



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

Memorandum

JUL - 9 2010

TO : The Commission
Todd A. Stevenson, Secretary

THROUGH: Cheryl A. Falvey, General Counsel
Kenneth R. Hinson, Executive Director

FROM : Robert J. Howell, Assistant Executive Director, Office of Hazard Identification and Reduction

SUBJECT : CPSC Staff Response to Commissioner Adler's Questions Regarding Public Accommodation in the Virginia Graeme Baker Pool and Spa Safety Act.

Introduction

The following is the staff's response to Commissioner Adler's questions received June 29, 2010 regarding public accommodation in the Virginia Graeme Baker Pool and Spa Safety Act.

Responses to Questions

1. *Is there any evidence, statistical or otherwise, that demonstrates that pools and/or spas that are located at an establishment located within a building that contains not more than five rooms for rent or hire are less prone to entrapment hazards than pools located at establishments with more than five rooms?*

CPSC Staff Response:

Staff does not have the information needed to answer this question. Due to the unique circumstances and low frequency of incidents, it may be difficult to determine if any specific facility is more prone to an incident occurring than any other type of facility.

2. *Is there any evidence, statistical or otherwise, that indicates establishments located within a building that contains not more than five rooms for rent or hire generally have different kinds of pools than larger establishments?*

CPSC Staff Response:

Staff does not have the data needed to answer this question.

3. How many establishments located within a building that contains not more than five rooms for rent or hire that are actually occupied by the proprietor of such establishment as the residence of such proprietor are there in the United States? How many have pools? How many have spas?

CPSC Staff Response:

Staff does not have the data needed to answer this question. In general, incident reports received by CPSC staff do not contain the information to answer the questions above. From the incident reports staff received, however, we are able to provide some insight into the types of facilities involved in entrapment incidents associated with public pools and spas. As the table below shows, there were 4 incidents (2 fatalities and 2 injuries) in primary residences; 4 incidents (3 injuries and 1 no injury) in temporary housing; 11 incidents (2 fatalities, 8 injuries, and 1 no injury) in local public/private swimming facilities; 3 incidents (1 fatality and 2 injury) in private clubs; and 3 injuries in miscellaneous locations.

Reports to CPSC Staff Concerning Circulation Entrapments Associated with Public Pools and Public Spas by Injury Severity, 1999 - 2009*						
Facility Type	Fatality		Injury		No Injury	
	Pool	Spa	Pool	Spa	Pool	Spa
Primary Residence						
Apt complex	1	0	1	0	0	0
Condo complex	1	0	1	0	0	0
Temporary Housing						
Hotel	0	0	0	1	0	0
Motel	0	0	1	1	0	0
Beach house (rental)	0	0	0	0	0	1
Local Public/Private Swimming Facilities						
Aquatic center	0	0	2	0	0	0
City pool	1	0	0	0	0	0
Community pool	0	0	4	0	1	0
Public park	0	0	1	0	0	0
School	1	0	1	0	0	0
Private Clubs						
Golf club	1	0	0	0	0	0
Ski resort	0	0	0	1	0	0
Yacht club	0	0	0	1	0	0
Miscellaneous						
Hot springs	0	0	0	1	0	0
Water park	0	0	2	0	0	0
Unknown						
Unknown	0	0	5	1	0	0
Total	5	0	18	6	1	1

* There were also 4 reported injuries involving whirlpool tubs (3 in hotels and 1 in a health club) that are not included in these counts