



U.S. CONSUMER PRODUCT SAFETY COMMISSION
BETHESDA, MD 20814

OFFICE OF THE GENERAL COUNSEL

Cheryl A. Falvey
General Counsel
Tel: 301-504-7642
E-Mail: cfalvey@cpsc.gov

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Mr. Leif Zars
San Antonio Gary Equipment Company, Inc.
438 Sandau Road
San Antonio, Texas 78216-3621

Dear Mr. Zars,

This letter is in response to your question regarding the applicability of the Virginia Graeme Baker Pool and Spa Safety Act (“VGB Act” or “Act”) to water slide runouts. In order for the VGB Act to be applicable, the water slide runout must meet the definition of “swimming pool or spa” under the Act.

The Act defines a swimming pool or spa broadly to mean “any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, [including] hot tubs, spas, portable spas, and non-portable wading pools.”¹ We understand that while some runout slides may end after a prolonged run out feature on a deck, others may end in pools (known as “plunge pools” or “catch pools”) that can be quite long and may require the user to wade or swim through the water to reach the other side and get out. If a user is required to wade or swim through water in the structure to get out, then the structure would indeed qualify as a “pool” under the VGB Pool and Spa Safety Act as it would meet the definition of a “structure intended for swimming or recreational bathing.” If this is the case, then the pool must be equipped with anti-entrapment devices or systems that comply with ASME/ANSI A112.19.8,² and, in the case of a public pool with a single main drain other than an unblockable drain, a secondary anti-entrapment system.³

Because waterpark attractions are so varied in size, depth, and shape, we regret to say that there can be no “one size fits all” answer to what is or is not a pool. Thus, we urge that common sense be used in making the determination of whether a particular waterslide ends in an area that meets the definition of a pool under the VGB Pool and Spa Safety Act. If a waterslide ends in a pool that a user will need to wade through or swim in, it falls within the definition of pool in the

¹ Section 1403(6) of the Virginia Graeme Baker Pool and Spa Safety Act.


² *Id.* at 1404(c)(1)A(i).

³ *Id.* at 1404(c)(1)A(ii)(I)-(VI).

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Act. If the slide ends on a deck with minimal runoff water, it is not a pool, and the Act is not applicable.

Sincerely,



Cheryl A. Falvey