

Public Advocate for the City of New York

RISKY RECREATION: CITY FAILS TO ENSURE SAFETY AT OUTDOOR POOLS

PUBLIC ADVOCATE BETSY GOTBAUM JULY 2005

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Executive Summary

The Public Advocate's Office recently surveyed outdoor public swimming pools, which are overseen by the Department of Parks and Recreation, to determine whether these facilities were operating safely and in accordance with State Sanitary and City Health Codes.

Findings

Investigators identified safety and health hazards at 50 of the 56 outdoor pools examined:

- Fifteen pools had inappropriate chlorine and pH levels;
- Six pools had unclear water, indicating problems with water quality;
- Eight pools had floating matter, which can compromise water quality
- Fifteen pools had loose or wobbly ladders;
- Eight pools had slipping or tripping hazards, such as puddled water and cracked or uneven pavement;
- Four pools had inattentive lifeguards, 5 had lifeguards who were not in control of visitors, and 1 had no lifeguard at all;
- Five pools had no first-aid and/or lifesaving equipment.

Conclusion and Recommendations

When operated with proper care and attention, swimming pools can serve as a safe and healthy escape from the summer heat. To ensure the safety of New York City's outdoor public swimming pools, the Public Advocate recommends that the Department of Parks and Recreation take the following steps:

- Re-train and test pool employees responsible for water treatment to ensure they understand when and how chemicals should be added to the pool and at what point a pool becomes unsafe for public use.
- Assess all pool sites and correct safety and structural hazards, with special
 attention to those identified by the Public Advocate's Office. The Department
 should establish periodic checks at all pools, so hazardous conditions that may
 develop during pool season do not go unaddressed.
- Conduct unannounced visits to evaluate the performance of lifeguards. The Department must ensure that lifeguards are attentive and in control of pools.
- Conduct an inventory of first-aid and lifesaving equipment at pools, with special attention to deficiencies noted by the Public Advocate's Office. The Department should immediately provide pools with all necessary first-aid and lifesaving supplies.
- Direct pool staff to keep lifesaving equipment on the pool deck rather than in a separate office or storage facility. In the event of a drowning or other incident,

seconds count. Staff must be able to act quickly without having to locate equipment stored away from the poolside.

Introduction

Each summer when temperatures rise, more than a million New Yorkers cool off at New York City's outdoor public swimming pools.¹ The Department of Parks and Recreation operates 53 outdoor pools sites across the 5 boroughs, with multiple pools at certain locations.

The Public Advocate's Office recently surveyed outdoor public swimming pools to determine whether these facilities operate safely and in accordance with State Sanitary and City Health Codes.²

Methodology

Investigators from the Public Advocate's Office conducted unannounced visits to 56 outdoor pools across the City (see Appendix A) on July 5, 6, 8, and 11. The Office developed a checklist of criteria to measure pool safety (see Appendix B), based on sections of the State Sanitary and City Health Codes, which establish minimum health and safety standards. Investigators evaluated each pool with respect to these health and safety issues. Investigators also utilized one-dip pool test strips to determine whether pools' chlorine and pH levels fell within the range established by the Codes.

Background

Swimming pools can be enjoyable venues for summertime recreation, but pool operators and staff must give due attention to health and safety matters. Each summer preventable illnesses, injuries, and deaths occur at swimming pools across the country. According to the Centers for Disease Control and Prevention (CDC), 3,281 unintentional drownings occurred in 2000 at pools, beaches, and other locations throughout the United States with an average of nine drownings per day.³ Outbreaks of swimming-related sicknesses, or recreational water illnesses (RWIs), have increased over the past decade.⁴ More than 2,000 RWIs were reported in 1999-2000.⁵ Additionally, injuries can occur in and around pools as a result of structural or other hazardous conditions, as well as inappropriate behavior. Pool operators can reduce the risk of illness and accidents by observing health and safety regulations.

The City has a financial interest in keeping its pools safe. According to the New York City Comptroller's Bureau of Law and Adjustment, between January of 2000 and December of 2004, the City settled 17 claims, totaling more than \$443,000, involving injuries sustained at its pools.

² Numerous provisions in the City Health Code related to the operation of swimming pools mirror requirements established in the State Sanitary Code.

¹ NYC Department of Parks & Recreation.

³ CDC, "Water-Related Injuries: Fact Sheet." Accessed online at http://www.cdc.gov/ncipc/factsheets/drown.htm; This figure does not include drowning in boating-related incidents

⁴ CDC Division of Parasitic Diseases, "Healthy Swimming." Accessed online at http://www.cdc.gov/healthyswimming/.

⁵ Jean Lawrence, "Swim Don't Swallow: Water-Borne Illnesses at New Highs," *WebMD*. Accessed online at http://my.webmd.com/content/article/90/100722.htm.

In previous reports on the conditions of City pools, the Comptroller's Office found safety and health problems at numerous sites. The Comptroller's last report of this kind was released in 1996.

Problems with Water Quality

The State Sanitary Code categorizes the following water quality violations as public health hazards: ⁷

- Failure to provide the minimum disinfectant residual levels; and
- Swimming pool bottom not visible.

The Code also specifies that pools must be kept free of visible floating matter⁸ and provides that pH and chlorine levels shall be maintained as follows:

"Disinfection with chlorine. When chlorine gas, calcium hypochlorite or sodium hypochlorite is used to disinfect a swimming pool and the pool water pH is less than or equal to 7.8, the dose of chlorine or chlorine compound shall be sufficient to maintain a concentration of at least 0.6 mg/l free chlorine throughout the swimming pool. When the pH is between 7.8 and 8.2, a concentration of at least 1.5 mg/l free chlorine residual shall be maintained. A free chlorine residual of 5.0 mg/l or a pH of 8.2 shall not be exceeded in any swimming pool during use."

The Public Advocate found water quality problems at nearly 44 % (24 out of 55) of the pools at which chlorine and pH levels were examined. ¹⁰ (See Appendix C for a list of pools.)

• More than 27% (15 out of 55) of the pools showed chlorine or pH levels outside of the range established by the Code. Ten of these pools showed chlorine levels lower than that which is required by the Code, indicating that proper disinfection may not be occurring, putting swimmers at risk. Chlorine kills germs in pools, but its power to do so varies with the pH level. As pH increases, chlorine's germ-killing power decreases. Too little chlorine can encourage bacterial growth and/or cloudy water, and can lead to waterborne illnesses. Too much chlorine can cause skin and eye irritation as well as

⁶ The Office of the Comptroller, "Audit Report on the Environmental and Physical Safety of New York City Outdoor Public Swimming Pools," June 21, 1994; The Office of the Comptroller, "Follow-up Audit Report on the Environmental and Physical Safety of New York City Outdoor Public Swimming Pools," Sept. 1, 1994; The Office of the Comptroller, "Report on the New York City Department of Parks and Recreation, Review of the Environmental and Physical Safety of Ten New York City Outdoor Public Swimming Pools," July 30, 1996.

⁷ 10 NYCRR §6-1.4(b)

⁸ 10 NYCRR §6-1.19(d)

⁹ 10 NYCRR §6-1.11

¹⁰ See Appendix C for detailed findings. Investigators did not conduct water testing at one visited pool, Bronx River, because it was closed to the public due to water contamination at the time.

respiratory problems. Pool operators must maintain appropriate levels of disinfectants in order to prevent the spread of disease.

- More than 10% (6 out of 55) of the pools had unclear water. Water in a wellmaintained pool will appear clean and clear to the bottom. Cloudy water, however, can indicate problems with pool water chemistry, such as inconsistent chlorination or an elevated pH level. Cloudy water can prevent lifeguards from identifying drowning victims and can prevent swimmers who might jump or dive into the water from accurately assessing its depth.¹¹
- Nearly 15% (8 out of 55) of the pools visited were found to have visible floating matter on the pool surface. In order to be certain that a pool is safe for swimmers, staff must ensure that the pool is kept free of all floating matter. Debris such as leaves and grass can adversely affect water quality and contaminate a pool. Feces or urine that goes unnoticed or is not attended to promptly can cause individuals in the pool to become ill.

Safety and Structural Hazards

Investigators checked pools and their surrounding areas for conditions that could cause harm or injury to pool patrons. The State Sanitary Code classifies the following conditions to be public health hazards:¹²

- Overhead electrical wires within 20 feet horizontally of the swimming pool;
- Unprotected electrical circuits or wiring within 10 feet of the swimming pool;
- Absence of or improper depth markings in swimming pool; and
- Glass or sharp objects in swimming pool or on deck area.

The Sanitary Code also requires the following:

- Cracks in the pool walls, floors, perimeter overflow systems, and decks shall be repaired when determined to be potential leakage or tripping hazards; and ¹³
- Ladders, handrails, diving equipment, lifeguard chairs, slides, and other deck equipment shall be kept firmly secured to the deck and maintained in good repair. 14

The Public Advocate's Office recorded 33 hazardous conditions at the pool sites **visited.** (See Appendix C for details.)

¹² 10 NYCRR §6-1.4(b) ¹³ 10 NYCRR §6-1.10(c)

^{11 &}quot;Cloudy, Dull or Hazy Water," Poolcenter.com. Accessed online at http://www.poolcenter.com/cloudy.htm

¹⁴ 10 NYCRR §6-1.10(k)

- At nearly 36% of the pools surveyed with ladders (15 out of 42), investigators found at least one ladder to be wobbly or unsecured. Unsteady ladders can lead to serious injuries among pool goers.
- Nearly 10% of pools (5 out of 56) had slipping or tripping hazards. Five pools were found to have uneven or cracked pavement. At 3 of these pools, investigators also noted that puddled water at the poolside posed a significant threat to pool goers.
- Peeling paint in pools was observed at more than 14% (8 out of 56) of the sites visited. Peeling paint may indicate structural problems with the pool. In addition, paint flakes floating in a pool may be swallowed by young children.
- One pool was found to have an overhead wire within close proximity of the water. The wire was located on the opposite side of a fence enclosing the Fisher Intermediate Pool in Queens. As previously noted, the Sanitary Code expressly prohibits overhead wires within 20 feet horizontally of a pool.
- One pool, which was closed due to a water quality problem, was found with its gate open, despite the fact that there was no lifeguard on-duty and the pool was unsafe for swimming. Investigators entered the Bronx River Pool through an open gate, only to learn that the pool was closed to swimmers for the day because someone had dumped motor oil into it. The Sanitary Code requires that pool operators "maintain an enclosure around the swimming pool area that will prevent access to the swimming pool area during hours in which the pool is not open for use." The investigators reported that there was nothing to stop individuals from entering the pool and that there were no lifeguards in sight. Shortly after their entry, a pool employee apprised the investigators of the pool's condition.

Lifeguards Not Always Attentive or In Control

The State Sanitary Code stipulates that a pool operator's failure to "provide adequate supervision of the swimming pool," is a public health hazard. ¹⁶ Investigators assessed whether lifeguards were attentive to activity in and around the pool and whether lifeguards appeared to have control of the pool.

- Investigators reported inattentive lifeguards at 4 of the 53 pools where **lifeguards were observed on-duty.** (See Appendix C for details.)
 - o At the Wagner Intermediate Pool in Manhattan, 2 of 3 lifeguards on duty were observed sitting on a bench talking to one another while the third guard watched the pool, which is large enough to accommodate 203 swimmers, alone.

¹⁵ 10 NYCRR §6-1.4(b)(12)

¹⁶ 10 NYCRR §6-1.4(b)(1)

- o An investigator at the Tompkins Square Pool in Manhattan noted, "Before I came into the pool area, all three of the lifeguards were standing around talking. They became more attentive when I was on the pool deck."
- An investigator at the Thompson Street Pool in Manhattan noted that an on-duty lifeguard sat in a corner talking to another man without looking at the pool.
- O At the Windmuller Pool in Queens, an investigator observed just 1 lifeguard on-duty. This lifeguard left the pool area for a number of minutes, during which time a woman wearing street clothes, who claimed to be a lifeguard, kept watch over the pool.
- One pool was found to be unattended by a lifeguard during operating hours. At the Bushwick Pool in Brooklyn, investigators noted that there was just 1 lifeguard watching the main pool, while the smaller wading pool was unattended.
- Investigators reported that lifeguards did not appear to have control at 3 out of 53 sites. (See Appendix C for details.)
 - An investigator observed the following at the Thompson Street Pool: "It seems like the [swimming] instructor and parents of the kids are in charge of the pool, not the lifeguard."
 - O During the visit to the Windmuller Pool in Queens, an investigator observed individuals running around and jumping into the pool. He also noted that there were more than 35 swimmers in the pool, a violation of the pool's limit of 32 bathers.
 - At the Van Cortlandt Pool in the Bronx, investigators reported that a lifeguard did nothing to stop rowdy horseplay going on in and around the pool. Children were observed pushing and throwing one another into the pool.

Missing or Inadequate First Aid and Lifesaving Equipment

The State Sanitary Code requires that all pools keep the following equipment readily accessible near the swimming pool deck and in good repair:¹⁷

- A first-aid kit, which may be any commercially prepared 24-unit kit or a supply of band aids, bandage compresses, and self-adhering gauze bandages;
- A pocket face mask or face shield with a one-way valve to assist with CPR;
- A reaching pole at least 15 feet long; and

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¹⁷ 10 NYCRR §6-1.23

 One rescue tube with an attached line OR 2 U.S.-Coast-Guard-approved ring buoys at least 18 inches in diameter fitted with a quarter inch diameter line a length of 1.5 times the maximum width of the pool or 50 feet, whichever is less.¹⁸

Certain pools are also required to provide a full-size spine board. In addition, the City Health Code requires that each pool provide two blankets. Investigators asked pool staff to show them all first-aid and lifesaving equipment.

- Five pools were found to lack required first aid or lifesaving equipment. (See Appendix C for details.)
 - The Tony Dapolito pool in Manhattan was lacking a first-aid kit, CPR mask, reaching pole and blankets;
 - o Neither of the 2 pools at the Sheltering Arms site in Manhattan were equipped with first-aid kits;
 - The pool at Edgewood Houses in the Bronx did not have blankets on-site;
 and
 - o The Jackie Robinson pool in Manhattan lacked a reaching pole.
- Six pools did not have their CPR masks available at the poolside, while 4 sites were found to store their reaching poles somewhere other than the pool deck. (See Appendix C for details.) Investigators reported that most pools kept essential lifesaving equipment (CPR masks, rescue tubes, ring buoys, reaching poles, and spineboards) at pool-side. At a number of sites, however, investigators noted that these items were stored in an office or storage room set away from the pool deck.

Conclusion and Recommendations

When operated with proper care and attention, swimming pools can serve as safe and healthy escapes from the summer heat. To ensure the safety of New York City's outdoor public swimming pools, the Public Advocate recommends that the Department of Parks and Recreation take the following steps:

- Re-train and test all pool employees responsible for water treatment to ensure they understand when and how chemicals should be added to the pool and at what point a pool becomes unsafe for public use.
- Assess all pool sites and correct safety and structural hazards, with special
 attention to those identified by the Public Advocate's Office. The Department
 should establish periodic checks at all pools, so that hazardous conditions that
 may develop during pool season do not go unaddressed.
- Conduct unannounced visits to evaluate the performance of lifeguards. The Department must ensure that lifeguards are attentive and in control of pools.

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¹⁸ The Sanitary Code requires rescue tubes for certain pools and ring buoys for others.

- Conduct an inventory of first-aid and lifesaving equipment at pools, with special attention to deficiencies noted by the Public Advocate's Office. The Department should immediately provide pools with all necessary first-aid and lifesaving supplies.
- Direct pool staff to keep lifesaving equipment on the pool deck rather than in a separate office or storage facility. In the event of a drowning or other incident, seconds count. Staff must be able to act quickly without having to locate equipment stored away from the poolside.

Appendix A.

Pool Sites Visited

Borough	Pool Name
Bronx	Van Cortlandt Pool (2)
Bronx	Haffen Pool (2)
Bronx	Crotona Pool
Bronx	Mapes Pool (2)
Bronx	Mullaly Pool (2)
Bronx	Claremont Pool (2)
Bronx	Bronx River Playground Pool
Bronx	Edenwood Houses Pool
Brooklyn	JHS 57/ HS 26 Pool
Brooklyn	Betsy Head Pool
Brooklyn	Commodore Barry Pool
Brooklyn	Bushwick Pool (2)
Brooklyn	Howard Pool
Brooklyn	Kosciusko Pool
Brooklyn	Sunset Park Pool
Brooklyn	Red Hook Pool (2)
Brooklyn	Douglas Degraw Pool
Brooklyn	P.S. 20 Pool
Brooklyn	Glenwood Houses Pool
Brooklyn	Lindower Pool
Brooklyn	David Fox Pool
Manhattan	Asser Levy Pool
Manhattan	Drydock/ Szold Pool (2)
Manhattan	Hamilton Fish Pool (2)
Manhattan	Thompson Street Pool
Manhattan	Tompkins Square Pool
Manhattan	Wagner Pool (2)
Manhattan	Sheltering Arms Pool (2)
Manhattan	Lasker Pool
Manhattan	Frederick Douglas Pool
Manhattan	Tony Dapolito Pool
Manhattan	Marcus Garvey Pool
Manhattan	Highbridge Pool (2)
Manhattan	Jackie Robinson Pool
Manhattan	Abe Lincoln Pool
Manhattan	John Jay Pool (2)
Manhattan	Thomas Jefferson Pool (2)
Queens	P.S. 10 Pool
Queens	Astoria Pool
Queens	Fisher Pool (2)
Queens	Windmuller Pool

Appendix B. - The Survey Instrument

Date:			
General Information Pool Name:			
Borough:			
Number of Pools on-site:			
Type of Pool: (CIRCLE ONE) Mini Wading In	termediate	Olympic	Diving
Maximum Pool Depth:			
Diving Board: □Yes □No			
Safety and Structural Hazards Number of lifeguards observed on duty:			
Does the lifeguard(s) appear attentive to	activity in ar	nd around the p	0001?
Does the lifeguard(s) appear to have conpatrons running, jumping, diving, etc.	ntrol of the po	ol? Please note	e if you observe pool
Is there a sign posted indicating the maxone time? □Yes □No If yes, ple			no may use the pool a
Does the number of bathers in the pool □Yes □No If yes, please describe:	exceed or app	ear to exceed t	his limit?
Do depth markings appear in or around □Yes □No	the pool?		
Please check all hazards that apply and Uneven or cracked paveme		w:	
Glass or sharp objects in sw	imming pool	or on deck are	ea
Visible slipping or trippingPeeling paint in pool	nazarus		
Overhead electrical wires w	ithin 20 feet	horizontally of	the pool

Pool e	employee pouring chemicals directly into the water :
Are there ladders If Yes, number of	leading into the pool? □Yes □No ladders:curely fastened?
Are there sets of s If Yes, number of Are there handrail If yes, are they see	s for the steps? \Box Yes \Box No
Water Quality Recorded pH leve Recorded free chlo	l: prine level:
Is the bottom of the If no, please descri	ne pool visible?: ¬Yes ¬No ibe:
Is there visible flo If yes, please desc	ating matter in the pool or on its surface? No ribe:
	esaving Equipment quipment readily accessible at the pool deck and in good repair?
□Yes □No	A commercially prepared 24 unit first aid kit, OR a supply of band aids, bandage compresses and self adhering gauze bandages
□Yes □No	A pocket face mask to assist with CPR
□Yes □No	Rescue tube with an attached line How many rescue tubes?
□Yes □No	Ring buoy with attached line How many ring buoys?
□Yes □No	A reaching pole at least 15 feet long
□Yes □No	Two blankets

□Yes □No	A spineboard	
Comments :		

Appendix C. – Data Tables

Pools Found to Have Water Quality Problems

Borough	Pool Name	Type of Problem
Brooklyn	Bushwick Pool (Mini)	Insufficient chlorine
Brooklyn	Bushwick Pool (Wading)	Floating matter
Brooklyn	Comodore Barry Pool	Insufficient chlorine
Brooklyn	JHS 57/ HS 26	Insufficient chlorine, cloudy water, floating matter
Brooklyn	Lindower Pool	Insufficient chlorine
Brooklyn	Red Hook Pool (Olympic)	Insufficient chlorine
Brooklyn	Red Hook Pool (Wading)	Excess chlorine
Brooklyn	Douglas Degraw Pool	Insufficient chlorine
Brooklyn	Kosciusko Pool	Floating matter
Brooklyn	Sunset Park Pool	Insufficient chlorine
Bronx	Haffen Pool	Elevated pH
Manhattan	Tony Dapolito Pool	Insufficient chlorine
Manhattan	Highbridge Pool (Wading)	Insufficient chlorine
Manhattan	Highbridge Pool (Olympic)	Insufficient chlorine
Manhattan	Thomas Jefferson Pool (Wading)	Insufficient chlorine
Manhattan	Thomas Jefferson Pool (Olympic)	Insufficient chlorine
Manhattan	Jackie Robinson Pool	Floating matter
Manhattan	Tompkins Square	Cloudy water, floating matter
Manhattan	Drydock/ Szold Pool (Intermediate)	Cloudy water, floating matter
Manhattan	Drydock/ Szold Pool (Wading)	Cloudy water
Manhattan	Asser Levy Pool	Cloudy water
Manhattan	Frederick Douglas	Cloudy water, floating matter
Manhattan	John Jay Pool (Diving)	Floating matter

Pools with Unsteady Ladders

Borough	Pool	
Bronx	Van Cortlandt (Intermediate &	
	Wading)	
Bronx	Haffen (Intermediate)	
Bronx	Edenwood House	
Bronx	Mulally (Intermediate)	
Brooklyn	Bushwick (wading)	
Brooklyn	Betsy Head	
Brooklyn	P.S. 20	
Brooklyn	Red Hook (Olympic)	
Manhattan	Marcus Garvey	
Manhattan	Lasker	
Manhattan	Highbridge (Wading)	
Manhattan	Thomas Jefferson (Olympic)	
Queens	Windmuller	
Queens	P.S. 10	

Pools with Visible Slipping/Tripping Hazards

Borough	Pool	Hazards
Bronx	Mapes (Intermediate)	Cracked
		pavement
Manhattan	Fisher (Intermediate)	Cracked
		pavement;
		puddled water
Manhattan	Fisher (Wading)	Cracked
		pavement
Queens	P.S. 10	Cracked
		pavement;
		puddled water
Queens	Windmuller	Cracked
		pavement;
		puddled water

Pools with Peeling Paint

Borough	Pool
Manhattan	Thompson St.
Manhattan	Hamilton Fish (wading)
Manhattan	Hamilton Fish (Olympic)
Manhattan	Asser Levy
Manhattan	Tony Dapolito
Manhattan	Lasker
Queens	Fisher (Wading)
Queens	P.S. 10

Pools with Inattentive Lifeguards

Borough	Pool	Date Observed
Manhattan	Tompkins Square	7/05/05
Manhattan	Thompson St.	7/05/05
Manhattan	Wagner	7/07/05
Queens	Windmuller	7/07/05

Pools Where Lifeguards Did Not Have Control

Borough	Pool	Date Observed
Bronx	Van Cortlandt Pool	7/11/05
Manhattan	Thompson St.	7/05/05
Queens	Windmuller	7/07/05

Pools Lacking First Aid or Lifesaving Equipment

Borough	Pool	Equipment
		Missing
Bronx	Edgewood Houses	Blankets
Manhattan	Tony Dapolito	First aid kit;
		Reaching Pole,
		Blankets
Manhattan	Sheltering Arms	First Aid Kit
	(Intermediate)	
Manhattan	Sheltering Arms (Wading)	First Aid Kit
Manhattan	Jackie Robinson	Reaching Pole

Pools With CPR Masks Stored Somewhere Other than the Pool Deck

Borough	Pool	Comments
Manhattan	John Jay (Diving)	Not at poolside
Manhattan	John Jay (Olympic)	Not at poolside
Manhattan	Marcus Garvey	Kept in lifeguard
		office
Manhattan	Frederick Douglas	Kept in an office
Queens	Fisher (Intermediate)	Kept in an office
Queens	Fisher (Wading)	Kept in an office

Pools with Reaching Poles Stored Somewhere Other than the Pool Deck

Borough	Pool	Comments
Manhattan	Thomas Jefferson (Wading)	Kept at lifeguard
		station
Manhattan	Thomas Jefferson	Kept at lifeguard
	(Olympic)	station
Manhattan	Marcus Garvey	Kept in a closet
Queens	Fisher (Wading)	Not at poolside