

U.S. CONSUMER PRODUCT SAFETY COMMISSION
LOG OF MEETING

SUBJECT: Commissioner Feldman and staff conducted a call with former Commissioner Joe Mohorovic.

DATE OF MEETING: March 14, 2024

LOG ENTRY SOURCE: COPF Staff

LOCATION: Teleconference

CPSC ATTENDEE(S): Commissioner Feldman, Doug Dziak, Thomas Fuller, and John Mitchell

NON-CPSC ATTENDEES: Joe Mohorovic (former Commissioner, CPSC)

SUMMARY OF MEETING: Commissioner Feldman and Commissioner Mohorovic discussed above-ground pool safety.

MATERIALS RECEIVED AT THE MEETING: Please see attached.

Results of FOIA

Breakdown for IDIs –

Exhibits design defect hazard whereby support strap serves as step to climb into pool:

- **IDI 140812CWE0002**
Witnesses regularly watched child “climb up onto strap” to access pool
- **IDI 120411HCC3601**
Caregiver witnessed child stand on strap and climb into pool unattended
- **IDI 120224HCC1440**
Caregivers witnessed child using strap to get into the pool
- **IDI 110727HCC3959**
Parents noticed footprints up the side of pool above the strap
- **IDI 120912HCC3845**
Visible evidence of strap being used as a foothold

Pool with alternative Vertical Post Sleeve Design for Support Strap:

- **IDI 160830HCC3858**

Not associated with strap-hazard scenario:

- **IDI 181003HCC2011**
Pool does not have strap design around the outside perimeter of the pool
- **IDI 130916HCC1143**
Pool does not have strap design around the outside perimeter of the pool

5 Examples of Pools Demonstrating Strap Hazard

IDI 140812CWE0002

3 year-old male drowned (2014)

Pool brand Summer Escapes (Polygroup)

(no pictures available)

Fenced yard

Pool ladder next to pool, but not in pool (ladder was dry, and did not appear to have been used recently)

Children were playing in backyard; parents were in the front holding a rummage sale.

Witnesses said child could climb the side of the pool using the straps meant to hold the poles close to the pool and put his chest on top to play in the water (dirt marks on pool side corroborate) – it is possible that he was trying to retrieve a flotation device he had thrown into the pool.

“It appears that while the ladder was not in the pool, the victim was able to climb a strap connected to the pool’s frame and pull himself up high enough to access the water.”

IDI 120411HCC3601

2 year-old girl drowned (2011)

Poly Pools Pro Series Brand (Polygroup)



Ladder not in place at the time of incident

2-3 days prior to incident, maternal grandmother saw child stand on support strap and use it to climb into pool – child previously rescued my mom and maternal GM

All doors leading to pool closed and locked. GM’s sliding door open, but screen door closed and locked. Child’s bedroom window open, but dust undisturbed and space too confined to allow child to exit.

Child had in past used dog door to exit the property.

Strap was compressed at the top consistent with being used as a foothold

IDI 120224HCC1440

2 year-old boy drowned (2011) (identical twin)

Intex brand



Ladder removed from pool when not in use. Child was a climber, and would use the side support strap as a step. Dirt marks were found on side of pool near the center support strap.

Child's wagon was also found near pool

Child left house while the rest of the family were putting on swim suits

Pool was on uneven ground, and one side was almost a foot lower than the other.

IDI 110727HCC3959

2 year-old girl drowned (2011)

Intex Brand



Ladder kept at side of house when not in use (mother placed it there the morning of the incident)

Pool pump was held on a flat-bed wagon on the side of the pool (Sheriff's office theorized this could have been used to gain access)

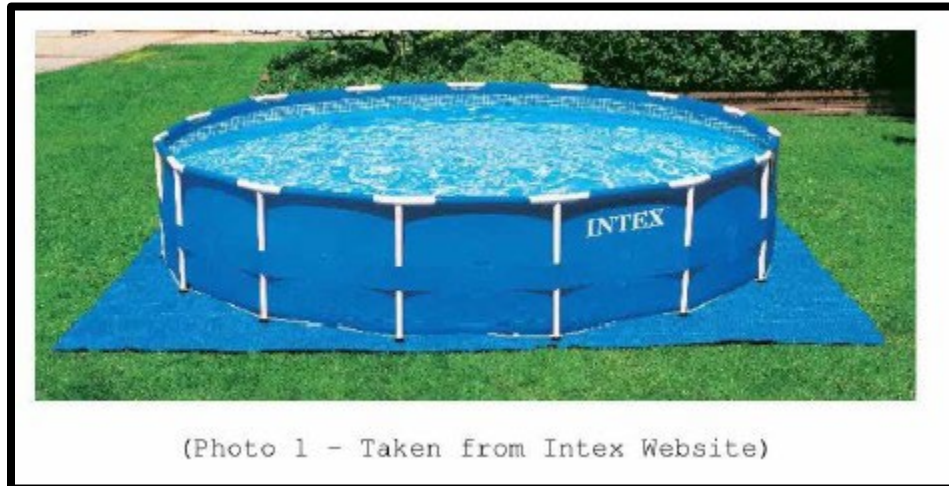
From CPSC investigator's report: "When this investigator interviewed the mother, she stated that after everything was done and they had some time, she and her husband were walking around the pool and noticed little footprints on the side of the pool. According to the mother, it appeared her daughter might have gotten her foot on the bottom 'strip' and was able to grasp the top bar and climb herself up to the pool edge. The mother said that the sheriff's office was not aware of the footprints on the side of the

pool as they discovered them later. When asked if these footprints were near the wagon, the mother stated no and that they were on the opposite side of the pool.”

IDI 120912HCC3845

22 month-old boy drowned (2011)

Intex brand pool; no deck, no barrier around top edge of pool



Ladder had been removed because child was a climber (it was on the ground approximately 10 feet from pool) – he had been witnessed climbing onto the water filter next to the pool on previous occasions

No witnesses to incident; Police theorize that child climbed onto pump and strap to get into pool (straps had two locations where the strap was rolled outward, consistent with having been pushed down by weight on top of it)

From the Police Department Follow-up Report: “The six-year-old-girl told one of the officers who initially responded that the two-year old can climb the straps to get into the pool...I also photographed the exterior perimeter of the pool, showing the ‘straps,’ which are affixed horizontally around the perimeter of the vinyl pool, and which, in combination with fifteen metal poles, comprise the support frame. Close-ups show two locations where these straps are rolled outward at the top, consistent with having been pushed downward by weight placed upon them. The top of the lower strap was approximately 1.03 feet above ground level. An area where the ‘strap’ is bent over, located near the filter motor had cobwebs visible, between the strap and pool. The other area where the strap ‘rolled’ was located in an area that forms a rear ‘corner’ between the pool and the wood fence on the west perimeter of the yard. There was dry dirt and mud visible upon the exterior surface of the pool in this area, and wet mud on the ground below.”

One Example of Pool with Alternative “Sleeve” Design that does not form a “step”

IDI 160830HCC3858

3 year-old girl drowning

Pool manufacturer unknown



Pool ladder had been removed prior to children playing in yard; 5 year old brother said child climbed on “white stuff” on the pool and fell in. He also pointed to the white supports on the side of the pool. Pool strap encircled the white support like a sleeve. No other witnesses – children were unsupervised for approximately 8-10 minutes.

Two Definitely Unrelated to Support Strap “Step” Hazard

IDI 181003HCC2011:

3 year old boy drowning death

Intex pool



Pictures from scene clearly indicate that the subject pool does not have the support strap design.

Found in pool; 6YO was trying to pull on hand.

Adult man and 17 YOM left child attended, other children alerted that child had somehow entered pool - Witness 3 (6 YO child) saw 3yo step from ladder outside of pool to ladder inside of pool. While transferring weight, the pool ladder in the pool fell over.

Evidence: Pool unfenced/ungated, just behind deck connected to the trailer. Two ladders - one in pool under the water, one next to pool (used to feed the pigs) Confusion as to when the second ladder was moved (prior to child going into pool, or after, to pull him out) .

Cinder blocks and 6 x6 boards at side of pool approximately 2.5 feet from pool

IDI 130916HCC1143

20 month-old girl drowning death

Pool manufacturer unknown

Pictures from scene clearly indicate that the subject pool does not have the support strap design.



Found face down in pool (between 10-20 minutes)

Wooden steps (homemade) with plastic handles allowed for entry to pool from the deck – these steps could not be removed. Gate on deck was not locked, child knew how to open it. Door from house to deck was partially open due to sticking



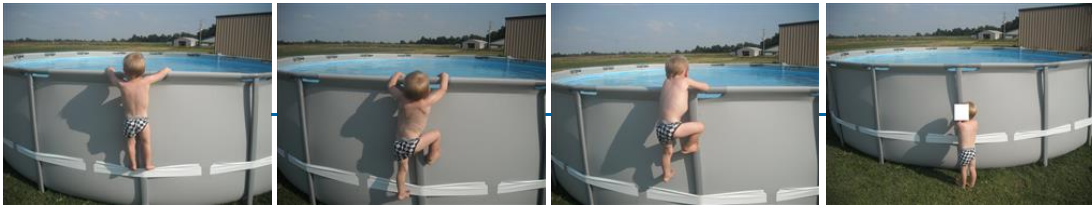
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Incident Report Details

Attachments (4)



Report Summary

Consumer said that they noticed their 2-year-old standing on the restraining belt that goes around the outside of the above-ground pool which is high enough for an unsupervised child to fall into the pool.

Product Details

Product Description: Intex Ultra Frame 16' x 48" above ground pool.
Manufacturer/Importer/Private Labeler Name: Intex Recreation Corp.
Brand Name: Intex Ultra Frame Pool
Model Name or Number: Intex Ultra Frame 16' x 48" pool 54451WA
Serial Number:
UPC Code: 7825731090
SKU#:
Date Manufactured:
Retailer: Walmart
Retailer State: Arkansas
Purchase Date: 6/12/2011
Product Category: Sports and Recreation
Product Type: Pools & Water Sports
Product Code: Above-ground Swimming Pools (Excl Portable Pools) (3221)

Associated Recall

Incident Details

Incident Description: We purchased an Intex Ultra Frame 16' x 48" above ground pool and set it up in our back yard. We have 3 small children (ages 5, 4, and 2) and have been extremely cautious about pool safety. However, today we noticed our 2 year old standing on the restraining belt that goes around the outside of the pool. While standing on this belt he was high enough to fall into the pool. We understand this belt is necessary for the stability of the pool, but many parents of small or older children may not be aware of the potentially dangerous situation of children accidentally falling in the pool if they climb on this belt. We just wanted to make you aware of the situation. We contacted Intex Corp. and informed them of this potential safety hazard and they informed us to keep children away from the pool unsupervised. We told them we don't leave our children unsupervised, but other consumers may not be as vigilant as we are. Thank you for your time.

Incident Date: 6/17/2011

Incident Location: Home/Apartment/Condominium

Victims Involved

Injury Information: Incident, No Injury
My Relationship to the Victim: Unspecified
Gender: Unspecified

Victim's Age When Incident Occurred:

Comments from the Manufacturer/Private Labeler

Water recreation is both fun and therapeutic. However, it involves inherent risks of injury and death. Drowning can happen quickly and silently. Continuous and competent adult supervision of children and the handicapped is required at all times. Common sense and layers of protection, including safety barriers, are essential for the safe enjoyment of any water environment. The pool itself should not be considered a safety barrier. The warnings printed directly on our pool and included in the assembly instructions clearly state: • USE ONLY UNDER COMPETENT SUPERVISION. • POOL FENCING LAWS AFFECT THIS PRODUCT. • NEVER LEAVE YOUNG CHILDREN UNATTENDED. • SECURE ALL DOORS, WINDOWS AND SAFETY BARRIERS TO PREVENT UNATHORIZED, UNINTENTIONAL OR UNSUPERVISED POOL ENTRY. • REMOVE ALL TOYS AND FLOATATION DEVICES FROM, IN AND AROUND THE POOL WHEN NOT IN USE. • CONTINUOUS AND COMPETENT ADULT SUPERVISION OF CHILDREN IS REQUIRED AT ALL TIMES. • INSTALL A BARRIER THAT WILL ELIMINATE ACCESS TO THE POOL FOR YOUNG CHILDREN FAILURE TO FOLLOW THESE WARNINGS MAY RESULT IN SERIOUS INJURY OR DEATH. In addition to the printed warnings on the pool and in the instruction manual, our pools include an instructional DVD that opens with a 2 minute safety video that highlights best practices for safe pool use. This video can also be accessed on our website at: http://www.intexcorp.com/safety_video.html We are pleased to see that the reporter is aware of the hazards of water for young children and is committed to being vigilant at all times. The reporter should be advised, based on our check with the reporter’s local building department, that a 4 foot fence with locking gate is required for all above ground pools.

Additional Details

Submitter has product?: Yes

Product was damaged before incident?: No

Product was modified before incident?: No

If yes to any, explanation: We plan to keep the pool but be more vigilant about the kids around the pool. We contacted the manufacturer prior to completing this form.

Have you contacted the manufacturer?: Yes

If Not, Do you plan to?:

Report Number: 20110617-F3327-2147478116

Report Date: 6/17/2011

Sent to Manufacturer/Importer/Private Labeler:

Report First Publication Date: 7/12/2011

Category of Submitter: Consumer



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Incident Report Details

Attachments (1)



Report Summary

Consumer purchased a quick set up pool. He found his 3 YOF child face down in the pool. After giving CPR he got her breathing again. There was a strap on the side of the pool to hold the bars against the side of the pool. The child grabbed a bar & stepped up on that strap.

Product Details

Product Description: Intex 15' x 48" Metal Frame pool
Manufacturer/Importer/Private Labeler Name: Intex Corporation
Brand Name: Intex
Model Name or Number: 56945EG
Serial Number:
UPC Code: 078257316342
SKU#:
Date Manufactured:
Retailer: Toys R Us
Retailer State:
Purchase Date: 6/8/2012
Product Category: Sports and Recreation
Product Type: Pools & Water Sports
Product Code: Portable Swimming Pools (5043)

Associated Recall

Incident Details

Incident Description: On June 8th, 2012 My husband and I purchased one of those quick set up pools made by Intex Corporation. It was one of those pool kits that had everything included. It was a 15' x 48" pool. We purchased it from Toys R Us. We planned on using the pool to teach our 3 year old daughter how to swim. Our 10 year old son had taken lessons at school and was a very good swimmer. We had discussed with our kids about safety around the pool. At least as best we could with a 3 year old. No one was to be in the pool alone or without an adult, the ladder was to be put away from the pool when not in use, we had alarms on the doors and a fence around our yard. The pool was also to tall for our 3 year old to reach up and climb in. Or so we thought. On June 21st, before we had gotten the pool ready to swim in, my husband found our 3 year old daughter face down in the pool. She had just been with my mother and I in the house not more that 10 minutes before and either slipped out the door with out me hearing the alarm or someone had left a door open. Luckily my husband was outside and found her in the pool soon after she had somehow fell in. After giving her CPR and getting a lot of the water out of her he got her breathing again. We called 911 and went to the ER and spent the night in the hospital. We were lucky. Two days after coming home from the hospital the pool came down. However, just before taking it down our daughter showed us how she got into the pool. Even though the pool was taller than her she found a way. There is a strap about a quarter of the way up the side of the pool to hold the bars against the side of the pool. She grabbed a bar and stepped up on that strap then grabbed the top of the pool. She then walked up the side of the liner with her bare feet and pulled herself into the pool. I don't think she intended to go all the way in but she fell in when she leaned over the top bar. We were amazed at the strength she had to pull herself up the side of that pool. Here are my concerns with these pools: These pools pop up all over and I have noticed that a lot of them are in unfenced yards. I've even noticed a few in front yards. We had our yard fenced in but didn't even think about fencing in the actual pool because we didn't think our daughter could climb into it. Plus, we were looking into an inexpensive way to have a pool in our yard (probably like most people that buy these pools). If I would have been told to put a fence around the actual pool I wouldn't have purchased it. You can buy these pools anywhere. We bought ours at Toys R Us but I have seen them at hardware stores, grocery stores, pharmacies and convenience stores. You won't get any information until you get the pool home and open the box at which point you now cannot return the pool. I think most people are looking for an inexpensive way to get a swimming pool, not a little wading pool, that even an adult can use to cool off in the summer. I've been told that if you spend a lot of money on one of those large metal pools or an inground pool someone from the company that installs the pool will personally tell you what kind of safety

measures you need for these pools. These small quick set up pools are stop and shop pools. The most you'll get is someone to carry it out to the car for you. After my daughter almost drowned in the pool I went online and found that there are a lot of kids that are drowning in these types of pools. I have 4 older kids than my 3 year old daughter and this is the worst accident I have ever had with any of my children. I don't understand why there is no regulations on these pools. I guess I should have educated myself about these pools but I didn't feel they were that dangerous. I just figured it was the next step up from the kiddie pools and blow up pools we have owned. They just didn't seem as dangerous as the bigger metal pools or inground pools. If states required certain safety requirements like fences around the pool even if it is in your fenced in yard, alarms on doors and requiring any store that sold any pool deeper than a kiddie pool to provide safety and return information directly to the customer when they purchase the pool I think there would be a lot less of these pools sold and childrens lives would be saved. Right now I think people think these pools are a cheap alternative to the \$10,000 and up larger pools.

Incident Date: 6/21/2012

Incident Location: Home/Apartment/Condominium

Victims Involved

Injury Information: Injury - Emergency Department Treatment Received

My Relationship to the Victim: My Child

Gender: Female

Victim's Age When Incident Occurred: 3 years

Comments from the Manufacturer/Private Labeler

Fortunately a tragic event was averted by a parent trained in CPR, which is one step in creating layers of protection around a pool. The greatest water safety assurance in swimming pools and spas comes from adopting and practicing as many water safety steps as possible. Adding that extra safety step in and around the water can make all the difference. You can never know which safety measure will save a life – until it does. Water recreation is both fun and therapeutic. However, it involves inherent risks of injury and death. Drowning can happen quickly and silently. Continuous and competent adult supervision of children and the handicapped is required at all times. Common sense and layers of protection, including safety barriers, are essential for the safe enjoyment of any water environment. The pool itself should not be considered a safety barrier. The warnings printed directly on our pool and included in the assembly instructions clearly state: • USE ONLY UNDER COMPETENT SUPERVISION. • POOL FENCING LAWS AFFECT THIS PRODUCT. • NEVER LEAVE YOUNG CHILDREN UNATTENDED. • SECURE ALL DOORS, WINDOWS AND SAFETY BARRIERS TO PREVENT UNAUTHORIZED, UNINTENTIONAL OR UNSUPERVISED POOL ENTRY. • REMOVE ALL TOYS AND FLOATATION DEVICES FROM, IN AND AROUND THE POOL WHEN NOT IN USE. • CONTINUOUS AND COMPETENT ADULT SUPERVISION OF CHILDREN IS REQUIRED AT ALL TIMES. • INSTALL A BARRIER THAT WILL ELIMINATE ACCESS TO THE POOL FOR YOUNG CHILDREN FAILURE TO FOLLOW THESE WARNINGS MAY RESULT IN SERIOUS INJURY OR DEATH. In addition to the printed warnings on the pool and in the instruction manual, our pools include an instructional DVD that opens with a 2 minute safety video that highlights best practices for safe pool use. This video can also be accessed on our website at: <http://www.intexcorp.com/safety-info-video> The retail package for the pool contains the following statement in 5 locations: NOTICE: Your local building code may require a permit for this pool and may require childproof fencing. Please contact your local building department for more information about the applicable permitting and barrier requirements. We checked with the reporter's local building department website noting that a permit is required for the pool. The city's ordinance states: "All private swimming pools in the city to be constructed or installed or which are already constructed or installed shall be enclosed by a fence which shall be at least four (4) feet in height and which shall be of a type not readily climbed by children." In speaking with the reporter, she stated that she did not bother looking at the safety video or reading the warnings included in our instruction manual. Always read the safety information included with any product.

Additional Details

Submitter has product?: Yes

Product was damaged before incident?: No

Product was modified before incident?: No

If yes to any, explanation: We didn't know it but pools are not returnable at Toys R Us. We called the manufacturer. They said to call the store. The store said call the manufacturer.

Have you contacted the manufacturer?: Yes

If Not, Do you plan to?:

Report Number: 20120724-A6712-2147465404

Report Date: 7/24/2012

Sent to Manufacturer/Importer/Private Labeler: 8/9/2012

Report First Publication Date: 8/23/2012

Category of Submitter: Consumer

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Incident Report Details

Attachments (2)



Report Summary

2 YOM climbed the side of metal frame OF THE ABOVE GROUND SWIMMING POOL & almost drowned. THE CONSUMER STATED THAT the design of this pool is not child friendly & ALLOWS THE CHILD TO GET OVER THE TOP OF THE POOL. THE CHILD WAS ADMITTED TO THE HOSPITAL.

Product Details

Product Description: Intex metal frame pool & ultra metal frame pools Model No.: 56945WA

Manufacturer/Importer/Private Labeler Name: Intex Recreation Corp.

Brand Name: Intex

Model Name or Number: ultra metal frame pools Model No.: 56945WA

Serial Number: i dont know

UPC Code: i dont know

SKU#:

Date Manufactured:

Retailer: Big Lots

Retailer State: Virginia

Purchase Date: 8/13/2011

Product Category: Sports and Recreation

Product Type: Pools & Water Sports

Product Code: Above-ground Swimming Pools (Excl Portable Pools) (3221)

Associated Recall

Incident Details

Incident Description: Our 2.5 year old son climbed the side of our intex metal frame pool- without the use of anything but the pool itself- On these intex pools there is a band that runs about a foot off of the ground and our child used that as a step and climbed over the top of the pool and almost drowned- he was out of our sight for no more than 5 minutes max and there were other children outside- no one ever though our child could have climbed over our 4 ft pool. We kept the ladder about 50 feet away from the pool to ensure that he would not be able to climb in, however the design of this pool is not child friendly and the thought of these pools remaining in other families homes and posing such an immediate danger I felt that it was the only thing I could do but report it to anyone and everyone to try to get this problem known to parents and other consumers who have the same products.

Incident Date: 8/11/2012

Incident Location: Home/Apartment/Condominium

Victims Involved

Injury Information: Injury - Hospital Admission

My Relationship to the Victim: My Child

Gender: Male

Victim's Age When Incident Occurred: 2 years 8 months

Comments from the Manufacturer/Private Labeler

Water recreation is both fun and therapeutic. However, it involves inherent risks of injury and death. Drowning can happen quickly and silently. Continuous and competent adult supervision of children and the handicapped is required at all times. Common sense and layers of protection, including safety barriers, are essential for the safe enjoyment of any water environment. The pool itself should not be considered a safety barrier. The warnings printed directly on our pool and included in the assembly instructions clearly state: • USE ONLY UNDER COMPETENT SUPERVISION. • POOL FENCING LAWS AFFECT THIS PRODUCT. • NEVER LEAVE YOUNG CHILDREN UNATTENDED. • SECURE ALL DOORS, WINDOWS AND SAFETY BARRIERS TO PREVENT UNATHORIZED, UNINTENTIONAL OR UNSUPERVISED POOL ENTRY. • REMOVE ALL TOYS AND FLOATATION DEVICES FROM, IN AND AROUND THE POOL WHEN NOT IN USE. • CONTINUOUS AND COMPETENT ADULT SUPERVISION OF CHILDREN IS REQUIRED AT ALL TIMES. • INSTALL A BARRIER THAT WILL ELIMINATE ACCESS TO THE POOL FOR YOUNG CHILDREN FAILURE TO FOLLOW THESE WARNINGS MAY RESULT IN SERIOUS INJURY OR DEATH. In addition to the printed warnings on the pool and in the instruction manual, our pools include an instructional DVD that opens with a 2 minute safety video that highlights best practices for safe pool use. This video can also be accessed on our website at: <http://www.intexcorp.com/safety-info-video> The retail package for the pool contains the following statement in 5 locations: NOTICE: Your local building code may require a permit for this pool and may require childproof fencing. Please contact your local building department for more information about the applicable permitting and barrier requirements. We checked with the reporter’s local building department website noting that a permit is required for the pool. The city’s ordinance states: “It is the property owner’s responsibility to see that the required safety devices (fence, ladder, gate, etc.) enclose the pool in order to make the pool inaccessible to small children”. The greatest water safety assurance in swimming pools and spas comes from adopting and practicing as many water safety steps as possible. Adding that extra safety step in and around the water can make all the difference. You can never know which safety measure will save a life – until it does.

Additional Details

Submitter has product?: No
Product was damaged before incident?: No
Product was modified before incident?: No
If yes to any, explanation: I have attempted to contact intex throught their website portal- but it will not allow us to go anyfurther after attempting to submit- the button to send is not highlighted and will not allow you you submit we have tried a dozen times to email them.
Have you contacted the manufacturer?: Yes
If Not, Do you plan to?:

Report Number: 20120829-8E1CA-2147464287
Report Date: 8/29/2012
Sent to Manufacturer/Importer/Private Labeler: 9/6/2012
Report First Publication Date: 9/27/2012
Category of Submitter: Consumer



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