

Memorandum

TO : The Commission
Through: Sadye E. Dunn, Secretary
Through: Leonard DeFiore, Executive Director

DATE: September 5, 1986

FROM : John P. Mackey, Acting General Counsel
Stephen Lemberg, Asst. General Counsel
Harleigh Ewell, Attorney, OGC

SUBJECT: Options on Covers for Swimming Pools, Spas and Hot Tubs --
BALLOT VOTE DUE 18 SEP 1986

This vote sheet relates to the attached staff briefing package discussing the status of a previous request by the Commission that the National Spa and Pool Institute work with the Commission's staff to develop voluntary standards for pool covers and discussing options for possible further action by the Commission in this area. The staff has identified two areas that may deserve further consideration of either mandatory or voluntary requirements: standards for "safety" covers intended to keep persons who fall on the cover out of water and labeling for covers that would not function adequately as safety covers.

Please indicate your vote on the following options.

I. WITH RESPECT TO "SAFETY" COVERS:

A. DIRECT THE STAFF TO PREPARE A BRIEFING PACKAGE FOR CONSIDERATION OF A RULEMAKING PROCEEDING TO DEVELOP MANDATORY STANDARDS.

(Signature)

(Date)

B. REFER THE ISSUE TO THE AMERICAN SOCIETY FOR TESTING AND MATERIALS ("ASTM") FOR CONSIDERATION OF POSSIBLE VOLUNTARY STANDARDS.

(Signature)

(Date)

C. REFER THE ISSUE TO THE FEDERAL TRADE COMMISSION FOR CONSIDERATION OF POTENTIALLY MISLEADING SAFETY CLAIMS.

(Signature)

(Date)

D. DEFER ACTION PENDING THE ACQUISITION OF FURTHER INFORMATION.

(Signature)

(Date)

E. DISCONTINUE WORK.

(Signature)

(Date)

F. OTHER (please specify).

(Signature)

(Date)

II. WITH RESPECT TO LABELING OF "NON-SAFETY" COVERS:

A. DIRECT THE STAFF TO PREPARE A BRIEFING PACKAGE FOR CONSIDERATION OF A RULEMAKING PROCEEDING TO DEVELOP MANDATORY STANDARDS.

(Signature)

(Date)

B. REFER TO ASTM FOR CONSIDERATION OF POSSIBLE VOLUNTARY STANDARDS.

(Signature)

(Date)

C. DEFER FURTHER WORK PENDING THE ACQUISITION OF FURTHER INFORMATION.

(Signature)

(Date)

D. DISCONTINUE WORK.

(Signature)

(Date)

E. DEVELOP A LABEL AND URGE ITS VOLUNTARY USE. (Staff to develop a label for the Commission's consideration.)

(Signature)

(Date)

F. OTHER (please specify).

(Signature)

(Date)

III. REFER ONLY HOT TUB AND SPA INCIDENTS TO ASTM FOR CONSIDERATION OF POSSIBLE VOLUNTARY STANDARDS.

(Signature)

(Date)

Comments/Instructions:

Memorandum

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO: The Commission
THROUGH: Sadye E. Dunn, Secretary
THROUGH: John P. Mackey, Acting General Counsel
THROUGH: Leonard DeFiore, Executive Director
THROUGH: Harry I. Cohen, Director, OPM
THROUGH: James F. Hoebel, Program Manager, Household
Structural Products Program, OPM
DATE: SEP 3 1986

FROM: Ronald L. Medford, Project Manager, Household Structural
Products Program, Office of Program Management

SUBJECT: Swimming Pool Cover Voluntary Standard

INTRODUCTION

This report provides options for consideration on what action, if any, the Commission wishes to take regarding standards for swimming pool covers. The staff's efforts to get the National Spa and Pool Institute (NSPI) to voluntarily develop standards for pool covers has met with difficulty. The NSPI has indicated that it ... "does not feel that a voluntary standard is warranted at this time." There are mixed views among the staff on what action the Commission should take in light of the position taken by the NSPI and their analysis of the existing data. Several Associate Executive Directors (AEDs) have provided their views at Tab D.

BACKGROUND

In May 1985, the Commission denied Petition CP 83-2 to establish a mandatory standard for swimming pool safety covers and to ban solar pool covers.^a The two principal hazard scenarios found by the staff to be associated with the covers were: a) drowning from being trapped beneath a cover, and b) drowning on top of covers from collected water. At the time the Commission denied the petition, the staff was aware of 29 pool cover incidents involving 31 victims from the period of July 1973 to March 1985. These incidents resulted in a total of 23 deaths (an average of two per year). Of these incidents, 20 people were trapped

^aFor background information, a copy of the staff briefing package evaluating Petition CP 83-2, dated March 29, 1985 has been placed in the Reading Room.

NOTE: This document has not been
reviewed or accepted by the Commission.
Initial Date 9/5/86

beneath the cover (12 deaths). In 11 other incidents (11 deaths), children may have walked onto a secured pool cover where they fell into the water that accumulated on the cover and drowned. Except for one nine-year-old, all of these victims were less than two years of age. In 17 of the 31 incidents, the victims were less than five years of age. Since the original briefing package was prepared (March 1985), the staff has become aware of two additional incidents involving pool covers; neither involved a death. Thirteen of the 31 incidents are known to have occurred with solar pool covers and the remaining incidents involved canvas, vinyl, or fibrous glass covers or covers of an unknown type. The incident reports do not contain sufficient information to determine the extent, if any, the covers contributed to the occurrence of these incidents or whether any of the covers involved were marketed as safety covers.

The Commission's decision to deny the portion of the petition requesting a ban of solar pool covers was based on a lack of sufficient data to estimate a minimum number of injuries and deaths that could be prevented by a ban. In other words, we do not know how many of the incidents might have occurred even if a cover was not present. Further, the staff does not know the extent, if any, to which the presence of a cover might impede, or possibly even help, a child's efforts to save himself. However, the Commission did direct the staff to work with the NSPI to develop a voluntary requirement for warning labeling of solar covers.

The second portion of the petition requested the Commission to require warning labeling for all swimming pool covers that do not meet certain performance requirements for safety covers and that the Commission issue a rule to specify requirements for a safety cover. The Commission's decision to deny this portion of the petition was based on a lack of available data to estimate the number of injuries and deaths that could be prevented by such a rule. However, the Commission did direct the staff to work with the NSPI to develop voluntary requirements.

In August 1985, Chairman Scanlon wrote a letter (Tab A) to the NSPI informing them of the Commission's decision on Petition CP 83-2 and requesting that they work with the Commission staff to develop requirements for pool covers. In October, 1985, the staff attended the NSPI Pool Cover Subcommittee meeting to discuss the need and justification for a voluntary standard for uniform warning labeling for solar covers and performance requirements for covers that are marketed as safety covers. (A copy of the meeting log appears at Tab B.) The NSPI Subcommittee made no commitment at the October meeting to develop standards. In a letter dated April 10, 1986, to Acting Chairman Dawson (Tab C), the NSPI indicated that its Subcommittee "has not developed a consensus opinion that there is a need to develop new standards either on solar covers or on safety covers." NSPI also indicated that most solar pool cover manufacturers are currently labeling their products and

that the committee could not come to a consensus on what constitutes a safety cover or on the need for a standard for safety covers. Although not explicitly stated, the letter makes it clear that the NSPI does not intend to develop voluntary standards at this time.

In view of the decision by the NSPI Subcommittee, the Executive Director directed the staff to prepare a memorandum for the Commission to consider alternatives to pursuing a voluntary standard through a cooperative effort with the NSPI.

DISCUSSION

The Household Structural Products Team has discussed the various alternatives available to the Commission in view of the decision by the NSPI. Below is a list of alternatives the Commission can consider with respect to this issue:

A. Issue Advance Notice of Proposed Rulemaking (ANPR) - If the Commission preliminarily determines that the risk of drowning associated with solar and/or solid-type swimming pool covers is such that a standard may be necessary to adequately reduce an unreasonable risk and that no adequate voluntary standard exists, then the Commission can direct the staff to prepare a draft ANPR for the Commission's consideration.

Pros:

- ° Would provide a means for gathering additional information on:
a) the need for a standard, b) possible requirements to be included in a standard, c) any party interested in developing a standard, and d) current industry practices for labeling and advertising.

Cons:

- ° Available information may not be sufficient to support an unreasonable risk of injury finding.
- ° There is no certainty that developing safety requirements would reduce the risk of drowning associated with this product. The information on the deaths on file with the Commission is limited and a direct cause and effect relationship is lacking in most incidents on file.

B. Refer the Issue to the American Society for Testing and Materials (ASTM) - If the Commission continues to believe that voluntary requirements for swimming pool covers are needed to protect the public

from accidental injury or death, the Commission could request that ASTM form a task group to consider the development of a voluntary standard. Although there are no assurances that an ASTM task group would agree to work on a standard, we know that consumer representation would be included in a decision regarding the development of a standard. The staff could participate or monitor the development of a standard if the Commission chooses to do so.

Pros:

- Would create a suitable forum for the consideration and, if deemed necessary, the development of a voluntary standard.
- Would accomplish the intent of the original direction of the Commission with minimal expenditure of Commission resources.

Cons:

- Would require some Commission resources if the Commission decided that the staff should monitor or participate in the development of a standard.
- There is no certainty that developing voluntary safety requirements would reduce the risk of drowning associated with this product. The information on the deaths on file with the Commission is limited and a direct cause and effect relationship is lacking in most incidents on file.

C. Refer to the Federal Trade Commission (FTC) - Some types of pool covers are being marketed as "safety" covers by manufacturers without any recognized standards or guidelines. The Commission could request the FTC to identify the companies that are making these covers to determine the basis for the "safety" claims. If manufacturers are unable to produce data to demonstrate that the safety claims are justified, then companies would no longer be permitted to make such claims.

Pros:

- Could possibly eliminate any false advertising claims by manufacturers.

Cons:

- This approach is limited in that it would only address the "safety" cover issue and would not establish any voluntary requirements for any other covers not making safety claims, including labeling for safety covers.

- Would result in improved safety only to the extent that the advertising claims cause consumers to purchase and then rely on the cover as a safety cover and where the level of safety provided is less than that perceived by the purchaser.
- There is no assurance that the FTC would act on the Commission's request.

D. Defer - If the Commission decides that more information is needed on the extent to which pool covers contribute to child drownings before deciding what, if any, action to take, then the Commission may wish to defer a decision on this issue until the staff completes its analysis of the ongoing child submersion study. The staff analysis is expected to be completed in the 3rd quarter of FY'87.^b

Pros:

- Some limited information should be available from this study. Questions will be asked of victim's households about covers that were on the pool at the time of the accident. Comparison households will be queried about all pool covers, including type of material, use patterns, and rain water collection.

Cons:

- The study was not designed to investigate the role of pool covers as either a hazard or a safety factor. Only a small number of covered pools is expected in the study population.
- Would delay even longer any decision by the Commission to either terminate or to initiate some action to improve the safety of pool covers.

E. Discontinue Effort on Pool Covers - If the Commission decides that the presently available information does not indicate that the risk of injury or death associated with swimming pool covers is serious enough to justify the expenditure of staff resources or that none of the proposed options appear feasible, it can direct the staff to terminate work on this effort.

^bThe Commission staff is currently conducting an Epidemiology study of child drownings in residential swimming pools as part of its work on pool safety.

Pros:

- ° Would not require the transfer of planned staff resources from other projects to this effort.

Cons:

- ° Would not result in standards or any other remedy for swimming pool covers.

CONCLUSION

The AEDs for Epidemiology, Economic Analysis, Engineering Sciences, and Field Operations have provided memoranda expressing their positions regarding any future work on pool covers (Tab D). The AED for Epidemiology recommends that we refer the safety cover issue to the Federal Trade Commission and indicated that the Commission could unilaterally develop an appropriate warning label and recommend its use by manufacturers of solar covers through the NSPI. The AED for Economic Analysis recommends that Commission terminate any further work on pool covers, while the AED for Engineering Sciences recommends that the Commission defer action on this issue until the child drowning study is completed and analyzed (third quarter of fiscal year 1987). Finally, the AED for Field Operations also recommended that the Commission defer the decision on pool covers until after the staff completes its analysis of the child drowning study data. However, Field Operations recommends further that the Commission refer information on hot tub and spa cover incidents (3 deaths on file) to the ASTM for consideration since the child drowning study does not include hot tubs and spas.

Attachments

UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

John A.

The Chairman

August 26, 1985

Mr. Lester Kowalsky
President
National Spa and Pool Institute
2111 Eisenhower Avenue
Alexandria, Virginia 22314

Dear Mr. Kowalsky:

This letter is to inform you of a recent Commission decision to deny a petition requesting the ban of free-floating solar pool covers and the establishment of a mandatory safety standard for safety pool covers. A copy of the staff briefing package on this subject is enclosed for your information.

Although the Commission did not find that available data justified regulatory action at this time, it did direct the CPSC staff to work with industry to develop voluntary standards for pool covers. In that connection, it is our understanding that the NSPI Technical Cover Committee has been contemplating the development of standards, but is currently awaiting the results of a study of all hazards associated with pools and spas before making a final decision.

NSPI has demonstrated its concern about safety through its development of safety standards for pools, spas and hot tubs, its current work on suction fittings, its consumer safety booklets, and its co-sponsorship with CPSC of a national safety conference. We look forward to a productive working relationship with NSPI in developing an effective voluntary standard for swimming pool covers.

Your comments would be most appreciated.

Sincerely,

RECEIVED
AUG - 8 1985
10:04
Terrence Scanlon
Chairman
CPSC OFFICE OF PROGRAM
MANAGEMENT

Enclosure

Job B
107.20

LOG OF MEETING

SUBJECT: Swimming Pool and Spa Covers

DATE OF MEETING: October 24, 1985

PLACE: National Spa and Pool
Institute
211 Eisenhower
Alexandria, Virginia

LOG ENTRY SOURCE: *RM* Ron Medford

COMMISSION REPRESENTATIVES:

Ron Medford, Office of Program Management
Jacqueline Elder, Division of Human Factors
Paula Present, Directorate for Epidemiology

NON-COMMISSION REPRESENTATIVES:

SOLAR ✓ Mary A. Coventry, Sealed Air Corporation
SOLAR ✓ Stan Lazar, Cantar
- Russ Lawrence, Weather King
Charles F. Robinson, Fox Pool Corporation
- Marc Smith, Poolsaver
- Bob Bloomberg, Spartan Aqualon
- Bill Donaton, Loop-Loc
Larry Paulick, National Spa and Pool Institute
Carol Hazel, National Spa and Pool Institute
Tom Fise, National Spa and Pool Institute
Don DeBolt, National Spa and Pool Institute

SUMMARY OF MEETING:

CPSC staff attended the meeting of the NSPI Pool, Spa, and Hot Tub Cover Committee to explain the Commission's desire to have the committee develop voluntary standards for swimming pool covers. When the Commission denied petitions (FY'85) requesting a ban of solar pool covers and a mandatory standard for "safety" covers, it directed the staff to work with the industry on developing voluntary standards.

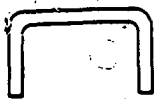
The staff explained that it would like to see the committee develop a standard requiring uniform warning labeling for solar pool covers. Solar pool cover manufacturers present indicated that they were providing warnings on the covers as well as their product literature about the potential drowning hazard associated with the cover. Further, manufacturers indicated that they thought the type of wording used on the covers was similar for all manufacturers. The staff asked the committee to consider action to formalize and standardize the use of warnings by writing a voluntary standard that would require some

minimum cautionary language. This would help ensure the continued future use of labels as well as provide an opportunity for outside parties to be involved in the process.

The CPSC staff explained that it would like to see the industry develop minimum performance requirements for covers marketed as "safety" covers and that other covers be clearly labeled to indicate that they are not safety covers. Industry representatives indicated that it would be extremely difficult to come up with a definition to suitably describe safety covers for purposes of a voluntary standard. Moreover, representatives said that some companies promote their products as safety covers, while others do not, even though they provide about the same degree of safety. Manufacturers also raised the concern that safety covers be required to be "self-draining". They stated that making them self-draining would not necessarily make them safer because once the weight of a person was placed on a cover, then water from the pool could seep through the cover and present a drowning risk. The CPSC staff indicated that it did not have specific suggestions at this time for the requirements for a standard, but believes that as long as the industry produces safety covers a voluntary standard should be developed that defines what a safety cover is and what minimum performance criteria it should meet.

Mr. Paulick from NSPI suggested that the next revision to the safety booklets on pools, and spas and hot tubs could incorporate safety information on covers. CPSC indicated that informing the public through the booklets was fine, but doing that should not be done in lieu of developing standards.

Mr. Paulick indicated he would be getting in touch with the Commission to inform it of the committee's decision on developing standards.



**NATIONAL
SPA AND POOL
INSTITUTE**

2111 EISENHOWER AVENUE
ALEXANDRIA, VA 22314
(703) 838-0083

April 10, 1986

Carol Dawson, Acting Chairman
U.S. Consumer Product Safety Commission
Washington, D.C. 20207

Dear Carol:

It is my understanding that CPSC will be again reviewing the voluntary standards activity in regards to swimming pool and spa covers.

At the present time, NSPI's Pool, Spa, and Hot Tub Covers Subcommittee of the Technical Council has not developed a consensus opinion that there is a need to develop new standards either on solar covers or on "safety" covers. The committee's understanding of this issue is as follows. After a presentation on October 24, 1985, by CPSC staff, the committee understood that there were principally three types of accidents occurring in/around pools and spas that may be associated with covers: (1) Those pools where the cover was not completely off, (2) Covers where standing water accumulated, and (3) Floating covers where the cover may or may not have been on or partially on.

The committee met again on January 14, 1986. While no quorum was present at the January meeting, it was the consensus of those committee members present and manufacturers who were guests to support the consensus at the October 24 meeting. The committee recognized that the majority of the manufacturers were represented on the committee and that these and other manufacturers are currently labeling their products voluntarily. They further reiterated that they did not feel a need to develop a voluntary standard on labeling, since this was being done on a voluntary basis by the manufacturers individually.

After considerable discussion, the committee also indicated that they could not come to a consensus on what makes a cover safe or not safe, and, therefore, could not come to a consensus for the development of a definition or the need for a definition.

The committee also felt that the issue warranted continued attention, and they will advise manufacturers who may or may not have been present at the last two meetings of the concern expressed by the Commission. The committee is also seeking literature from the various manufacturers to review at its next meeting.

RECEIVED

Carol Dawson, CPSC
April 10, 1986
Page 2

The committee further made recommendations that were passed on to NSPI's Consumer Awareness Committee and eventually to the Board of Directors. These recommendations, which were accepted by the Board, included revising NSPI's two "consumer awareness" booklets ("The Sensible Way to Enjoy Your Pool" and "The Sensible Way to Enjoy Your Spa or Hot Tub") to include new sections on covers.

The Consumer Awareness Committee further elaborated on these recommendations and will be including major revisions to the above-mentioned publications to include new sections on child drowning prevention as well as a new publication titled "Children Aren't Waterproof." The timetable for the revisions and development of these publications is for use in the 1986 swimming season, with earliest public printing date of May 15, 1986.

The Consumer Awareness Committee also felt strongly that the cosponsored NSPI/CPSC public service announcement on child drowning be reissued. This is currently being undertaken by NSPI and will be distributed to the top 500 television PSA directors for use this swimming season.

While the Covers Subcommittee has a continued concern, it did not feel that a voluntary standard was warranted at this time.

As always, we appreciate being made aware of any new information that comes to your attention so that the committee can make reevaluation as appropriate.

Sincerely,



Larry E. Paulick, P.E.
Executive Director,
Government Affairs

LEP:cdh

cc: NSPI Board of Directors
Technical Council
Pool, Spa, and Hot Tub Covers Subcommittee
Consumer Awareness Committee
CPSC Commissioners
Ron Medford

Memorandum

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Ronald L. Medford, EX-P

DATE: May 22, 1986

FROM : Dr. Robert D. Verhalen, AED, Epidemiology

SUBJECT: Pool and Spa Covers

In August 1985, the Commission instructed the staff to work with the National Spa and Pool Institute (NSPI) to develop a definition of a safety cover and a uniform warning label for solar covers. In a letter of April 10, 1986, the NSPI informed the Commission that the appropriate subcommittee had considered the request but did not agree on the need for standards on either solar covers or "safety" covers. The Directorate for Epidemiology has again reviewed the available accident data on pool and spa covers and makes the following observations:

1) On "Safety" Covers

We have data on only 36 cases of drowning in which pool covers were mentioned. These data cover 12 years (for an average of three per year) and, while there are 60 percent more during the 1980's than in the 1970's, the numbers are too small to place any real significance on apparent trends. The majority of our accident data do not specifically identify whether or not "safety" covers were involved. It is possible that such covers are in fact the reason for the small number of cases which have come to our attention. We believe, however, that there should be some basis for advertising any product as a "safety" cover. Accordingly, we suggest this issue should be referred to the Federal Trade Commission for its review.

2) On Solar Covers

The Commission could unilaterally develop an appropriate warning label and recommend its use by manufacturers of solar covers through NSPI. With an industry deeply concerned about product liability, such a recommended label by a government safety organization might influence its use. This would require minimum staff resources which would not affect higher priority projects.

PSC OFFICE OF PROGRAM
MANAGEMENT

86 MAY 22 P5:00

RECEIVED

Memorandum

September 2, 1986

TO: Ronald Medford, EX-P

FROM: Paul H. Rubin, AED, Economic Analysis *PH*

SUBJECT: Swimming Pool Covers

The initial opinion of the staff on the merits of the petitions to label free-floating solar pool covers and to establish criteria for covers that are to be marketed as "safety covers" was that sufficient hazard data that would allow the Commission to grant them did not exist. Although additional incidents involving pool covers have been recorded since then, the situation is much the same. Further, virtually no information is available showing that the presence of pool covers contributed to incidents. It is likely that the presence of pool covers, even those not intended to be "safety covers," reduces the risks. Given this, the statement made in the draft briefing paper that "... a referral [to ASTM] should only be made if the Commission continues to feel that this is a significant safety problem for which a standard is needed" leads to the conclusion that this is not the proper course.

Two other points strengthen the argument that the standards issue should not be referred by the CPSC to ASTM. First, regarding free-floating solar covers, discussions with the industry revealed that the major manufacturers, accounting for most of the production of this type of cover, already are placing appropriate labels on their covers. Second, a prospective standard for "safety covers" would merely specify some design/performance criteria that would enable covers to be marketed as safety covers. Other covers, such as those intended to protect pools during the winter, will still be marketed.

Referral of the "safety cover" issue to the Federal Trade Commission probably would not result in any action. Reviews of company literature and advertisements in trade publications finds only rare claims that covers are "safety covers." Even in the absence of a safety standard, reasonable people would conclude that pools with such covers are safer than uncovered pools. Under these circumstances, the FTC would probably not take action against the cover manufacturers. Moreover, firms would be subject to an additional investigation by another regulatory agency. We have more expertise in safety matters than the FTC, and if we do not find any action worthwhile it is not likely that they would either, so there is no point in imposing this cost on firms.

Although the Commission may chose to defer a decision on this issue until the staff completes its evaluation of the child submersion study (in the Third Quarter of 1987), the scope and focus of the study makes it unlikely that significant new information relevant to the pool cover issue will become available. Therefore, we see no reason to delay a decision until the evaluation is complete. If relevant information should come from the study, the Commission would be free to reopen consideration of the pool cover issue.



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

August 21, 1986

MEMORANDUM

TO : Ron L. Medford, Project Officer/OPM
THRU : Otto T. Hall, AED Field Operations
FROM : Ross Koeser, Director, State/Local Programs
SUBJECT: Swimming Pool Covers

[Handwritten initials "H" and signature "R.K."]

Field Operation's has reviewed the draft options paper on swimming pool covers concerning what, if any, future action the Commission should take on these products.

Our Western Regional Director is most familiar with this subject and a copy of his recommendation and rationale to request ASTM to begin a voluntary standard is attached. In addition, our Western Regional Director has requested that a recent IDI narrative concerning a near tragedy involving a solar pool cover with no warning label be included with his recommendations.

CPSC is currently studying the problem of child drowning's and part of that study will address swimming pool covers and the extent to which these covers contribute to child drownings. Not included in this study was the issue of covers for spas and hot tubs. We therefore concur with our Western Regional Director that the Commission request ASTM to consider the development of a voluntary standard for spas and hot tubs, but we would defer its decision concerning solar blankets/winter covers and swimming pool safety covers until additional information is available from the study concerning the extent to which pool covers contribute to child drownings.

Attachment

Memorandum

TO : Ron Medford, OPM

RECEIVED

DATE: June 9, 1986

FROM : William W. Walton, AED, ES'86

JUN -9 P3:00

SUBJECT: Swimming Pool Cover Standards and Labeling
PSC OFFICE OF PROGRAM
MANAGEMENTBACKGROUND

The National Spa and Pool Institute (NSPI) was asked by Commission staff to develop performance requirements for swimming pool safety covers and to adopt uniform labeling requirements for solar covers. The industry declined citing the difficulty of developing a definition of a safety cover and the fact that solar covers are already being labeled. The Executive Director asked Engineering and Human Factors to discuss the feasibility of developing a performance standard and the likely effectiveness of labeling.

PERFORMANCE STANDARD

The development of a performance standard could involve some difficult technical questions. As the size and shape of a pool cover change, the performance will also change. A cover therefore which could easily pass a given test for a 15 foot by 40 foot pool, might not pass the same test if the same design were used for a 30 foot by 40 foot pool. The added length of similar materials might let the cover deflect too much and might require substantial redesign to pass. Since, as was discussed, configurational changes result in performance changes, each time a cover was produced for a new configuration of pool, the cover would need to be entirely tested. Furthermore, the materials used would need to be tested for weathering in the high sun and chlorine atmosphere expected. Part of the problem which can otherwise be anticipated is the use of materials which perform well initially and deteriorate rapidly. The weathering test would need to provide a rapid indication of real time deterioration under expected conditions. Finally, issues such as methods of securing the cover with attendant installation concerns as well as self-draining features, etc. would need to be developed.

LABELING

According to the NSPI Cover Committee, most solar pool covers currently are labeled to warn users 1) to completely remove cover, 2) to not swim under cover, and 3) to stay off the top of the cover.

Although the labels Humans Factors has seen do not meet the exact requirement of the draft ANSI labeling standard, they are, in the opinion of Human Factors, adequate labels.

ALL POOL COVERS

All pool covers can be divided into one of two basic categories: those that are intended to protect people from falling into pool water, and those that are not. It is appropriate that consumers who desire the peace of mind of knowing that they have protected their pool from people falling into it be able to identify such safety covers. All pool covers could be labeled to inform prospective owners as to which type of cover they are considering. Standards could be developed for the type of pool cover that claims to protect people from falling into the water. To address the difficulties noted with a performance standard, different size pools and pool covers could be put into different sub-categories with appropriate requirements for each sub-category. With industry cooperation, agreement could be reached on appropriate weathering requirements, installation methods and self-draining provisions. Supporting rationale for requirements does not have to be completely rigorous if there is consensus in favor of the standard.

The petition related to labeling of pool covers requested that any cover that did not meet performance requirements for a safety cover should be labeled to the effect that it is not a safety cover. Human Factors literature suggests that "negative labeling" usually is not the best way of communicating information to consumers. For this reason it is important to gather information to resolve some of the issues related to the development of performance requirements so that certain covers can be positively labeled as "safety covers."

CONCLUSION

In summary, the Commission does not have sufficient information at this time to assess the effectiveness of a standard or labels for pool covers. As a part of the FY86 child drowning study, however, a number of questions are being asked about pool covers. Questions are included on the type of cover material and how the covers are used. When this study is completed, more information may be available to support the development of a voluntary standard or labeling requirements for pool covers.

In the interim, ES would not discourage the industry from working with a voluntary standard organization to begin to identify the issues and to determine what information and studies may be necessary to resolve them. This might help shorten the often lengthy consensus process. If such an effort were initiated, the staff should make available to the committee, the information it now has.

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9/11
1130 pp

UNITED STATES GOVERNMENT

Memorandum

SEP 12 1986
TS-2

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : The Commission
Through: Sadye E. Dunn, Secretary
Through: Leonard DeFlore, Executive Director

DATE: September 5, 1986

FROM : John P. Mackey, Acting General Counsel
Stephen Lemberg, Asst. General Counsel
Harleigh Ewell, Attorney, OGC

SUBJECT: Options on Covers for Swimming Pools, Spas and Hot Tubs --
BALLOT VOTE DUE 18 SEP 1986

This vote sheet relates to the attached staff briefing package discussing the status of a previous request by the Commission that the National Spa and Pool Institute work with the Commission's staff to develop voluntary standards for pool covers and discussing options for possible further action by the Commission in this area. The staff has identified two areas that may deserve further consideration of either mandatory or voluntary requirements: standards for "safety" covers intended to keep persons who fall on the cover out of water and labeling for covers that would not function adequately as safety covers.

Please indicate your vote on the following options.

I. WITH RESPECT TO "SAFETY" COVERS:

A. DIRECT THE STAFF TO PREPARE A BRIEFING PACKAGE FOR CONSIDERATION OF A RULEMAKING PROCEEDING TO DEVELOP MANDATORY STANDARDS.

(Signature)

(Date)

B. REFER THE ISSUE TO THE AMERICAN SOCIETY FOR TESTING AND MATERIALS ("ASTM") FOR CONSIDERATION OF POSSIBLE VOLUNTARY STANDARDS.

6 (b) CLEARED:

(Signature)

☒ No Mfrs Identified
☐ Excepted
☐ Mfrs Notified
☐ Comments Processed

(Date)

C. REFER THE ISSUE TO THE FEDERAL TRADE COMMISSION FOR CONSIDERATION OF POTENTIALLY MISLEADING SAFETY CLAIMS.

(Signature)

(Date)

D. DEFER ACTION PENDING THE ACQUISITION OF FURTHER INFORMATION.

Frank M. Smith

(Signature)

9/18/86

(Date)

E. DISCONTINUE WORK.

(Signature)

(Date)

F. OTHER (please specify).

(Signature)

(Date)

II. WITH RESPECT TO LABELING OF "NON-SAFETY" COVERS:

A. DIRECT THE STAFF TO PREPARE A BRIEFING PACKAGE FOR CONSIDERATION OF A RULEMAKING PROCEEDING TO DEVELOP MANDATORY STANDARDS.

(Signature)

(Date)

B. REFER TO ASTM FOR CONSIDERATION OF POSSIBLE VOLUNTARY STANDARDS.

(Signature)

(Date)

C. DEFER FURTHER WORK PENDING THE ACQUISITION OF FURTHER INFORMATION.

Anna M. Schulz

(Signature)

9/18/86

(Date)

D. DISCONTINUE WORK.

(Signature)

(Date)

E. DEVELOP A LABEL AND URGE ITS VOLUNTARY USE. (Staff to develop a label for the Commission's consideration.)

(Signature)

(Date)

F. OTHER (please specify).

(Signature)

(Date)

III. REFER ONLY HOT TUB AND SPA INCIDENTS TO ASTM FOR CONSIDERATION OF POSSIBLE VOLUNTARY STANDARDS.

(Signature)

(Date)

Comments/Instructions:

9/5
9/11
UNITED STATES GOVERNMENT

Memorandum

CMD-1
U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : The Commission
Through: Sadye E. Dunn, Secretary
Through: Leonard DeFiore, Executive Director
DATE: September 5, 1986
FROM : John P. Mackey, Acting General Counsel
Stephen Lemberg, Asst. General Counsel
Harleigh Ewell, Attorney, OGC
SUBJECT: Options on Covers for Swimming Pools, Spas and Hot Tubs --
BALLOT VOTE DUE 18 SEP 1986

This vote sheet relates to the attached staff briefing package discussing the status of a previous request by the Commission that the National Spa and Pool Institute work with the Commission's staff to develop voluntary standards for pool covers and discussing options for possible further action by the Commission in this area. The staff has identified two areas that may deserve further consideration of either mandatory or voluntary requirements: standards for "safety" covers intended to keep persons who fall on the cover out of water and labeling for covers that would not function adequately as safety covers.

Please indicate your vote on the following options.

I. WITH RESPECT TO "SAFETY" COVERS:

A. DIRECT THE STAFF TO PREPARE A BRIEFING PACKAGE FOR CONSIDERATION OF A RULEMAKING PROCEEDING TO DEVELOP MANDATORY STANDARDS.

(Signature)

(Date)

✓ B. REFER THE ISSUE TO THE AMERICAN SOCIETY FOR TESTING AND MATERIALS ("ASTM") FOR CONSIDERATION OF POSSIBLE VOLUNTARY STANDARDS.

Carl G. Dawson
(Signature)

9-15-86
(Date)

✓ C. REFER THE ISSUE TO THE FEDERAL TRADE COMMISSION FOR
CONSIDERATION OF POTENTIALLY MISLEADING SAFETY CLAIMS.

Paul G. Dawson
(Signature)

9-15-86
(Date)

D. DEFER ACTION PENDING THE ACQUISITION OF FURTHER
INFORMATION.

(Signature)

(Date)

E. DISCONTINUE WORK.

(Signature)

(Date)

F. OTHER (please specify).

(Signature)

(Date)

II. WITH RESPECT TO LABELING OF "NON-SAFETY" COVERS:

A. DIRECT THE STAFF TO PREPARE A BRIEFING PACKAGE FOR CON-
SIDERATION OF A RULEMAKING PROCEEDING TO DEVELOP MANDATORY
STANDARDS.

(Signature)

(Date)

B. REFER TO ASTM FOR CONSIDERATION OF POSSIBLE VOLUNTARY STANDARDS.

Carol G. Danson
(Signature)

9-15-86
(Date)

C. DEFER FURTHER WORK PENDING THE ACQUISITION OF FURTHER INFORMATION.

(Signature)

(Date)

D. DISCONTINUE WORK.

(Signature)

(Date)

E. DEVELOP A LABEL AND URGE ITS VOLUNTARY USE. (Staff to develop a label for the Commission's consideration.)

(Signature)

(Date)

F. OTHER (please specify).

(Signature)

(Date)

III. REFER ONLY HOT TUB AND SPA INCIDENTS TO ASTM FOR CONSIDERATION OF POSSIBLE VOLUNTARY STANDARDS.

(Signature)

(Date)

Comments/Instructions:

9/5
9/11
UNITED STATES GOVERNMENT

Memorandum

AD-1
U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : The Commission
Through: Sadye E. Dunn, Secretary
Through: Leonard DeFiore, Executive Director
DATE: September 5, 1986
FROM : John P. Mackey, Acting General Counsel
Stephen Lemberg, Asst. General Counsel
Harleigh Ewell, Attorney, OGC
SUBJECT: Options on Covers for Swimming Pools, Spas and Hot Tubs --
BALLOT VOTE DUE 18 SEP 1986

This vote sheet relates to the attached staff briefing package discussing the status of a previous request by the Commission that the National Spa and Pool Institute work with the Commission's staff to develop voluntary standards for pool covers and discussing options for possible further action by the Commission in this area. The staff has identified two areas that may deserve further consideration of either mandatory or voluntary requirements: standards for "safety" covers intended to keep persons who fall on the cover out of water and labeling for covers that would not function adequately as safety covers.

Please indicate your vote on the following options.

I. WITH RESPECT TO "SAFETY" COVERS:

A. DIRECT THE STAFF TO PREPARE A BRIEFING PACKAGE FOR CONSIDERATION OF A RULEMAKING PROCEEDING TO DEVELOP MANDATORY STANDARDS.

(Signature)

(Date)

B. REFER THE ISSUE TO THE AMERICAN SOCIETY FOR TESTING AND MATERIALS ("ASTM") FOR CONSIDERATION OF POSSIBLE VOLUNTARY STANDARDS.

McOrhan
(Signature)

9.18.86
(Date)

C. REFER THE ISSUE TO THE FEDERAL TRADE COMMISSION FOR CONSIDERATION OF POTENTIALLY MISLEADING SAFETY CLAIMS.

X Wardhan
(Signature)

9.18.86
(Date)

D. DEFER ACTION PENDING THE ACQUISITION OF FURTHER INFORMATION.

X _____
(Signature)

(Date)

E. DISCONTINUE WORK.

(Signature)

(Date)

F. OTHER (please specify).

(Signature)

(Date)

II. WITH RESPECT TO LABELING OF "NON-SAFETY" COVERS:

A. DIRECT THE STAFF TO PREPARE A BRIEFING PACKAGE FOR CONSIDERATION OF A RULEMAKING PROCEEDING TO DEVELOP MANDATORY STANDARDS.

(Signature)

(Date)

B. REFER TO ASTM FOR CONSIDERATION OF POSSIBLE VOLUNTARY STANDARDS.

Worcha
(Signature)

10.17.86
(Date)

C. DEFER FURTHER WORK PENDING THE ACQUISITION OF FURTHER INFORMATION.

(Signature)

(Date)

D. DISCONTINUE WORK.

(Signature)

(Date)

E. DEVELOP A LABEL AND URGE ITS VOLUNTARY USE. (Staff to develop a label for the Commission's consideration.)

(Signature)

(Date)

F. OTHER (please specify).

(Signature)

(Date)

III. REFER ONLY HOT TUB AND SPA INCIDENTS TO ASTM FOR CONSIDERATION OF POSSIBLE VOLUNTARY STANDARDS.

(Signature)

(Date)

Comments/Instructions:



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

August 27, 1985

CERTIFIED

Ms. Susan Savage
200 Heather Place
Danville, California 94526

Dear Ms. Savage:

The Commission has considered your request that free floating solar pool covers be banned. We are very sorry to hear of the tragic incident involving your son.

The data available to the Commission are not sufficient to estimate a minimum number of injuries and deaths that could be prevented by the rule you describe. For example, we do not know how many of the incidents involving these covers might have occurred even if a cover was not present. (In other words, did the child simply fall in the pool or was he lured onto the pool's surface by the appearance of the cover?) Similarly, we do not know the extent, if any, to which the presence of a cover might impede, or possibly even help, a child's efforts to save himself. Accordingly, the Commission is unable to make a preliminary determination that the benefits of the regulation you suggest would bear a reasonable relationship to the costs of the regulation or that this particular regulation is the least burdensome requirement which prevents or adequately reduces the risk of injury for which the rule is being promulgated. Both of these findings are required by the Consumer Product Safety Act to be supported by substantial evidence before the rule you request could be issued.

Although it lacks the sort of quantifiable data needed to support a mandatory rule, the Commission believes that improved labeling of swimming pool covers could increase the safety of consumers. Accordingly, the Commission's staff has been in contact with the National Spa and Pool Institute to see if the industry can agree on voluntary steps that can be taken in this regard. They have indicated that they will consider this issue in conjunction with a study they are conducting that will rank various hazards associated with swimming pools in order of seriousness. The Commission has directed its staff to participate with the industry in the development of voluntary standards for pool covers.

Ms. Susan Savage
Page 2

For the reasons stated above, the Commission concluded that the information available at this time is not sufficient to show that a mandatory rule is reasonably necessary. Accordingly, the Commission denied your request for a ban. However, even though a mandatory rule is not feasible at this time, it is essential that the risk of these most serious accidents be reduced. Therefore, Commission staff will continue to monitor injury data and the status of actions by industry to address problems with swimming pool covers to see if Commission action may be appropriate in the future.

Thank you for bringing your concerns to our attention.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sadye E. Dunn". The signature is fluid and cursive, with a prominent loop at the end of the last name.

Sadye E. Dunn
Secretary of the Commission



CERTIFIED

U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

27 AUG 1985

Dr. Arnold Stockton
188 Granny Road
Farmingville, New York 11738

Dear Dr. Stockton:

The Commission has considered your petition dated May 23, 1983, and supplemented on July 22, 1983, asking that the Commission require warning labeling for all swimming pool covers that do not meet certain performance requirements for safety covers.

The data available to the Commission are not sufficient to estimate the number of injuries and deaths that could be prevented by the rule you describe. Accordingly, the Commission is unable to make a preliminary determination that the benefits of the regulation you suggest would bear a reasonable relationship to the costs of the regulation or that this particular regulation is the least burdensome requirement which prevents or adequately reduces the risk of injury for which the rule is being promulgated. Both of these findings are required by the Consumer Product Safety Act to be supported by substantial evidence before the rule you request could be issued.

Although it lacks the sort of quantifiable data needed to support a mandatory rule, the Commission agrees with you that defined criteria for covers marketed as "safety" covers, and improved labeling of covers, could increase the safety of consumers. Accordingly, the Commission's staff has been in contact with the National Spa and Pool Institute to see if the industry can agree on voluntary steps that can be taken in this regard. They have indicated that they will consider this issue in conjunction with a study they are conducting that will rank various hazards associated with swimming pools in order of seriousness. The Commission has directed its staff to participate with the industry in the development of voluntary standards for pool covers.

For the reasons stated above, the Commission concluded that the information available at this time is not sufficient to show that a mandatory rule is reasonably necessary. Accordingly, the Commission decided to deny your petition. However, the Commission's staff will continue to monitor injury data and the status of actions by industry to address problems with swimming pool covers to see if Commission action may be appropriate in the future.

Thank you for bringing your concerns to our attention.

Sincerely,

A handwritten signature in cursive script, reading "Sadye E. Durn", is positioned above the typed name of the Secretary.

Sadye E. Durn
Secretary of the Commission



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

Record of Commission Action
June 19, 1985

At the June 19, 1985, meeting of the U.S. Consumer Product Safety Commission, the Commission was briefed on Ranking of Carcinogens. No decisions were made. Chairman Terrence Scanlon convened the meeting. Commissioners Carol G. Dawson and Stuart M. Statler were present.

Ballot Vote Decisions. The following decisions made by ballot vote of the Commissioners were placed in the record:

1. Scripts for NSPI Public Service Announcements

The Commission by a vote of 3-0-1 approved with changes scripts for the National Spa and Pool Institute (NSPI) public service announcements concerning diving accidents and drownings of young children. Voting to approve with changes were Chairman Terrence Scanlon and Commissioners Carol G. Dawson and Stuart M. Statler. Commissioner Sandra B. Armstrong, having previously voted disapproval of this project, abstained.

2. Extension of Time for Submission of Report of CHAP for DEHP

The Commission voted unanimously (4-0) to grant an extension of the time, until September 30, 1985, for the DEHP Chronic Hazard Advisory Panel (CHAP) to submit its report.

3. ID 85-13, 85-15 Crib Cuddle

The Commission by a vote of 3-1 voted to conditionally approve the corrective action plan proposed by Century Products, Inc. and Product Source, Inc. pending submission of test results by Century Products, Inc. and to approve the press release announcing the recall. Voting to approve were Chairman Terrence Scanlon and Commissioners Carol G. Dawson and Stuart M. Statler. Commissioner Sandra B. Armstrong voted not to approve and has filed a statement concerning her vote with the Office of the Secretary, copy attached.

4. Petition CP 83-2 on Swimming Pool Covers

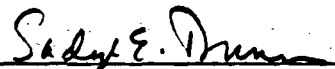
The Commission voted unanimously (4-0) to deny Petition CP 83-2 on swimming pool covers with respect to the request of Dr. Arnold Stockton for performance requirements for safety covers and for labeling of other covers, and with respect to the request of Ms. Susan Savage to ban free-floating solar covers. Chairman Terrence Scanlon and Commissioners Carol G. Dawson and Stuart M. Statler voted to approve the letters of denial as drafted. Commissioner Sandra B. Armstrong voted to approve the denials letters with specified changes. The Commission also voted

unanimously (4-0) to direct the staff to participate in the development of a voluntary standard for pool covers. Commissioner Armstrong will file a statement concerning her vote with the Office of the Secretary.

5. Automobile-Related Petroleum Distillate Products

The Commission voted unanimously (4-0) not to develop a special packaging standard for automobile-related petroleum distillate products. Staff was instructed to continue to monitor injury data.

For the Commission:


Sadye E. Dunn
Secretary

Attachment



LOOP-LOC LTD.
(516) 586-0770

367 BAY SHORE ROAD
DEER PARK, N.Y. 11729
TELEX # 4758261 LOOPLOC

May 28, 1985

Ronald L. Medford
Consumer Products Safety Commission
Office of Program Management
Washington, D.C. 20207

Dear Mr. Medford:

RE: C.P. 83-2, I'm writing you as both the President of a Pool Cover Manufacturing Company, and Chairman of N.S.P.I.'s Cover Standards Commission. I request any action by C.P.S.C. be held up until both N.S.P.I. and C.P.S.C. can review the Failure Analysis Study about to be completed.

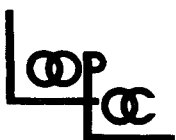
The review and a joint meeting between our staffs and committee should not take more than sixty days.

Please ask the commissioner to delay their vote until then.

Very truly yours,

William S. Donaton

WSD:sb
cc: Iris R. Liskey



UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

DATE: 04 JUN 1985

TO: The Commission
THROUGH: Sadye E. Dunn, Secretary *EC/pw S.E.D.*
THROUGH: Daniel R. Levinson, General Counsel *DRP*
THROUGH: Leonard DeFiore, Executive Director *DF*
THROUGH: Harry I. Cohen, Director, OPM *HIC*
THROUGH: James F. Hoebel, Program Manager, Household
Structural Products Program, OPM *JFH*
Ronald L. Medford
FROM: Ronald L. Medford, Project Manager, Household Structural
Products Program, Office of Program Management

SUBJECT: Pool Cover Petition Briefing Package

Attached for your consideration is a letter received on this date from Mr. William S. Donaton, president of Loop Loc, Ltd., a pool cover manufacturer, requesting that the Commission delay its decision on the pending pool cover petition (CP 83-2). Mr. Donaton requests the delay until an injury study sponsored by the National Spa and Pool Institute has been completed and jointly reviewed by industry and CPSC.

The briefing package with the staff recommendation on the petition is currently pending before the Commission and ballot votes are due on June 6, 1985. The staff acknowledged the study referenced in Mr. Donaton's letters at the time the briefing package was prepared. It is our understanding that the study that is being prepared for the industry will provide a relative ranking of the risks associated with pools, spas and hot tubs. Since the staff recommendation is to deny the petition and encourage the initiation of voluntary standard activities, there appears to be little reason to recommend a delay of a Commission vote on this issue.

Attachment

66 EXCEPTED PETITION
6/5/85 PROCEEDING
TRT

Memorandum

RECEIVED
OFFICE OF THE U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207
JUN 4 8 57 AM '85

TO: The Commission
THROUGH: Sadye E. Dunn, Secretary
THROUGH: Daniel R. Levinson, General Counsel
THROUGH: Leonard DeFiore, Executive Director
THROUGH: Harry I. Cohen, Director, OPM
THROUGH: James F. Hoebel, Program Manager, Household
Structural Products Program, OPM
FROM: Ronald L. Medford, Project Manager, Household Structural
Products Program, Office of Program Management
SUBJECT: Supplemental Information Relating to Petition CP 83-2,
Swimming Pool Covers

Since the preparation of the Briefing Package on the Swimming Pool Cover Petition (CP 83-2) dated March 29, 1985, some additional incident data has been reported to the Commission involving drowning or near drowning episodes.

At Tab A is a memorandum from the Directorate for Epidemiology with an attached letter from Ms. Susan Savage to Mr. Lee Baxter, Director of CPSC's Western Regional Office. The letter contains reports of 13 drowning or near drowning incidents. Four of the incidents specifically reference pool covers. At Tab B is a letter dated May 7, 1985, from Dr. Jean Ann Wright, a physician in Atlanta, Georgia that reports two child deaths involving free floating pool covers.

Although it is possible that some of these additional cases may duplicate those included in the Epidemiology memorandum provided in the March 29, 1985 Briefing Package on Pool Covers, the team's earlier conclusion is not changed by these additional reports. The conclusion is that:

- ° the data on solar (free floating) pool covers, taken as a whole, do not clearly demonstrate that the presence of solar covers contributed to the incidents we have on record. The Commission has insufficient information to support the contention that the risk of drowning would be appreciably different if solar covers were not in place.

The team continues to believe that there is a need for uniform warning labeling for solar covers, and the establishment of requirements for pool covers marketed as "safety covers". The team recommends that the Commission strongly encourage the National Spa and Pool Institute to initiate voluntary standard activities to address this hazard.

Attachments

NOTE: This document has not been
reviewed or accepted by the Commission.
Initial _____ Date _____

OS# 3681-A

6/4

COVERS, SWIMMING POOL

Tab A restricted because staff
has not verified accuracy of the
information in accordance with
section 6(b)(6)

Tab A - EP memorandum re: Additional information received on Petition
CP 83-2 - May 7, 1985

RESTRICTED



U.S. CONSUMER PRODUCT SAFETY COMMISSION



The Henrietta Egleston Hospital for Children, Inc.

1405 Clifton Road, N. E.

Atlanta, Georgia 30322

Mr. Lee Baxter
Consumer Product Safety Commission
555 Battery Street, Room 415
San Francisco, CA 94111

May 7, 1985

CONSUMER PRODUCT
SAFETY COMMISSION
MAY 15 08 52 '85

Dear Mr. Baxter,

I am an intensive care physician in Atlanta, Georgia at the Egleston Hospital for Children. Egleston is a tertiary care hospital for children, that receives referrals from all over the Southeast. In the past year, we have had two children referred to us after resuscitation from pool side near drowning accidents, in which free floating pool covers were involved. These accidents involved toddlers who had disappeared for seemingly only a few minutes, and when found were unresponsive and cyanotic. Both children received CPR at the poolside, and yet upon arrival to our hospital were brain dead on clinical exam. Both of these children went on to die within 72 hours of admission.

I understand that the Consumer Product Safety Commission will be looking into the matter of pool covers and their role in drowning accidents in the near future. I am very interested in the issue, and will be happy to provide any information that I can. As you may realize, near-drowning is a childhood epidemic. The advent of more backyard pools has increased the likelihood of this problem increasing. My own experience has led me to believe that few parents realize the danger involved with these pools, and they derive a false sense of security by having the pool 'covered'. The children appeared to be 'trapped' on the top, and were unable to climb off, and subsequently drowned.

Thank you for your time and interest in this most important issue.

Sincerely,

Jean Ann Wright, MD
Associate Director,
Pediatric Critical Care
Asst Prof of Anesthesia
and Pediatrics
Emory University School of Medicine

cc:File

Mrs. Susan Savage
200 Heather Place
Danville, CA 94526

Hand Delivered

May 21, 1985

Susan Savage
200 Heather Place
Danville, CA 94526

F

re: Petition CP 83-2

Dear Ms. Savage:

Enclosed is the Staff briefing package on petition (CP 83-2) to require warning labeling for all swimming pool covers that do not meet certain performance requirements for safety covers; as well as your request that free floating solar pool covers be banned.

The Commission is to vote on this matter by ballot due by the close of business June 6, 1985. If you have any comments on the staff briefing package, please submit them to the Office of the Secretary, they will then be transmitted to the Commission for consideration.

If the Commission should decide to place this matter on its Agenda for consideration at a meeting, you will be notified.

If I can be of further assistance please feel free to contact me at (301) 492-6800.

Sincerely,

Patricia Chisley
Office of the Secretary

enclosure

Hand Delivered

May 21, 1985

Dr. Arnold Stockton
188 Granny Road
Farmingville, NY 11738

re: Petition CP 83-2

Dear Dr. Stockton:

Enclosed is the Staff briefing package on petition (EP 83-2) to require warning labeling for all swimming pool covers that do not meet certain performance requirements for safety covers; as well as Ms. Susan Savage request that free floating solar pool covers be banned.

The Commission is to vote on this matter by ballot due by the close of business June 6, 1985. If you have any comments on the staff briefing package, please submit them to the Office of the Secretary, they will then be transmitted to the Commission for consideration.

If the Commission should decide to place this matter on its Agenda for consideration at a meeting, you will be notified.

If I can be of further assistance please feel free to contact me at (301) 492-6800.

Sincerely,

Patricia Chisley
Office of the Secretary

enclosures