



Summary Analysis of the Virginia Graeme Baker Pool and Spa Safety Act

The Virginia Graeme Baker Pool and Spa Safety Act (Act) promotes the safe use of pools, spas and hot tubs by imposing mandatory federal requirements for suction entrapment avoidance and by establishing a voluntary grant program for states with laws that meet certain minimum requirements as outlined in the Act. Effective December 20, 2007, the Act is being administered by the U.S. Consumer Product Safety Commission (CPSC).

1. Mandatory Federal Requirements for Entrapment Avoidance. By December 20, 2008, the Act requires:

- **Safety Drain Covers.** Each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the American National Standard ASME A112.19.8 - 2007 *Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs* published by the American Society of Mechanical Engineers (ASME). Compliance with this Standard will be enforced by the CPSC as a consumer product safety rule.
- **Public Pool Drain Covers.** Each public pool and spa (as defined), both new and existing, shall be equipped with drain covers conforming to the ASME/ANSI A112.19.8 - 2007 Standard described above.
- **Public Pool Drain Systems.** Each public pool and spa (pump) with a single main drain, other than an unblockable drain, shall be equipped with one or more additional devices or systems designed to prevent suction entrapment that meet the requirements of any applicable ASME/ANSI Standard or applicable consumer product safety rule. In addition to a compliant drain cover, such additional devices or systems include a safety vacuum release system (SVRS), or suction limiting vent system, or gravity drainage system, or automatic pump shutoff system, or drain disablement, or other system determined by the CPSC to be equally effective in preventing suction entrapment.

ANSI/APSP-7 Standard Exceeds Federal Requirements. All pools and spas configured to comply with ANSI/APSP-7 *American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Catch Basins* will comply with each of these mandatory requirements.

2. Voluntary Grant Program for States. The CPSC will also establish and administer a grant program for eligible states. A sum of \$2 million is authorized to be appropriated to the CPSC for each of the fiscal years 2009 and 2010. In order to be eligible for a grant, a state must impose certain requirements by statute, including:

- **Barriers.** The enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access;
- **Suction Entrapment Avoidance.**
 1. **New.** Each pool and spa built more than one year after enactment of the state statute shall employ one of the following:
 - a. The installation of more than one safety drain per suction system, or
 - b. The installation of one or more unblockable drains, or
 - c. No drains.
 2. **Existing.** In addition to a compliant drain cover, each pool or spa with a single main drain, other than an unblockable drain, shall be equipped with one or more of the following safety options — a safety vacuum release system (SVRS), or suction limiting vent system, or gravity drainage system, or automatic pump shut-off system, or drain disablement, or other system determined by the CPSC to be equally effective in preventing suction entrapment.
- **Funding.** The grant program directs state recipients to use grant funding to:
 - Hire and train enforcement personnel; and
 - Educate pool companies, pool owners and operators, and other members of the public about the standards contained in the Act and about the prevention of drowning or entrapment of children.

ANSI/APSP-7 Standard Exceeds Federal Requirements. All pools and spas configured to comply with the ANSI/APSP-7 Standard will conform to these provisions and any state that adopts the Standard will meet the Act's minimum state requirements. This ANSI/APSP-7 Standard is the only comprehensive approach to engineering swimming pools and spas to avoid all five suction entrapment hazards: hair entrapment, limb entrapment, body suction entrapment, evisceration/disembowelment, and mechanical entrapment. The design requirements and construction practices in this Standard are based upon sound engineering principles, research, and field experience that, when applied properly, provide for a safe installation that exceeds the requirements of the Act.

3. **Public Safety Education:** The Act requires the CPSC to establish and carry out a public education program on methods to prevent drowning and entrapment in pools and spas. \$5 million is authorized to be appropriated for each of the fiscal years 2008-2012 to carry out the education program.

How does Florida compare?

Chapter 515, Florida Statutes, provides for the Residential Swimming Pool Safety Act, which was the model for the current federal legislation. The Florida law requires all residential swimming pools to have a barrier, such as a fence, a pool cover, exit alarm, or self-closing/self-latching device. Both chapter 515 and the Florida Building Code have specifications on each method, all of which meet the Federal Act grant program provisions on barriers.

The 2007 Florida Building Code, which will go into effect October 1, 2008, provides that all residential pools follow the ANSI/APSP 7 Suction Entrapment Avoidance standard. All residential pools and spas configured to comply with the ANSI/APSP-7 Standard will conform to the entrapment provisions provided in the voluntary grant program of the Federal Act. The adoption of ANSI/APSP-7 makes the Florida Building Code stronger and more effective in preventing all known forms of entrapment injury by requiring ASME approved covers on all drains and by requiring that pools and spas not be used whenever approved covers are absent, removed or damaged.

In order to meet the mandatory requirements in the Federal Act that require public pools to meet certain requirements by December 20, 2008, the Florida Department of Health will need to amend 64-E-9, F.A.C. This can be done by incorporating the ANSI/APSP 7 Standard, as the Florida Building Commission has done for residential swimming pools.

About FSPA

The Florida Swimming Pool Association serves as the coordinating organization for 16 local FSPA Chapters. FSPA provides government relations representation on behalf of its members to the Florida Building Commission and the Construction Industry Licensing Board as well as other legislative bodies that regulate the swimming pool industry in Florida such as the Department of Health. The Association provides educational courses for industry professionals, produces an annual industry trade show, and acts as the consumer resource for finding reliable professionals in the swimming pool industry. For more information visit www.floridapoolpro.com

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