

Pool & Spa Safety Act FAQs

(frequently asked questions)

GENERAL QUESTIONS

Q: What are public pool and spa owners/operators obligated to do to comply with the Virginia Graeme Baker Pool and Spa Safety Act (Act)?

A: As of December 19, 2008, all operating public pools and spas must have drain covers that meet the ANSI/ASME A112.19.8-2007 standard on every drain/grate. A list of drain cover manufacturers can be found at www.cpsc.gov/whatsnew.html#pool. In addition, if the pool has a single main drain (other than an unblockable drain), the operator must either disable the drain or install a second anti-entrapment device or system. This can take the form of an automatic shut-off system, gravity drainage system, Safety Vacuum Release System (SVRS) or suction-limiting vent system. A pool may have more than one single main drain. If a pool has dual or multiple main drains more than 3 feet apart, it may be exempt from this second requirement. Pools and spas with single main drains that are unblockable are also exempt from this requirement.

A list of SVRS manufacturers can be found at <http://www.cpsc.gov/businfo/draincman.html>. (Jan. 30, 2009)

Q: Do I need to be in compliance with the Act on December 19, 2008 if I operate a seasonal pool or spa?

A: Pools and spas that are closed on December 19, 2008 are not required to be in compliance with the Act until the day the pool or spa is re-opened to the public. (Jan. 30, 2009)

Q: Where can I find CPSC's interpretation of the law?

A: On June 18, 2008, CPSC staff issued technical and legal interpretations of Section 1404 of the Act, which applies to public pools and spas. To download this document, please log on to:

www.cpsc.gov/businfo/vgpsa.pdf

(Jan. 30, 2009)

Q: Are there any discussions to reschedule or extend the December 19 deadline?

A: The December 19, 2008, deadline was established by Congress and has not been amended. CPSC lacks authority to extend the deadline set by Congress. (Jan. 30, 2009)

Q: Are equalizer lines in public pools covered in the Act?

A: Yes, skimmer equalizer lines are submerged drains and must either be covered (with an ASME/ANSI A112.19.8-2007 compliant cover) or plugged. Equalizer lines are not considered to be main drains based on CPSC staff's interpretation of the law. (Jan. 30, 2009)

Q: If my pool has one main drain and one or more skimmers, does it need a second anti-entrapment device or system?

A: Yes. CPSC staff currently has no technical evidence to support claims that this type of set-up would be equivalent to a multiple main drain system. Therefore, unless the main drain is unblockable, this type of set-up would require the installation of a second anti-entrapment system, as outlined in CPSC's staff interpretation. (Jan. 30, 2009)

Q: Which types of pools and spas pose the greatest danger of entrapment and evisceration to consumers?

A: Children's wading pools, other pools designed specifically for young children, and in-ground spas that have flat drain grates and single main drain systems. (Jan. 30, 2009)

Q: What should I do if my state or county department of health does not allow me to disable my drains or use a particular drain cover?

A: Affected pool and spa owners/operators need to be in compliance with federal safety requirements. If you believe that state or local laws make it impossible for you to comply with federal law, please contact Sean Ward in CPSC's Office of the General Counsel for guidance at sward@cpsc.gov. (Jan. 30, 2009)

DRAIN COVERS

Q: What types of drain covers are available for purchase?

A: A variety of drain covers have already been certified to ASME/ANSI A112.19.8-2007. These include covers that are round (for blockable and unblockable drains), 9"x 9" square, 12"x 12" square, and 18"x 18" square. CPSC staff expects additional square unblockable drain covers to enter the market in 2009. To view a complete listing of drain cover manufacturers who have received certification that their product meets the ASME/ANSI standard, log on to: www.cpsc.gov/businfo/draincman.html. (Jan. 30, 2009)

Q: What is the proper marking on approved drain covers?

A: Drain covers made during a short period in the summer of 2008 used the ASME symbol and/or the "ASME/ANSI A112.19.8-2007" mark. There was then a period of time during the late summer and early fall of 2008 when no marking was placed on drain covers being made to be in compliance with the standard. Since November 12, 2008, newly made drain covers should have the "VGB 2008" marking. You should ensure that you are using certified covers. If there is no mark or you are otherwise in doubt, contact the manufacturer and ask for a copy of the certificate. Also keep a record of where and exactly when you purchased the cover. (Jan. 30, 2009)

Q: Can operators pre-order approved drain covers?

A: Yes. Round covers and various square covers are available for purchase and many manufacturers are taking orders for drain covers yet to be manufactured. (Jan. 30, 2009)

Q: What should I do if my pool's drain requires a field-fabricated drain cover but none is available? (For example a pool with a single L-shaped drain that is half on the pool bottom and half on the wall.)

A: Certain drains will require a field-fabricated cover. Pool owners/operators should either work to find a manufacturer who will build a custom-made cover or the pool should be re-built to have dual main drains. In the near term, owners/operators should incorporate one of the secondary anti-entrapment systems into their existing system. If the two planes of the L-shaped drain cannot be blocked simultaneously by the body blocking element defined in the ASME standard,

then a secondary system is not necessary. Failure to comply with the requirements of the Act may result in pool closure. (Jan. 30, 2009)

Q: Who is approving new drain cover designs?

A: Third-party testing and certification is being conducted by Underwriters Laboratories, the National Sanitation Foundation, and IAPMO (The International Association of Plumbing and Mechanical Officials). (Jan. 30, 2009)

Q: I have a field-fabricated, unblockable drain cover that I believe meets the current ASME/ANSI standard. Am I required to order a new cover?

A: No. A field-fabricated cover may continue to be used where a professional engineer (PE) certifies that it meets the requirements of ASME/ANSI A112.19.8-2007, including flow rates, UV exposure, and durability. The PE must document that the drain cover meets the new standard and provide a copy of the certificate to the pool owner/operator. (Jan. 30, 2009)

SUMPS

Q: What is CPSC's position regarding sumps and the ASME/ANSI standard?

A: CPSC staff recognizes and supports the technical requirement of the ASME/ANSI A112.19.8-2007 standard, which calls for field-built sumps to have a depth of 1.5 times the diameter of the piping; however, the federal Pool and Spa Safety Act does not require pool owners/operators to replace their sump. If a new, compliant drain cover can be safely secured onto a pre-existing sump, while properly controlling the flow rate, then it meets the intent of the law. If a PE determines that additional engineering work needs to be done to the sump to bring it into compliance with the standard and ensure a secure connection with a new cover, then that work should be carried out. Finally, if a PE determines that a new drain cover cannot be safely placed on a pre-existing sump, then the sump should be removed and replaced with a new, compliant sump that is compatible with the compliant drain covers. (Jan. 30, 2009)

COMPLIANCE

Q: My public spa has three or four drain covers, all in a small foot well. What do I need to do to comply?

A: The drain cover requirement of the new law applies to these types of public spas. They should have compliant drain covers and a second anti-entrapment system if the drains are less than 36 inches apart and not located on two planes. (Jan. 30, 2009)

Q: If I have a gravity drain system, am I required to change the drain cover?

A: Yes. Pools with gravity drain systems automatically fall into the category of having a second anti-entrapment system, so ensuring that the existing covers are compliant with ASME/ANSI A112.19.8-2007 or replacing them with compliant covers is all that is required. (Jan. 30, 2009)

Q: A pool owner installed an emergency shut-off switch for an indoor pool which is gravity fed. The existing covers are 18"x 18" with a 24" diagonal. Would new drain covers with the new logo be required?

A: Drain covers compliant with ASME/ANSI 112.19.8-2007 are required on all drains of public pools and spas. If the drain on a single main drain is blockable, a secondary anti-entrapment system must also be installed. An 18"x 18" grate with a 24" diagonal is blockable by the body-blocking element referred to in the ASME standard. An emergency shut-off switch must be **automatic** to be in compliance with the requirements for the secondary anti-entrapment device. If the pool has a multiple suction outlet system, then ensuring that the existing drain covers are compliant with ASME/ANSI A112.19.8-2007 or replacing them with compliant drain covers is all that is required. (Jan. 30, 2009)

Q: My indoor pool has two main drains about 8 inches apart. Do I still need to install new drain covers?

A: Yes. The drain covers must be compliant with ASME/ANSI A112.19.8-2007. In addition, you will need a second anti-entrapment system since the drains are less than 36 inches apart. (Jan. 30, 2009)

Q: Who qualifies as a "trained or certified professional"?

A: CPSC staff recommends contacting state or local officials to determine who is qualified in your area. Experts, such as a PE or similar design professional, should be formally licensed or certified as a business and carry some level of insurance or similar protection. (Jan. 30, 2009)

Q: Are single family rental property pools considered to be public under the Act?

A: No, these pools are not considered public under section 1404(c)(2) of the Act and therefore are not required to comply with the cover replacement or secondary anti-entrapment system requirements. (Jan. 30, 2009)

Q: Are physical therapy pools considered to be public under the Act?

A: It depends. Therapy pools are not specifically defined under section 1404(c)(2) of the Act, but a therapy pool may not be considered a public pool depending on its accessibility to the public generally. (Jan. 30, 2009)

Q: Approved flow rates are determined by the drain cover manufacturers, but some state minimum standards require that the water velocity through grates not exceed 1.5 fps with one drain 100% blocked. How do we rectify this issue?

A: Drain cover ratings are based on allowable flow in gallons per minute (gpm) and tested in the laboratory under conditions to determine maximum allowable flow rate, which can result in velocities through the open area of the cover that are greater than 1.5 fps. Alignment of the flow-ratings of the covers with state requirements may require adjustments to some of the state codes. State officials may want to evaluate their code requirements in light of the new requirements made mandatory by the Act. (Jan. 30, 2009)

Q: Who can enforce the Act?

A: Both the Consumer Product Safety Commission and the State Attorneys General are empowered to enforce this Act.