

To the pool and spa safety community:

On September 28, 2011, the U.S. Consumer Product Safety Commission (CPSC) voted 3-2 to interpret an unblockable pool or spa drain based on the size of the drain opening and not the size of the drain cover used over the sump. This is an important decision for the pool safety community to be aware of, as CPSC continues to implement the Virginia Graeme Baker Pool and Spa Safety Act.

The Commissioners heard from some members of Congress and families who have lost their children in drain entrapment incidents, and both groups informed our agency that the law was intended to require a back-up system or device, if a public pool or spa has a single main drain that is of a blockable size (smaller than 18" x 23"). Since the law went into effect in December 2008, many public pool and spa operators with blockable sized single main drain systems installed a VGB compliant drain cover and an automatic pump shut-off device or SVRS device (or already had a gravity drainage system or suction-limiting vent system, which are two of the other back-up options). CPSC commends all of those public pool and spa operators who took steps to come into compliance with this important child safety law.

On April 6, 2010, the Commission approved an interpretation of the VGB Act's definition of "unblockable drain" to include the installation of an unblockable drain cover over a small, blockable, drain suction outlet; thus eliminating the requirement of a secondary backup system. The vote of the Commission this week revoked the 2010 interpretation and re-establishes the interpretation described above, where a back-up system or device is required on single main drains that are blockable.

It is very important for the pool and spa industry to be aware that CPSC is not saying that unblockable sized drain covers should be removed from facilities that installed them on small single main drains. Rather, the Commission is directing pool and spa operators to add a back-up system or device. The Commissioners and the staff, in fact, recognize that unblockable sized drain covers are an advance in pool safety. Yet, layers of protection are an important principal that the VGB Act promotes.

Again, this message only affects public pools and spas that used CPSC's 2010 interpretation to install an unblockable sized drain cover over a blockable sized single main drain, without adding a back-up system or device.

The Commission has set a compliance date of May 28, 2012, to allow time for firms that require modifications as a result of this revocation to bring their pools into compliance with the statute as written. During the public hearing this week, the Commissioners voted to open up a public comment period, so that all of you can inform the Commission whether May 28, 2012 is a reasonable compliance date for installation of the required back-up system. The comment period will start when the Commission's decision is published in the Federal Register and we will let you know when that happens.

We hope the explanation above helps you understand what occurred at CPSC this week. Please write to poolsafely@cpsc.gov if you have any questions.

Thank you,
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