



How Local Codes Impact Swimming Pools

Maureen Williams

Isolation fencing is the only layer of protection that has been shown, through extensive research, to be an effective deterrent against toddler drowning. But passage of mandatory fencing laws in the U.S. is likely to take many more years. In 2007, the Virginia Graeme Baker Pool & Spa Safety Act (known as the P&SS Act) gave states an incentive to pass swimming pool barrier laws that would require such measures as isolation fencing. However, no state qualified for those grants while they were available.

The reality is that laws requiring isolation pool fencing are very tough to pass. Consumers do not want the government telling them what to do in their own backyards, and many in the pool industry fear that the added cost of a fence will cause some consumers to decide against installing a new pool. Efforts to pass such laws face daunting opposition.

Even the new International Swimming Pool Code drafted by the International Code Council, currently in the approval stage, allows for pools to meet code if the homeowner selects one of several other options to isolation fencing, such as automatic safety covers or door alarms.

Extensive public education is the key to passing effective barrier laws, and the fencing industry can and should take an active role in this effort.

In places where mandatory isolation fencing laws have been passed, such as Western Australia, fences with self-closing, self-latching gates have been shown to effectively reduce drownings, yet even where such laws are working, advocates must constantly battle individuals and organizations that want to weaken the legislation making fencing an option, not a requirement.

For parents with small children--or anyone with a pool who has children living at or visiting their home—the cost of a pool fence is nothing in comparison to the life-long pain they would suffer if a child drowned in their pool.

(In my experience with the National Drowning Prevention Alliance (NDPA) which I started in 2004 as communications manager for founding sponsor D&D Technologies, I've heard several parents of child drowning victims say that if they had known that a fence between their home and their pool would have prevented the Tragedy, they would have insisted on isolation pool fencing with an effective gate.)

While a number of states have passed pool barrier laws, there are always “loopholes” attached to the requirements. You must have a fence, or a door alarm, or a pool cover, or a pool (water) alarm. Gates sometimes do fail to latch or are propped open, so it’s important to have additional safety measures, or layers of protection, in place. This is where pool covers, door and pool alarms are important back-up safety measures. But we need to educate consumers so that their first safety layer will be isolation fencing.

Although some state laws require isolation pool fencing, such codes typically apply only to new pool construction and are not retroactive. This is known as a “grandfather clause.” That means millions of grandfathered pools nationwide have no barriers at all between the home and the pool, and those homeowners are not required to install one. Property line fencing is often mandatory to protect neighborhood children from accessing the pool, yet the U.S. Consumer Products Safety Commission found that fewer than two percent of all drowning victims were trespassers; more than 98 percent of child swimming pool drowning victims were living at or guests at the house with the pool.

Mandatory isolation fencing would provide a huge sales boost to the fencing industry, but even without laws requiring it, there is a major opportunity for fencing companies to take a proactive approach to selling pool fencing. Here are some ways you can become involved.

The AFA has joined the National Drowning Prevention Alliance (NDPA), so AFA members can join the NDPA as Associate Members for only \$25. Please go to www.NDPA.org today to demonstrate your support for the NDPA’s efforts by joining our cause. It’s not only an important corporate social responsibility initiative, it’s good business.

The U.S. Consumer Product Safety Commission (CPSC), the agency charged with administering the P&SS Act, has been conducting an extensive public education campaign called Pool Safely. Its videos and printed materials promote barriers, including isolation fencing. The NDPA is actively involved as a contracting agency.

The CPSC’s public service announcements (PSAs) and video can be found at the PSAs focuses on fencing. The NDPA, as part of its contract with the CPSC, also developed an educational video and two PSAs. They can be seen at www.NDPA.org. Members of the fencing industry are encouraged to share these videos on websites, and through social marketing sites like Facebook and Twitter.

In the U.S, a recently released CPSC report includes these key findings:

- There were, on average, 5,100 pool- or spa-related emergency department (ED)-treated submersion injuries each year for 2008 through 2010.

- 383 pool- or spa-related fatalities were reported per year for 2006 through 2008, involving children younger than 15 years of age.
- Seventy-six percent of the reported fatalities and 79 percent of the ED-treated injuries involved children younger than 5 years of age.

When you bid on a project for a new fence or repair a fence at a home with a pool, knowing this information can improve your chances of making the sale, but more importantly you will have done something that can potentially save lives.

To increase business, fencing distributors and contractors can form partnerships with the pool industry, so that when a new pool is installed, the fence goes up at the same time. Legal liability after a submersion accident often extends to the pool builder. Also most members of the pool industry understand that potential pool owners know the risks and homeowners would enjoy pool ownership more also if they knew that their loved ones were better protected.

Pool builders want product and pricing knowledge, assurance pool fencing will be aesthetically pleasing, and a partner to handle that portion of the sale. Fencers can help ensure a fence goes up with every pool, and that it fits into the landscape plans, by proactively working with pool designers and builders.

The fencing industry can form additional partnerships to promote pool fencing with the pool service industry, realtors, home inspectors, home builders and design center staff, property management companies, landscapers and home improvement stores.

Many safety products, such as D&D's MagnaLatch® and TruClose® hinges, have specifically been designed to meet pool fencing codes, Although most states have adopted the ICC Residential Building Code or ICC Building Code, local jurisdictions often have more stringent requirements. It's important to consult local building department officials to get code requirements before quoting any pool fencing job.

For further information visit NDPA.org

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