

## **Virginia Graeme-Baker Pool and Spa Safety Act**

On December 19, 2007, the President signed into law the Virginia Graeme Baker Pool and Spa Safety Act. The Act specifies that on or after December 19, 2008, swimming pool and spa drain covers available for purchase in the United States must meet specific performance requirements. Additionally, public swimming pools, wading pools, spas and hot tubs must meet requirements for installation of compliant drain covers. New drain covers which meet the current ASME/ANSI A112.19.8-2007 standard are now beginning to make their way to the marketplace. In certain instances, public pools and spas must have additional devices or systems designed to prevent suction entrapment.

U.S. Consumer Product Safety Commission (CPSC) staff has prepared a guidance document that spells out the technical requirements of Section 1404 of the Act, along with CPSC staff's answers to certain enforcement and legal issues. The CPSC has enforcement authority and interpretative responsibility for the Virginia Graeme Baker Pool and Spa Safety Act. The CPSC plan to release a one page compliance factsheet and a list of companies supplying compliant drain covers in the near future.

### **Impacts to 290-5-57, Swimming Pools, Spas and Recreational Waterparks**

Based on our analysis, this Act supersedes 290-5-57-.10(2) Suction outlets. Our rule states that suction outlets shall be provided with a cover that has been tested and approved by a nationally recognized testing laboratory and shall comply with ANSI/ASME A112.19.8M-1987, the Act incorporates the 2007 version of the standard that has significant changes in testing procedures. Additionally, under 290-5-57-.10(4), our entrapment avoidance measures are not inline with those outlined in the Act. Currently, our regulation does not meet all the provisions of the Act. However, we have been advised to incorporate Section 1404 of the Act into any regulation update.

### **Guidance on Enforcement and Implementation of the Act.**

It has been interpreted by the CPSC, and our Division legal officer concurs, that it is the owner's responsibility to comply with the Act. Therefore, we do not have enforcement authority or implementation responsibility over the Act's provisions. In counties operating under a local code, you should seek the counsel of your county attorney.

We recommend that the local environmental health office notify owners of permitted facilities about the Act; disseminate additional information as it becomes available from the CPSC and survey facilities compliance with the Act.

## **Resources on the Virginia Graeme Baker Pool and Spa Safety Act**

Updates will be posted on this website as information becomes available.

1. Consumer Product Safety Commission Staff Interpretation of Section 1404 of the Act  
<http://www.cpsc.gov/phth/vgpsa.pdf>
2. Virginia Graeme Baker Pool and Spa Safety Act  
<http://www.cpsc.gov/pssa.pdf>
4. The Association of Pool and Spa Professionals  
<http://apsp.org/>
5. Consumer Product Safety Commission  
<http://www.cpsc.gov/>
6. CPSC General Counsel response to Florida Department of Health  
[http://www.cpsc.gov/volstd/pools/gcletter\\_fl.pdf](http://www.cpsc.gov/volstd/pools/gcletter_fl.pdf)

