

*By Michael Swain, Sr. Loss Control Specialist*

## The Pool and Spa Safety Act

The Virginia Graeme Baker Pool and Spa Safety Act is now a federal law and is applicable to every state. All policyholders that are equipped with a public swimming pool, wading pool, spa, or hot tub, regardless of depth, must be compliant with this law prior to opening for the 2009 swim season, or as of December 19, 2008 for year-round operations. It is also recommended that policyholders using third-party facilities verify compliance prior to use. You can learn more about the history behind the Virginia Graeme Baker Pool and Spa Safety Act at:

<http://sk.convio.net/site/PageNavigator/Campaigns/PoolSpaSafetyAct%20/CampaignPoolStory>

The Virginia Graeme Baker Pool and Spa safety Act requires all public pool, wading pool, spa, or hot tub owners/operators to be compliant in three key areas:

- Install covers on every drain grate that meet the American National Standard published by the American Society of Mechanical Engineers - ASME A112.19.8 — 2007, “Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs.”
- Install an automatic shut-off system, gravity drainage system, Safety Vacuum Release System (SVRS), suction-limiting vent system, or disable the drain, if the pool operates off of a single main drain. Pools and spas with unblockable drains (drains larger than 18” x 23”) are exempt from this requirement.
- Ensure that dual or multiple main drains are at least 3 feet apart.

Because state law may be more restrictive than the federal law, encourage insured to check with their state or local department of health, state attorney general’s office, or other available resources addressing their local legislation. Pool installers who are certified to offer an inspection of a pool can be consulted for compliance as well. Advise policyholders to use caution by obtaining written estimates, modification plans, and how these plans bring their pool into compliance before agreeing to have any work completed.

### Websites that offer additional information include:

[www.cpsc.gov/cpsc/pub/prerel/prhtml09/09065.html](http://www.cpsc.gov/cpsc/pub/prerel/prhtml09/09065.html)

[www.nspf.org/FPSSA.html](http://www.nspf.org/FPSSA.html)

### A list of drain cover and SVRS manufacturers can be found at:

[www.cpsc.gov/whatsnew.html#pool](http://www.cpsc.gov/whatsnew.html#pool)

Pool owners may have difficulty meeting their respective compliance dates due to the cost associated with repairs ranging from two hundred to several thousand dollars, along with possible delays in receiving compliant drain covers. If they are unable to comply with the Virginia Graeme Baker Pool and Spa Safety Act as specified, the Consumer Product Safety Commission recommends they keep their pool, spa, or hot tub closed until they can comply with this law. Recommend they cordon off the area to secure it from unauthorized use, and keep it under tight supervision to reduce the likelihood of someone falling in it.

In addition to the harm a noncompliant drain can inflict, there is the possibility a business can be assessed with extensive fines. Encourage policyholders to take the steps necessary to better understand this law and their requirements if they are currently unfamiliar with them.