

Jonathan J. Proce Foundation

Shallow Water Blackout - Petition for Rulemaking

April 2013

CONFIDENTIAL

- I. Introduction
- II. Why are We Here?
- III. What is Shallow Water Blackout?
- IV. What is the Proposed Rule?

Introduction –

- Presenting today is: Benjamin Proce, Susan Proce and Benedict Proce
- The Jonathan J. Proce Foundation was founded in March 2012 in part to raise awareness of ***Shallow Water Blackout*** and to promote aquatic safety
- In September 2012, we filed a petition pursuant to Article 9 of the NYC Health Code to Commence a Rulemaking
- We understand the Board of Health will consider our Petition for a vote at today's meeting
- The purpose of our visit is to ask the Board of Health to ***vote for the proposed rulemaking***
- The purpose of the proposed rule is to ***improve the safety of NYC's public pools and warn patrons of a known danger and a leading cause of accidental drownings***

Why are We Here? –

▪ **The incident at Lyon’s Pool in Staten Island**

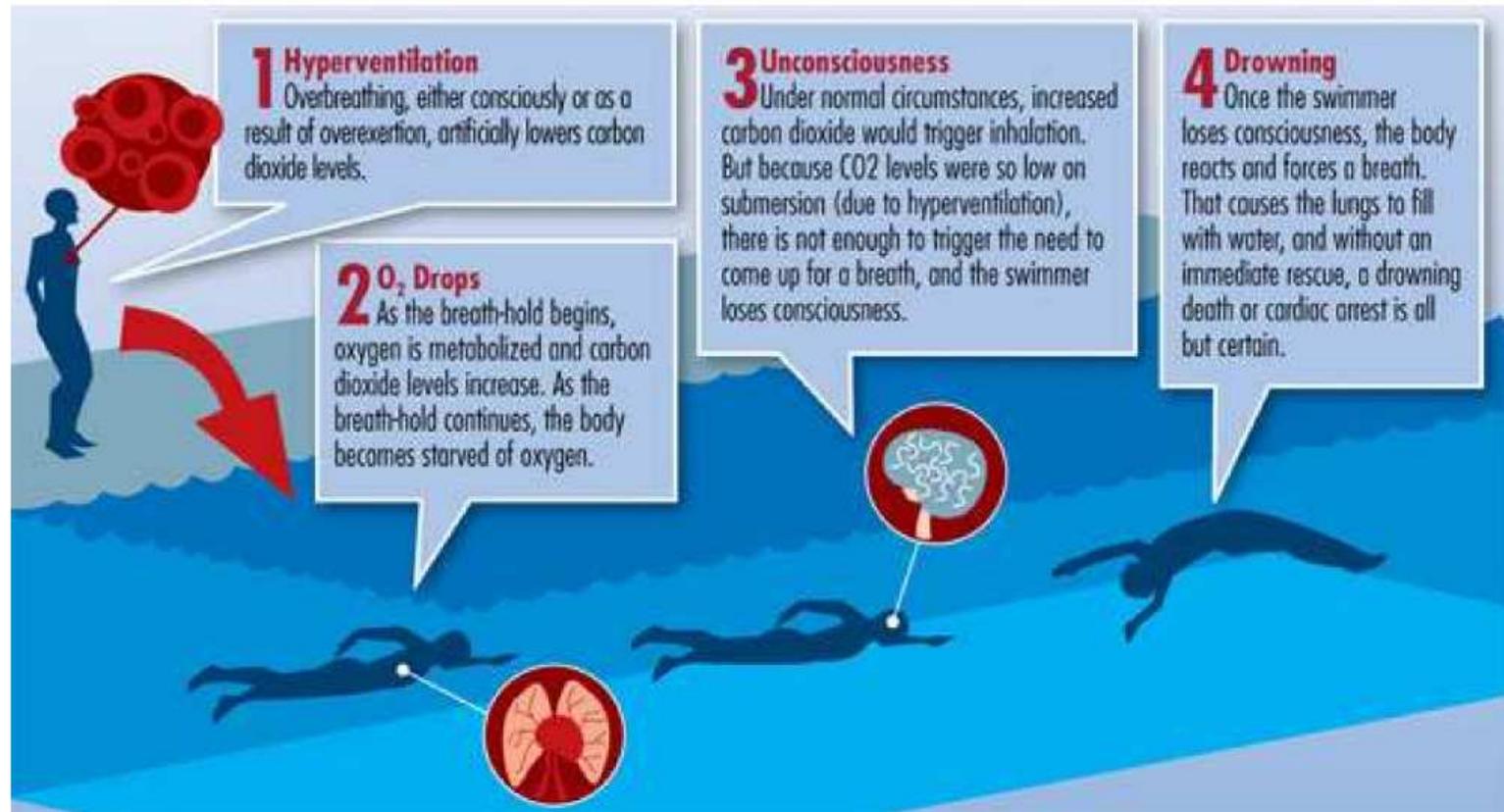
- On July 13, 2011, two young men suffered from ***Shallow Water Blackout*** while swimming in Staten Island’s Lyons Pool
- Both men were pulled from the water suffering from cardiac arrest and oxygen deprivation
- Bohdan Vintenko was 21 years old and died upon arrival at Richmond University Medical Center (“RUMC”)
- Jonathan Proce was also 21 years old and died on July 17th, 2011 at Weill Cornell Medical Center
- The accident happened during normal pool hours with lifeguards present
- Jonathan was a NYC Lifeguard and also was enlisted in the Air Force and training to join the elite Pararescue unit
- Bohdan was training for enlistment in the Marine Corps.

It's a tragic and almost incomprehensible accident, the pool is 3 1/2 feet across the entire surface. An adult can easily stand in it with their head above water,"

- Parks Commissioner Adrian Benepe (Silive.com)

What is Shallow Water Blackout? –

(Image credit to Shallow Water Blackout Prevention.Org)



What is Shallow Water Blackout? –

- With Shallow Water Blackout - the drowning begins on the ***bottom of the pool*** rather than on the surface
- According to the U.S. Naval Safety Center, hyperventilating or taking shallow breaths before submerging under water can deprive the brain of oxygen and disable the physiological triggers which typically produce the sensation of drowning, and bring people to the surface. The blackout happens without warning, and victims often they show no obvious signs of distress.
- This scenario makes it ***very difficult if not impossible for lifeguards on the surface to detect a victim***
- For example, Jonathan and Bohdan, the victims in Lyon's pool, were not detected by lifeguards. Instead, they were pulled from the pool by their friends and by the time they were retrieved it was too late
- Therefore, ***prevention is key!***

The Conclusion: Signage is Necessary and Critical for Safety

What is Shallow Water Blackout? –

- Although seemingly unthinkable, this kind of drowning is not without precedent
- In 2005, a New Hampshire high school student and top athlete died in four feet of water, also a possible victim of so-called shallow water blackout (Silive.com)
- Gene “Whitner” Milner, died at the young age of 25 in his family’s swimming pool from Shallow Water Blackout.
 - His death was caused by breath-holding or hypoxic training.
 - Whitner had been intrigued by the sport of spear fishing and had begun practicing breath-holding to increase his free diving time.
- In April 2012, James Alexander, also 25, attempted to dive to the bottom of Solomon Bay in the Virgin Islands, but never came up alive. James was freediving with his twin brother, David

This Type of Accident has Occurred in the past and Will Occur in the Future

What is Shallow Water Blackout? –

- Jacob Fowler drowned June 27th, 2011 at the age of 22. Fowler was a counselor at Camp Kulaqua, where he was attempting to dive to the bottom of the lake.
- In June 2012, two children out for a day at an East Dallas public pool were in critical condition after nearly drowning.
 - The boys, ages six and seven, were on a field trip with 55 other children at the Samuell-Grand Swimming Pool
 - The two boys were reportedly *playing a game* where they dared each other to hold their breath underwater

Pool Patrons should be warned that these “games” can be deadly

What is the Proposed Rule ? –

- Amended Text of 165.45(u)(2) which governs safety signage to include:
 - (J) "NO prolonged breath holding or underwater swimming. Competitive and repetitive breath holding can be deadly"
 - (i) "With respect to the requirement of (J) the signage must be posted separately from the signage meeting the other requirements of this sub-section and contain at least one image illustrating that breath holding is not allowed."



Conclusion –

- We believe that this rule will prevent accidents discussed today from recurring in the future
- Without this rule, we believe there is a danger that an accident, such as the one described above will recur in one of NYC's many public pools.
- This is an opportunity for the NYC Board of Health to be a leader in the area of safety
- We understand that underwater breathholding activities are already banned in NYC's public pools
- We believe the signage will:
 - Promote awareness of why these activities are banned
 - Promote enforcement of the ban among the lifeguard community
 - Educate parents to the dangers so they can teach their children

Please Support our Petition for a Rulemaking

About Us

The Jonathan J. Proce Foundation is a New York-based 501(c)(3) charitable organization. It was founded in 2012 by the Proce family in order to honor the memory of Jonathan, their beloved son, brother, grandson, and friend. At its core our mission is simple - to keep Jonathan's memory, dreams and goals alive. The Jonathan J. Proce Foundation is committed to supporting Shallow Water Blackout Prevention.org to raise awareness in our community about Shallow Water Blackout ("SWB"), how it happens, how lifeguards can be better trained, and other safety measures that can be taken. We strive to achieve this goal by regularly participating as presenters at water safety conferences and other public events in the NY metro area and by promoting educational materials about SWB on this website. You can find out more at our website: JonathanJProceFoundation.org