

New CPSC clarifications on the VGB Act

By Jennifer Hatfield, Director of Government & Public Affairs

On Monday, March 1, 2010 the Consumer Product Safety Commissioners cast a series of votes on the implementation of the Virginia Graeme Baker Pool and Spa Safety Act (VGB Act). The CPSC voted to draft a proposed interpretive rule on unblockable drain covers consistent with the APSP-advocated interpretive rule which FSPA supported. This is a critical issue because the VGB Act states that public pools and spas with properly designed multiple drains or an unblockable drain are not required to install additional devices or systems such as an SVRS or shut-off switch. As a result of the CPSC vote, drains with covers that meet this criteria will be recognized as unblockable, even if the sump or pipe size is considerably smaller.

The approved CPSC staff definition states: "Unblockable Drain: A suction outlet defined as all components, including the sump and/or body, cover/grate, and hardware such that its perforated (open) area cannot be shadowed by the area of the 18 x 23 Body Blocking Element of ASME/ANSI A112.19.8 2007 and that the rated flow through the remaining open area cannot create a suction force in excess of the removal force values in Table 1 of that Standard. All suction outlet covers, manufactured or field-fabricated, shall be certified as meeting the applicable requirements of the ASME/ANSI A112.19.8 standard."

This decision follows the language in the ANSI/APSP-7 Entrapment Avoidance Standard and the ASME/ANSI A112.19.8 Standard for Suction Fittings, both of which are found in the Florida Building Code. The ASME standard is also in the Department of Health public pool rule, 64E-9, F.A.C.

The Commission also approved a rule interpreting what was considered a "public accommodations facility" for purposes of the VGB Act. The approved CPSC Staff definition states that: "Public accommodations facility means an inn, hotel, motel, or other place of lodging except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor."

The Commissioners also made three additional votes, all with 5-0 decisions regarding the residential grant program portion of the VGB Act (section 1406 of the Act). These votes approved a final technical guidance document with changes, model state legislation with changes, and the issuance of the funding opportunity announcement for states that comply with the minimum guidelines. However, the CPSC has yet to provide the official documentation on what exactly was approved. There have been various reports on what was decided, once FSPA receives confirmation of this information we will notify our membership through the e-newsletter, *Springboard*.

To read the announcement from the CPSC and statements made by the Commissioners go to www.poolsafety.gov.