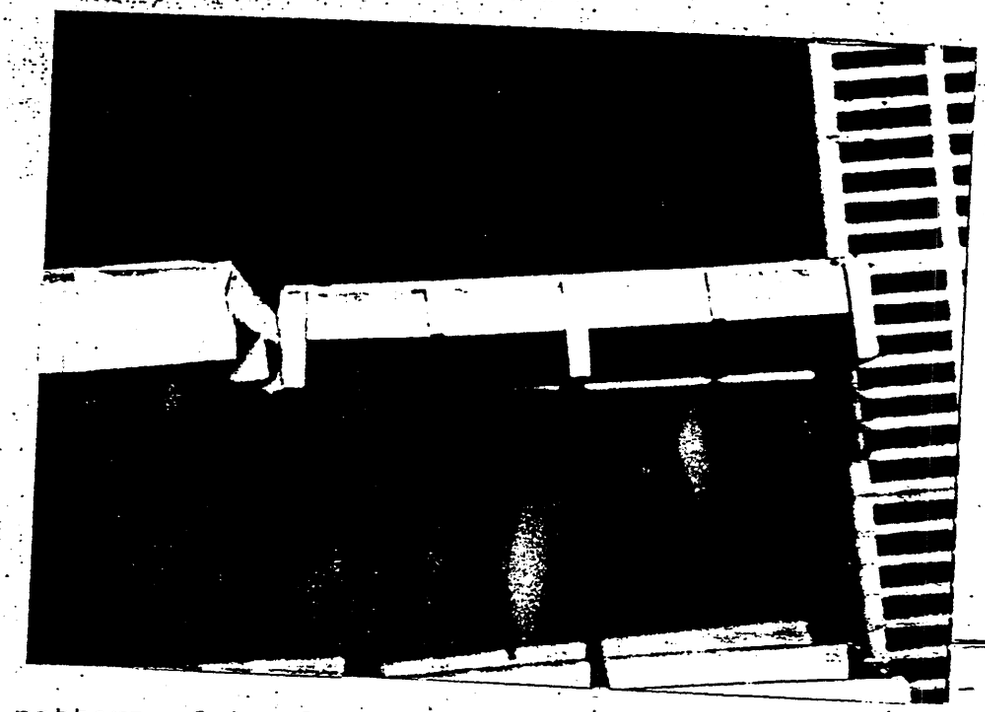


50

Breakage pattern of the involved grate.

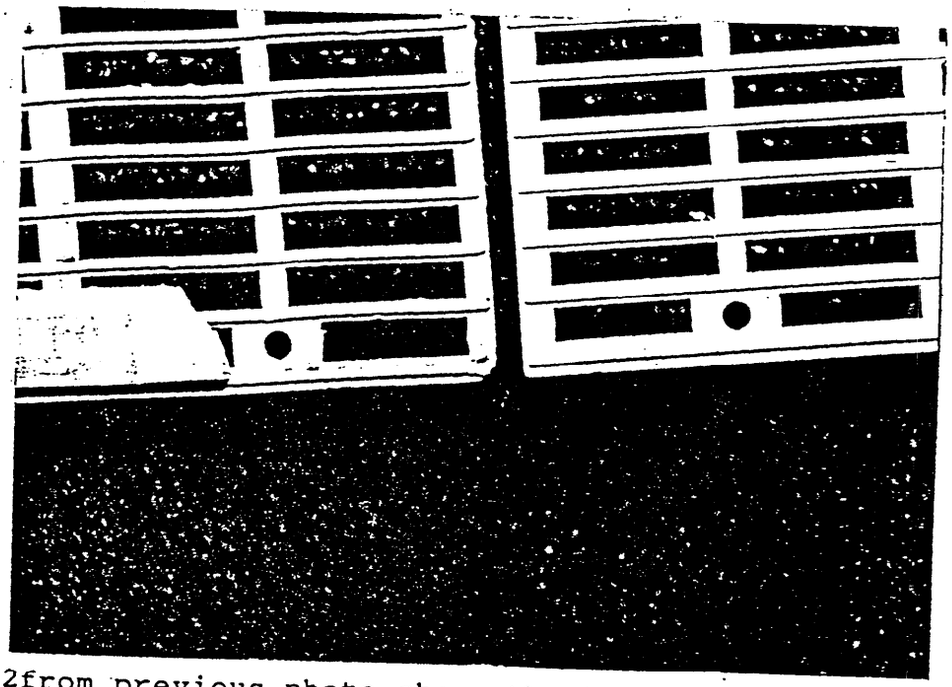
EXHIBIT I 49/

960528CNE5144



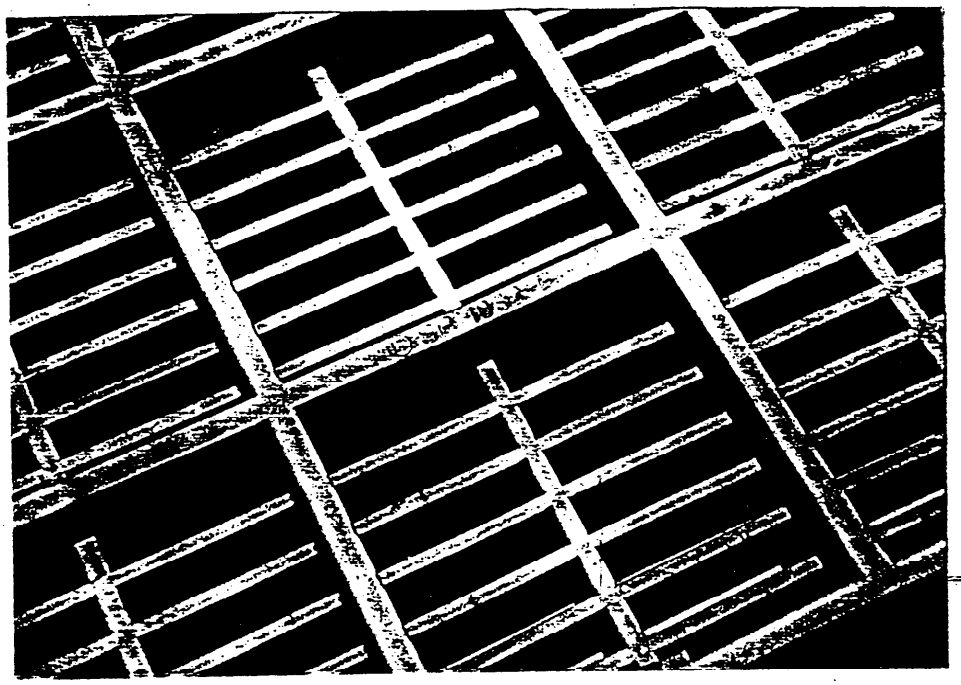
51

Breakage pattern of involved grate. Both grates exhibited a somewhat warped appearance in the center in that the grates appeared bowed down in the center.



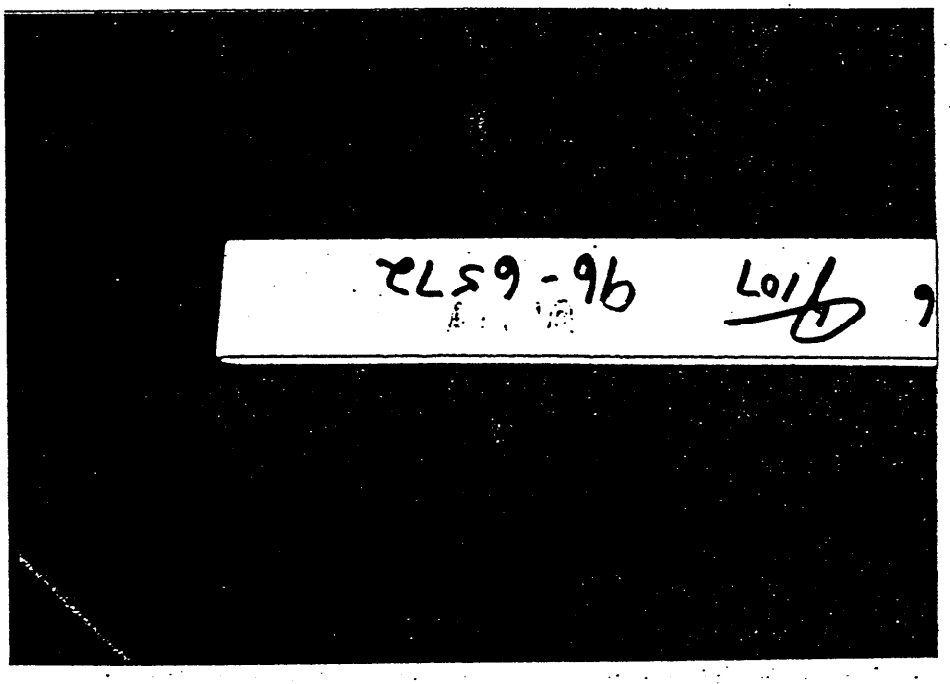
52

Points 1/2from previous photo shows the involved grate at left and noninvolved grate at right. Note the heavier thicker construction of the noninvolved grate. Note that it is also less stained than involved grate.



53

The noninvolved grate shown here with base up. Center crossmember has " Ⓗ SP-1032 B" molded into the plastic. The Ⓗ reportedly is for the manufacturer Hardaway, address unknown. Model No. SP-1032 is the 12" x 12" size calling for 4 securing screws. It has an open area of 78 square inches. No similiar identification was observed on the involved grate.



54

Stamped on the side of the noninvolved grate is a code that appears to be "AL016" but is not entirely legible.

960528CNE5144
0698

OFFICE OF THE COUNTY PROSECUTOR
COUNTY OF MONMOUTH

71 MONUMENT PARK
FREEHOLD, NEW JERSEY 07728-1261
(908) 431-7160
FAX (908) 409-3673
FAX (908) 409-4830

JOHN KAYE
MONMOUTH COUNTY PROSECUTOR

ALTON D. KENNEY
FIRST ASSISTANT PROSECUTOR

ROBERT A. HONECKER, JR.
SECOND ASSISTANT PROSECUTOR

WILLIAM D. GUIDRY
DIRECTOR OF TRIAL DIVISION

WILLIAM P. LUCIA
CHIEF OF INVESTIGATIONS

August 12, 1996

William S. Robinson
Consumer Product Safety Commisssion
Straube Center
106 W. Franklin Avenue
Pennington, New Jersey 08534

Dear Mr. Robinson:

Re Investigation No. 96-06572

Please be advised that discovery has been prepared and all paperwork listed below enclosed. There are photos and video tapes available for your review upon request. All negatives are in the possession of the Wall Township Police.

1. Investigation report (Cavalieri, 6/17/96)...4 pgs.
2. Front and Back Monmouth County Health Department Investigation Report (Brown, 7/15/96) ...2 pgs.
3. ME Report No. ME13/96/0560 (Sinha, 5/29/96) ...4 pgs.
4. ME History ...1 pg.
5. Toxicology Report (Rang-Lang Lin, 6/6/96) ...1 pg.
6. MCPO Information Sheet ...1 pg.
7. Diagram ...1 pg.
8. Copy Incident 96-46693 and 96-46694 ...1 pg.
9. Statement - Wahlers, 5/25/96 6:45 ...1 pg.
10. Statement - Ricart, 5/25/96, 6:43 ...2 pgs.
11. Statement - Alicea, 5/25/96, 6:43 ...1 pg.
12. Statement - Soto, 5/25/96 ...1 pg.

960528CNES144

13. Statement - Sharpe, 5/25/96, 8:45A ...1 pg.
14. Statement - Feigin, 5/25/96, 0720 hrs. ...5 pgs.
15. Statement - Lane, 5/25/96, 8:10A ...4 pgs.
16. Statement - Miller, 5/25/96, 0815 hrs. ...4 pgs.
17. Statement - Reynolds, 5/25/96, 1001 hrs. ...6 pgs.
18. Statement - Surgent, 5/27/96, 4:14P ...4 pgs.
19. Statement - Pfeifer, 5/27/96, 4:10P ...5 pgs.
20. Statement - Vargas, 5/25/96, 9:30A ...6 pgs.
21. Statement - Somerville, 5/25/96, 11:16A ...8 pgs.
22. Statement - Howell, 6/6/96, 11:50A ...4 pgs.
23. Copy - Certification - Pfeifer No. 59-0835 ...1 pg.
24. Copy - Business Card - Maj. Olindo Teza ...1 pg.
25. Signed Miranda, 5/27/96, 4:10P ...1 pg.
26. Preliminary Invest. - Cavalieri, 6/25 ...1 pg.
27. Invest. - Olsen, 5/25/96, ...2 pgs.
28. Special Report - Ridoux, 5/25/96, 2 pgs.
29. Wall Township Incident Card, 5/25/96, 0510 hrs. ...1 pg.
30. Statement - Feigin, 5/25/96 ...1 pg.
31. Statement - Greco, 5/25/96 ... 1 pg.
32. Statement - Wolcott, 5/25/96 ...1 pg.
33. Statement - Hoosein, 5/25/96, 6:43 ...1 pg.
34. Statement - Lane, 5/25/96, 6:43 ...1 pg.
35. Statement - Vargas, 5/25/96 ...1 pg.
36. Statement - wolcott, 5/25/96, 6:45 ...1 pg.
37. Signed Miranda - Lane, 5/25/96, 0648 hrs. ...1 pg.
38. Signed Miranda - Feigin, 5/25/96 ...1 pg.
39. Table Assignments ...12 pgs.

960528CNE-5144

40. Address and Phone Numbers ...1 pg.

41. Project Prom Committee and Students Attending Project Prom ...5 pgs.

42. MC Bathing Inspection Sheet, 2/20/96 ...1 pg.

43. MC Bathing Inspection Sheet, 7/20/95 ...1 pg.

44. South Jersey Concrete Construction Data Sheet Whirlpool No. 2 ...1 pg.

45. Diagram ...1 pg.

46. Monmouth County Health Department requirements for hot tub, 1/5/89 ...4 pgs.

47. Memo for Course Training - Berkeley, 5/29/96 ...1 pg.

48. Sign up Sheet for CPR, 5/14 (morning) ...1 pg.

49. Course Record for American Red Cross ...1 pg.

50. Certifications for Lynn Reynolds ...1 pg.

51. Certifications for Tracey Somerville ...1 pg.

52. Certifications for Thomas Sharpe ...2 pgs.

53. Certification for Cathy Pfeifer ...1 pg.

54. Water Testing Data ...31 pgs.

55. N.J. Sanitary Code Chapter 1X - Jan. 1987 ...20 pgs.

56. N.J.. Sanitary Code Chapter 1X - May 1991 ...13 pgs.

57. Data-Sta-Rite ...9 pgs.

58. South Jersey Concrete Construction Data Sheet, Whirlpool No. 1 ...1 pg.

59. Data Sheet ...1 pg.

60. Diagram ...1 pg.

61. Construction Permit - issued 10/4/88 ...1 pg.

62. Building Sub Code - issued 10/4/88 ...1 pg.

63. Electrical Sub Code Technical Section - issued 10/3/88 ...1 pg.

64. Wall Township C.D. Permit No. 88-1158

960528CNE5144

65. NPSH Required/Feet Model E Series ...1 pg.

66. Letter to PDC from Monique Mull, 10/6/96 ...3 pgs.

67. Special Report - Wobser, 5/25/96 ...1 pg.

68. Computer Aided Dispatch, 5/24/96 through 5/25/96, 0645 hrs. ...4 pgs.

69. Photo Reports ...6 pgs.

70. Evidence/Prop. Rec. (blood) ...1 pg.

71. Lab Reg. ...1 pg.

72. Evidence/Property Receipt (grill and bathing suit) ...1 pg.

73. EMT - Defibrillator Patient Report ...8 pgs.

74. Swimming Pool and Hot Tub Plans ...1 pg.

75. Daily Log Data and Entry Screen ...2 pgs.

76. Investigation Report - Morris, 5/276/96, No. 6572 ...6 pgs.

77. Investigation Report - Connellan, 5/27/96, No. 96-6572 ...22 pgs.

Enclosed is an invoice for the cost of reproduction for this perwork.

Should you require any further information, I can be reached (908) 431-6506.

Very truly yours,

JOHN KAYE
MONMOUTH COUNTY PROSECUTOR

Robert A. Honecker

By: Robert A. Honecker
Second Assistant Prosecutor

H:CH:emc

Enclosures

State of New Jersey
DEPARTMENT OF HEALTH
CN 360, TRENTON, N.J. 08625-0360

FAX ROUTING SLIP

TO

Name of Recipient	Tel. No. of Recipient
ROY W. DEPPA, P.E.	301-504-0494 x 1306

Organization and Address
U.S. C.P.S.C.

FROM

Name of Sender	Fax No. of Sender
JOHN SHART / RON VLINSKY	609-588-7431
Organization and Address	**Telephone No. of Sender**
N.J.D.O.H.	609-588-3124

DOCUMENT TRANSMITTED

Transmitted to (Fax Number)	Total No. of Pages (including routing slip)	Date
301-504-0533	3	6-3-96

ROY,
PLEASE RETURN YOUR COMMENTS (BY FAX OR PHONE) BY C.O.B. 6/14/96.

THANKS,
John

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G3412

Public Health Advisory

DRAFT

POTENTIAL HAZARDS ASSOCIATED WITH SUCTION DRAINS OF SPAS, HOT TUBS, WHIRLPOOLS AND WADING POOLS

Following the recent tragedy of the death of a 16 year old girl who drowned when suction from the drain of a health club spa held her to the bottom, the New Jersey Department of Health is issuing this ***Public Health Advisory*** to all spa, hot tub, whirlpool , and wading pool operators and local health officials.

The suction from drain outlets is strong enough to cause hair entanglement, disembowelment and body entrapment. In order to minimize or eliminate suction hazards, the following safety precautions should be adhered to:

- Qualified facility staff should inspect the pool, spa, hot tub, and whirlpool ***daily*** to ensure that the drain covers are firmly attached and in sound condition.
- Stainless steel screws should be used to fasten the drain covers.
- If the drain covers are missing, broken or showing signs of excessive wear, the facility should be shut down immediately, and remain so until the drain covers are replaced.
- Operators, lifeguards, and other key personnel must know where the pump shut-off switches are located and have ready access to them.

Furthermore, for spas, hot tubs, whirlpools, and wading pools that are not equipped with the following additional safety features, it is highly recommended that operators pursue retrofitting their facilities with:

1) a minimum of two suction outlets for each pump in the suction outlet system (refer to ANSI/NSPI-2 1992, subsection 9.5 for additional guidance);

DRAFT

DRAFT

2) pump shut off switch(es) that is(are) accessible, located within sight from the spa, hot tub, whirlpool or wading pool and prominently marked;

3) antivortex drain covers.

All incidents involving suction entanglement/entrapment should be immediately reported to the New Jersey Department of Health at (609) 588-3124.

The New Jersey Department of Health is working closely with other safety experts at the local, state, and federal levels as well as with industry representatives on this issue. In addition to issuing this ***Public Health Advisory***, the Department is also in the process of evaluating the existing regulations governing the construction, maintenance and operation of these types of public recreational bathing places (N.J.A.C. 8:26) to determine whether revisions are necessary to strengthen public health and safety controls. Your comments and suggestions are welcomed and encouraged.

Should you have any questions or wish to discuss the contents of this communiqué, please contact Mr. John Sharp, Coordinator of Health Projects, Public Health Sanitation and Safety Program, at (609) 588-3124.

Thank you.

DRAFT

FAX Message

Directorate for Engineering Sciences
Consumer Product Safety Commission
Washington, D.C. 20207

FAX No. 301:504-0533

DATE: June 4, 1996

TO: John Sharp/Ron Ulinsky FROM: Roy Deppa

TEL: 609:588-3124 TEL:301:504-0494 X:1306

FAX: 609:588-7431

Number of Pages (incl. this sheet): 1

Message:

John,

1. As worded, this advisory allows the conditions I found at The Atlantic Club spa to remain. Because it only recommends that retrofits be pursued, an operator is not obligated to correct the hazard that trapped Tanya Nickens, nor does a public health official have the authority to close such a facility. As I stated during the Emergency Task Force meeting on May 30, I'm surprised that this event did not happen sooner, and I am very concerned about any similarly-designed spas currently in use.

2. As I mentioned during our phone conversation on June 3, the National Electrical Code provision for the location of the electrical disconnect is intended for the safety of maintenance personnel working on the elctrical equipment, and does not address the safety of spa users (except as it requires a minimum distance of 5 feet). I believe the electrical disconnect at The Atlantic Club meets this NEC requirement.