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Eliminating lifeguards on lake beaches at Pennsylvania state parks: A wise decision?

Introduction; purpose of report. In January 2008, Pennsylvania's Department of Conservation and Natural Resources (DCNR), said that, starting with the 2008 swimming season, it would eliminate using lifeguards on lake beaches at all state parks except for Presque Isle State Park on Lake Erie. The Presque Isle beaches will remain guarded because of potential hazards related to the lake's currents.

DCNR will continue to hire lifeguards at swimming pools in state parks. There are admission fees at some of the pools, but not at the lake beaches.

Of the 117 state parks in Pennsylvania, 38 parks have lake beaches. Some parks have more than one beach, bringing to 59 the actual number of beaches.

A DCNR news release on January 10, 2008, said that eliminating lifeguards allows "greater public access to beaches" and more efficient operations.

DCNR also said it was following a national trend by implementing this

Highlights

- Effective with the swimming season beginning May 2008, Pennsylvania has eliminated the use of lifeguards at all lake beaches at state parks except for Presque Isle State Park on Lake Erie. This report questions the wisdom of a no-lifeguard policy.
- Pennsylvania's Department of Conservation and Natural Resources, or DCNR, said that unguarded swim areas are part of a national trend. This report shows that we could not substantiate that claim.
- Pennsylvania will save \$800,000 with its no-lifeguard policy. This report questions whether the savings are worth the risk.
- DCNR announced its latest roster of no-lifeguard beaches in mid-winter when swimming at state park beaches was far from the public's eye. This report shows that communications were inadequate to warn the public of the risks of unguarded swimming and, in some cases, misleading.

“open swim” policy, which is the term applied by DCNR to unguarded beaches where swimmers swim at their own risk.

We have developed this special report to question the wisdom of DCNR’s decision as it was reported and to bring it to the greater attention of the public. We will also use this report as a planning tool in considering whether to conduct a special performance audit of DCNR to examine its decision to eliminate guarded swim areas at lake beaches.

Background. The elimination of lifeguards at state park lake beaches has evolved gradually. Ten years ago, in 1998, DCNR allowed swimming in state park lakes only at guarded beaches, except in some cases where unguarded swimming was allowed in the early morning or evening. Otherwise, Pennsylvania’s 38 state parks with lake beaches had lifeguards to protect swimmers and lend other assistance as needed.

In 1999, DCNR began eliminating the use of lifeguards at several state parks, saying it was unable to hire sufficient numbers of guards to provide coverage. By 2007, DCNR had stopped using lifeguards at 22 of its state parks, leaving guarded swim areas at just 16 of the parks with lake beaches.

With the opening of the 2008 swimming season that begins on Memorial Day or sooner, DCNR will use lifeguards only on the beaches at Presque Isle State Park on Lake Erie. Fifteen other state parks that had guarded beaches last year will now open without guards.

Shown in the next column, this latest roster of state parks completes the move from guarded swim beaches to unguarded swim beaches.

Starting May 2008: No lifeguards on lake beaches at these 15 state parks

State Park	Number of beaches↓	County
Bald Eagle	1	Centre
Beltzville	1	Carbon
Black Moshannon	1	Centre
Canoe Creek	1	Blair
Chapman	1	Warren
Cowans Gap	1	Fulton
Gifford Pinchot	2	York
Laurel Hill	1	Somerset
Moraine	2	Butler
Parker Dam	1	Clearfield
Pine Grove Furnace	2	Cumberland
Raccoon Creek	1	Beaver
Shawnee	1	Bedford
Tuscarora	1	Schuylkill
Yellow Creek	1	Indiana

Questionable rationale, plus information from other states. DCNR said that its open swim policy is in line with “a national trend that allows state parks to operate more efficiently and allows greater public access to beaches.”¹ At a Senate Appropriations Committee hearing on March 4, 2008, when asked about the open swim policy, the top official of DCNR testified that “close to forty states run a similar program.”

We found that DCNR’s assertion, although nearly correct in terms of the *number* of

¹ “State Parks Completing Phase-In of Open Swimming Policy for Lakes,” Department of Conservation and Natural Resources, News Release, January 10, 2008.

Between 1999 and 2007: Lifeguards eliminated on lake beaches at these 22 state parks		
State Park	Number of beaches ¹	County
Clear Creek	1	Jefferson
Colonel Denning	1	Cumberland
Gouldsboro	1	Monroe
Greenwood Furnace	1	Huntingdon
Hickory Run	1	Carbon
Hills Creek	1	Tioga
Kettle Creek	1	Clinton
Keystone	1	Westmoreland
Kooser	1	Somerset
Little Pine	1	Lycoming
Locust Lake	1	Schuylkill
Lyman Run	1	Potter
Ole Bull	1	Potter
Poe Valley	1	Centre
Prince Gallitzin	1	Cambria
Promised Land	2	Pike
Pymatuning	5	Crawford
R.B. Winter	1	Union
Ricketts Glen	1	Luzerne
Tobyhanna	1	Monroe
Whipple Dam	1	Huntingdon
Worlds End	1	Sullivan

No change: Pennsylvania will continue to use lifeguards on the beaches at Lake Erie		
State Park	Number of beaches ¹	County
Presque Isle	14	Erie

states, could be misleading. Specifically, we found 34 states where officials told us they had unguarded beaches,² but we found that 12 of those states³ had *never* used lifeguards on their state park beaches and, therefore, should not be considered part of a “trend.” We conducted our research in mid-March 2008.

Of the remaining 22 states where officials confirmed a trend of eliminating lifeguards at state parks, we found only 5 states where officials said they had done so since the year 2000. The policies in those states—Indiana, Kentucky, Montana, Ohio, and Tennessee—evolved from using lifeguards at some beaches to using guards at *no* beaches.

We also found 8 states where officials said they employ lifeguards for *some* of their state park beaches.⁴ In 2007, for example, New Hampshire reduced the use of lifeguards at state park beaches, using guards at 15 of the beaches instead of 22.

The remaining 7 states use lifeguards at all their state beaches, according to our research.⁵ Officials from 3 of those states—New York, Rhode Island, and West Virginia—told us that state laws mandate the use of lifeguards at beaches at state parks.

Additional points related to other states are bulleted on the next page:

² In some cases, some of these 34 states may have one beach as an exception, like Pennsylvania’s Lake Erie. The 34 open swim states include Alabama, Alaska, Arizona, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming.

³ Of the 34 states, these 12 states said they never used lifeguards: Alaska, Arizona, Illinois, Mississippi, Missouri, Nebraska, North Dakota, Oregon, South Dakota, Texas, Utah, and Wyoming.

⁴ Arkansas, California, Connecticut, Maine, Massachusetts, Minnesota, New Hampshire, North Carolina.

⁵ Maryland, New Jersey, New York, Rhode Island, South Carolina, Virginia, West Virginia.

- ♦ **Staffing issues.** Officials from Delaware, Montana, and Ohio said that staffing issues led to the elimination of lifeguards.
- ♦ **Budget constraints.** California, Colorado, Connecticut, Idaho, Indiana, Kentucky, Minnesota, Montana, Nevada, New Hampshire, Ohio, Oklahoma, Vermont, and Washington officials told us that state budget cuts led to reducing or eliminating lifeguards.
- ♦ **Wait and see.** An official from Maryland said that, before considering whether to eliminate lifeguards, the state would like to see the results of Pennsylvania's no-lifeguard policy.
- ♦ **Greater risk.** California and Connecticut officials said that drownings increased when lifeguard use was limited. Both states then reinstated some lifeguards.
- ♦ **Not taking chances.** We learned that, because of safety concerns, South Carolina chose to close beaches rather than to keep them open without guards.
- ♦ **Liability questions.** In Florida, a 2005 state supreme court decision holding that a governmental entity could be found liable in a drowning incident at an unguarded area of a beach was based, in part, on the fact that the entity provided parking, public facilities, and concessions at that beach, thereby doing more to promote swimming than just providing access to the water. (See Breaux v. City of Miami Beach, 899 So.2d 1059 (Fla. 2005)).

In summary, given our research, we disagree with DCNR that its elimination of lifeguards follows a national trend, and we recommend that DCNR take a more comprehensive look at any such trend before claiming it as a rationale for its decision making.

Drowning can be prevented when children are closely supervised. The Centers for Disease Control and Prevention (CDC) found that drowning is the second leading cause of death due to injury (after motor vehicle crashes) among children between the ages of 1 and 14. Moreover, the CDC found that children between the ages of 5 and 14 typically drown not only in swimming pools but also in open water, such as lakes and rivers.

The CDC says drowning can be prevented, especially when children are closely supervised around water.⁶ According to CDC-issued guidelines, the ideal situation for young swimmers is in swim areas with trained and certified lifeguards, as follows:

“Young children, even those who have had swimming lessons, require constant supervision when in or near water; this responsibility should be delegated only to experienced, responsible swimmers who know CPR and know how to initiate help in an emergency. Ideally, choose swimming areas that are supervised by trained and certified lifeguards...”⁷

News stories have provided the public with more balance than DCNR alone has conveyed.

The Patriot-News, in a story on February 10, 2008, reported that DCNR said there were two drownings at state parks since 1998, but at guarded beaches. However, the same story quoted the president of the U.S. Lifesaving Association as saying that unguarded beaches “almost certainly make the [drowning] hazard go up.”⁸

⁶ Centers for Disease Control and Prevention, www.cdc.gov/healthmarketing/entertainment_education/tips/drowning.htm. Accessed May 9, 2008.

⁷ Ibid.

⁸ “Lifeguards won’t hit the beach,” Monica Von Dobreneck, *The Patriot-News*, Harrisburg, February 10, 2008.

Other news outlets also were more balanced. While the articles we found included universally positive DCNR comments—the officials routinely indicated that safety would be enhanced because swimmers would be more vigilant and individually responsible without lifeguards—the same stories also included concerns or less-positive reactions from park users and others.

Because the no-lifeguard/open swim policy should be as much about public safety as about promoting what DCNR believes to be benefits of the policy, DCNR should provide more balanced communications rather than those with primarily a positive spin. At its March 4 budget hearing, for example, DCNR clearly intended to offer reassurance with testimony that “nobody noticed [the elimination of lifeguards] until we announced it,” but the agency should have placed more emphasis on alerting the public to risks.

In summary, DCNR’s public communications that emphasize more swimming opportunities and greater beach access should be accompanied by clear warnings and prominent on-site postings that lifeguards are not provided for lake swimming except at Presque Isle.

Decision should be re-evaluated. In the meantime, DCNR should re-evaluate its open swim policy, considering and publicly communicating the following points:

- **Beaches at state parks are natural waters.** Our state lakes are typically dark and murky. There are hidden underwater objects, unexpected drop-offs, aquatic life, changing depths, and changing currents with this type of water.
- **Parents are not necessarily the best suited to be the only guards for their children in water.** Not all parents can swim; those who can may not have rescue

skills or know CPR. Also, parents may become so distraught at seeing their own children in danger that they themselves may panic and not think clearly.

- **Education on drowning is limited.** Drowning is often silent as the mouth fills with water and the victim is unable to yell for help. Untrained observers may not realize that drowning children rarely show signs of distress or call for help.
- **Beaches at state parks may be ill-equipped when lifeguards are not part of the everyday routine.** State law requires that the beaches must be constructed, equipped, operated, and maintained in such a manner “as to reduce to a practical minimum the danger of injury to persons from drowning” and other hazards.⁹ Furthermore, state law requires that reaching devices (e.g., poles and ropes), flotation devices, and first aid kits must be provided and be readily available for emergency use.¹⁰ DCNR’s brochures and Web site descriptions of the state park beaches did not always indicate if the parks were equipped with public telephones and first aid equipment.

As noted previously, South Carolina officials were so concerned about swimmers’ safety that the state chose to close beaches rather than keep them open with no lifeguards.

DCNR’s Web site and brochures are outdated. Between March and mid-May 2008, with the state’s beaches set to open in late May, we found that DCNR’s printed brochures about the state parks, as well as

⁹ 28 Pa. Code § 18.41.

¹⁰ See 28 Pa. Code § 18.43 (requiring minimum lifesaving and first aid equipment at each “public bathing place”); 28 Pa. Code § 18.1 (defining “public bathing place” to include an “outdoor . . . place used for . . .recreative swimming. . .whether or not a fee is charged for admission or for the use of the place . . .”).

DCNR's Web site about the state parks, contained information that was outdated—and sometimes contradictory—concerning the use of lifeguards at lake beaches.

With regard to the brochures (or “recreational guides,” as DCNR calls them), we acquired brochures for all 38 parks that offer beach swimming. We obtained the brochures on March 3, 2008, and again on May 9, from DCNR's Harrisburg headquarters, or in some cases during our park visits later in May.

Aside from the Presque Isle brochure, which is the only one that should indicate a presence of lifeguards, we found 28 others that did so, too, via photograph, narrative, or both. In some cases, the brochures conveyed that lifeguards were on duty even at the state parks that had not used lifeguards for several years.

With regard to the DCNR Web site, the home page for “Swimming” used a photograph with a beach lifeguard (see photo at right). But the “Swimming Safety and Rules” on that same page did not mention guards.

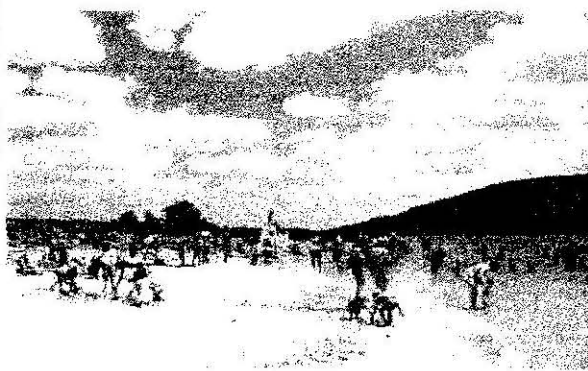
We found the individual park pages on the site to be contradictory as well. DCNR said to “swim at your own risk” but did not always add that lifeguards are absent. Also, some of the narratives were accompanied by photos of lifeguards. Finally, downloadable brochures mentioned lifeguards on duty.

Overall, DCNR's “swim at your own risk” warnings were compromised by photos or narratives with reference to lifeguards on duty, and by the promotion of “open swim” without always appending a disclosure that “open swim” means no lifeguards.

During a visit in April to 3 of the state parks (with 5 beaches in total), we found **no** prominent warnings that lifeguards will not be on duty at the designated swimming areas. Four of those beaches were guarded last year.

On May 12, we again visited those parks and several others. DCNR had since posted signs prominently at some—but not all—of the parks to say “Open Swimming Area” and “Swim at Your Own Risk” in both English and Spanish. At 4 of the parks, a small sign was added, “Open Swim Area - NO LIFEGUARD ON DUTY.” But the Web sites for those same four parks still offered downloadable brochures referring to lifeguards on duty.

A day after our latest visit to the 15 parks that were ready to implement their no-lifeguard policy, DCNR posted online advisories for 11 of those parks to say that lifeguards would **not** be on duty. Advisories for the other 4 parks had been posted previously.



“Swimming at Beltzville State Park” a photo on the official state Web site promoting swimming at Pennsylvania state parks, clearly shows a lifeguard on duty when, in fact, the state has adopted a no-lifeguard policy effective May 2008. The photo was copied on May 12, 2008, from <http://www.dcnr.state.pa.us/stateparks/recreation/swimming.aspx>.

As important as the online advisories are, DCNR still had too many other online references to lifeguards on duty. It is critical for DCNR to say explicitly, “**No Lifeguards! Swim at your own risk!**” at each unguarded beach, in every brochure, and on every one of its online pages. On such a significant safety matter, there must be no contradictions to confuse the public.

would continue to patrol the parks. Rangers cannot be a substitute for full-time lifeguards.

Conclusion, recommendations, DCNR may have acted unwisely in implementing its "open swim" policy at lake beaches at state parks. Moreover, DCNR has almost exclusively communicated the policy's positive aspects, and it announced the latest list of unguarded beaches in mid-winter when the public was likely unconcerned about lake swimming. In addition, the reported savings of \$800,000 seems disproportionate to the public safety risk. Finally, DCNR's related public communications have been weak, many materials are outdated, and the announced benefits have minimized the dangers of swimming in unguarded waters.

We therefore recommend the following:

1. DCNR should reconsider its decision to eliminate the use of lifeguards on the lake beaches at all the state parks.
2. In the meantime, DCNR should ensure that its communications to the public are more clear, and that prominent warnings are posted at each swimming area about the risks of swimming in unguarded lake waters.
3. DCNR should ensure that its Web site and brochures are current, accurate, and that they include information about risks to public safety.
4. DCNR should ask the General Assembly to consider strengthening state law so that Pennsylvania uses lifeguards at all state park beaches.

About our methodology: This special report did not result from an audit of DCNR. Instead, the Department of the Auditor General developed this report using only readily accessible public information about DCNR. In that way, we used the same limited information available to park visitors to assess the state's decision-making. We may, however, audit DCNR in the future using this report as a planning tool.

Are the savings worth the risk? We previously discussed DCNR's rationale that eliminating lifeguards will increase public access to beaches, and that the no-lifeguard policy is part of a national trend. DCNR also cited difficulties in hiring lifeguards.

From a financial perspective, DCNR said it would save about \$800,000 annually by eliminating lifeguards. At its Senate Appropriations Committee hearing on March 4, 2008, DCNR acknowledged cost savings and also indicated it was not concerned about liability because it had taken precautions to address such issues. "The majority of our beaches have run since '98 in this fashion with no incidents at all," said the DCNR secretary. He also said, "We have not had a fatality or a major incident at the 24 parks where this program has been in place."

Although we found no statistics on DCNR's Web site to tell the public of any incidents, major or minor, we used other online sources to locate several news stories about incidents at our park lakes—guarded and unguarded—such as rescues, attempted rescues, and even the settlement of a lawsuit. The stories are helpful in providing examples by which the public can see the reality of danger. Again, it is not enough to tell swimmers only that they swim at their own risk. DCNR must expand that warning so it is not lost within the context of the brochures, the Web site, and the swim-related incentives at the actual beaches, including changing stations and showers.

It is also not enough to expect park rangers to alleviate the need for lifeguards as DCNR suggested by announcing that its rangers

Words from the public. What has the public heard and said about Pennsylvania's elimination of guarded swim beaches at state parks? Below are portions of some opinions and news stories that we found online.*

January 17, 2008, letter to the editor (excerpt)
Public Opinion, Chambersburg, PA

"... **As a lifeguard** and former employee of Cowans Gap, I feel obligated to take a stand. There is a real danger that this policy presents at Cowans Gap. After hearing that lifeguards were being removed from the swimming area, I immediately considered the amount of patrons that visit the swimming area. On weekdays, we could have around 400 patrons in the swimming area (in water, beach, and surrounding grassy area) depending on the weather. On weekends, especially on holidays, we could have up to or more than 1,000 patrons. Individuals' lives could be in danger this summer. Without the lifeguards' supervision, many usually-averted incidents have the potential to become much more common. Last season, we had only one rescue thanks to the excellent work of our staff. I don't quite understand why the DCNR couldn't have just downsized the staff at lakes, had a few lifeguards on for a few hours a day, or only on the weekends. **The lives that could be in danger haven't seemed to be considered thoroughly...**"

January 14, 2008, article (headline)
The Express Times, New Jersey

"**Watch yourself while in the water; no one else will.** Department pulls lifeguards for lakes from nearly all Pennsylvania state parks."

January 19, 2008, editorial (excerpt)
The Patriot-News, Harrisburg, PA

"... [W]e question whether this savings is justified in terms of **the greater risk** it poses for the public."

April 18, 2008, article (excerpt)
Public Opinion, Chambersburg, PA

"... Pine Grove Furnace State Park in particular is in the middle of a \$3.7 million capital improvements project that will bring a new bath house and shower facility to the 696-acre park's campground and **new facilities to both of the park's lakes.** The improvements, which began in February and are expected to be completed by the end of the year, will provide more modern **amenities that could attract more users.**"

"... The beaches at Laurel Lake and Fuller Lake will also be getting new buildings with coin-operated showers, flush toilets and a small snack bar... building will also include a small lifeguard stand, which [the park manager] said will more than likely be utilized as a park ranger area **since life guards will not be used at the park.**..."

February 10, 2008, article (excerpt)
The Patriot-News, Lebanon County Bureau

"[A user of Black Moshannon State Park said] he has watched **lifeguards help people in many ways**—caring for a woman who fell and hit her head on concrete, tending a girl who broke her arm... , rescuing two women and a child who tipped their canoe. Lifeguards 'provide some law and order on the beach,' he said. 'Those are three instances that I saw,' he said. 'How many others are there? This is insane.'"

*Emphasis added

Questions about this report? Contact the Pennsylvania Department of the Auditor General, Office of Communications, 318 Finance Building, Harrisburg, Pa., 17120, 717-787-1381. Or visit online at www.auditorgen.state.pa.us.