

VIRGINIA GRAEME BAKER POOL & SPA SAFETY ACT



Making Public & Private Pools & Spas Safer



**This information was prepared by the CPSC staff; it has not been approved by and does not necessarily represent the views of the Commission.*

U.S. CPSC – Who We Are

- An independent federal regulatory agency formed in 1973 by Congress; mandated to “protect the public against unreasonable risks of injuries and deaths associated with consumer products.”
- Has jurisdiction over more than 15,000 different types of products, found mostly in and around the home and used in schools and for recreation.
- Investigates only unintentional product-related incidents.

CPSC's Mission

- **Protect the public against unreasonable risks.**
- **Assist consumers in evaluating safety of consumer products.**
- **Develop uniform safety standards.**
- **Promote research & investigate cause of product-related injuries and deaths.**

Entrapment

CPSC staff began investigating reported incidents of pool/spa suction entrapment in the 1970s.

Types of entrapment

- Hair
- Body
- Limb
- Evisceration/disembowelment
- Mechanical: jewelry, bathing suits

Reported Pool/Spa-Related Circulation/Suction Entrapments

From 1999-2007 for all age categories

- 74 reports of circulation entrapments

■ Pool/Spa Location	Deaths	Injuries	No Injury
– Public	2	20	
– Residential	7	33	2
– Unknown	0	10	
Male	4	28	
Female	5	35	

Individuals in the 5-9 year-old category had the highest frequency of entrapment reports

Ryan's incident

August 2005

<http://cbs2.com/video/?id=9584@kcbs.d>
ayport.com

National Legislation for Entrapment Prevention

The Virginia Graeme Baker Pool & Spa Safety Act (VGBSSA) was named after the daughter of James and Nancy Baker and the granddaughter of former Secretary of State James Baker III. Graeme Baker died in a tragic incident in June 2002 after the suction from a spa drain entrapped her under the water. This Act was first introduced by Rep. Debbie Wasserman-Schultz (FL) and was supported by the Baker family and Safe Kids Worldwide.

Is The Public Paying Attention To Drain Entrapments?

**ABC News Good Morning America
Field Investigation**

<http://abcnews.go.com/video/playerIndex?id=5460649>

The Bill Was Signed Into Law On Dec. 19, 2007

Statement by Acting Chairman Nord:

"I commend the Congress and the President on making the Pool and Spa Safety Act law today. I would also like to recognize Safe Kids Worldwide and former Secretary of State James Baker and his family for their commitment to this legislation and To pool safety. CPSC stands at the ready to Implement this important safety bill and to work as we do every year to reduce child drownings in pools and spas."

Goals of the Baker Act

- To enhance the safety of public and private pools and spas.
- To encourage the use of layers of protection.
- To reduce child drownings (283 each year involving children younger than 5).
- To reduce the number of suction entrapment incidents, injuries and deaths.
- To educate the public on the importance of constant supervision of children in and around water.

Partners in the Pursuit of Safe Pools



State and Local Governments

Pool Safety Foundations and Associations



Fire Departments and First Responders

Federal Requirements

**** Effective Date: Dec. 19, 2008 ****

Sec. 1404: Top Priority for Public Pool And Spa Owners/Operators

- All pool/spa drain covers manufactured, distributed or entered into commerce on or after December 19, 2008 must meet ASME/ANSI A112.19.8 – 2007.
- All public pools/spas must be equipped with new, ASME/ANSI compliant, anti-entrapment drain covers.
- Pools/spas operating off of a single main drain (other than an unblockable drain) must add one or more of the following options:
 - a Safety Vacuum Release System (SVRS), or
 - a suction-limiting vent system, or
 - a gravity drainage system, or
 - an automatic pump shut-off system, or
 - a disabled drain, or
 - any other system determined by the Commission to be equally effective as or better than the others listed above.

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CPSC STAFF'S GUIDE TO COMPLYING WITH THE LAW



By December 19, 2008, ALL public pool owners/operators must:

- Install drain covers that meet the ANSI/ASME A112.19.8-2007 standard on EVERY drain/grate. A list of cover manufacturers can be found at www.cpsc.gov/whatsnew.html#pool
- 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 are exempt from this requirement. A list of SVRS manufacturers can be found at www.cpsc.gov/whatsnew.html#pool.
- Ensure that dual or multiple main drains are at least 3 feet apart.

* * *

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!

* * *

The new Consumer Product Safety Improvement Act requires all new drain and grate covers be certified to all applicable standards starting on November 12, 2008.

* * *

CPSC staff recommends that to ELIMINATE and not just MITIGATE the drain entrapment hazard in pools and spas, pool owners should disable old drains or build new pools without any drains and use gutters, overflows and/or skimmers to provide water to the pump.

* * *

Have a question or concern about the Pool & Spa Safety Act?

Send an e-mail to info@cpsc.gov

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State of the Marketplace

- Round Covers & 9x9s are available
- 12x12s and 18x18s are coming soon
- As are some large, square, unblockable covers

Drain Covers and Sumps

- PSSA requires a safe & secure connection between the cover and sump.
- CPSC is aware of the potentially enormous remodeling costs.
- CPSC will allow a new, compliant cover that fits securely into a pre-existing sump if flow rates are controlled.
- If a certified professional identifies the presence of a high flow rate, poor connection, or other problems, then CPSC will require adjustments/repairs or installation of a new, certified sump to match the new cover.

Enforcement Discretion

- Any public pool or spa not open on December 19, 2008 does not need to be in compliance until the day the owner/operator opens the pool or spa.

Our Collective Challenge

- Many state and local officials, affected organizations, and consumers are not aware of the law or December deadline.
- Need to continue to educate the public.
- More simplified communication materials have been developed for national and local dissemination.

A Local Hero...

<http://video.knbc.com/player/?id=257704>

You thought she was in the house taking a nap. . .



CPSC Studies Pool Drownings

- In 2008 the Commission released a report related to pool and spa submersion incidents involving children under 5.
 - Drowning deaths in this age group increased from a yearly average of 267 (2002-2004) to 283 (2003-2005).
 - Emergency room-treated submersion injuries remained about the same from an annual average of 2,800 (2004-2006) to 2,700 (2005-2007).

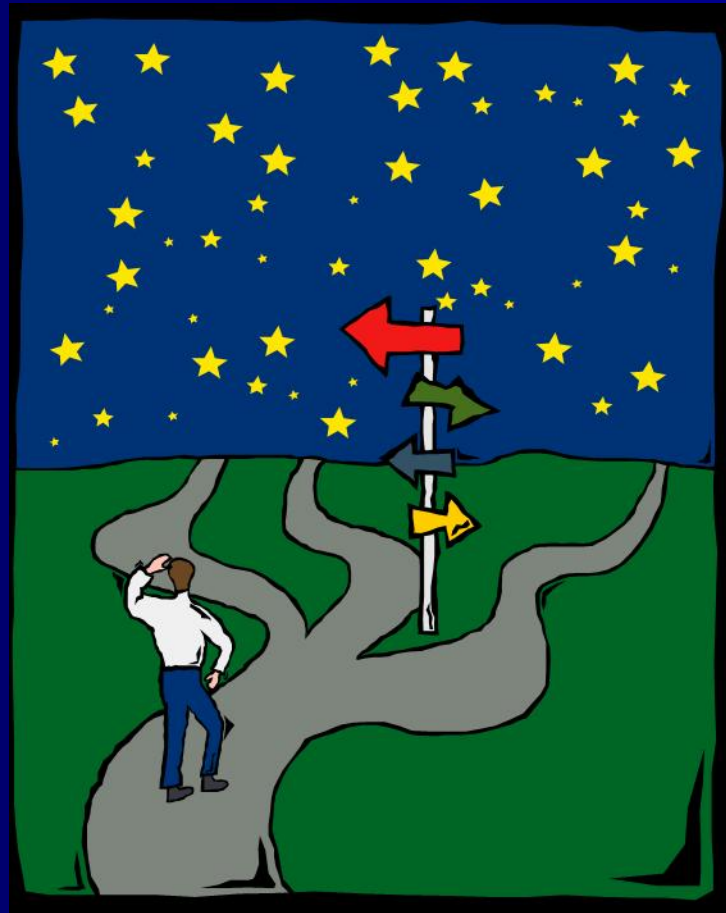
Children and Pools

the report also showed that...

- 60% of the injuries (2005-2007) and fatalities (2003-2005) involved children 1 - 2 years old.
- Nearly 2/3 of the fatalities were boys.
- 52% of the fatalities occurred in a pool/spa at the child's home; 27% in the pool/spa of family, friends or neighbors.

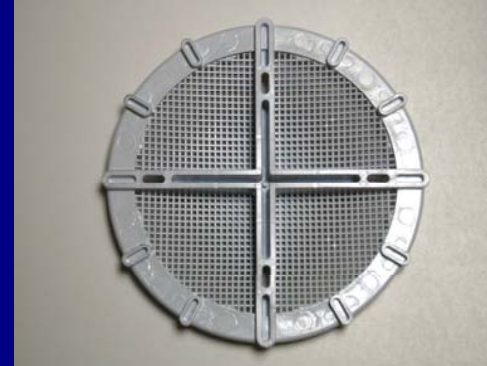
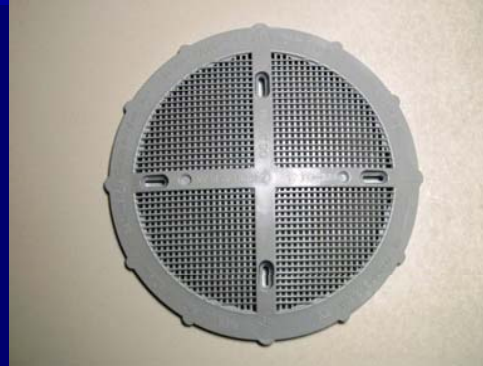
- Drowning is the leading cause of unintentional death to children ages 1-4.

HOW CAN WE REDUCE DROWNINGS?



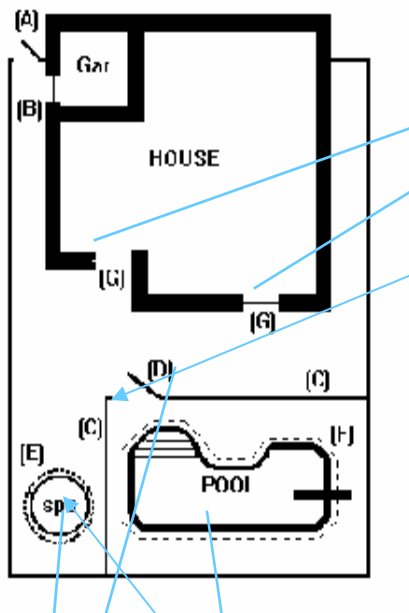
Preventing Residential Entrapment

Install drain covers that conform to the safety standard.



- Utilize two or more drains attached to a single pump.
- If entrapment occurs, turn off the pump; try to break the suction.
- Have a 2nd form of anti-entrapment protection on pools or spas working off of a single main drain.

Layers of Protection!



Door alarms

Self closing/latching gate

Drain and pool covers

Isolation fencing



CPSC Pool Barrier Recommendations

- Primary barriers as described in CPSC's "Safety Barrier Guidelines For Home Pools" :
 - A fence completely surrounding the pool/spa with a self-closing, self-latching gate that opens out from the water.
 - A power safety cover.
 - Door alarms.

Fences and Gates

The fence/barrier should completely surround the pool, but if a house forms one side of the barrier than door alarms or pool safety covers should also be installed.



Install a self-closing, self-latching gate that opens out, away from the water.

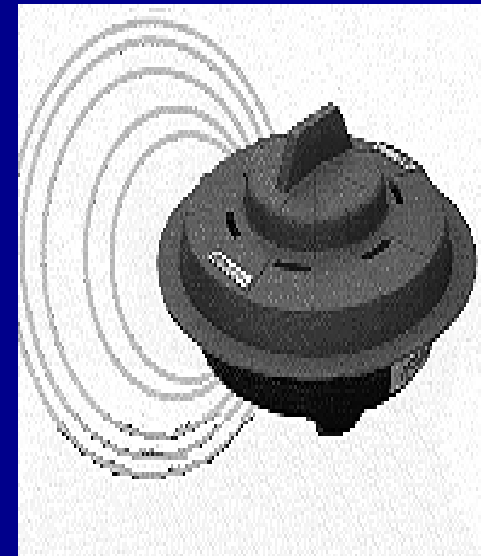
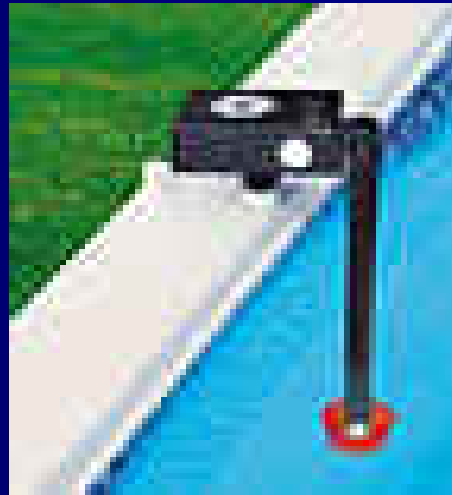
MORE POOL BARRIERS

**Alarms on doors
accessing the pool**



Power safety pool covers

Pool Alarms...Use Only With A Primary Barrier



In-water alarms can be used in both built-in and above-ground pools. They sound only after a child is already in the water.

Inflatable Safety Warning

There are an increasing number of deaths in inexpensive, inflatable pools.

The sides of inflatable pools are flexible and sometimes slanted or low, so it may be easier for a child to climb inside.

The ASTM International Standard F2666 addresses requirements for these pools.



Supervision

Active supervision at all times prevents incidents and injuries...

- ...but, a recent study showed that normal caregivers experience brief lapses in supervision on a daily basis. Uninterrupted supervision is a challenging expectation.
- Effective supervision is direct visual contact and is only sustainable for brief periods.
- Momentary distractions such as phone calls, using the restroom or someone at the door can provide enough time for a child to access the pool and quietly slip under water.



Grants & Education



- **Grant Program**
 - Should Congress appropriate funds, staff has posted draft technical guidance for the states.
- **Information & Education Program**
 - Should Congress appropriate funds, staff will work with interested stakeholders at the state and local level.

Questions/Concerns CPSC staff

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U.S. Consumer Product
Safety Commission