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Free safety advice for the outdoor recreation industry  
as part of your Evergreen Insurance policy



## Items You Need at the Pool

by Mike Pulk

Consider this stat from the Center for Disease Control and Prevention (CDC). In 2005, there were 3,582 fatal unintentional drownings in the United States, averaging 10 deaths per day. You can try and prevent these types of tragedies at your swimming pool. Sadly, even the best prevention methods may fall short. As a business managing a hazard like a swimming pool, it would be in your best interest to make sure you are creating a legally sound environment for your guests. For campgrounds, resorts and RV Parks with swimming pools, the following items are consistently mentioned or highlighted in court cases dealing with drowning, or near drowning injuries. Keep in mind that while the following items might have nothing to do with a legal claim (for example, water results have little to do with someone actually drowning), these items, if missing, are all that is needed for a case of negligence to be filed against you. In other words, each specific item must be there, regardless of whether the item could have helped to save someone or not.

- |                        |  |
|------------------------|--|
| <b>Fence</b>           | <b>Self closing, self latching gate</b>  |
| <b>Pool sign</b>       | <b>Water clarity &amp; Water results</b> |
| <b>Depth markings</b>  | <b>Shepherd's crook</b>                  |
| <b>Life ring</b>       | <b>No diving</b>                         |
| <b>Pool decking</b>    | <b>Supervision</b>                       |
| <b>Lifeguard chair</b> | <b>Lifeguard</b>                         |

**Fence:** All locales require that public swimming pools have at least a 4ft barrier, most preferable a fence of chain link material. If you have a building which has entrances that lead into the pool area, the door handles should be at least 45 inches high, but no higher than 54 inches, and/or have coded keypads. The main reason for the fence is to keep unsupervised children from the pool complex. If the building connected to the pool allows easy access into the pool complex, it's defeating the purpose of the fence.

**Self Closing - Self Latching Gate:** This, and the proper state sign, seem to be the two most frequent recs for inspectors at pools. Other than the fence, I can't think of anything more important than the mechanism designed to keep out young and unsupervised children. There seems to be a lot of confusion regarding this item, but if the mechanism is not of a plunger type, then it's not the correct one.



Courtesy of Wayne-Larch

**Pool Sign:** If there's something which varies not only from state to state, but from campground to campground, it's the pool sign. Sometimes it's the sign required by the  
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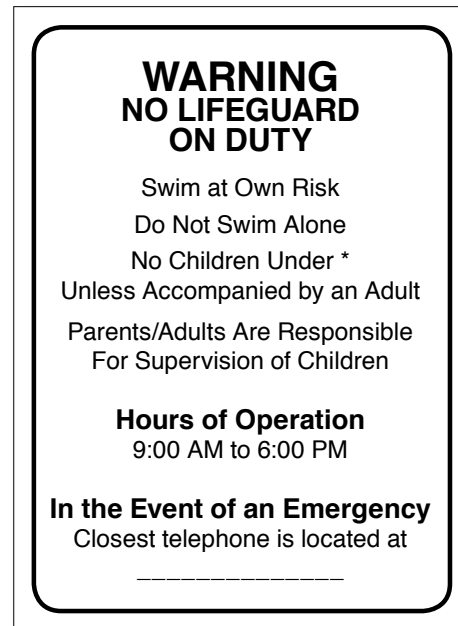
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# Items You Need at the Pool

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local health or pool inspector which specifies, among other things, the hygiene of swimming and swimmers. Some signs are the type bought at Home Depot or Wal-Mart, which simply state the pool hours. Some signs are handpainted, and however creative and unique, would probably not meet code. Some signs are over 20 years old, and sometimes there's no sign at all. This has been stressed for years, and there's even a federal code which states that a sign must be posted on the entrance gate facing out, and another one inside the pool complex, but for some reason the sign seems to be an afterthought for many. If you're in doubt about exactly what your sign should say, call 1-800-446-6416, or go to [www.poolweb.com](http://www.poolweb.com), and order the correct sign and end any guessing. There are specific details that the sign must adhere to to be legally acceptable. Below is a sample which most state signs resemble.



\*Check with local authorities for specific age requirements

**Water Clarity and Results:** It's rather straightforward, the water in your pool must be 99.9% clear or there's a problem with the filtration system. Water results must be taken daily

or more depending on use and the records must be kept for up to three years. If there is a problem with waterborne illness, you must have documentation that the water has been checked.

**Depth Markings:** Very few countries use the old measurement scale of inches and feet, most use the metric system. Although some parts of the country do not see a lot of foreign visitors, it's code to specify the depth marking in "FT." Regardless of how deep your pool is, 3 ft or 5 ft, it must be indicated within 18 inches of the pool coping or vertical pool wall in four inch block contrasting color (you can also use recessed tiles).

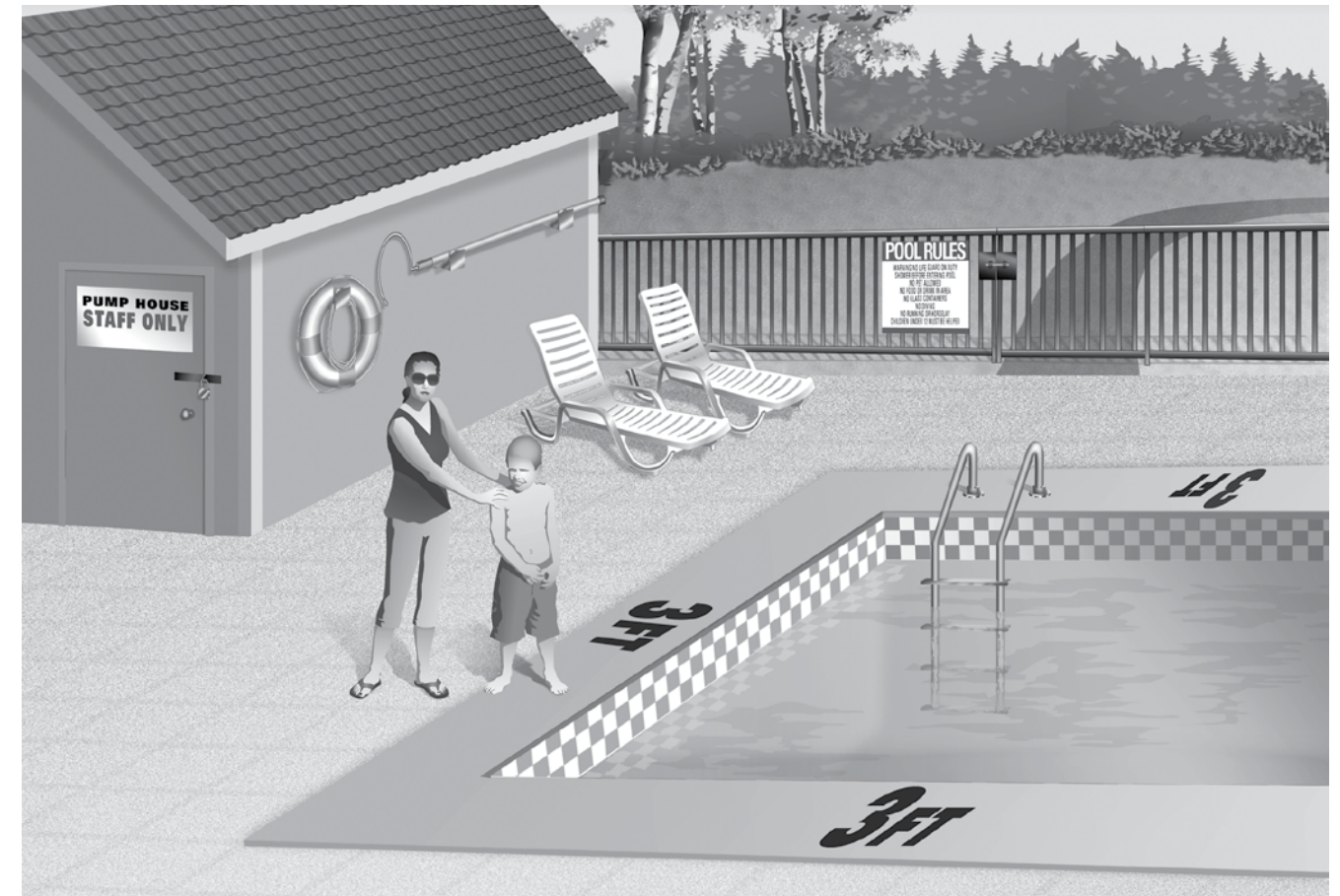
**Life Ring:** Surprisingly the lack of a life ring comes up more often than you might think. Sometimes if the life ring is present, it's not Coast Guard approved, or it doesn't have the correct rope, or any rope attached at all.



**No Diving:** No diving is something which must be stressed to your guests, not only with appropriately placed signs on the fence or on the pool decking, or both, but verbally enforced as well. There might not be anything more comparable to pool-related accidents than diving. When someone injures themselves diving, it's usually the neck and head, and if someone is passed out under water, the results can be severe and tragic.

**Shepherd's Crook or Body Hook:** Because the American Standards for Pools and Spas (ASPA) requires that a shepherd's crook be handy and accessible at the pool, you need one. The crook should be at least 10ft long, and not self-manufactured.

**Pool Decking:** Most slip, trip and falls at pools are related to the pool decking. Because people use the pool with bare feet, it's important the surface they are walking on is smooth, with little to no rough or raised edges. Most pools have cement decking and have been constructed within a recent timeframe. Pools installed prior to 20 years ago



may not have allowed for the problems of frost, which can make the cement move, creating misaligned or broken cement. This is a serious problem, and an expensive one to fix. However, if the pool was recently installed, this type of weather related issue is taken into consideration. Note: if you have an old fixture on the pool decking which used to hold the diving board, this is a dangerous trip and fall hazard, and should be removed as soon as possible.

**Supervision:** If you have a small staff, then it may be difficult to show some kind of "presence" at the pool. However, water exposures are by far the most expensive and deadly exposure you have at your resort, campground or RV Park. Cleaning bathrooms is one thing, but taking the time to monitor or supervise the pool is by far the best thing you can do, safety-related, for yourself and your guests. The greatest financial loss and the most difficult thing to defend in court, is the fact that the park did not, or does not enforce that children must be supervised. You never want a guest, aka, the prosecution's witness, to testify that no one at the park enforces that children must be supervised.

**Lifeguards:** Some locales require that at least one lifeguard, depending on the size of the pool and the usage, be present. The lifeguard must have an accredited certification. You must verify that they are licensed. There has been more than one claim where the certification had

lapsed, and that's all it took to lose a claim. Although the lifeguard is trained for his or her duty, you must, as the owner or manager, verify that the lifeguard is actually doing their job. There have been numerous times where



the lifeguard was chatting with guests, or away from their chair or the pool area, and after a drowning the witnesses at the pool told the prosecution that the lifeguard was not performing their duties.

**Lifeguard Chair and Sign:** If you no longer use a lifeguard, you must remove the lifeguard chair from the pool complex. Guests have assumed a lifeguard was on duty and just dropped their kids off, thinking someone was supervising the pool. If your lifeguard goes on break, or lunch, or leaves early, then you must post a sign saying when the lifeguard will return, or, that the pool is closed until the lifeguard returns. You can post the hours of the lifeguard; however, you must remove the "lifeguard on duty" sign if no lifeguard is present (that is, as long as the child has supervision and state law does not require that a lifeguard be on duty), and as long as you have the proper sign (see previous page).

## THE SOURCE

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# Age Requirements for Adult Supervision at Pools or Spas

by Ken Roy

A review of all states' swimming pool and spa codes (listed at [www.nspf.com/Resources/News\\_StateCodes](http://www.nspf.com/Resources/News_StateCodes)) found fewer than half specify the age requiring adult supervision at a public pool or spa. For those that do, the range is from 7 to 17 years old, emphasizing the difficulty of defining the age of a child. More states, counties or localities will eventually specify an age. Unfortunately, this usually occurs after a high profile court case highlights the inadequacy of current code and will be of little help if you happen to be the subject of that lawsuit.

You'll need to follow any state, county or local code as required – and it's your responsibility to know them. Almost all of the states that don't give an age still require you to post a sign with wording like: "Children Must be Accompanied by an Adult" at a swimming pool or spa (and some for an open water swimming area). This puts the onus on you as an owner/manager to post and enforce this rule. Without an age specified, how can your patrons know what is expected of them and how can you consistently enforce it? You can be sure that this point will be brought up if you end up in court due to a child drowning. Therefore, we recommend you have a specific age posted and included in your rules.

Some states will specify an age in their pool code, but not for a spa (or vice versa). In these cases, it would be reasonable to go with that age for any water exposures (we also recommend posting docks or fishing ponds where swimming isn't allowed). A couple of states actually have different ages for their pool and spa code. In these states you'll have to follow code at these exposures, but you should probably choose one for any other water exposure. For those of you who can't find any specific code for your area, you have the duty to provide 'Due

Care' to your guests. This simply means doing what any prudent owner would do. That still leaves you with a difficult decision. You could look for assistance from the authority that has jurisdiction, which could be as simple as talking with a pool inspector. If that doesn't seem to help or you aren't inspected regularly, I would suggest looking at the list of codes here as a place to start. If we throw out a few outliers (WY with under age 8 and a few counties in MO/KY are less than 17 & 18), we're left with a much narrower range (11 - 15 years old). Then consider that in a worst case scenario (child drowning), you'll need to justify this decision to a jury. Most people consider a teenager as a milestone age where more responsibility is expected, however, not one state allows unsupervised use when reaching 13 years old. Therefore, we would recommend a minimum of age 14 (go higher if that makes you more comfortable). Whatever age you decide on, it needs to be enforced to provide you with the intended protection.

As this newsletter has stated many times, child drowning claims have been the most difficult and expensive to defend. Your policies must be consistent and able to hold up under intense scrutiny. It is not always correct to assume that if you pass an inspection, you are following all codes or are not susceptible to lawsuits. We've had numerous cases in which a campground passes an inspection prior to a drowning, but is found to have multiple violations immediately after an incident. It is not possible for Evergreen's inspectors to know every state/county/locality code, so we focus on national standards and try to evaluate whether you appear to have everything typically required. It is in your best interest to know your codes, especially concerning signage and safety equipment.


Remember that most codes require that no one is allowed to swim alone. This can mean two people over the age of adult supervision, or it may mean that one of these two people must be an adult. Codes for spas, swimming pools or swimming areas are usually found under the Department of Health or Public Safety. It would be beneficial to review these thoroughly and make sure you're complying wherever required. Following are the ages we found for the states and counties in which ages were defined. It is possible that some of these have changed with new legislation and that you have specific county or local codes that take precedent.

State Age Specifications	
State/County	Age Requiring Supervision
AL (Jefferson Co.)	S < 14
AR	P < 12, S < 14
CA	P & S < 14
DE	P & S < 16
FL	S < 12
IN	P < 14
IA	P < 12
KY (Louisville & Jefferson Co.)	P & S < 17
MA	P < 16
MO (St. Charles Co.)	P & S < 18
MT	P & S < 14
NE	P & S < 16
NV	P < 14, S < 12
NH	P < 14
NJ	P & S < 16
NM	P < 14
NY	P < 16
OK	P < 12
OR	P & S < 14
UT	P & S < 14
WA	P & S < 12
WI	S < 12
WY	P < 8

P = Pools and S = Spas

## Sorting Out Wireless 'G' and 'N'

by Tim Verrill



### Channels

Within the 'G' band there are 11 channels with only three that don't overlap in frequencies – channels 1, 6, and 11. These are the channels you should be using for optimal performance as there's less interference from the other frequencies. In the 5GHz band with 'N', there are eight channels which are all usable as none of the frequencies overlap.



Many people believe that Wireless 'N', because it's the newer technology, is better and faster than 'G'. But depending on what you already have set up, that may not be the case. When it comes to wireless routers, there are four basic types in today's market: Single Band 'G', Single Band 'N', and dual-band 'N' that comes in either single or two radio models.

### Single and Dual Bands

Single band 'G' and 'N' routers operate in the 2.4 GHz radio band. In addition to wireless networks, other devices using this band include cordless phones, intercoms, and microwave ovens – so there could be some interference. Dual band routers operate in both the 2.4GHz and 5GHz bands. Operating in the higher band means lower interference from those other devices, which can improve your network's speed and reliability. The downside though is that the higher band signals are reduced more when passing through walls and obstacles, so the range is shorter.

If you've used cordless phones operating in these ranges you should be familiar with that.

### Speed

The big advantage of 'N' is its speed. Wireless 'G' operates at 54Mbps (Megabits per second) whereas 'N' operates at 300 Mbps. You must realize though that if your router is offering the 'N' band, that it can only be utilized by campers who have adapters in their computers that support 'N'. Remembering that 'G' devices operate at the slower rate, upgrading to an 'N' router will not increase the speed of anyone with a 'G' adapter in their computer.

### Limitations

A big limitation in getting a router that supports both 'G' and 'N' is that both will be slower when both are active. A better choice would be to add a properly configured 'N' router on a separate network to your existing set up.

### Conclusion

According to Tim Higgins at [smallnetbuilder.com](http://smallnetbuilder.com), if you already have a wireless LAN with all 'G' devices and you're happy with its performance, there is no reason to change to 'N'. Upgrading to an 'N' router won't increase your range or speed up your G devices, and it could end up causing problems with very old gear. Only you know what your campers are asking for and what you want to offer. Before you leap into buying new gear, I recommend consulting with a professional knowledgeable in the field so you can make the most of your investment with as little frustration, downtime, and complaints as possible. On the other hand, if you already have someone making recommendations, this should help you understand the topic a little better.

# Using Technology for Insurance Purposes by Ken Roy and Mike Pulk

Part of running a successful and profitable business these days is adapting to new technology and using it to your advantage. Evergreen Risk Managers have replaced old digital cameras with newer model cell phones that take better quality pictures with more storage. It's also likely we will find your park using a GPS unit, rather than hardcopy maps, which seem more of a novelty every day. In our travels we see many campgrounds/ RV Parks that are incorporating new technology or finding different ways to use the technology they have. Following are some areas that you may find beneficial with respect to insurance, safety and security for your campground or RV Park.



**Digital Camera:** We like to take pictures of all the buildings we insure as well as the various amenities (playgrounds, swimming pools or beaches, tennis and basketball

courts, mini-golf and many others). These pictures clearly demonstrate what your park looks like, the quality of the buildings being insured and any new changes or investment (new roof on the pavilion or new play equipment). They are very useful when we receive notice of a claim. Actually, our claims department has requested we take more pictures from multiple angles. It would also be beneficial for you to take pictures of a building if you do any significant renovation (new roof, addition, new siding). It's a simple way to show the improvements and you could even e-mail it to the insurance company when you raise the building limits to reflect the added value.

Another way campgrounds could use these cameras is to supplement work logs. We recommend you keep a record of all the maintenance you do at the campground. A digital camera, with a date and time stamp, is a quick and excellent way to track much of your work. In some ways, pictures before and after many projects, are even better than written documents. Tree trimming/cutting, dock or stair repairs, road or pathway work or even adding ground cover at the playground will all be noticeable in a picture and leave no doubt when and how thoroughly that job was completed. You can then download the pictures and store them in files by month, area or type of work.

Many of our campgrounds have blanket coverage for miscellaneous tools and equipment under \$1,000 value – hand tools, chainsaws, push mowers, leaf blowers and so on. Take a few pictures in your garage and/or maintenance areas annually. I've talked with owners who are still realizing things they lost in a claim (and didn't claim or replace) that happened years ago. This may also be useful for contents in your buildings. For some owners who haven't changed to

computerized reservations, they will use these cameras to take a picture of their reservations book (or board) at the end of every day as a backup.



**Surveillance Camera:** Costs have significantly decreased and these cameras are crime and vandalism deterrents. They are a valuable tool for keeping an eye on different parts of your park (swimming pool, game room). I have even seen owners using fake battery operated cameras that detect and follow motion, but don't actually record anything. It is an inexpensive way to reduce vandalism. The majority of our claims for equipment are thefts. Therefore, some cameras placed at your garages or maintenance yards may be beneficial. These don't necessarily have to be on at all times, but could be set to motion. Remember to post any areas with cameras with a sign like, 'Premises Under Surveillance.' Some parks just post these signs without actually having any cameras as an inexpensive deterrent.

**Electronic Gate:** More of our clients are installing these gates to monitor and control traffic coming into their business. The big advantage is they eliminate non-paying people from riding through to check out the place or use the facilities. They also help make sure guests stop in the office to sign in and pay the required fee. I've been told by many owners that the investment was worth it simply for the added sleep they're able to get most nights. Frequent claims involving these gates are from lightning damaging the controls, so it might be a good idea to have a surge protector on them.



**Surge Protectors:** A very large amount of our claims are related to lightning strikes and surge related claims have increased tremendously. Of course we rely on much more equipment that is susceptible to these problems, so investing in some quality surge protectors may be a good insurance investment. It's not always a significant surge like a lightning strike (which is insurable), but many times it is numerous small power fluctuations that lead to equipment failure. Some well positioned surge protectors may go a long way toward eliminating down time and trips to town for repairs or replacements.

**Webcams:** Many of the new laptops will have a built in camera, but, for those who don't, you can purchase a

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## Purchasing New Playground Equipment?

Many times campground owners or managers will call us with questions prior to purchasing new equipment for their playground. They are worried that they'll spend the money for a unit and our inspector will not approve of it at the next visit. While we do strongly recommend the equipment be Consumer Product Safety Commission (CPSC) or International Playground Equipment Manufacturer Association (IPEMA) approved, we'd rarely ask you to remove any commercial grade equipment.

### Here are some things to keep in mind before you purchase:

- You can potentially save money (and grief) on any future lawsuits by purchasing equipment from a reputable manufacturer and having it professionally installed. If you buy equipment without knowing the manufacturer, then you are accepting responsibility if injuries occur due to a defect or structural problem. The same holds true if the equipment is installed improperly by you or your staff.
- No gym rings or trapeze bars. We all remember playing on these when we were younger, but the CPSC classifies these as gymnastic equipment which require special skill and training for use.
- No dual glider swings. These swings, designed to be used by two or more children, can start swinging side to side and lead to children bumping their heads with other children or on the structures support poles.
- Make sure any chains are 5/16 short link with a National Test Lab result of 5000 pounds. The short link prevents children from sticking their fingers in the link hole and the heavy duty chain takes much more wear and tear. Also, "S" hooks must be clamped tight and have a weight load of 600lbs.
- Swing seats should be made of a lightweight flexible material, such as rubber or canvas, so non-swinging children don't get struck by a hard swing with momentum.



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## Using Technology for Insurance Purposes

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webcam without spending a whole lot. This will allow you to make free video calls on-line with anyone else registered on one of the webcam sites. Two of the more popular sites are Skype and SightSpeed. This could be very beneficial for some of our more remote clients who can't get to every association meeting. They are also a good way to keep in touch with your family if you're traveling for business.



**Automated External Defibrillator (AED):** While the AED is simple to use and will not send an electrical pulse to anyone whose heart has not stopped (meaning, there's slight chance for mistakes, which limits the possibility for something to go wrong from a litigation standpoint), not all parks should be installing these medical units unless it's

a large park or one with a majority of seniors or retirees. The staff at one of these parks, if interested in an AED, should contact their local EMT or hospital service and inquire about having an AED on hand.

In order to make them highly visible, public access AEDs often are brightly colored, and are mounted in protective cases. When these protective cases are opened, and the

defibrillator removed, some will sound a buzzer to alert nearby staff to their removal but do not necessarily summon emergency services. All trained AED operators should also know to phone for an ambulance when sending for or using an AED, as the patient will be unconscious, which always requires ambulance attendance. The questions will be for some parks: do we make the AED available for public use, (like being installed inside a fitness center at a resort park), or should the AED only be for trained staff? These questions can be worked out with your local professionals.

**Light Timers or Sensors:** Many parks have installed these types of lights. A National Building Code standard is that lighting must be provided for any public use building which may be frequented at night. A light sensor, as its name suggests, is a mechanical or electronic apparatus that detects light. The way these products work is fairly straightforward. Once a predetermined variance threshold has been reached, an electrical impulse is sent to activate the bulb.

Hopefully, some of you can take advantage of one or more of these suggestions. Don't be resistant to trying new ideas if the advantages are there to be used for the benefit of your business.