



## U.S. CONSUMER PRODUCT SAFETY COMMISSION WASHINGTON, DC 20207

July 8, 2009

Dear State Attorney General:

We write to follow-up on the Virginia Graeme Baker Pool and Spa Safety Act (the "Act" or "VGBA"). Last November, we wrote to enlist your support in enforcement of the Act that went into effect in December of 2009. Section 1404(c)(1)(A)(i) of the Act requires each public pool and spa in the United States to be equipped with anti-entrapment devices or systems that comply with ASME/ANSI A112.19.8. The drain covers must comply with the most recent version of the ASME/ANSI A112.19.8 standard. Additionally, section 1404(c)(1)(A)(ii) of the Act requires each public pool and spa in the United States with a single main drain other than an unblockable drain to be equipped with one or more of the following devices or systems: safety vacuum release system, suction-limiting vent system, gravity drainage system, automatic pump shut-off system, or drain disablement.

When we last contacted you we also explained our enforcement policy that took into account the seasonal nature of outdoor public pools in certain areas of the country. We explained that any public pool open on December 19, 2008, the effective date of the Act, would need to be in compliance with the Act. We further explained that because of a lack of supply of compliant drain covers, public pools open on a seasonal basis would need to be in compliance with the Act when they opened for the 2009 summer season.

With summer now in full swing and *no shortage of drain covers that comply with the ASME/ANSI A112.19.8 standard*, we need your support and assistance now more than ever to enforce the requirements of the Act. We are aware of pools in many areas of the country that delayed opening for the summer until they had replaced their drain covers and installed the necessary secondary entrapment equipment. It has also come to our attention that there are pools that are not in compliance with the Act. Open pools must be in compliance with the Act which allows for the closure of a non-compliant pool until the owner/operator can successfully bring the facility into compliance.

Given the interest at the state and local level in compliance activities and our need for your help in enforcement activities given the number of public pools around the country, CPSC has developed an enforcement program and verification of compliance checklist form for use by State and local officials during inspections of pools and spas. CPSC also has funding available for States to conduct inspections of pools and spas to verify compliance with VGBA. We can notify State or local officials that you identify in your State about funding opportunities that are available.

The Commission has designated Sean Ward ([sward@cpsc.gov](mailto:sward@cpsc.gov)), in the Office of General Counsel, as a legal contact for coordinating enforcement and monitoring activities. Please feel free to contact him regarding your enforcement activities and for access to our enforcement tools. William Dewgard ([wdewgard@cpsc.gov](mailto:wdewgard@cpsc.gov)), in the Office of Compliance and Field Operations, is also available to provide information on the enforcement program and the verification of compliance checklist form. For information on opportunities for funding for inspections by local officials, please contact Denise Beatty ([dbeatty@cpsc.gov](mailto:dbeatty@cpsc.gov)).

Thank you for your cooperation in this important safety matter.

Sean Ward  
Office of the General Counsel  
Consumer Product Safety Commission