



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH ENVIRONMENTAL HEALTH SECTION

EHS Circular Letter # 2008-91

DATE: December 1, 2008

TO: Directors of Health/ Districts
Chief Sanitarians
Building Officials
Pool Contractors

FROM: Pamela E. Scully, Sanitary Engineer 3
Recreation Program, Environmental Health Section

RE: Guidance on the Virginia Graeme Baker Pool & Spa Safety Act for All Public Pools

The Virginia Graeme Baker Pool and Spa Safety Act (Act) was signed into federal law in December 2007. The Act is being administered by the U.S. Consumer Product Safety Commission (CPSC) and goes into effect December 19, 2008. The Act imposes mandatory requirements for suction entrapment avoidance, to promote the safety of pools, spas and hot tubs. The Act requires:

- **Safety Drain Covers.** Each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the American National Standard ASME 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). Compliance with this Standard will be enforced by the CPSC as a consumer product safety rule.
- **Public Pool Drain Covers.** Every public pool and spa, both new and existing, must change out the existing main drain covers and install main drain covers that conform to the ASME/ANSI A112.19.8 - 2007 Standard. (“Main Drain” as defined in the Act is “a submersible suction outlet typically located at the bottom of a pool or spa to conduct water to a circulating pump”)
- **Public Pool Drain Systems.** Every public pool and spa, both new and existing, with a single main drain, other than an unblockable drain, or with multiple main drains that are less than three (3) feet apart, shall be equipped with one or more additional devices or systems designed to prevent suction entrapment that meet the requirements of any applicable ASME/ANSI Standard. Such additional devices or systems include a safety vacuum release system (SVRS), or suction limiting vent system, or gravity drainage system, or automatic pump shutoff system.

SUMMARY TABLE:

TYPE OF POOL	Change Drain Covers	Install Auxiliary Drain System
One (1) Main Drain	Yes	Yes - if blockable No- if unblockable (larger than 18"x23")
Two (2) or More Drains -drains more than 3 feet apart	Yes	No
Two (2) or More Drains – drains less than 3 feet apart	Yes	Yes – if blockable No- if unblockable (larger than 18"x23")



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EXISTING PUBLIC POOLS:

Public Health Code (PHC) Section 19-13-B33b(g) states that the Director of Health, if there exists a condition that constitutes a “safety hazard”, “may order such public pool closed until the correction is made”. The Act is a federal law, which the State of Connecticut has not adopted it into regulation, however **it is the expectation of the DPH that the Directors of Health, under the authority of PHC Section 19-13-B33b(g), will take action to ensure that the public pools are safe with regards to the entrapment issues addressed in the Act.** Therefore the DPH - Recreation Program recommends and will support local health directors on the following course of action pertaining to recognizing the issues that arise from the Act:

1. All public pools, as defined in PHC Section 19-13-B33b, with the exception of gravity drain pools, that have not complied with the requirements of the Act by December 19, 2008 for pools that are open, or by the date they re-open for seasonal pools, where products for compliance are commercially currently available or not, should be ordered closed until such time as they are in compliance. These pools present a safety hazard since they are not in compliance with the Act. Pools used by children pose the greatest risk. Therefore the local health directors should exercise their own judgment and enforce the PHC by closing the pool under PHC Section 19-13-B33b(g).
2. Gravity drain public pools, as defined in PHC Section 19-13-B33b, that have not complied with the requirements of the Act by December 19, 2008 for pools that are open, or by the date they re-open for seasonal pools, where products for compliance are **NOT** commercially available, may file a letter with the local health officials and the DPH Recreation Program that documents their efforts to comply with the Act and stating their intent to fully comply once the products needed for compliance are commercially available to them. These pools should be allowed to remain open for use up to three months after products are commercially available. Gravity drains, due to their design, pose a much lower risk for entrapment. (Gravity drain pools are pools with a gutter system, having a surge tank or balancing tank. For these types of pools the main drains are not directly connected to a circulating pump.) DPH will offer training; including recognition of gravity drain pools, in the first quarter of 2009.
3. All public pools, as defined in PHC Section 19-13-B33b, that have complied with the requirements of the Act may send a written statement to the local health officials stating that they are or will be in compliance either by December 19, 2008 or the date in which they re-open for use. Please note that this letter is not a legal requirement, but a suggested method to help track compliance.
4. Splash pads/Spray parks, with no standing water, by definition are exempted from the Act. They do not need to make any changes to their main drains and can remain open and continue to operate as usual.
5. A licensed professional (Consumer Protection License SP-1 for contractors and SP-2 for journeymen/workers) should do all the work necessary for compliance to ensure that correct flows are maintained across the drain and that the correct connection of the main drain cover to the sump is achieved.
6. As in the past, any public pool that is missing a main drain cover or has a broken main drain cover should be ordered closed until a repair is made. These pools present a high safety hazard and should be closed immediately under PHC Section 19-13-B33b(g).

NEW PUBLIC POOLS:

PHC Section 19-13-B33b(1) requires that new pools be built in compliance with the Connecticut Public Swimming Pool Design Guide as it is amended from time to time. The Design Guide was amended to require drain covers as set forth in the Act. Therefore no plans will be approved after December 19, 2008 without the necessary covers.

Public Pools that have already received approval from the DPH on their plans and specifications and are presently under construction will be treated as “existing” public pools for compliance with the Act at the time when they seek approval to open for use.

Background/Issues With Regards This Act:

The Act was passed prior to the availability of products, specifically main drain covers, necessary for existing pools to become in compliance with the requirements of the Act. Since passage, some main drain covers have become available allowing some pool owners to come into compliance with the Act. Note that the Act requires that all main drain covers be certified by specific agencies such as the NSF. We are advised the certification process, and then the manufacturing, distribution and installation process takes time, more time than the Act allotted for. The majority of pools, like hotel and condominium pools should be able to comply with the Act since this type of main drain is very common and products exist for these type pools. Seasonal pools have until when they re-open next season to comply. The CPSC is supposedly maintaining a web site with a list of cover manufacturers at www.cpsc.gov/whatsnew.html#pool

The larger indoor pools (municipal pools, school pools, YMCAs, etc.) are at risk for being out of compliance come December 19, 2008. Drains for these type pools can be of a unique design or so large that products have not been designed, manufactured or certified as being in compliance with the requirements of the Act. Fortunately most of these pools are gutter pools with gravity drains that are, due to their design, an extremely low risk for entrapment. Any of these larger pools with drains other than gravity drains, would a safety hazard and should be closed until they are in compliance with the Act.

Many of the additional devices or systems (i.e. SVRS, automatic pump shut of systems) necessary for compliance with the Act, for the pools with single main drains, other than an unblockable drain, or with multiple main drains less than three (3) feet apart, are available on the market.

Resources:

CPSC has indicated that they will be maintaining a list of approved products. This list and other information distributed by CPSC on this Act can be found at: www.cpsc.gov/whatsnew.html#pool

To check out what these covers look like just visit any of the manufacture's websites and search for main drain covers. They all proudly display their covers and the ASME/ANSI certification they have received.

cc: Suzanne Blancaflor, M.S., Chief, Environmental Health Section
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(12/2/2008)