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Virginia Graeme Baker Pool and Spa Safety Act and Florida's Public Pools and Spas Factsheet

Question: What is the new Federal Public Pool and Spa Safety Act?

Answer: In December, 2007, President Bush signed into law the Virginia Graeme Baker Act. This new law requires safety improvements at public pools and spas to prevent drowning and entrapment.

Question: When does this law take affect?

Answer: December 19, 2008

Question: What are the basic requirements of this law?

Answer: The Act requires three basic things for all public pools and spas.

1. The first requirement is that the main drain grate/cover be replaced with one that meets the requirements of the new ASME/ANSI A112.19.8-2007 performance standard, "Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs".
2. The second requirement is that the direct pump suction drainage system entrapment hazard be mitigated by one of six methods, i.e., changes to the recirculation system.
 - Safety Vacuum Release System conforming to ASME/ANSI standard A112.19.17 or ASTM standard F2387
 - Suction-Limiting Vent System with a tamper-resistant atmospheric opening
 - Gravity Drainage System with a collector tank (required in Florida)
 - Automatic Pump Shut-Off System
 - Drain Disablement device or system, or
 - Other Systems that the Consumer Product Safety Commission (CPSC) approves.
3. Grates/covers manufactured, distributed, or entered into commerce in the United States shall conform to the new federal standard.

Question: Who is the responsible organization for enforcement of this federal law?

Answer: The Consumer Product Safety Commission is the authorized enforcement agency.

Question: Will public pools and spas have to meet Florida Rules too?

Answer: Yes, the federal Act does not change Florida rule requirements.

Question: What does this mean for Florida Public Pools/Spas?

Answer: All Florida swimming pools and spas will be required to replace the existing main drain grate/cover.

Florida's newer public pools (since 1977), and spas (since 1993), built with **gravity** drainage to a collector tank would **only** need to replace the main drain grate/cover to comply with this Act. This is about 80% of all the pools in Florida. Some older spas were built with a suction-limiting vent system with a tamper-resistant atmospheric opening. These facilities, also, will **only** need to replace their main drain grate/cover to be in compliance with the federal Act.

The older **direct suction** pools and spas would need to replace the main drain grate/cover **and** provide suction mitigation as mentioned above. There are about 7,000 pools and spas that will require **both** modifications to be in compliance with the federal Act.

Question: What modifications are required for direct suction pools in Florida?

Answer: Direct suction pools will have to comply with the federal Act which requires replacement of the grate/cover to meet the ASME/ANSI standard **and** mitigation of the suction entrapment hazard. Although there are six options allowed under the federal Act for entrapment mitigation, Florida rules have required gravity drain systems for pools since 1977 and since 1993 for spas. Older Florida pools and spas that require modifications to meet the federal Act are *encouraged* to retrofit to the current Florida rules requiring a gravity drain system with collector tank.

Question: Does an existing direct suction pool in Florida have to be modified to have a gravity drain system with collector tank only, or are there other options?

Answer: An owner may choose to install one of the suction entrapment mitigation federal Act-listed devices at their option, at this time, to be in compliance with the federal Act. If the pool/spa is modified with a gravity drain system with collector tank, then this modification will require a DOH modification permit. Any other federal Act-listed device may be installed into the pool /spa recirculation system without CHD approval or involvement since they are not allowed or approved by Florida's pool code.

Question: What are the concerns in meeting both the Federal Act and Florida Rule with respect to grate/cover replacement since this is required for all pools and spas?

Answer: The first concern is availability of grates/covers that meet the Federal Standard and Chapter 64E-9, Florida Administrative Code. At present, there are few, if any, drain grates/covers on the market that meet the federal standard and Florida's rule.

The second concern is that gravity drained pool grates/covers require an engineered minimum amount of open area to provide adequate water flow to the collector tank, when gravity alone creates the flow through the main drain grate, for the pool treatment system to function properly. Florida's Rule also restricts

the velocity of the water through the grate/cover to no greater than 1.5 feet per second (fps). With the limited hydraulic force available by gravity drainage through the open area, water must pass through the grate at sufficient quantity to feed the design capacity of the collector tank and pump. Otherwise there will be a malfunction of the water treatment system.

Question: What is Department of Health (DOH) doing about these gravity drain concerns so that proper grates/covers can be installed?

Answer: DOH has alerted many grate/cover manufacturers to the concerns so that grates/covers can be manufactured with adequate open area while also meeting the new ASME/ANSI standard.

DOH will post the list of main drain grates/covers on its webpage with make, model, open area and maximum flow for those that meet the federal law and state rules, as they become known. See www.floridashealth.com and pull down the A-Z topics to Swimming Pools.

Question: What about the grates/covers for the older direct suction pools and spas?

Answer: There are many grates/covers on the market now that are federally approved and can be used now. The grate/cover installed need to be rated for the design flow of the recirculation and hydrotherapy system in place at 1.5 fps velocity.

Question: What is the approval process in Florida for a simple grate/cover replacement?

Answer: The contractor or owner must submit a contractor signed statement to the County Health Department (CHD) or Regional engineer that they have replaced the grate/cover to be in compliance with the 2007 ASME/ANSI A112.19.8 standard, and that it meets Florida rule requirements. The statement must include the name of the manufacturer, the model of the grate/cover installed, the open area of the grate, and that they have installed it as specified by the manufacturer. If the grate/cover complies with the Florida requirements, an acknowledgement letter will be issued to the owner that says they have complied with the state rule. This applies for direct suction and gravity drained facilities.

Question: Who can perform the work?

Answer: Only a Florida licensed pool contractor.

Question: What happens if a grate/cover is replaced that does not meet both federal standard and Florida rules?

Answer: Where a problem with the grate/ cover open area vs. flow or velocity is discovered, a pool inspection form will be completed by the CHD as unsatisfactory and require a pool closure until corrected.

If the model used is not certified under the ASME/ANSI standard but meets State rules, DOH will not provide an inspection form since this is not a Florida rule violation at this time, however, a letter stating that the grate/ cover does not meet the ASME/ANSI standard may be issued to the owner as a courtesy. CPSC has the enforcement authority in this situation.

Question: What is the approval process if modifications to the pool/spa are more extensive than a simple grate/cover replacement?

Answer: Where the simple replacement of a new drain grate/cover cannot be achieved, the pool owner shall apply for a modification permit to the CHD or Regional engineering office on the current modification forms with engineering documents, and the fee.

Field certification by a professional engineer is allowed in the ASME/ANSI standard as well. For additional information on this procedure, please review the federal Act referenced standard and discuss your situation with a Florida licensed professional engineer.

Question: What is DOH doing about the differences between its rules and the federal Act so that an owner has one set of rules to follow?

Answer: The Florida public swimming pool code, Chapter 64E-9, FAC, is currently under revision, and DOH has proposed to require phased-in gravity drain retrofitting during the next one to five years, based on risk. All older pools and spas with suction main drains would be required to be modified to gravity drainage with a collector tank system. If the Code is promulgated as drafted, Florida will only allow the use of gravity drains with collector tanks to mitigate suction entrapment on older pools and spas.

Question: Where can I find more information on the federal Act and its application in Florida?

Answer: The federal law can be found at: www.cpsc.gov/pssa1406.html. Information on the state program can be found at department of health website at: www.floridashealth.com and pull down the A-Z topics to 'Swimming Pools' or contact your Regional DOH pool engineer.