



Public Advocate for the City of New York

TESTING THE WATERS:

A LOOK AT SAFETY AT CITY POOLS

**A REPORT BY PUBLIC ADVOCATE BETSY GOTBAUM
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INTRODUCTION

The New York City Department of Parks and Recreation operates 75 outdoor swimming pools throughout the City that are free and open to the public from June 29, 2006, until Labor Day. The New York City Public Advocate's Office recently conducted an investigation to determine whether the City's outdoor swimming pools are operated in accordance with the Department of Parks and Recreation Pool Rules,¹ the State Sanitary Code, and the City Health Code.² The investigation was a follow-up to a report on the City's outdoor swimming pools released by the Office of the Public Advocate in July 2005.³

New York City pools have made some significant improvements in safety and maintenance over the last year; however, areas of concern remain. The results of the investigation conducted by the Office of the Public Advocate indicate pool staff have devoted attention to addressing hazardous conditions, such as ladder maintenance and peeling paint, but the proportion of pools exhibiting slipping and tripping hazards resulting from puddles of water or cracked pavement has increased. Additionally, further steps must be taken to improve lifeguards' oversight of activity at the City pools. Although the investigation revealed that the proportion of pools missing some required piece of lifesaving equipment has increased considerably, it is important to note that most pools lacking full sets of equipment were missing few items.

METHODOLOGY

On July 10 and 11, 2006, four representatives from the Office of the Public Advocate conducted surveys at a random selection of the City's outdoor swimming pools. The surveyors visited a total of 27 pools at 18 sites located throughout the City's five boroughs (see Appendix for list of pools visited). Particular attention was paid to pool maintenance, quality of life-guarding, availability of lifesaving equipment, and water quality. The surveyors entered the pool area unannounced, inspected the pool and pool deck, checked for safety equipment, and tested the water quality. When surveyors needed to ask questions of lifeguards or other Parks Department staff—for example, to confirm the presence of lifesaving equipment that was not displayed on the pool deck—they identified themselves as representatives of the Office of the Public Advocate.

The surveyors conducted a visual inspection of the pool area and equipment and used *PoolCheck 3 in 1 Pool and Spa Test Strips* to test the chlorine level. Surveyors were given careful instruction on how to use the test strips, and all tests were conducted in accordance with the manufacturer's instructions.⁴

¹ New York City Department of Parks and Recreation, *Pool Rules*, available at: www.nycgovparks.org/sub_things_to_do/facilities/af_pool_rules.html.

² 10 NYCRR § 6-1; 24 RCNY § 165

³ Office of the Public Advocate, *Risky Recreation: City Fails to Ensure Safety at Outdoor Pools*, July 2005.

⁴ Surveyors dipped the strip into the pool and gently waved the strip for five seconds. Once removed from the water, the strip was shaken once to remove excess water, and then left for 15 seconds. The chlorine level was obtained by matching the color band on the strip with a color chart provided with the strips.

In the course of visiting the swimming pools, investigators learned that the New York City Department of Health and Mental Hygiene (DOHMH) was also conducting an evaluation of city pools. During one pool visit, representatives from the Office of the Public Advocate observed employees of DOHMH conducting their evaluation at the same pool, during the same timeframe.

FINDINGS

Missing Lifesaving Equipment

The New York State Sanitary Code and the New York City Health Code set out specific first-aid and lifesaving equipment requirements for city pools. All city pools are required to have the following readily accessible near the pool deck⁵:

- A first-aid kit, which may be any commercially prepared 24-unit first-aid kit, or a supply of band-aids, bandage compresses and self-adhering gauze bandages;
- Two blankets; and
- A pocket face mask with a one way valve to assist with CPR.

Intermediate and Olympic pools are required to keep the following additional equipment readily accessible near the pool deck⁶:

- One rescue tube with attached line per lifeguard on duty;
- One full size, commercially available spine board; and
- One reaching pole at least 15 feet long.

Of the 27 pools surveyed, eight pools did not have the required equipment on or near the pool deck. At five pools,⁷ pool staff did not confirm the presence of all safety equipment.

- At Fischer intermediate pool, no rescue tubes were available.
- Bronx River mini pool had a CPR mask and blankets available only in the office, which is not located on or near the pool deck.
- At Claremont intermediate, Douglas and Degraw intermediate, Lyons Olympic, and Astoria Park Olympic pools, the lifeguards were not equipped with a sufficient number of rescue tubes. Commander Barry wading and intermediate pools were equipped with only one blanket.

Lifeguards Not Always Attentive or In Control

The New York State Sanitary Code states that the failure of a pool operator to “provide adequate supervision of the swimming pool” constitutes a public health hazard.⁸

⁵ 10 NYCRR § 6-1.23; 24 RCNY § 165.17

⁶ *Ibid.*

⁷ The presence of all safety equipment was not confirmed at the following pools: Van Cortlandt wading and intermediate pools, Abe Lincoln mini pool, Jackie Robinson Olympic pool, and Highbridge Olympic pool.

Investigators assessed whether lifeguards were attentive to, and in control of, activity in and around the pool. The New York City Department of Parks and Recreation Pool Rules prohibit “ball playing, running, jumping, ... or other forms of disruptive and disorderly behavior.”⁹

- **Investigators observed that lifeguards were either inattentive or lacked control of the pool area at six pools.**
 - At the Tony Dapolito intermediate pool in Manhattan, the investigator observed several orange cones around the perimeter of the diving well to keep out the public. Children were seen diving into the diving well, throwing orange cones into the water, and throwing cones at each other. The lifeguards on duty did not appear to notice or make an effort to control the behavior in the diving well, the depth of which renders it particularly hazardous to children.
 - Prohibited activity, including running on the deck and jumping into the pool, without any intervention by the lifeguard, was observed at the following five pools: Fischer wading and intermediate, Van Cortlandt intermediate, Jackie Robinson Olympic, and Abe Lincoln mini.

Safety and Structural Hazards

The New York State Sanitary Code classifies the presence of overhead electrical wires within 20 feet horizontally of a pool as a public health hazard.¹⁰

- At one pool (Fischer intermediate pool in Queens) overhead electrical wires were observed within 20 feet of the pool.¹¹

To prevent injury and maintain a safe pool environment, the New York State Sanitary Code requires that all cracks in pool walls, floors, perimeter overflow systems, and decks shall be repaired when determined to be potential leakage or tripping hazards.¹² The Sanitary Code also requires that “the deck shall be kept clean and free of puddled water.”¹³

- **Visible slipping or tripping hazards were observed at seven pools.**
 - The deck was observed to be slippery and/or wet at the following pools: Douglas and Degraw wading, Abe Lincoln mini, Mullaly wading, Mullaly intermediate, and Commodore Barry intermediate pools.

⁸ 10 NYCRR §6-1.4(b)(1)

⁹ New York City Department of Parks and Recreation, see note 1.

¹⁰ 10 NYCRR § 6-1.4(b)

¹¹ This condition was noted in the Public Advocate’s report on safety at New York City’s outdoor pools released in July 2005. The wires do not appear to be on City property overseen by the Parks Department.

¹² 10 NYCRR §6-1.10(c)

¹³ 10 NYCRR §6- 1.10(j)

- Cracked or uneven pavement was observed at the following pools: Douglas and Degraw wading, Mullaly wading, PS 10 mini, and Fischer wading pools.

The New York State Sanitary Code further requires that all ladders and handrails be firmly secured to the pool deck and kept in good repair.¹⁴

- **Ladders not properly secured to the pool deck were observed at two of the pools visited.**
 - At both the Van Cortlandt intermediate pool and the Fischer intermediate pool, ladders were found to be loose. At Van Cortlandt pool, one of the ladders was not only loose but was not bolted to the deck at all.

Finally, the State Sanitary Code requires that all pools post the maximum number of bathers permitted in a swimming pool at any one time, and pool operators must ensure that this number is not exceeded.¹⁵

- **At seven of the pools visited, signs indicating the maximum number of bathers were not visible to surveyors.**
 - Surveyors at Astoria Park Olympic pool were advised by pool staff that new signs had just been printed, but were not yet posted.
 - At the following pools investigators were told the maximum number of bathers, although no sign was visible: Fischer intermediate, Fischer wading, PS 10, and Abe Lincoln mini pools. At Faber Park intermediate and Tompkins mini pools no signs were visible.

Water Quality:

The New York State Sanitary Code provides a chlorine level range in which all pools must operate to ensure a safe swimming environment.¹⁶

- **Chlorine levels were identified as being a possible problem at eight of the pools visited.**
 - The chlorine level was below the required level at Mullaly wading pool in the Bronx.
 - Low chlorine level readings were obtained at PS 10 mini pool, Fischer intermediate and wading pools, Commodore Barry intermediate pool,

¹⁴ 10 NYCRR §6- 1.10(k)

¹⁵ 10 NYCRR § 6-1.20

¹⁶ 10 NYCRR §6- 1.11

Claremont wading pool, Sol Goldman (Red Hook) wading pool, and Dry Dock intermediate pool, indicating a possible problem.

RECOMMENDATIONS

The Department of Parks and Recreation should:

- Immediately conduct an inventory of first-aid and lifesaving equipment and ensure that all pools are provided with all necessary supplies.
- Conduct unannounced visits to evaluate lifeguard performance and ready access to lifesaving equipment. The Department must ensure that lifeguards are attentive and in control of pools at all times.
- Assess all pool sites, and correct any existing safety or structural hazards. The Department should conduct periodic checks at all city pools, so that hazardous conditions that develop during the pool season may be quickly identified and addressed.
- Ensure that all pool employees responsible for water treatment understand when and how chemicals should be added to the pool, and at what point a pool becomes unsafe for public use.

Appendix: List of Pools Visited

Borough	Pool Name
Bronx	Claremont (Wading)
Bronx	Claremont (Intermediate)
Bronx	Mullaly (Wading)
Bronx	Mullaly (Intermediate)
Bronx	Bronx River Playground (Mini)
Bronx	Van Cortlandt (Wading)
Bronx	Van Cortlandt (Intermediate)
Brooklyn	Douglas and Degraw (Wading)
Brooklyn	Douglas and Degraw (Intermediate)
Brooklyn	Commodore Barry (Wading)
Brooklyn	Commodore Barry (Intermediate)
Brooklyn	Sol Goldman (Wading)
Brooklyn	Sol Goldman (Olympic)
Manhattan	Abe Lincoln (Mini)
Manhattan	Tompkins (Mini)
Manhattan	Highbridge (Wading)
Manhattan	Highbridge (Olympic)
Manhattan	Jackie Robinson (Olympic)
Manhattan	Tony Dapolito (Intermediate)
Manhattan	Dry Dock (Wading)
Manhattan	Dry Dock (Intermediate)
Queens	Astoria Park (Olympic)
Queens	Fischer (Wading)
Queens	Fischer (Intermediate)
Queens	PS 10 (Mini)
Staten Island	Lyons (Olympic)
Staten Island	Faber Park (Intermediate)