

VIRGINIA GRAEME BAKER POOL & SPA SAFETY ACT



Making Public 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.*

Drain 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

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.

Goals of the Baker Act

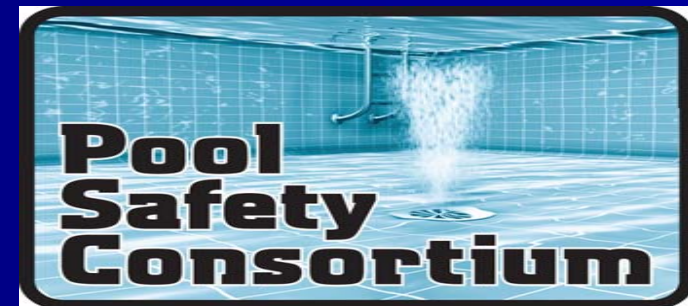
- To enhance the safety of public and private pools and spas.
- To encourage the use of layers of protection.
- To reduce child drownings (283 each year involving children younger than 5).
- To reduce the number of suction entrapment incidents, injuries and deaths.
- To educate the public on the importance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

Partners in the Pursuit of Safe Pools and Spas



State and Local Governments

Pool Safety Foundations and Associations



Fire Departments and First Responders

The Law Is Now In Effect

**Know What You
Are Required To Do
& Complete The Job
Quickly**

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 A112.19.8-2007 compliant drain covers.**
- **Pools/spas operating off of a single main drain (other than an unblockable drain) must also 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.**

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.

CPSC's Enforcement Priorities

- **Protect young children from the pools and spas that pose the greatest risk of entrapment:**
 - **Wading pools,**
 - **Kiddie pools,**
 - **In ground spas**
 - Especially those with single main drain systems and flat drain grates**

Are pools closing down?

- Most have not, but many have
- Tends to be based on the decision-making of:
 - State Dept. of Health
 - Local Dept. of Health
 - Insurance Company
 - Pool or spa operator

State of the Marketplace

Supply (of labor and parts) has not kept up with demand

- Round covers & 9x9s have been available since the summer
- 12x12s became available in the late summer; 18x18s late in the fall
- Some round, square and rectangular unblockable covers are available
- More unblockables are coming soon
- www.cpsc.gov/phth/draincman.html

What about field fabricated grates?

- ASME/ANSI A112.19.8-2007 allows for a certified pool engineer to independently assess and test the grate to see if it meets the standard (hair test, UV ray, durability, flow rate)
- PE will need to put his/her name on the line on a "certificate of conformity"

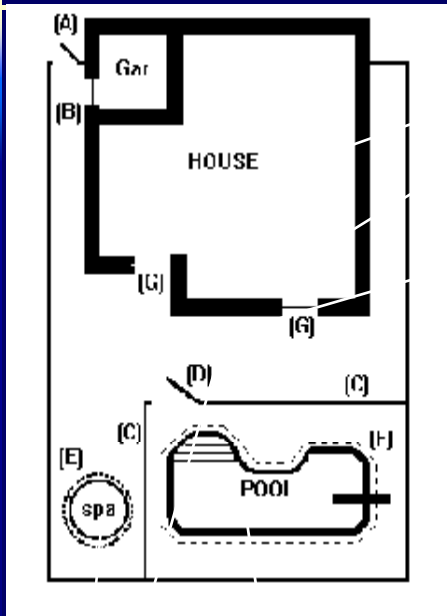
Our Collective Challenge

- 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.

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).

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.**

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 expand its ongoing information and education program to work with interested stakeholders at the state and local level.

Questions/Concerns CPSC staff

- New FAQs are coming soon
- Office of Compliance & Field Operations
- info@cpsc.gov



U.S. Consumer Product
Safety Commission