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To: Scout executives
Area directors
Regional directors
Group directors
High-adventure base general managers

From: Frank C. Reigelman, Outdoor Programs Director
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Subject: Virginia Graeme Baker Pool and Spa Safety Act

Date: December 16, 2008

The Virginia Graeme Baker Pool and Spa Safety Act governing swimming pools and spas goes into effect on December 20, 2008. The Act promotes the safe use of pools, spas, and hot tubs by imposing mandatory federal requirements to avoid suction entrapment drownings caused by pool filter/circulation systems and by establishing a voluntary grant program for states with laws that meet certain minimum requirements as outlined in the Act.

Under the new legislation, a “public” pool or spa is defined as one that is either generally open to the public (either for a fee or free of charge) or is open exclusively to members of an organization and their guests. Thus, pools operated by the BSA and local councils **must** comply with this law effective December 20, 2008 (or, for pools not operated on a year-round basis, on the date the pool is put into operation after December 20, 2008).

The Act requires the following on or after December 20, 2008.

- **Safety drain covers.** Each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the American National Standard ASME A112.19.8–2007 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs published by the American Society of Mechanical Engineers (ASME). Compliance with this standard will be enforced by the Consumer Products Safety Commission (CPSC) as a consumer product safety rule.
- **Public pool drain covers.** Each public pool and spa (as defined), **both new and existing**, shall be equipped with drain covers conforming to the ASME/ANSI A112.19.8—2007 standard described above.
- **Public pool drain systems.** Each public pool and spa (pump) with a single main drain, other than an unblockable drain, shall be equipped with one or more additional devices or systems designed to prevent suction entrapment that meet the requirements of any applicable ASME/ANSI standard or applicable consumer product safety rule. In addition to a compliant drain cover, such additional devices or systems include a safety vacuum release system (SVRS), or suction limiting vent system, or gravity drainage system, or automatic pump shutoff system, or drain disablement, or other system determined by the CPSC to be equally effective in preventing suction entrapment.

Action

- Based on this new information, the Boy Scouts of America recommends that councils immediately evaluate their pools to address this law in consultation with an engineer knowledgeable in the methods available to meet the new regulations.

You may also view a PowerPoint™ presentation on this topic at <http://www.cpsc.gov/BUSINFO/vgba1.pdf>.



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Frequently Asked Questions

Virginia Graeme Baker Pool and Spa Safety Act

Source: Aquatics International, http://www.aquaticsintl.com/poolsafety/08safety_faq.html

Q: Who will enforce the Virginia Graeme Baker Pool and Spa Safety Act?

A: [CPSC](#) is the lead when it comes to implementation and enforcement responsibility.

Q: Will CPSC be actively looking to penalize pool operators who don't comply?

A: The law reinforces CPSC's civil and criminal penalty authority, and while the intention is not to penalize an individual pool owner or operator, the agency does have the ability to step in and shut down pools or spas found not to be in compliance.

Q: Is the Virginia Graeme Baker Pool and Spa Safety Act applicable to water park rides that discharge riders immediately upon completion of the ride?

A: Water park pools have some unique designs, and No. 1 is the large size of the drains/grates. To determine whether your water park pools are compliant, contact CPSC.

Q: Are skimmer balance lines in commercial pools covered in the Virginia Graeme Baker Pool and Spa Safety Act?

A: Yes. Conceptually, skimmer equalizer lines are submerged drains and should be either covered or plugged and taken offline.

Q: Does a fully submerged skimmer count as a second drain?

A: There is currently no definitive technical data to support the position that fully submerged skimmers act as a second drain. Operators with this configuration should consult a qualified expert.

Q: Are there approved covers for rectangular grates?

A: Yes. To qualify as compliant all drain covers must meet the ASME/ANSI A112.19.8–2007 standard regardless of size or configuration. Currently there are [approved](#) round covers, 9-by-9- and 12-by-12-inch rectangular grates on the market. Large and unblockable drain covers were expected to be introduced into the marketplace in November.

Q: Can operators preorder approved drain covers?

A: Yes. Currently there are [approved](#) 8-inch round drain covers on the market and they can be ordered at will. More options should be available soon, and operators should do what they can to place an order. Even if the product is on backorder, the purchase documentation still represents a good-faith effort to comply.

Q: What should I do if there is no ANSI/ASME cover available for the drain on my pool—for example, a pool with a single L-shaped drain that is half on the pool bottom and half on the wall?

A: Cases like this would require a field-compliant, field-fabricated cover that will not be available through normal sources. Although not federally mandated to do so, in unusual cases like this, the ideal option would be to close that drain and build a new dual main drain on the floor of the pool. For most operators, that will be something to aim for in the future, but at present you should install one of the secondary antientrapment systems.

Q: Are available safety vacuum release systems (SVRS) in compliance with all state statutes?

A: Given the new federal requirements, if you have a single main drain and want to install a [SVRS](#) as your choice of a second





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backup system, you should ensure that the model you choose has been independently tested and meets the applicable ANSI/ASME or ASTM standards.

Q: If my pool has one main drain but four skimmers, does it need an SVRS?

A: The CPSC does not currently have any technical evidence to support claims that this type of system would be a multiple-main drain system, but you should contact a certified professional.

Q: If I have a gravity drain system, am I required to change the drain cover?

A: Yes, but that kind of pool automatically falls into the category of being a second anti-entrapment system, so the cover replacement requirement is all you'll have to do if you are operating a single-main drain or multiple-main drain pool.

Q: We have a pool with one 18-by-18-inch drain grate, what do we need to do to be compliant?

A: Install a new, [approved](#) 18-by-18-inch cover that should be on the market in the next 30 to 45 days. If it's a single drain pool, then you also have to add an SVRS or other secondary option as well.

Q: My indoor pool has two main drains about 8 inches apart; do I still need to install new covers?

A: Yes, and with the drains only 8 inches apart, you'll need a second antientrapment system as well.

Q: Who qualifies as a "trained or certified professional"?

A: To determine who is qualified in your area, CPSC recommends contacting state or local officials. Experts should be formally licensed or certified as a business and carry some level of insurance or similar protection.



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