

Diving Board Safety Issues

In 1976, the Consumer Product Safety Commission (CPSC) issued an advisory to consumers on swimming pool safety. Their findings showed that the majority of injuries associated with swimming pool activity came from diving boards and water slides. The major accident patterns included falling on slippery walkways, decks, diving boards, and striking the bottom or sides of pools because of insufficient water depth.

Even with trained and certified lifeguards on duty, a person who jumps or dives off of a diving board is at risk of bodily injury. Also at risk are those already in the water if the diver does not wait for adequate clearance.

Furthermore, according to the National Safety Council, the most common types of injuries are head and spinal cord-related, either from striking the sides or bottoms of pools, or from impact due to poorly executed dives.

Diving boards require a stringent maintenance program, with needed repairs and corrective action noted in writing including the pliability of the board throughout the year, the bolts securing the board to the platform, and the board surface for non-skid ability.

The posting of signs, disclaimers, and safety equipment does not necessarily absolve a condominium association from liability. The Association should expect legal action if a guest is injured due to a diving board or water slide incident -- primarily because there are no set national standards governing the use of diving boards. The lack of standards can leave the Association, as pool owner, open to negligent liability claims, which are costly to defend.

Condominium associations across the country have removed their diving boards to help eliminate the potential for large liability lawsuits stemming from guest injury and to reduce the maintenance and inspection costs. Particularly, with pools where there are no lifeguards present, the existence of a diving board is an "attractive nuisance" which can present an undue exposure leaving the Association open to large multi-million judgments.

Because most diving board accident victims involve young people who most often are rendered quadriplegic, the resulting jury awards can be unusually high:

<u>Date</u>	<u>Location</u>	<u>Injured Party</u>	<u>Jury Award</u>
1999	Washington, DC	10-Year Old Male	\$ 5,000,000
2003	Walnut Creek, CA	22-Year Old Male	\$22,000,000
1991	Benton County, WA	19-Year Old Male	\$11,000,000