

7 ON YOUR SIDE 

Pool drowning law not being enforced

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7 On Your Side

SAN MATEO, CA (KGO) -- A new pool safety law that could save children's lives may not be enforced here in California. 7 On Your Side's Michael Finney has been reporting on this issue.

Dozens of children have been trapped underwater, sucked in by the force of the pool's drain. Now efforts to enforce a simple solution may be stalled.

It happened to the granddaughter of former Secretary of State James Baker in 2002, and the same thing happened to 12-year old TJ Maroney of Hollister 11 years ago.

[Story continues below](#)

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The advertisement features a dark blue background. On the left, the Lowe's logo is at the top, followed by the slogan "Let's Build Something Together". Below this, it says "10% off* ENERGY STAR® appliances" and "October 8 - October 13". At the bottom left, it says "*See terms and conditions". On the right, there is a photograph of a white front-loading washing machine. At the bottom of the ad, there is a dark blue bar with the text "Shop Lowe's now" and a right-pointing arrow.

Both were sucked in by the suction of a pool drain. They both died.

"We go to visit him at the gravesite and that's all we can do, that's the only place to see him," said TJ's father Bruce Maroney.

Congress passed a law mandating drain safety covers be put in all pools in hotels, clubs, schools and government-run facilities.

7 On Your Side randomly checked the pools at nine hotels this summer in San Mateo County. All nine of them will need to make safety changes before the law takes effect on December 19th.

Scott Wolfson is with the Consumer Product Safety Commission.

"Come December of this year, every public pool will need brand new drain covers, which will make that drain, make that pool safer, and they may also need a second anti-entrapment system," said Wolfson.

The new drain covers cost less than \$100 to install. But so far California hasn't committed to enforcing the law.

Paul Pennington of Santa Rosa sells pool safety equipment and heads the Pool Safety Consortium.

"Please start enforcing this law. It's a good law. It's meant to save children's lives and it works," said Pennington.

The state says it first wants to apply for its share of \$2 million in grant money that congress is expected to approve. That's a small slice of California's \$145 billion

budget. So why is California waiting?

Pennington explained what he says he was told by the state.

"The California state statute does not require the enforcement of the federal law," said Pennington.

Pennington says the Public Health Department is waiting for the legislature to change the state statute to match the federal law.

Professor Peter Keane teaches law at Golden Gate University.

"The state's position on this issue is clearly wrong. Federal law is supreme under the constitution," said Golden Gate University professor Peter Keane.

"Going forward, we're going to continue to work with the state, see where the resources are available to help enforce the law," said Wolfson.

Meanwhile, parents like the mother OF TJ Maroney continue to wait.

"So when somebody in California's hierarchy loses a child or someone close to them, will then they implement it? It just doesn't make sense," said TJ's mother Sue Maroney.

At least 35 children in the United State have drowned in similar incidents in the United States. Another 100 children have been seriously injured.

Meantime the state says it is updating its own regulations and plans to apply for the

federal grant sometime next year. Still left unanswered id why it is letting a relatively small amount of money hold up enforcement of a life saving law.

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