

# Virginia Graeme Baker Pool and Spa Safety Act – Frequently Asked Questions

## **1. What is the Virginia Graeme Baker Pool and Spa Safety Act (Act)?**

The Act is a national law that has three major components: 1) The Act prohibits the manufacture, sale or distribution of suction outlets and covers that are not ASME/ANSI A112.19.8-2007 certified; 2) The Act requires public pools and spas to be fitted with certain equipment that is intended to prevent death or injury caused by entrapment, evisceration, or entanglement; and 3) The Act allows States that have laws with similar requirements for public and residential pools and spas to apply for grants..

## **2. When is the Act effective?**

The Act was signed into law by President George W. Bush on December 19, 2007 and goes into effect on December 19, 2008.

## **3. How does the Act define a public pool or spa?**

According to the Virginia Graeme Baker Pool and Spa Safety Act a public pool or 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 members of an organization and their guests; c) open exclusively to residents of multi-unit apartment building, apartment complex, residential real estate development, or other multi-family residential area; d) open exclusively to patrons of a hotel or other public accommodations facility; or e) 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.

## **4. What is ASME/ANSI A112.19.8-2007?**

ASME/ANSI A112.19.8-2007 is the most current standard adopted by the American Society of Mechanical Engineers and American National Standards Institute that establishes materials, testing and marking requirements for suction outlet fittings in swimming pools, wading pools, spas, and hot tubs, and other aquatic facilities. Suction outlet fittings include all components including the sump, body, cover, grate, and hardware. Skimmers and vacuum connection covers are excluded from the standard.

## **5. In the Act what is the definition of a main drain?**

According to the CPSC a “main drain” is a term usually referring to a plumbing fitting installed on the suction side of the pump in pools, spas, and hot tubs (also referred to as a suction outlet). Sometimes referred to as the drain, it is normally located in the deepest part of the pool, spa, or hot tub. It does not literally drain the pool, spa, or hot tub, but connects to the pump to allow water to be drawn for circulation and filtration.

**6. In addition to ASME/ANSI A112.19.8-2007 suction outlet covers, what other entrapment, evisceration and entanglement protection equipment is required for public pools and spas with a single suction outlet (main drain)?**

The equipment required for public pools and spas with a single suction outlet (main drain) is as follows: a) a single unblockable drain; or b) a single drain with a Safety Vacuum Release System (SVRS) 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; or c) other equipment as approved by the Consumer Product Safety Commission.

**7. What is an unblockable drain?**

The CPSC defines an unblockable drain as a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard and meets the following dimension requirements: a) a large aspect cover measuring 18” x 23”; b) large outlet grate with a diagonal measurement of 29” or more; or c) circulation designs that do not include fully submerged suction outlets. In general “unblockable” drains are not off-the-shelf items or manufactured products and, as field fabricated drains, will have to be designed and certified by a licensed Professional Engineer.

**8. What is a SVRS?**

A SVRS, or suction vacuum release system, is a system designed to protect against entrapment, evisceration and/or entanglement and must meet the following requirements: a) have an ASTM F2387 certified suction-limiting vent system (also called an atmospheric vent); or b) have a gravity drainage system also referred to as a reservoir, surge tank, or surge pit; c) have an ASME/ANSI A112.19.8-2007 or ASTM F2387 automatic pump shut-off system; d) have a drain disablement system; or e) have other system determined by the CPSC to be equally effective as, or better than, the other systems above.

**9. Are public pools built before December 19, 2008 required to comply with this Federal law?**

Yes. Section 1404(c)(1)(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;.....” There is no grandfather clause for public pools and spas constructed before December 19, 2008.

**10. What drain covers are ASME/ANSI A112.19.8-2007 certified?**

There are several certified drain covers on the market at this time, however, many others are being tested and will be certified and available before December 19, 2008. The CPSC is planning to provide a website with product availability information in the future, until then, please contact a pool supply company for product availability information.

### **11. How can an ASME/ANSI A112.19.8-2007 compliant cover be identified?**

All covers that are ASME/ANSI A112.19.8-2007 compliant must have the following markings: a) the designation “ASME A112.19.8 plus the year of the standard,” or the ASME A112.19.8 logo followed by the year of the standard; b) the statement “For Single or Multiple Drain Use,” “For Single Drain Use,” or “For Multiple Drain Use Only”; c) the less of the maximum flow rate in gallons per minute (gpm) as tested for in the standard; d) the “Type” of the fitting under which it is listed; 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 and Floor Only” if allowed in both positions; g) manufacturer’s name or registered trademark; and h) model designation.

### **12. Does the Act supersede the Texas Standards for Public Swimming Pools and Spas?**

Yes. The section prohibiting the manufacture, sale, or distribution of any suction outlet cover that does not meet ASME/ANSI A112.19.8-2007 or any subsequent standard, **does** supersede any other State law or rule. It also supersedes the rule in the Texas Standards for Public Swimming Pools and Spas allows covers in pre-10/01/99 and post-10/01/99 swimming pools and spas to meet the referenced 1996 standard, ASME/ANSI A112.19.8M. It also supersedes any local law or ordinance or any national standard that conflicts with the law. [Please see the CPSC letter to the State of Florida](#) for more detailed information.

### **13. How does the Act affect the entrapment section in the Standards for Public Swimming Pools and Spas 25 TAC §265.190?**

According to the CPSC most of what is currently in 25 TAC §265.190 is either the same as or more stringent than the Virginia Graeme Baker Pool & Spa Safety Act and will meet the intent of the Act.

### **14. What in the Standards for Public Swimming Pools and Spas, Section 265.190, will not meet the requirements of the Act?**

- Section 265.190(c), suction outlet covers are required to meet the ASME/ANSI A112.19.8M standard. The Federal Act requires **all** suction outlets, to meet the more recent ASME/ANSI A112.19.8-2007 standard or any subsequent standard.
- Section 265.190(c)(2) establishes dimensions for “approved” grates that do not have to have ASME/ANSI A112.19.8M certification. **All** suction outlet grates must meet the ASME/ANSI A112.19.8-2007 standard or subsequent standard.
- Section 265.190(c)(3) allows covers (grates) that are 12” x 12” or greater and that do not meet the ASME/ANSI A112.19.8M standard to be used in pools and spas. The Act requires all covers and grates to meet the ASME/ANSI A112.19.8-2007 standard. All 12” x 12” or greater covers or grates must meet the ASME/ANSI A112.19.8-2007 standard or subsequent standard.

- In Section 265.190(d)(3)(A) an AVS (atmospheric vent system) is allowed to be used as an approved method of protecting against entrapment, entanglement, or evisceration. The Act will not allow the use of an AVS until there are international standards developed and published by ASTM with a test process to assess performance.

**15. Will the suction outlet covers that are not ASME/ANSI A112.19.8-2007 have to be replaced in all public pools and spas by December 19, 2008?**

Yes. If a public pool or spa is closed and will not reopen until the 2009 swimming season, replacement of the non-ASME/ANSI A112.19.8-2007 suction outlets can be delayed. However, the pool or spa cannot be reopened until the non-compliant covers are replaced.

**16. If, on a dual hydraulically balanced system that meets all the requirements in 25 TAC Chapter 265.190, the existing suction outlets are replaced by ASME/ANSI A112.19.8-2007 compliant outlets will a SVRS have to be installed?**

Even though replacement covers are ASME/ANSI A112.19.8-2007 compliant a SVRS may be needed. A SVRS will **not** be required in pools and spas with dual hydraulically balanced suction outlets in water that is greater than 4 ft. deep if the ASME/ANSI A112.19.8-2007 replacement covers are a minimum of 3 ft. and a maximum of 20 ft. apart, the flow velocity through the covers does not exceed the maximum approved gpm and the installation is according to manufacturer's instructions. [See 25 TAC §§265.190(d)(1 & 2) & 265.190(e)(3)(A)]

**17. If the single suction outlet cover or grate is replaced by one that meets the CPSC definition of "unblockable" can the SVRD be removed?**

No. Pools and spas with single suction outlets, regardless of outlet size, must have in addition to ASME/ANSI A112.19.8-2007 compliant outlets and covers, a SVRS. Post-10/01/99 pools and spas should already have dual hydraulically balanced suction outlets. In pre-10/01/99 pools and spas with single suction outlets in water that is **4 ft. deep or less**, in addition to being ASME/ANSI A112.19.8-2007 compliant, the replacement cover/grate must have a minimum diagonal measurement of 24 inches and a flow rate through the cover not exceeding 1.5 fps, and a SVRS. Pools and spas with single suction outlets in water that is **greater than 4 ft.**, in addition to having ASME/ANSI A112.19.8-2007 compliant covers or grates, must also have a SVRS [see 25 TAC §§265.190(e)(1)(B) & 265.190(e)(3)(B)].

**18. Who is eligible to receive grants from CPSC under the Act?**

Any State that after December 19, 2008, has enacted a statute, amended an existing statute, or has a statute in place, and provides for the enforcement of a law that requires: 1) enclosure of all outdoor **residential** pools and spas by barriers that will prevent small children from gaining unsupervised and unfettered access to the pool or spa; 2) all pools

and spas (residential, commercial, public, semi-public, private, etc.) to be equipped with devices and systems designed to prevent entrapment, entanglement and evisceration; 3) every pool or spa constructed 1 year after enactment of a such a statute to have more than 1 drain, 1 or more unblockable drains, or no main drain; 4) every swimming pool and spa with a main drain other than unblockable main drain to have a cover that is ASME/ANSI A112.19.8-2007 (or any subsequent standard) certified; and 5) that periodic notification of compliance with entrapment protection standards is provided to owners of residential pools or spas; and 6) there is enforcement capability for both residential and public pools and spas at the local and State level.

**19. Is Texas eligible to apply for any grant money provided in the Act?**

No, Texas is not eligible for the grant money. Texas does not have a residential pool or spa statute that meets the requirements of the Act. Additionally, DSHS has no direct authority to enforce either statute or rule regarding public pools and spas which is also a grant eligibility requirement.