



RISK MANAGEMENT **ALERT**



RISK MANAGEMENT ADVISORY

Utica National Insurance Loss Control Department Bulletin

Topic: Pool and Spa Drain Entrapment

NEWS from U.S. Consumer Product Safety Commission (CPSC)

Pool and Spa Safety Law Aimed at Preventing Drain Entrapments of Children Went Into Effect 12/19/2008

Failure to comply with Congressionally enacted law can result in closure

WASHINGTON, D.C. – The U.S. Consumer Product Safety Commission (CPSC) is again reminding public pool and spa owners and operators nationwide that the Virginia Graeme Baker Pool and Spa Safety Act became effective on December 19, 2008. This law requires installation of anti-entrapment drain covers and other systems as outlined in the Act.

The Pool and Spa Safety Act was enacted by Congress and signed by President Bush on December 19, 2007, and is designed to prevent the tragic and hidden hazard of drain entrapments and eviscerations in pools and spas. Under the law, all public pools and spas must have ASME/ANSI A112.19.8-2007 compliant drain covers installed and a second anti-entrapment system installed, when there is only a single main drain. Congress gave all affected pool and spa operators one year to comply with this law.

Public pools and spas that operate year-round were expected to be in compliance by December 19, 2008. CPSC staff has taken the position that seasonal public pools and spas that are currently closed must be in compliance with the law on the day that they reopen in 2009.

“Our mission at the CPSC is to keep American families safe,” said Nancy Nord, CPSC Acting Chairman. “CPSC will enforce the requirements of this pool and spa safety law with a focus on where the greatest risk of drain entrapment to children exists, such as wading pools, pools designed specifically for toddlers and young children, and in-ground spas, particularly where these types of pools and spas have flat drain grates and single main drain systems.

“State health and enforcement agencies share the responsibility to ensure this law is properly enforced,” Nord added. “I recommend these agencies take the same approach as CPSC concerning enforcement priorities.”

Pool and spa operators are encouraged to continue working as diligently as possible to come into compliance, as the agency and state Attorneys General are empowered to close down any pool or spa that fails to meet the Act's requirements.

For more information about the Pool and Spa Safety Act, how to comply, and which companies have been certified to manufacturer drain covers and safety vacuum release systems, please log on to: www.cpsc.gov/whatsnew.html#pool.