



U.S. CONSUMER PRODUCT SAFETY COMMISSION
BETHESDA, MD 20814

OFFICE OF THE GENERAL COUNSEL

Cheryl A. Falvey
General Counsel
Tel: 301-504-7642
E-Mail: cfalvey@cpsc.gov

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Mr. Randy Davis
IAAPA
1448 Duke Street
Alexandria, VA 22314

Dear Mr. Davis,

I am responding to your letter in which you provided information regarding various waterpark attractions in the waterpark industry and on IAAPA's experience with drain cover availability in the marketplace. Your letter raised certain jurisdictional issues we discussed in a meeting and you have subsequently discussed with a member of my staff. This letter memorializes these discussions.

The Virginia Graeme Baker Pool and Spa Safety Act ("Act") defines a swimming pool or spa broadly to mean "any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, [including] hot tubs, spas, portable spas, and non-portable wading pools."¹ According to the information you submitted, wave action pools are pools designed to simulate breaking or cyclic waves "for purposes of general play"; activity pools are designed "for casual water play ranging from simple splashing activity to the use of attractions places in the pool for recreation"; leisure rivers provide a river like flow for swimmers and may include water features and play devices; and interactive play attractions include elements of "bather-driven and bather-controlled play." Based on this information and on the commonly understood uses of these systems, the wave action pools, activity pools, leisure rivers, and interactive play attractions are all clearly "structures intended for swimming or recreational bathing." Thus, these systems meet the definition of "swimming pool or spa" under the Act and are not excluded from the scope of the Act.

The description of the runout slide in Attachment 1 provides that it includes "a gradually sloping area at the termination of a manufactured waterslide attraction that is submerged in gradually increasing water depth for the purpose of decelerating patrons prior to exiting to a deck or walkway area." Since the runout slide's primary function is to decelerate patrons prior to exiting to a deck or walkway area and not for swimming or recreational bathing, the runout slide falls outside the scope of the Act. Similarly, according to the information provided in

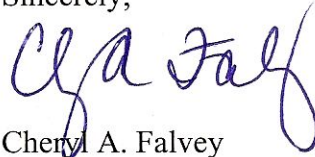
¹ Section 1403(6) of the Virginia Graeme Baker Pool and Spa Safety Act.

Page 2

Attachment 1, the catch slide's purpose is to terminate the slide action and provide a means for exit to a deck or walkway area. Since the catch slide does not appear to be a structure intended for swimming or recreational bathing, the Office of General Counsel finds that it, too, is outside the scope of the Act.




The remaining issues in your letter have been referred to our Engineering and Compliance divisions for consideration.

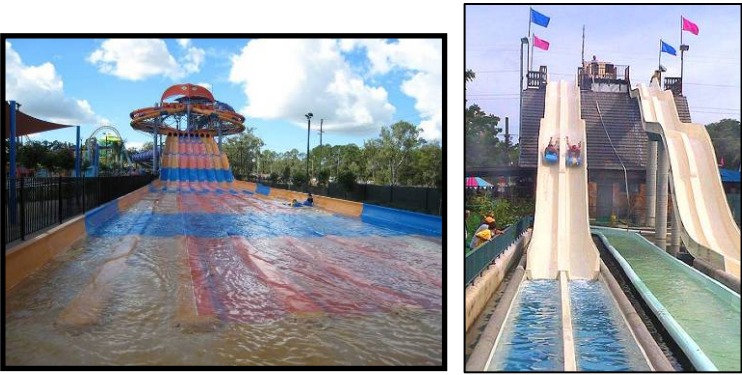
Sincerely,

A handwritten signature in blue ink, appearing to read "CFA Falvey". The signature is written in a cursive style with a large, sweeping flourish at the end.

Cheryl A. Falvey

Table 1: Types of Systems for Water Parks

System Type	Definition	Typical Current Anti-Entrapment Mitigations	Concerns from VGB	Reference Photos
Wave Action	Wave action pools include any pool designed to simulate breaking or cyclic waves for purposes of general play or surfing;	<ul style="list-style-type: none"> • Life guarded • Large un-blockable Drains • Partially Submerged Drains (skimmers) • Multiple Outlets • Water Velocity through drains < 1.5 fps. 	<ul style="list-style-type: none"> • Non-Flush Grating Covers create trip, and toe-stubbing hazards. • Finger Entrapment requirements difficult to apply for large high flow drains • Zero entry drainage gutters 	
Activity Pool	Activity pools are those pools designed for casual water play ranging from simple splashing activity to the use of attractions placed in the pool for recreation. The attractions within the activity pool may include rope ladders, rope swings, cargo nets, and other similar activities.	<ul style="list-style-type: none"> • Life guarded • Multiple Outlets • Partially Submerged Drains (skimmers) • Water Velocity through drains < 1.5 fps. 	<ul style="list-style-type: none"> • Non-Flush Grating Covers create trip, and toe-stubbing hazards. • Zero entry drainage gutters 	
Leisure River	Manufactured streams of near-constant depth in which the water is moved by pumps or other means of propulsion to provide a river-like flow that transports bathers over a defined path that may include water features and play devices.;	<ul style="list-style-type: none"> • Life guarded • Large un-blockable Drains • Multiple Outlets • Partially Submerged Drains (skimmers) • Patrons are Primarily floating in Tubes within continuously flowing water which minimizes patron encounter with drains. • Water Velocity through drains < 1.5 fps. 	<ul style="list-style-type: none"> • Non-Flush Grating Covers create trip, and toe-stubbing hazards. • Finger Entrapment requirements difficult to apply for large high flow drains • Zero entry drainage gutters 	

<p>Runout Slides</p>	<p>Runout Slides include a gradually sloping area at the termination of a manufactured waterslide attraction that is submerged in gradually increasing water depth for the purpose of decelerating patrons prior to exiting to a deck or walkway area.</p>	<ul style="list-style-type: none"> • Operator Attended • Partially Submerged Drains (Skimmers) • Multiple Outlets • Water Velocity through drains < 1.5 fps. 	<ul style="list-style-type: none"> • Non-Flush Grating Covers create trip, and toe-stubbing hazards 	
<p>Catch Slides</p>	<p>Catch Slides include bodies of water located at the termination of a manufactured waterslide attraction provided for the purpose of terminating the slide action and providing a means for exit to a deck or walkway area.</p>	<ul style="list-style-type: none"> • Life guarded • Large un-blockable Drains • Partially Submerged Drains (Skimmers) • Multiple Outlets • Water Velocity through drains < 1.5 fps. 	<ul style="list-style-type: none"> • Non-Flush Grating Covers create trip, and toe-stubbing hazards. • Finger Entrapment requirements difficult to apply for large high flow drains • Zero entry drainage gutters 	
<p>Interactive Play Attractions</p>	<p>A manufactured water play device or a combination of water-based play devices in which water flow volumes, pressures, or patterns are intended to be varied by the bather without negatively influencing the hydraulic conditions of other connected devices. Attractions may incorporate devices or activities such as slides, climbing and crawling structures, visual effects, user-actuated mechanical devices and other elements of bather-driven and bather-controlled play. They do not incorporate captured or standing water greater than 12 inches deep as part of the bather activity area.</p>	<ul style="list-style-type: none"> • Life guarded • Multiple Outlets • Partially Submerged Drains (skimmers) • Water Velocity through drains < 1.5 fps. 	<ul style="list-style-type: none"> • Non-Flush Grating Covers create trip, and toe-stubbing hazards. • Zero entry drainage gutters 	