

INQUEST REPORT

Variety Village Pool – Cristin Fitzpatrick

Incident scenario & summary of facts

Name of deceased: Cristin Fitzpatrick

Date and time of death: March 11, 1994, 3:00 p.m.

Place of death: Hospital for Sick Children, Toronto

Cause of death: Hypoxic – ischemic encephalopathy (due to near-drowning)

By what means: Cristin died because of swelling to the brain due to the lack of oxygen.

Location: Public Pool

Activity taking place at time of incident: Swimming

Cristin Fitzpatrick participated in a swimming class at Variety Village Pool on the evening of Wednesday, March 9, 1994. Following her instructional program, two instructors led the class from the deep end to the shallow end of the pool where they played frozen tag. (One or more participants are named “IT.” When tagged, other participants must stop in the exact position in which they were tagged (frozen). The game ends when all participants are frozen.)

During the game, while hiding under water, Cristin’s long, thick hair became caught in the equalizer fitting. She remained submerged in the water unnoticed for approximately 3 to 5 minutes. An instructor then noticed her and she and two other instructors struggled to free Cristin.

When freed, Cristin was lifted onto the deck of the pool. CPR was immediately administered by qualified personnel until the arrival of the fire department followed by the ambulance. Cristin was rushed to Toronto East General Hospital where her heart was restarted. Cristin was stabilized and later transferred to the Hospital for Sick Children, where she was placed on life support until her family requested that life support be removed.

JURY RECOMMENDATIONS

1. That the Royal Life Saving Society Canada, Ontario Branch, chair a task force which will review the current instructional supervision requirements and minimum age requirements for lifeguards and instructors dictated by the Ministry of Health.

Lifesaving Society Notes

The Society endorses this recommendation. The Lifesaving Society works with the Ministry of Health on an on-going basis to ensure revisions to the supervision requirements are regular and reflect the Society's policy statements.

2. That all swimming pools in the Province of Ontario institute a bathing cap or hair restraint policy for all swimmers whose hair is longer than shoulder length.

Lifesaving Society Notes

The Society does not recommend that this become a standard province-wide.

3. That the Ministry of Health call upon the Swimming Pool Task Force to review and report on which outlets may be inappropriate for swimming pool use.

Lifesaving Society Notes

The Lifesaving Society endorses this recommendation.

A 1992 revision to the Ontario Building Code [Section 3.11.8.1 (20)] prohibits the use of submerged skimmer equalizer fittings and vacuum fittings in public pools.

4. That the Royal Life Saving Society and the Canadian Red Cross re-emphasize in the training of all swimming instructors the use of the “buddy system” during all learn-to-swim lessons and review the perimeter supervision requirements during instructional games.

Lifesaving Society Notes

The Society endorses this recommendation.

5. That instructors be required to take a head count upon completion of any activity or underwater activity where visual contact with their charges has been interrupted.

Lifesaving Society Notes

The Society recognizes that conducting frequent head counts is a highly effective technique of safety supervision. The Society also requires all Lifesaving Society Instructors to maintain vigilance over the class participants at all times. However, it is unreasonable that this technique be adopted as a standard for all Lifesaving Society Instructors.

6. That pool operators advise instructors and lifeguards as to how the various pieces of equipment used to operate swimming pools are intended to operate, with particular emphasis on any piece of equipment which is a potential source of suction within a swimming pool.

Lifesaving Society Notes

The Society endorses this recommendation. The Lifesaving Society provides training on pool maintenance at both the *National Lifeguard* and the *Aquatic Supervisor Training* (AST) levels. Chapter 11 of the *Alert: Lifeguarding in Action* addresses “Swimming Pool Operation and Safety”. Further information can be found in Unit 3: “Managing Risk and the Aquatic Emergency” and Unit 4: “Facility Management” of the *AST Award Guide*. Affiliates are encouraged to address any facility-specific issues on pool operation and equipment as part of their staff training.

7. That the Royal Life Saving Society and the Canadian Red Cross require that lifeguards and instructors report to pool operators all unusual experiences or occurrences involving pool equipment including all experiences of suction.

Lifesaving Society Notes

The Lifesaving Society endorses this recommendation.

Subsection 18. (1) of the Public Pools Regulation under the Health Protection and Promotion Act requires all aquatic staff, in the event of any safety hazard in the pool or on the deck, to clear the patrons from the pool area and advise the operator of the existence of the safety hazard.

8. That, where possible, family viewing of swimming activities be permitted and even encouraged.

Lifesaving Society Notes

The Society recognizes the benefit of permitting family viewing of swimming activities. However, this recommendation is specific to Variety Village Pool. Any facility wishing to allow family viewing must be able to do so in accordance to the Public Pools Regulation subsection 10 (3).

9. That persons responsible for the maintenance and operation of Class A and Class B swimming pools complete a certified pool operator’s course with appropriate updates as required.

Lifesaving Society Notes

The Lifesaving Society endorses this recommendation.

10. That detailed installation, maintenance and operating instructions be provided for pool equipment installation by the manufacturers of such equipment, including instructions not to modify or alter the equipment as provided by the manufacturer without receiving, in advance, advice from the manufacturer or supplier of the equipment with respect to the modification or alteration of the equipment.

Periodic inspection of all pool equipment should be conducted to ensure that the equipment is functioning properly, and to ensure that there has been no unusual or unexpected wear of that equipment.

Lifesaving Society Notes

The Society endorses this recommendation.

Subsection 16.1 of the Public Pools Regulation under the Ontario Health Promotion and Protection Act requires all pool outlets to be inspected at least once every 30 operating days. The Lifesaving Society has outlined the appropriate procedure to be followed for inspection of these outlets on pages 33-34 of its *Guide to Ontario Public Pools Regulation*.

11. That all manufacturers of pool equipment be required to submit to the Ontario Ministry of Health and to the Ministry of Labour all changes or modifications of the pool equipment.

Lifesaving Society Notes

The Society endorses this recommendation.

12. That specifications pertaining to the construction of swimming pools provide for training to be provided to pool operators by suppliers and / or installers with respect to the operation and maintenance of all pool equipment. Such training should be provided prior to the opening of the pools, with appropriate updates as required.

Lifesaving Society Notes

The Lifesaving Society endorses this recommendation.

13. (a) That the Ministry of Housing and the Ministry of Health consider giving responsibility to a government body to inspect and review the design, construction, operation and maintenance of swimming pools in Ontario on an ongoing basis.
(b) That the use of equalizers be discontinued in indoor swimming pools in Ontario which have automatic water level systems.
(c) That the use of equalizers in swimming pools in Ontario other than those specified in (i) above be discontinued until such time as the Swimming Pool Task Force has completed its report on swimming pool outlets in accordance with recommendation 3 above.

Lifesaving Society Notes

The Society endorses this recommendation.

A 1992 revision to the 1992 Ontario Building Code [Section 3.11.8.1 (20)] prohibits the use of submerged skimmer equalizer fittings and vacuum fittings in public pools.

14. That in circumstances in which death or injury occur involving mechanical equipment, appropriate steps be taken, to the extent possible, to preserve the equipment without alteration until investigations pertaining to the death or injury have been conducted and completed. If the



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equipment must be dismantled or altered, appropriate steps should be taken to ensure that the equipment can be reconstructed in its state at the time of the accident.

Lifesaving Society Notes

The Lifesaving Society endorses this recommendation.

15. That legislation be enacted to stipulate that only certified tradespersons be permitted to install mechanical systems in swimming pools in Ontario.

Lifesaving Society Notes

The Lifesaving Society endorses this recommendation.

16. That in recreational swimming pool facilities, a Health and Safety Committee be formed comprised of a cross-section of staff and administrative personnel. And that this committee conduct monthly meetings and address all issues and concerns with regards to safety and that a sub-committee comprised of parents / patrons be established to review issues brought forward.

Lifesaving Society Notes

The Lifesaving Society endorses this recommendation.