

Questions and Answers
Effects of the Virginia Graeme Baker Pool and Spa Safety Act on
Pennsylvania Public Swimming Facilities in 2008/2009

1. What is the Virginia Graeme Baker Pool and Spa Safety Act?

It is a law enacted by Congress in December 2007 to establish U.S. Consumer Product Safety Commission (CPSC) standards for swimming pool and spa safety. It requires safety provisions for pool and spa suction drains.

2. When does this law take effect?

The Act was signed into law by President George W. Bush on December 19, 2007 and goes into effect on December 19, 2008.

3. How does the Virginia Graeme Baker Pool and Spa Safety Act affect public swimming pools and spas in Pennsylvania?

It requires all public swimming pools and spas to replace suction drain covers with new anti-entrapment drains or covers meeting the ASME/ANSI A112.19.8-2007 Standard by December 19, 2008, and requires an additional layer of protection for pools or spas using a single drain to any pump. Please reference question #9 to see who in Pennsylvania approves these changes.

4. What is ASME/ANSI A112.19.8-2007?

ASME/ANSI A112.19.8-2007 is the most current standard adopted by the American Society of Mechanical Engineers and American National Standards Institute that establishes materials, testing and marking requirements for suction outlet fittings in swimming pools, wading pools, spas, hot tubs, and other aquatic facilities. Suction outlet fittings include all components including the sump, body, cover, grate, and hardware. Skimmers and vacuum connection covers are excluded from the standard.

5. Are public pools built before December 19, 2008 required to comply with this Federal Law?

Yes. Section 1404(c)(1)(i) – “***each*** public pool and spa in the United States shall be equipped with anti-entrapment devices or systems that comply with the ASME/ANSI A112.19.8 performance standard or any successor standard;.....” There is no grandfather clause for public pools and spas constructed before December 19, 2008.

6. Does the entrapment-prevention drain requirement apply to pools and spas with two or more drains on the same return line?

Yes. All public pools and spas, regardless of the number of drains or date of construction, are required to install anti-entrapment drains or covers on all suction drains. According to CPSC, the pool or spa cannot be open for use if the covers and systems are not compliant by 12/19/08.

7. If our pool has a single main drain, what else must we do to comply with the Act?

In addition to anti-entrapment drain covers, the Virginia Graeme Baker Pool and Spa Safety Act requires at least one additional layer of protection. Several options are given. To meet the federal requirements, at least one of the following must be considered for installation: a safety vacuum release system (SVRS); a suction limiting vent system; an automatic pump shut-off; a gravity drainage system; or drain disablement.

8. What is an SVRS?

A SVRS, or safety vacuum release system, is a system designed to protect against entrapment, evisceration and/or entanglement and must meet the following requirements: a) have an ASTM F2387 certified suction-limiting vent system (also called an atmospheric vent); or b) have a gravity drainage system also referred to as a reservoir, surge tank, or surge pit; c) have an ASME/ANSI A112.19.8-2007 or ASTM F2387 automatic pump shut-off system; d) have a drain disablement system; or e) have another system determined by the CPSC to be equally effective as, or better than, the other systems above.

9. What entity in Pennsylvania gives approval for the construction, alteration, changes, or repairs that must be performed at a facility in order to comply with Virginia Graeme Baker Pool and Spa Safety Act?

The Uniform Construction Code Section 403.1 states that, *“The Uniform Construction Code applies to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure which occurs on or after April 9, 2004.”* Public pools and spas fall under Section 403.26 of the code as enforced by the PA Department of Labor and Industry. Please contact whoever oversees the enforcement of the Uniform Construction Code where your facility is located. This will be your host municipality (borough or township) if they opted-in for local enforcement or it will be the PA Department of Labor and Industry if the municipality opted-out of local enforcement

10. How will I know which drains or covers comply with ASME/ANSI A112.19.8-2007 Standards?

Information stating that the cover or drain meets ASME/ANSI A112.19.8-2007 will be embossed on the drain cover and printed in the manufacturer’s specifications. Keep a copy of the manufacturer’s specifications as proof of compliance. The sale or distribution of non-compliant drains or covers will be prohibited after December 19, 2008.

11. Specifically, how will the new ASME/ANSI A112.19.8-2007 covers be identified?

All covers that are ASME/ANSI A112.19.8-2007 compliant must have the following markings: a) the designation “ASME A112.19.8 plus the year of the standard,” or the ASME A119.19.8 logo followed by the year of the standard; b) the statement “For Single or Multiple Drain Use,” “For Single Drain Use,” or “For Multiple Drain Use Only”; c) the less of the maximum flow rate in gallons per minute (gpm) as tested for in the standard; d) the “Type” of the fitting under which it is listed; e) fitting components shall be marked “Life: X Years” where the manufacturer

indicates the appropriate installed life in years. Individual components may be marked with unique life spans; f) installation position – “Wall Only,” or “Floor Only,” or “Wall and Floor Only” if allowed in both positions; g) manufacturer’s name or registered trademark; and h) model designation.

12. If our pool has already installed anti-entrapment safety drain covers within the last year, are we now compliant with the Virginia Graeme Baker Pool and Spa Safety Act?

Maybe. Very few drain covers available prior to 2009 comply with the new standards. Even some of the anti-entrapment drain covers marketed before 2009 did not pass testing under the ASME/ANSI A112.19.8-2007 Standard. To be compliant, the cover’s make and model must have been approved under the ASME/ANSI A112.19.8-2007 Standard. Contact CPSC to make sure your specific make and model of the drain cover(s) has been approved.

13. Will the Health Department close my pool if I am unable to replace the cover(s) after December 19, 2008?

The PA Department of Health (DOH) will continue to educate facilities about the requirements and stress compliance with the Federal Law. The DOH will notify the CPSC regarding facilities that have not completed and returned the “*Pool/Spa Main Drain Cover Replacement Form*” to the respective DOH District Office. The CPSC does have the authority to shut down pools or spas found not to be in compliance. The CPSC also has the authority to assess criminal penalties, including fines or imprisonment, under Section 21 of the Consumer Product Safety Act. 15 U.S.C. §2070(a).

14. If my existing drains or covers have already been replaced by certified ASME/ANSI A112.19.8-2007 compliant drains or covers, how will I be able to document this to an inspector?

DOH is asking that all facilities which have already switched to ASME/ANSI A112.19.8-2007 drains or covers complete a one page form certifying the replacement has occurred. The name of the form is titled, “*Pool/Spa Main Drain Cover Replacement Form*.” A form is required for each pool and spa. For example, if your facility has an indoor pool, indoor spa, and outdoor pool, your facility would be required to complete three replacement drain cover forms. Please return the form to the appropriate District Office which is listed at the bottom of the form. If you already have the form, you may make copies if you need additional ones. The form can also be downloaded at www.health.state.pa.us. Also, it is recommended to keep any invoices, receipts, work orders, design documentation, or any other relevant documentation which may have been received from a pool vendor, design professional, or pool contractor that shows your ability to comply with the law.

15. My pool or spa will not open until around Memorial Day of 2009. When do I have to be compliant with the new law?

According to CPSC, pools and spas not open on December 19, 2008 are not required to be in compliance until the day the pool or spa is re-opened. Please contact the CPSC for more information at info@cpsc.gov or (301) 504-7908.

16. Where can I find a list of manufacturers of ASME/ANSI Approved Drain Covers and ASME/ANSI/ASTM Approved Safety Vacuum Release Systems?

<http://www.cpsc.gov/whatsnew.html#pool>

17. Where can I find more information on the Virginia Graeme Baker Pool and Spa Safety Act?

<http://www.cpsc.gov>

<http://www.cpsc.gov/BUSINFO/poolspacomply.pdf> (CPSC staff's guide to complying with the law)

<http://www.aquaticsintl.com>

<http://www.aquaticsintl.com/poolsafety> (Free one hour webcast -- Industry experts discuss the Act in a roundtable discussion. It is followed by a Q&A session)

<http://www.apsp.org>

<http://www.health.state.pa.us> (information specific to Pennsylvania)

18. How do I contact the Consumer Product Safety Commission if I have specific questions that are unique to my facility and would like their interpretation?

Contact CPSC at info@cpsc.gov or (301) 504-7908 if you need further assistance.

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