

## 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 19, 2008, the Act is being administered by the U.S. Consumer Product Safety Commission (CPSC).

### 1. Mandatory Federal Requirements for Entrapment Avoidance. By December 19, 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.**
  - New.** Each pool and spa built more than one year after enactment of the state statute shall employ one of the following:
    - ❖ The installation of more than one safety drain per suction system, or
    - ❖ The installation of one or more unblockable drains, or
    - ❖ No drains.
  - 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.