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Director

State of California—Health and Human Services Agency
California Department of Public Health



ARNOLD SCHWARZENEGGER
Governor

August 8, 2008

TO: Local Health Officers
Directors of Environmental Health

FROM: Environmental Management Branch

SUBJECT: VIRGINIA GRAEME BAKER POOL AND SPA SAFETY ACT

In December 2007, the President signed into law the Virginia Graeme Baker Pool and Spa Safety Act. The purpose of the Act is to increase the safety of swimming pools and spas by 1) requiring the use of proper devices, such as anti-entrapment drain covers and fences/barriers, through the establishment of a grant incentive program in order to encourage states to enact comprehensive pool and spa laws; 2) educating the public about drowning prevention; 3) establishing a federal swimming pool and spa drain cover standard; and 4) ensuring public pools are equipped with proper safety devices.

The Act requires that all swimming pool and spa drain covers manufactured, distributed, or entered into commerce in the United States conform to the entrapment protection standards of the American Society of Mechanical Engineers/American National Standards Institute (ASME/ANSI) A112.19.8-2007 standard, or any successor standard.

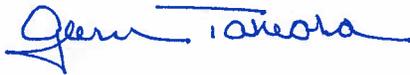
For public swimming pools and spas, the Act requires that each pool and spa be equipped with anti-entrapment devices or systems that comply with the ASME/ANSI A112.19.8-2007 standard, or any successor standard. The Act further requires that public swimming pools and spas with a single main drain other than an unblockable drain be equipped, at a minimum, with one or more of the following devices or systems designed to prevent entrapment by pool or spa drains: 1) a safety vacuum release system, 2) a suction-limiting vent system, 3) a gravity drainage system, 4) an automatic pump shut-off system, 5) a drain disablement device or system, and/or 6) any other system determined by the Consumer Product Safety Commission (CPSC) to be equally effective as, or better than these systems at preventing or eliminating the risk of injury or death associated with pool drainage systems. The Act requires that any device or system must meet the requirements of any ASME/ANSI or ASTM International (ASTM) performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

These new standards become effective on December 19, 2008. Each public swimming pool and spa, both old and new, must be equipped with anti-entrapment drain covers that meet the ASME/ANSI A112.19.8-2007 standard. Furthermore, each public swimming pool and spa with a single main drain other than an unblockable drain must also be equipped with a device or system designed to prevent entrapment as described above.

Recently, CPSC staff prepared a detailed interpretation of the Act. A copy of the Act and the CPSC interpretation are enclosed. In addition, CPSC recently advised the California Department of Public Health that they are willing to respond to inquiries regarding the implementation of the Act and other technical or engineering issues. If any local officials or pool service/installation companies need clarification on technical/engineering issues, they can call Troy Whitfield of CPSC at (301) 504-7548.

If you have any questions, please contact me at (916) 449-5693.

Sincerely,

A handwritten signature in blue ink that reads "Glenn Takeoka". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Glenn Takeoka, REHS, Chief
Environmental Health Services Section

Enclosures