

## **Summary: *The Virginia Graeme Baker Pool and Spa Safety Act***

### **Purpose**

The purpose of the *Virginia Graeme Baker Pool and Spa Safety Act* is to increase the safety of swimming pools and spas by:

- Requiring the use of proper devices, such as anti-entrapment drain covers and fences/barriers, through the establishment of a grant incentive program in order to encourage states to enact comprehensive pool and spa laws;
- Educating the public about drowning prevention;
- Establishing a federal swimming pool and spa drain cover standard; and
- Ensuring public pools are equipped with proper safety devices.

### **State Swimming Pool and Spa Safety Grant Program**

- The bill establishes a U.S. Consumer Product Safety Commission-administered grant program to provide incentives to states that enact pool and spa safety laws.
- In order to qualify for a grant, the state law must meet the requirements established by the CPSC.
- The state law must include these minimum requirements:
  - Enclosure of all outdoor residential pools and spas by barriers that will effectively prevent children from gaining access;
  - All pools and spas must be equipped with devices designed to prevent entrapment;
  - All pools and spas that have a main drain (that is not unblockable) must be equipped with an anti-entrapment drain cover; and
  - All pools and spas built more than one year after the date of enactment must have either:
    - More than one drain;
    - One or more unblockable drains; or
    - No main drain.
- The CPSC may establish other state law requirements after public notice and a 30-day comment period.
- The CPSC must consider population, enforcement needs and maximum program benefit in allocating the grants.
- States would be required to use at least 50 percent of grant funds to hire and train personnel to enforce the pool and spa law. The remainder of the funds must be used to educate pool owners, construction companies, service companies and the general public about the dangers of drowning and entrapment. Administrative costs associated with the training and education can also be covered by the grant. The CPSC would retain any unspent or unobligated funds.
- The bill authorizes \$2 million per year for fiscal year 2009 and fiscal year 2010 for the state grant program.

### **National Drowning Prevention Education Program**

- The CPSC would be required to implement a national education program to help prevent drowning and entrapment in pools and spas.
- The CPSC would be required to develop education materials for pool manufacturers, pool service companies, pool retailers, and pool owners and operators. A national media campaign would also be a component of the education program.
- The bill authorizes \$5 million for each of the fiscal years between 2008 – 2012 for the education program.

### **Federal Swimming Pool and Spa Drain Cover Standard**

- The bill would provide for a federal product safety standard for anti-entrapment drain covers.
- Every pool or spa drain cover manufactured, distributed or entered into the stream of commerce in the U.S. must conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard.

### **Public Pool Requirements**

- Effective one year after the date of enactment, each public pool and spa must be equipped with anti-entrapment drain covers.
- Each public pool and spa with a single main drain (other than an unblockable drain) must also be equipped with a device or system designed to prevent entrapment, such as a safety vacuum release system.
- Public pools and spas are open to the public generally (whether for a fee or free of charge); open exclusively to members of an organization and their guests, residents of an apartment building; or operated by the federal government.