

## **Virginia Graeme Baker Pool and Spa Safety Act Requirements for Manufacturers of Hot Tubs/Spas**

The Virginia Graeme Baker Pool and Spa Safety Act (Act) promotes the safe use of pools, spas, and hot tubs by imposing the following mandatory federal requirements for suction entrapment avoidance.

### **Virginia Graeme Baker Act Requirements (Effective December 19, 2008):**

#### **Drain Cover Requirement**

Effective December 19, 2008, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to ASME/ANSI A112.19.8-2007 *Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs*, published by the American Society of Mechanical Engineers (ASME). The U.S. Consumer Product Safety Commission (CPSC) will enforce compliance with the Act as a consumer product safety rule. **This requirement applies to suction outlet covers for *all* pools and spas including residential portable hot tubs.**

#### **Manufacturer and Owner Responsibility:**

As of December 19, 2008, it will be a violation of the Consumer Product Safety Act to sell or offer to sell or introduce into commerce any drain cover that does not meet the ASME/ANSI A112.19.8–2007 standard. Existing covers that meet the earlier edition of this standard (1987) will be in violation.

#### **Suction Entrapment Prevention, All Public Pools, Spas/Hot Tubs**

Pursuant to Section 1404 of the Act, the following mandatory requirements for entrapment avoidance become effective December 19, 2008 for all public pools, spas/hot tubs:

1. Each public pool and spa (as defined), both new and existing, shall be equipped with drain covers and fittings conforming to the ASME/ANSI A112.19.8-2007 standard.
2. Each public pool and spa (pump) with a single main drain, other than an unblockable drain, shall be equipped, in addition to a compliant drain cover, with one or more enumerated additional devices or systems designed to prevent suction entrapment, such as a safety vacuum release system (SVRS), suction limiting vent system, gravity drainage system, automatic pump shutoff system, or drain disablement.

**Manufacturer and Owner Responsibility:**

*After December 19, 2008, if your portable hot tub is sold for use in a public venue it must be in compliance with these two requirements for covers and back-up systems. Public pool and spa owners and operators must retrofit all existing spa/hot tubs by December 19, 2008, or if closed on that date, by the date they open, to avoid violation. This is not left to states but is federal law.*

You are required by law to make sure that all suction outlet drain covers are in compliance with the ASME/ANSI A112.19.8-2007 standard and the cover is labeled with the mark "VGB 2008." To date manufacturers have been using an ASME mark for their new compliant covers and CPSC will continue to recognize these covers. Existing covers that meet the earlier standard, 1987 M will be in violation.

**Virginia Graeme Baker Act, Voluntary State Grant Program; APSP Submits Public Comments, Urging CPSC Recognition of Drains on Separate Planes in Definition of "Multiple Drain System"**

Pursuant to Section 1405 and 1406 of the Act, the CPSC will administer a voluntary grant program for states that adopt laws that meet the minimum state law requirements as listed in the Act. States that wish to apply for grant money under the Act must adopt laws to prevent entrapment. These laws must include the following requirements:

1. All new pools and spas must be built with no drain, multiple drains, or unblockable single drains.
2. All pools and spas, new and existing, must be equipped with covers that comply with the ASME/ANSI A112.19.8 2007 drain cover standard.
3. All pools and spas (except for those constructed without a single main drain) must employ one or more of the enumerated devices, which are a safety vacuum release system (SVRS), suction limiting vent system, gravity drainage system, automatic pump shutoff system, or drain disablement.

In September 2008, the CPSC issued for public comments its draft staff interpretation of Section 1406, Residential Pools and Spas, Minimum State Law Requirements, Voluntary State Grant Program. In the public comments it submitted on October 14, 2008, the APSP urged the CPSC to include drains on separate planes for portable residential spas in the definition of "multiple drain system." The request was part of the comments that APSP submitted to the CPSC during the official public review and comment period for section 1406 of the Virginia Graeme Baker Act. The APSP also asked the CPSC for an open meeting in October to discuss the separate plane issue and other industry concerns.

The definition of "multiple drains" and "separate planes" as applied to spas and hot tubs remains one of the outstanding critical issues for the spa and hot tub industry under the interpretation of the Virginia Graeme Baker Act. The CPSC has been defining multiple rains as

connecting to a single pump and at least 3 feet apart (measured from the center point of each outlet). This definition was included in the interpretation of the Act that CPSC issued earlier this year for Section 1404, public pool requirements. APSP called for the CPSC to expand this definition to include drains less than 3 feet apart but on separate planes, as found in many portable hot tubs. This definition is consistent with the ANSI/APSP-7 suction entrapment avoidance standard. The APSP has formed a technical working group to review and consider possible additional definitions or performance criteria for drains located on different planes.

In its comments, APSP also requested that CPSC adopt the ANSI/APSP-7 suction entrapment avoidance standard and the ANSI/APSP-8 Model Barrier Code. If the CPSC does not adopt these standards, APSP recommended that the following requirements should be included in the minimum state law requirements:

### **Suction Entrapment Avoidance**

- All drains, including unblockable drains, must have a cover that complies with the ASME/ANSI A112.19.8 2007 standard.
- The flow rate for dual drains should be limited to 3 feet per second during normal operation.
- That drains on different planes be included within the definition of “multiple drain system.”

### **Barriers**

- Pools with safety covers and hot tubs with lockable covers that comply with the ASTM F1346 standard should be exempt from the barrier requirement.
- The section that applies to dwelling walls serving as a part of a barrier should be revised to allow self-closing doors with self-latching devices in addition to doors with an alarm system.

In its comments to CPSC, APSP presented a strong rationale for including hot tubs with lockable covers in the definition of “barriers.” APSP noted the following reasons in support of its position:

- 1) It was the clear intent of Congress, as stated in Section 1404(3) of the Act, to include a hot tub with a lockable cover in the definition of barriers.
- 2) To exclude hot tubs with lockable covers is inconsistent with the CPSC’s own position as stated in the CPSC “Safety Barrier Guidelines for Home Pools.” The barrier requirements listed in this CPSC document specifically exempts portable spas with a safety cover compliant with ASTM F1346.
- 3) To exclude hot tubs/spas with lockable covers is inconsistent with the existing laws of most states. The exception for hot tubs with a lockable cover is listed in Appendix G of the International Residential Code (IRC). Spas and hot tubs with a safety cover that

complies with ASTM F1346 are exempt from the barrier requirements listed in Appendix G of the IRC.

- 4) The ANSI/APSP-8 Model Barrier Code lists as an approved barrier for pools, spas, and hot tubs a manual or powered safety cover that complies with ASTM F1346. Therefore, to exclude hot tubs/spas with lockable covers is inconsistent with the ANSI/APSP-8 Model Barrier Code.

The CPSC staff will now assess all comments received and take account of the comments in finalizing the guidance. APSP remains committed to securing favorable outcomes for the pool and spa industry on these issues.