

March 9, 2021

The Honorable Josh Newman
State Capitol, Room 4066
Sacramento, CA 95814

**RE: SB 736 (Newman) Public safety: pools and spas: drowning prevention: home inspectors.
AAP-CA Position: Oppose Unless Amended**

Dear Senator Newman,

The American Academy of Pediatrics, California (AAP-CA) representing over 3,000 pediatrician members respectfully opposes SB 736 as introduced on February 19, 2021 unless amended. Unfortunately, SB 736, as it is currently constructed, would weaken California's efforts to promote residential pool safety. Although well intentioned, this bill is harmful to children and does not reflect our American Academy of Pediatrics (AAP) policy statement: Prevention of Drowning.¹

Drowning is the leading cause of death among children 1-4 years old in California and in the U.S. The only evidence-based best practice that has been documented through research to prevent the death or disability of a child from unauthorized access to a swimming pool is installation of a four-sided isolation fence that meets the Consumer Product Safety Commission standard. Four-sided isolation fencing must be the primary barrier because it has been shown to decrease the number of pool immersion injuries among young children by more than 50%. All other barriers are secondary and may help by adding extra or multiple layers of protection but have not been shown to be effective through scientific research and should be considered supplementary only. The federal Virginia Graeme Baker Pool and Spa Safety Act, enacted in 2008, defines minimum state law requirements such as the enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa. No other barrier such as alarms, pool covers, pool alarms, or door alarms have documented efficacy. **While SB 736 would encourage the use of an isolation fence, it would not require it.**

Additionally, SB 736 would apply its requirements equally to all local jurisdictions and would prohibit a local jurisdiction from imposing different or stricter requirements. National AAP and AAP-CA do not support state preemption of local laws on COVID-19 or on tobacco and sugary beverage taxes, and we do not support state preemption of local laws on pool barriers. State laws should always set a floor on public health and allow local governments to set more stringent rules if they choose to now or in the future.

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¹ <https://pediatrics.aappublications.org/content/143/5/e20190850>

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Unfortunately, SB 736 is a step backward for the prevention of childhood drowning. As pediatricians, we believe one more drowning is one too many. We have the tools to prevent the tragic loss of a child from unsupervised access to a residential pool. We are reliant on public policy members to be the voice of children and to promote legislation that enhances the health and safety of children. SB 736 should be amended to ensure this goal is met. Until then, AAP-CA respectfully opposes SB 736.

Sincerely,



Jacques Corriveau, MD FAAP
Chair, State Government Affairs Committee
American Academy of Pediatrics, California



Phyllis Agran, MD FAAP
Chair, AAP-CA Orange County Committee On Injury
and Violence Prevention
Member, AAP National Executive Committee Council
on Injury & Violence Prevention

cc: AAP-CA Leadership