

VIRGINIA GRAEME BAKER POOL & SPA SAFETY ACT



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

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



H.R. 6—303 to 309

TITLE XIV—POOL AND SPA SAFETY

SEC. 1401. SHORT TITLE.

This title may be cited as the “Virginia Graeme Baker Pool and Spa Safety Act”.

SEC. 1402. FINDINGS.

Congress finds the following:

- (1) Of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States.
- (2) In 2004, 761 children aged 14 and under died as a result of unintentional drowning.
- (3) Adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning.
- (4) Research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

SEC. 1403. DEFINITIONS.

In this title:

- (1) **ASME/ANSI.**—The term “ASME/ANSI” as applied to a safety standard means such a standard that is accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.
- (2) **BARRIER.**—The term “barrier” includes a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover.
- (3) **COMMISSION.**—The term “Commission” means the Consumer Product Safety Commission.
- (4) **MAIN DRAIN.**—The term “main drain” means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a recirculating pump.
- (5) **SAFETY VACUUM RELEASE SYSTEM.**—The term “safety vacuum release system” means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.
- (6) **SWIMMING POOL; SPA.**—The term “swimming pool” or “spa” means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and aboveground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.
- (7) **UNBLOCKABLE DRAIN.**—The term “unblockable drain” means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

SEC. 1404. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.

(a) **CONSUMER PRODUCT SAFETY RULE.**—The requirements described in subsection (b) shall be treated as a consumer product safety rule issued by the Consumer Product Safety Commission under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(b) **DRAIN COVER STANDARD.**—Effective 1 year after the date of enactment of this title, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating such swimming pool or drain cover.

(c) **PUBLIC POOLS.**—

(1) **REQUIRED EQUIPMENT.**—

(A) **IN GENERAL.**—Beginning 1 year after the date of enactment of this title—

- (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; and
- (ii) each public pool and spa in the United States with a single main drain other than an unblockable drain shall be equipped, at a minimum, with 1 or more of the following devices or systems designed to prevent entrapment by pool or spa drains that meets the requirements of subparagraph (B):

(I) SAFETY VACUUM RELEASE SYSTEM.—A safety vacuum release system which ceases operation of H. R. 6—305 the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(II) SUCTION-LIMITING VENT SYSTEM.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(III) GRAVITY DRAINAGE SYSTEM.—A gravity drainage system that utilizes a collector tank.

(IV) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An automatic pump shut-off system.

(V) DRAIN DISABLEMENT.—A device or system that disables the drain.

(VI) OTHER SYSTEMS.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subclauses (I) through (V) of this clause at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(B) APPLICABLE STANDARDS.—Any device or system described in subparagraph (A)(ii) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

(2) PUBLIC POOL AND SPA DEFINED.—In this subsection, the term “public pool and spa” means a swimming pool or spa that is—

(A) open to the public generally, whether for a fee or free of charge;

(B) open exclusively to—

(i) members of an organization and their guests;

(ii) residents of a multi-unit apartment building, apartment complex, residential real estate development, or other multi-family residential area (other than a municipality, township, or other local government jurisdiction); or

(iii) patrons of a hotel or other public accommodations facility; or

(C) operated by the Federal Government (or by a concessionaire on behalf of the Federal Government) for the benefit of members of the Armed Forces and their dependents or employees of any department or agency and their dependents.

(3) ENFORCEMENT.—Violation of paragraph (1) shall be considered to be a violation of section 19(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(1)) and may also be enforced under section 17 of that Act (15 U.S.C. 2066).

SEC. 1405. STATE SWIMMING POOL SAFETY GRANT PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) ELIGIBILITY.—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this title, it has enacted a statute, or amended an existing statute, and provides for the enforcement of, a law that—

(A) except as provided in section 1406(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 1406; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) AMOUNT OF GRANT.—The Commission shall determine the amount of a grant awarded under this title, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this title in a preceding fiscal year.

(d) USE OF GRANT FUNDS.—A State receiving a grant under this section shall use—

(1) at least 50 percent of amounts made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2009 and 2010 \$2,000,000 to carry out this section, such sums to remain available until expended. Any amounts appropriated pursuant to this subsection that remain unexpended and unobligated at the end of fiscal year 2010 shall be retained by the Commission and credited to the appropriations account that funds enforcement of the Consumer Product Safety Act.

SEC. 1406. MINIMUM STATE LAW REQUIREMENTS.

(a) IN GENERAL.—

(1) SAFETY STANDARDS.—A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of the enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain;

(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 1404; and

(v) that periodic notification is provided to owners of residential swimming pools or spas about compliance with the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) NO LIABILITY INFERENCE ASSOCIATED WITH STATE NOTIFICATION REQUIREMENT.—The minimum State law notification requirement under paragraph (1)(A)(v) shall not be construed to imply any liability on the part of a State related to that requirement.

(3) USE OF MINIMUM STATE LAW REQUIREMENTS.—The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 1405 of this Act; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 1405 of this Act.

(4) REQUIREMENTS TO REFLECT NATIONAL PERFORMANCE STANDARDS AND COMMISSION GUIDELINES.—In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled "Safety Barrier Guidelines for Home Pools", the Commission's publication entitled "Guidelines for Entrapment Hazards: Making Pools and Spas Safer", and any other pool safety guidelines established by the Commission.

(b) STANDARDS.—Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) **BASIC ACCESS-RELATED SAFETY DEVICES AND EQUIPMENT REQUIREMENTS TO BE CONSIDERED.**—In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) **COVERS.**—A safety pool cover.

(2) **GATES.**—A gate with direct access to the swimming pool or spa that is equipped with a self-closing, self-latching device.

(3) **DOORS.**—Any door with direct access to the swimming pool or spa that is equipped with an audible alert device or alarm which sounds when the door is opened.

(4) **POOL ALARM.**—A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) **ENTRAPMENT, ENTANGLEMENT, AND EVISCERATION PREVENTION STANDARDS TO BE REQUIRED.**—

(1) **IN GENERAL.**—In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) **SAFETY VACUUM RELEASE SYSTEM.**—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387, or any successor standard.

(B) **SUCTION-LIMITING VENT SYSTEM.**—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) **GRAVITY DRAINAGE SYSTEM.**—A gravity drainage system that utilizes a collector tank.

(D) **AUTOMATIC PUMP SHUT-OFF SYSTEM.**—An automatic pump shut-off system.

(E) **DRAIN DISABLEMENT.**—A device or system that disables the drain.

(F) **OTHER SYSTEMS.**—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) **APPLICABLE STANDARDS.**—Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

SEC. 1407. EDUCATION PROGRAM.

(a) **IN GENERAL.**—The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

(3) a national media campaign to promote awareness of pool and spa safety.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission for each of the fiscal years 2008 through 2012 \$5,000,000 to carry out the education program authorized by subsection (a).

SEC. 1408. CPSC REPORT.

Not later than 1 year after the last day of each fiscal year for which grants are made under section 1405, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by that section.



**National Recreation
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Virginia Graeme Baker Pool and Spa Safety Act: Overview, Clarification, and Frequently Asked Questions

The National Recreation and Park Association has received a significant number of calls regarding the Consumer Product Safety Commission's interpretation of the provisions of the Virginia Graeme Baker (VGB) Spa and Safety Act and the pending December 19, 2008 compliance deadline. NRPA has developed this fact sheet, after engaging in further discussions with the CPSC and other national organizations, to answer the common questions posed to us by our members.

Overview:

The VGB Pool and Spa Safety Act was enacted to ensure public safety in pools and spas through federal regulations that require the use of equipment that protects against entrapment and evisceration. Specifically, the legislation requires that public pools and spas be equipped with certified drain covers or grates that meet the required ASME/ANSI A112.19.8 standards and safety measures to prevent entrapment and evisceration before December 19, 2008. However, a recent interpretation of the law by the Consumer Products Safety Commission (CPSC) has created significant concern about the ability of parks and recreation agencies to comply by the December deadline. Additionally, the requirements of the law as interpreted by CPSC will likely require significant financial expenditures and commitment of other resources to bring pools into compliance with the law.

Drain Covers:

According to requirements, recently published by the Consumer Products Safety Commission (CPSC), every public pool in the United States is required to have the most recent ASME/ANSI A112.19.8 certified drain covers or grates. Each new drain cover or grate may not exceed the ASME/ANSI A112.19.8 specified maximum flow rate. In order to achieve compliance facility operators must ensure that flow rates do not exceed the standard for each drain cover or grate. This may require consultation from a pool or engineering professional to ensure compliance. Each ASME approved cover will likely have the following information stamped or indelibly marked on the cover:

EXAMPLE (with Logo):



2007

B For Multiple Drain Use Only

C/D 108 GPM — Swim Jet

E Life: 7 Years

F Wall Only

G/H Drain Co. 1563-W

EXAMPLE (without Logo):

A ASME A112.19.8-2007

B For Single Drain Use

C/D 108 GPM — Submerged

E Life: 7 Years

F Floor Only

G/H Drain Co. 1563-G

On October 8, NRPA was informed by CPSC that all drain covers compliant with the VGB Act should be marked with "VGB 2008."

Key to Drain Logo and Identification:

Each approved cover has been designed and tested for specific uses, each approved cover will be marked as follows, the positioning or arrangement of these markings shall be in the following sequence:

- A. The designation "ASME A112.19.8," or the ASME A112.19.8 logo followed by the year of the Standard, such as "2007" or "07."
- B. The statement "For Single or Multiple Drain Use," "For Single Drain Use," or "For Multiple Drain Use Only."
- C. The maximum flow rate in gpm
- D. The "Type" of fitting the cover will be installed over. (i.e. Field Fabricated Outlet, Venturi Outlet, Swim Jet or Submerged Suction Outlet)
- 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 or Floor” if allowed in both positions.
- G. Manufacturer’s name or registered trademark.
- H. Model designation.

Approved covers from a number of sources and manufacturers are currently available in various sizes and can be viewed at: <http://www.cpsc.gov/phth/draincman.html>. CPSC has advised that manufacturers are currently working to produce covers that are certified to meet the new standard. However, comments we have received from NRPA members indicate that pool operators may be challenged to find ASME/ANSI certified covers, especially if you have non-traditional, field fabricated drains, and or very large drains. If you are having difficulty obtaining certified covers, due to market demand and delays in shipping, NRPA recommends saving all receipts which document your purchase and effort to comply.

Definition of Unblockable Drain:

When the law was passed in 2007, the definition of an unblockable drain was one that measured 24” diagonally/diameter or larger. This did not appear to create an undue burden on public pools as most pools were equipped with 18”x18” drains that had a 24” diagonal/diameter. CPSC has now redefined an unblockable drain to be one that measures 29” diagonally/diameter. Therefore, single main drain pools with drains that measured at least 24” diagonally/diameter which were in compliance earlier this year, are now not in compliance. Even if your drain is unblockable (measures 29” or larger) you will need to have the most recently certified ASME/ANSI drain covers or grates to prevent entrapment and entanglement.

Single Main Drains:

A single main drain pool must have an unblockable drain or have one or more additional devices or systems that are designed to prevent suction entrapment. This means your drain must equal or exceed a 29” diagonal or diameter, or must be equipped with one or more additional devices or systems that are designed to prevent suction entrapment. Such devices or systems include safety vacuum release system (SVRS), suction limiting vent system, gravity drainage system, automatic pump shutoff system, or drain disablement. Once again, all drains, even if they exceed 29” diagonal or diameter, must have the most recent ASME/ANSI A112.19.8 certified drain covers or grates.

Multiple Main Drains:

Public Pools with multiple drains leading to one main drain, that are more than three feet apart, are considered to be unblockable and in compliance. However, all the drains must have the new ASME/ANSI certified drain covers that prevent entrapment and entanglement.

Frequently Ask Questions

Do all pools require the new ASME/ANSI certified drain covers or grates that prevent entrapment and entanglement?

Yes, all pools must have the new ASME/ANSI certified drain covers that prevent entrapment and entanglement.

If I have an 18"x18" drain or 16"x16" drain in my multiple main drain pool, do I now need to make them 29"?

No, you do not have to replace these drains with 29" drains. However, you must have new ASME/ANSI certified drain covers or grates on all your drains.

If my drain exceeds the new unblockable standard for single main drain pools of 29" do I have to do anything?

Yes, even if your drain is larger than 29", you must install a new ASME/ANSI certified anti-entrapment anti-entanglement drain cover or grate.

If I have one single main drain with one drain of 18" X 18" (24" diagonal) with no additional devices or systems that are designed to prevent suction entrapment what do I need to do?

Since you do not have what is considered an unblockable single main drain, you must either make the drain at least 29" or, install one or more additional devices or systems that are designed to prevent suction entrapment and meet the ASME/ANSI Standard. Such devices or systems include safety vacuum release system (SVRS), suction limiting vent system, gravity drainage system, automatic pump shutoff system, or drain disablement. Additionally, you must install a new 18"x18" ASME/ANSI certified drain cover.

Are Water Features Required To Comply?

If your water features are classified as a public pool then you must comply with public pool standards.

Does the law also apply to portable pools?

Yes, portable pools have the same requirements as in ground pools.

For further assistance contact Michael Phillips at NRPA Public Policy, mphillips@nrpa.org, 202-887-0290.

IMPORTANT NOTE

The above information is for information purposes only; it is not legal advice and should not be considered legal advice. Individuals, professionals, and communities should consult their own legal counsel in regard to questions about legislation, law,

interpretation, CPSC staff interpretation, or any other federal, state, or local law, regulation, code or ordinance.

NRPA is not responsible for any damages or liability that is alleged to have resulted from the provided information.



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BULLETIN
(Updated October 11, 2009)

**TO: ALL PUBLIC SWIMMING POOL / SPA / WADING POOL OWNERS,
OPERATORS, CONTRACTORS AND CONSULTANTS**

**SUBJECT: COMPLIANCE WITH CALIFORNIA HEALTH AND SAFETY CODE,
SECTION 116064.2 (FEDERAL VIRGINIA GRAEME BAKER ACT)**

This law applies to all public pools, spas and wading pools. It applies to those pools located at apartments, condominiums, townhouses, hotels, motels, schools, health clubs, mobile home parks, medical facilities, and includes municipal, resort and community pools.

On October 11, 2009, Assembly Bill 1020 was signed into California State law. This bill adds Section 116064.2 to the California Health and Safety Code. This new section incorporates provisions of the federal Virginia Graeme Baker (VGB) Act into California State law and is intended to prevent suction drain entrapments and drownings.

The new law requires that all public pools be retrofitted with approved drain covers manufactured after December 19, 2008. In addition, every suction drain on a pool must have a split (dual) drain; be equipped with a safety vacuum release system; or an automatic pump shut-off system must be provided. To see a copy of Assembly Bill 1020 in its entirety, please visit the website at:

http://www.publichealth.lacounty.gov/eh/docs/ep_rw_ab1020.pdf

The Recreational Waters Program will be enforcing the new State law throughout Los Angeles County as follows:

By July 1, 2010, owners of all public swimming pools and spas, **except** those listed below, must submit a “Certification of Compliance” form to Los Angeles County, Department of Public Health, Environmental Health (the Department), verifying that their pool(s) meet all provisions of the new State law.

Exemptions from the new state law include:

- All pools built after December 19, 2008, are exempt from these requirements as they have already been approved by the Department to comply with the new law.
- All pools that have already been retrofitted to meet the new State law are exempt from these requirements. “Already retrofitted” means plans were submitted to the Department and either a final inspection was made by our staff or a “Certification of Compliance” form was filed with the Department.

Swimming pools and spas with existing split drain(s), however, must be evaluated by a contractor to ensure full compliance with Requirements (a) through (d) listed below. Additionally, these pools and spas will require retrofitting with new approved drain covers and must comply with Requirements (e) through (h) listed below. Each pool must be evaluated by a licensed California contractor as most will require some type of modification (e.g. drain cover replacement).

Swimming pools and spas with single drain(s) must be retrofitted with one of the following:

- Split drains following Requirements (a) through (i) listed below;
- Installation of an approved, “unblockable drain”. (An “unblockable drain” means a drain cover or grate with a minimum dimension of 23 inches x 18 inches OR a channel drain with a height of 3 inches or greater and length of 31 inches or greater.)
- Installation of a safety vacuum release or automatic pump shut-off system. The system must comply with the latest ASME/ANSI A112.19.17 performance standards. Covers/grates will still need to be replaced with approved types. The safety vacuum release or automatic pump shut-off system must be installed per manufacturer’s instructions. To see a list of approved safety vacuum release systems, please visit the website at:

<http://www.poolsafety.gov/svrsman.html>

Note: This Department will not inspect the system to determine whether it is functioning properly; if it has been calibrated; if it is being properly maintained; or whether it will be periodically tested. This shall be the responsibility of the owner/operator of the pool/spa.

Submittal of Plans

Any person who proposes to build a new public pool; replaster or renovate an existing public pool; makes any plumbing changes to a public pool or spa; drains a pool for any reason; changes drain covers or grates; or makes any equipment changes is required to submit plans to the Department and pay a plan check fee prior to commencing the work. This must be done prior to the issuance of any permits. An online plan check application can be obtained at the following website:

http://www.publichealth.lacounty.gov/eh/docs/ep_rw_planapp.pdf

Once the plans have been approved, a “Certification of Compliance” form will be returned to the contractor with the approved plans. Within 30 days after completing the work, the owner/contractor is required to complete the “Certification of Compliance” form and return the original copy to the Recreational Waters Program. A field inspection by the Department will not be required for the VGB modifications. **However, the Department reserves the right to conduct an inspection of any pool that has had a “Certification of Compliance” form submitted to verify compliance; any discrepancies found will require immediate correction and may require closure. All other modifications to public pools and spas, not in conjunction with the VGB requirements will continue to mandate the usual field inspections.**

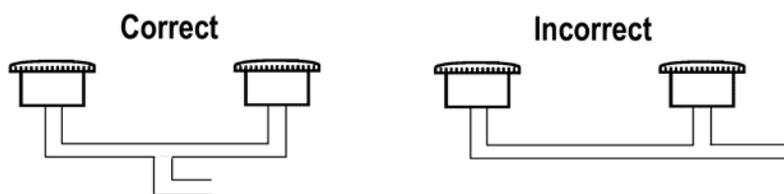
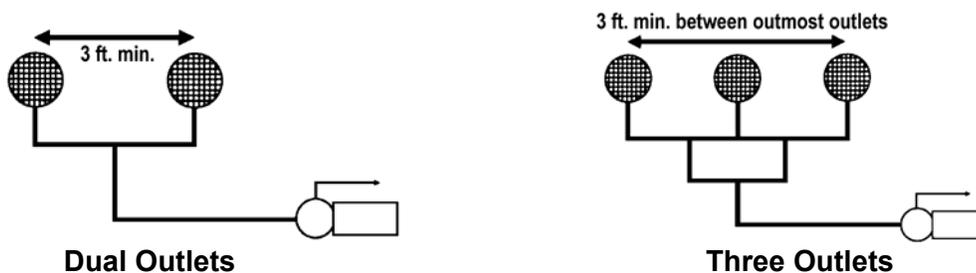
Pools not in compliance by July 1, 2010 may be subject to closure by the Department.

Only Qualified Contractors Are Authorized to Conduct the Work:

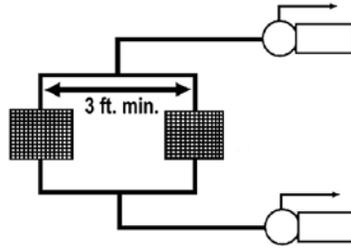
- All persons building a new public pool, replastering, resurfacing, renovating, or replumbing an existing public pool must possess a valid California C53 (pool builder) or an "A" (general engineering) contractor's license. (A C35 (plasterer) is only licensed to replaster a pool).
- Splitting drains or installing an unblockable drain will require a California C53 (pool builder), a California C36 (plumber) or an "A" (general engineering) contractor's license.
- A contractor with a California C61/D35 may replace drain covers, install safety vacuum release systems and evaluate sumps, but cannot modify any sumps.
- **Use of Divers**
Divers will be allowed to replace drain covers/grates and/or split drains with the following stipulations:
 1. A plan check will be required before the commencement of any work.
 2. The diver must possess one of the valid California contractor's licenses required above.

REQUIREMENTS:

- a. The suction side of each pump, located on any type of pool, shall be plumbed with at least two suction outlets. Suction outlets shall be separated by a distance of at least 3 feet, measured from the center of one suction pipe to the other. The suction drains must be plumbed with a T in the center that is hydraulically balanced. Each branch of the "T" must be at least the same size as the main suction plumbing. Note: Spas have two separate systems, one for the filtration and the other for the jets. Both systems need to comply with dual drain requirements.



- b. Each branch of a split suction shall terminate under its own suction outlet cover/grate. Except, suction plumbing from two different pumps may terminate under one suction outlet cover/grate if the combined flow rate of each suction pipe is less than the flow ratings of a single cover/grate.



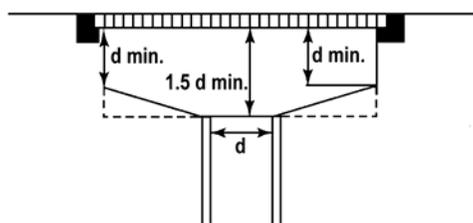
- c. In situations where room on the floor is limited, (e.g. in a spa), the suction outlets may be located less than 3 feet apart, as long as they are located on different design planes (e.g. one drain on the floor and one on the wall or two different walls) and as long as they are offset so a body cannot cover both suction outlet covers\grates. When a suction outlet is located on a wall, the bottom edge of the cover/grate shall be within 3 inches of the floor.
- d. The flow rating of each cover/grate shall be equal to or greater than the flow rating of the pump it is connected to. For example, if a pump is rated at 80 gpm at 60 feet of head, each cover/grate of the split suction must be rated at 80 gpm or greater. If 3 or more suction outlets are used, refer to the table below.

Number of covers/grates per system	Minimum flow rating of each cover/grate % maximum system flow rate
2	100%
3	66.7%
4	50%
5	40%
6	33.3%

- e. All drains/grates will be required to meet the latest ASME/ANSI A112.19.8 performance standards. A list of covers/grates, approved by this Department, can be obtained on our web site at:

http://publichealth.lacounty.gov/eh/docs/ep_rw equip.pdf

- f. If the suction outlet cover/grate is not part of the manufactured sump and is placed on a field-built sump, the sump must comply with the following dimensions.



d= inside pipe diameter

Field built sumps with lesser dimensions will be allowed if the covers have been tested with lesser dimensions and specifically stated in the manufacturer's installation instructions.

- g. All skimmers shall be dual port design. Skimmers shall be vented to atmosphere through an opening in the lid. Skimmers shall be connected to either an equalizer line or a main drain. A main drain connected to a skimmer requires split main drains.
- h. Cover/grate and sump requirements for main drains shall also apply to all equalizer lines, except, the cover/grate is not required to be within 3 inches of the pool floor.
- i. Drain covers shall not be directly in line with diving boards.

CONTACT INFORMATION

For additional information please contact our office at (626) 430-5360, Monday through Friday 8:00 am to 4:30 pm or visit our website at:

www.publichealth.lacounty.gov/eh/rw.htm



HEALTH CARE AGENCY/PUBLIC HEALTH ENVIRONMENTAL HEALTH INFORMATIONAL BULLETIN

To: Owners/Operators of Public Pools Located in Orange County

Subject: **New California Health & Safety Code Law for Public Swimming Pools**

Assembly Bill No. 1020 has amended the California Health & Safety Code regarding public pools. This informational bulletin is intended to help pool owners and operators comply with the new suction entrapment hazard requirements for existing pools, constructed prior to January 1, 2010. For construction requirements for new pools, please see our pool construction guide at <http://ohealthinfo.com/regulatory/pool>.

The new law incorporates much of the current Federal Law known as the Virginia Graeme Baker Act (VGBA), enforced by the Consumer Product Safety Commission. The Federal Law required all upgrades be completed by December 19, 2008. This bulletin does not address the Federal requirements. More information on the Federal Law can be found at www.cpsc.gov.

Existing Public Swimming Pools (constructed prior January 1, 2010)

Beginning January 1, 2010 California Health & Safety Code will require all existing public swimming pools be retrofitted with anti-entrapment devices or systems that comply with ASME/ANSI or ASTM performance standards (or any applicable performance standard that has been adopted by the Department) no later than **June 30, 2010**. Swimming pools with existing dual main drain systems need only to upgrade the type of drain covers/grates to new covers meeting the ASME/ANSI A112.19.8 performance standard. Some, but not all, of the new drain covers/grates will require a modification to the sump beneath the cover or grate. Skimmer equalizers are considered submerged suction outlets and shall also be protected by the compliant drain covers.

If a pool's single main drain system is retrofitted with an ASME/ANSI or ASTM compliant single unblockable drain cover, it is considered compliant with the new law.

Any existing public swimming pool with a single main drain, that is not protected by a single ASME/ANSI or ASTM compliant unblockable drain cover, shall be equipped with a drain cover/grate meeting the ASME/ANSI A112.19.8 performance standard and at least one or more of the following devices or systems that are designed to prevent physical entrapment by the pool drains:

1. A safety vacuum release system that has been tested by a Department-approved independent third party and found to conform to ASME/ANSI A112.19.17 or ASTM F2387 performance standard.*
2. A suction-limiting vent system with a tamper resistant atmospheric opening provided that it conforms to any applicable ASME/ANSI or ASTM performance standard.*
3. A gravity drainage system that utilizes a collection tank, provided that it conforms to any applicable ASME/ANSI or ASTM performance standard.
4. An automatic pump shut-off system tested by a Department-approved independent third party and found to conform to any applicable ASME/ANSI or ASTM performance standard.
5. Any other system that is deemed, in accordance with federal law, to be equally effective as or more effective than, the systems described in 1-4 above at preventing or eliminating the risk of injury or death associated with pool drainage systems.

**Safety vacuum release systems and automatic pump shut-off systems: Environmental Health will not be responsible for determining whether the safety vacuum release system or automatic pump shut-off system has been properly installed per*

manufacturer's instructions, as long as it is functioning properly, has been calibrated, is being properly maintained or will be periodically tested, both now and in the future. This will be the responsibility of the owner/operator.

Pre-approval required

A person proposing to make the above noted changes, or otherwise construct, reconstruct, or alter a public pool or auxiliary structure or equipment shall submit legible plans and specifications to Environmental Health for review and written approval prior to commencing the work. Necessary approvals shall also be obtained from the local building authority.

In lieu of plans, an over-the-counter contractor verification approval is available for licensed **C-53, Swimming Pool Contractors; C-35 Pool Plasters; or A, General Contractors** conducting retrofits limited to:

1. The installation of ASME/ANSI or ASTM drain covers, requiring a sump modification, to an existing dual main drain system and/or skimmer equalizers.
2. The installation of ASME/ANSI or ASTM single unblockable main drain covers, requiring a sump modification, to an existing single main drain system and/or installation of ASME/ANSI or ASTM drain covers to skimmer equalizers.
3. The installation of an ASME/ANSI or ASTM drain cover in addition to the installation of an ASME/ANSI or ASTM safety vacuum release system to an existing single main drain system and/or the installation of ASME/ANSI or ASTM drain covers to skimmer equalizers.

In lieu of plans, an over-the-counter contractor verification approval is available for licensed **C-61/D-35, Pool & Spa Maintenance Contractors**, conducting retrofits limited to:

The installation of an ASME/ANSI or ASTM drain cover in addition to the installation of an ASME/ANSI or ASTM safety vacuum release system to an existing single main drain system. *C-61/ D-35 contractors are not classified to conduct main drain sump modification per the California State License Board (www.cslb.gov).*

Completion Notification for Public Pools Retrofitted after January 1, 2010

Within 30 days of completion of the work a public pool owner whose pool has been retrofitted shall certify that the work was completed using the form available at <http://ohealthinfo.com/regulatory/pool> to Environmental Health.

Completion notification for existing Public Pools retrofitted between December 17, 2007 and January 1, 2010

A public pool owner whose pool has been retrofitted shall document completion to Environmental Health prior to **September 30, 2010** as follows:

1. Ensure pre-approval was obtained for the work.
2. Submit the form, available at <http://ohealthinfo.com/regulatory/pool>.
3. Or, in lieu of this form,
 - a. Provide a signed statement attesting that the required work has been completed, *and*
 - b. Provide a document containing the name and license number of the qualified individual who completed the required work, *and*
 - c. Provide either a copy of the final building permit, if required by the local agency, or a copy of one of the following documents if no permit was required:
 - i. A document that describes the modification in a manner that provides sufficient information to document the work was done to comply with the federal law.
 - ii. A copy of the final paid invoice. The amount paid for the services may be omitted or redacted from the final invoice prior to submission.

California Department of Public Health (CDPH) Surcharge

CDPH has mandated an annual fee of \$6.00 for each pool (swim, spa, wade, etc.). The purpose for this fee is to fund State oversight of the Recreational Health Laws and Regulations. Starting January 1, 2010 Environmental Health will be assessing this annual fee on the behalf of CDPH.

Enforcement

Pools not retrofitted by the **June 30, 2010** deadline are subject to closure. For more information, please contact Environmental Health at (714) 433-6000 or <http://ohealthinfo.com/regulatory/pool>.