

# 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

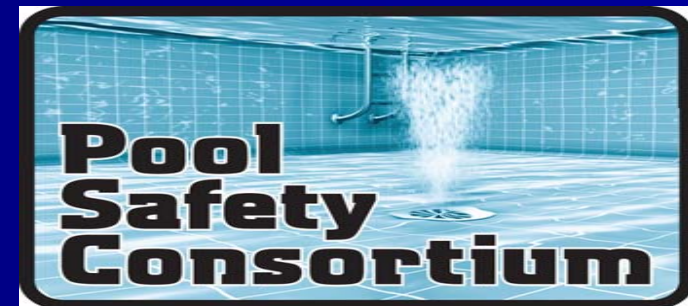
- To enhance the safety of public and private pools and spas.
- To encourage the use of layers of protection.
- To reduce child drownings (283 each year involving children younger than 5).
- To reduce the number of suction entrapment incidents, injuries and deaths.
- To educate the public on the importance 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](http://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"

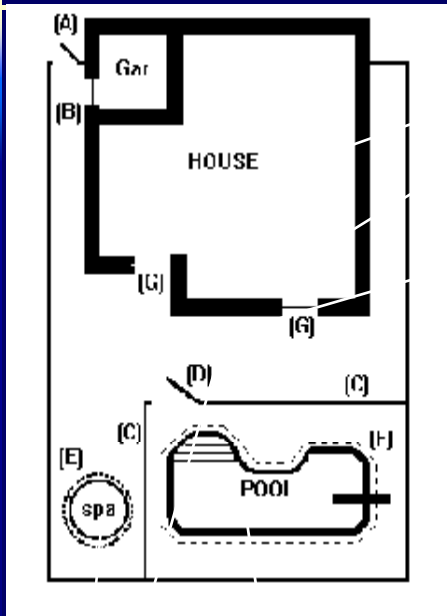
# Our Collective Challenge

- 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](mailto:info@cpsc.gov)



U.S. Consumer Product  
Safety Commission