



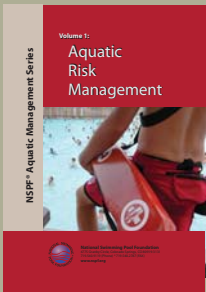
Prevention Advisor

News That Aquatic Professionals Need To Know

Issue 9, November 2008

Quick Hits

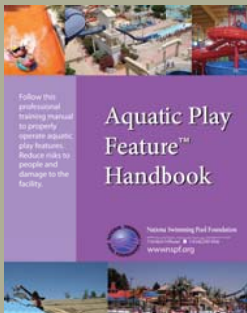
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Take Action to Extend Deadline for New Pool and Spa Drain Regulation

The deadline for compliance with the Virginia Graeme Baker (VGB) Pool and Spa Safety Act is quickly approaching. Call your Senators and Representatives in Congress and ask them to address this issue now by enacting a delayed or phased-in implementation which would extend the compliance date to 2009. Use these talking points developed by the National Recreation and Park Association to guide you in your conversation.

Key Talking Points For Discussions with Congressional Staff and Members of Congress

Brief Background:

As a result of passage of the Virginia Graeme Baker Act in December 2007, public pools and spas must be equipped with certified drain covers or grates that meet the required ASME/ANSI A112.19.8-2007 standards and safety measures before **December 19, 2008**. Many facilities are finding it difficult if not impossible to be in compliance by this deadline.

Key Messages:

Public safety is a paramount concern for pool and spa facilities. Therefore, facilities support the intent of the Virginia Graeme Baker Pool and Spa Safety Act (VGB) which is to ensure public safety in pools and spas through the use of equipment that protects against entrapment and evisceration. They do want to comply with the Act. However, a recent staff interpretation of the law by the Consumer Products Safety Commission (CPSC) has created significant concern about the ability of pool and spa facilities to comply by the December 19, 2008 deadline.

We are asking Congress and the CPSC to allow for a delayed or phased-in implementation that would extend the requirements for compliance to December 19, 2009.

Action:

Ask your Representative and Senators to address this issue now by enacting a delayed or phased-in implementation which would require compliance by December 19, 2009. This deadline can only be changed through Congressional action.

Contact your Members of Congress immediately as they need to hear about the challenges the December 19, 2008 deadline poses for your community. We are asking Congress and the CPSC to enact a delayed or phased-in implementation which would require compliance by December 19, 2009.

Talking Points:

- **Many of the ASME/ANSI certified covers required for compliance are not yet on the market.** CPSC has reported that manufacturers are working to have certified covers for common sized drains available for purchase in November. This gives pool facilities only one month to purchase a product whose demand exceeds supply, and have it installed.
- **Drains utilized in older pools as well as competition pools and water parks are often uniquely shaped and sized.** To be in compliance, custom covers will need to be specially engineered by manufacturers, and then certified, which will take considerable time and may cause many pools to shut down because they will not be able to be in compliance by the deadline.
- **There is growing evidence that the CPSC interpretation of the requirements of the VGB law may conflict with state pool codes.** Much confusion exists among inspectors regarding the requirements of the law and some states have reported they will continue to use their own requirements or interpretation until CPSC guidelines are finalized. This puts many pool facilities in a precarious situation of not knowing which guidelines they must abide by. This outcome does not effectively ensure public safety as intended by VGB.
- **Guidance issued by CPSC is in the form of a staff interpretation document and has not been officially adopted by the Commission.** Therefore, notice of the guidelines was not published in the Federal Register and many facilities were unaware of the issuance of this guidance. The budgets of many pool facilities are not able to meet unexpected demands for capital maintenance costs in the middle of a fiscal year. Accommodating significant expenses in order to comply with new regulations must be part of the initial stages of the annual capital budget planning process. Many agencies will have extreme difficulties accommodating the expenses that will result from complying with VGB in their budgets.
- **Preliminary estimates show that the cost of compliance ranges from \$1,000 to \$15,000 per pool and, in some communities that require special engineering for unique pool designs, significantly more than \$15,000.** Be prepared with a cost estimate when you speak with your congressman.
- **We are asking Congress and the CPSC to allow for a delay or phase-in of requirements that would extend the deadline for compliance to December 19, 2009.**

What to tell them:

“As a pool safety advocate and professional, I want my community to comply with the Virginia Graeme Baker Pool and Spa Safety Act of 2007. However, a recent staff interpretation of the law by the Consumer Products Safety Commission (CPSC) has created significant concern about the ability of facilities throughout the country to comply by the December 19, 2008 deadline.”

Call the Capitol Switchboard at **202-225-3121** and ask to be connected to your Senators' and Representative's office. Visit the **House of Representatives website** or the **Senate website** to find out who represents you in Congress. Once connected to a legislator's office, ask to speak to the person that handles issues relating to the Consumer Product Safety Commission.

To access resources on compliance with the VGB Act, [click here.](#) 