

CHILD SAFETY BLOG

PATRICK MALONE & ASSOCIATES, P.C.
From Tragedy To Justice - Attorneys For The Injured

Toll Free: **888.625.6635**
(888.MaloneLaw)

Local: **202.742.1500**



Posted On: **June 16, 2011** by **Patrick A. Malone**

Swimming pool safety advocates say law isn't working

A federal law designed to prevent children – and sometimes, even adults – from being sucked in and trapped by a pool or spa drain isn't working, pool safety advocates say.

The Virginia Graeme Baker Pool and Spa Safety Act, named for the 7-year-old granddaughter of former secretary of State James Baker, who died in a hot tub in Northern Virginia in 2002 after getting trapped by the drain, was passed by Congress in 2007. But a recent recall of more than 1 million pool drain covers designed to fix the

Patrick A. Malone
Patrick Malone & Associates, P.C.
1331 H Street N.W.
Suite 902
Washington, DC 20005

pmalone@patrickmalonelaw.com
www.patrickmalonelaw.com
202-742-1500
202-742-1515 (fax)

problem – just the latest of many setbacks - highlights how difficult the implementation of the law has become, the law's backers say.

Nancy Baker, the mother whose lobbying efforts helped get the law passed, says the implementation of the law has been “botched.” The law was supposed to award more than \$4 million in grants for states to bring their pool safety codes up to federal standards. Not one state has done so.

Members of Congress who supported the law complain that the Consumer Product Safety Commission (CPSC) undermined it by eliminating the requirement for automatic drain shut-off switches as an added layer of protection in some pools. Industry groups argued that the switches were unnecessary.

That decision "runs counter to both the spirit and letter" of the law, say five senators led by Mark Pryor (D-Ark), who sponsored the 2007 law in the Senate. "In single drain pools, no drain cover — no matter how large or unblockable — can protect a child from entrapment if the drain cover is improperly installed or inadvertently removed," the senators wrote in a 2010 letter to the CPSC.

CPSC enforcement of the law has also been problematic. The commission could not provide precise statistics on how many inspections have been done, but estimated that since 2009, it has contracted out with 16 state and local health departments to do more than 2,800 inspections. Those contracts cover fewer than 1% of the 300,000 commercial pools in the U.S., not including residential pools and spas, which number more than 16 million, according to industry data.

Patrick A. Malone
Patrick Malone & Associates, P.C.
1331 H Street N.W.
Suite 902
Washington, DC 20005

pmalone@patrickmalonelaw.com
www.patrickmalonelaw.com
202-742-1500
202-742-1515 (fax)

In addition, a CPSC investigation found that the testing laboratories that certified drain covers as meeting safety standards applied those standards inconsistently and incorrectly, meaning many of the covers may be unsafe for the pools they're installed in.

Source: [USA Today](#)

Families interested in learning more about our firm's legal services, including legal representation for children who have suffered serious injuries in Washington, D.C., Maryland and Virginia due to medical malpractice, defective products, birth-related trauma or other injuries, may ask questions or send us information about a particular case by phone or email. There is no charge for contacting us regarding your inquiry. An attorney will respond within 24 hours.

All contents copyrighted 2010 [Patrick Malone & Associates](#) except where copyright held by others. Reproduction in any form prohibited except where expressly granted.

Patrick A. Malone
Patrick Malone & Associates, P.C.
1331 H Street N.W.
Suite 902
Washington, DC 20005

pmalone@patrickmalonelaw.com
www.patrickmalonelaw.com
202-742-1500
202-742-1515 (fax)