



Twenty years of preventing accidental injury.

November 17, 2008

The Honorable Edmund G. Brown Jr.  
Attorney General's Office  
California Department of Justice  
ATTN: Public Inquiry Unit  
P.O. Box 944255  
Sacramento, CA 94244-2550

Dear Attorney General Brown:

On behalf of Safe Kids USA and Safe Kids California, we write to urge your support for the California Department of Public Health to fully implement a new federal law, the *Virginia Graeme Baker Pool & Spa Safety Act*. We recently learned that the California Department of Public Health is under the impression, which we believe is misguided, that California state law needs to be amended in order for the federal pool and spa safety law to be enforced. We hope that your office can assist us in upholding this potentially lifesaving law in California by providing some guidance/authority as to how the law can be implemented.

The *Virginia Graeme Baker Pool & Spa Safety Act* – designed to protect children from unintentional drowning and entrapments – was signed into law by President Bush on December 19, 2007. The law, among other provisions, requires the following for California public pools and spas by December 19, 2008:

- Public pools and spas must be equipped with anti-entrapment drain covers that meet the ANSI/ASME A112.19.8-2007 product safety standard.
- Each public pool and spa with a single main drain (other than an unblockable drain) must also be equipped with a device designed to prevent entrapment, such as a safety vacuum release system (SVRS), automatic shut-off system or gravity drainage system.

The Act defines public pools and spas as facilities open to the general public (whether for a fee or free of charge); open exclusively to members of an organization and their guests, or residents of an apartment building; or operated by the federal government. The U.S. Consumer Product Safety Commission (CPSC), the federal agency charged with the implementation of the Act, has also stated in their public education materials that public pools and spas nationwide, including California, need to comply with these requirements (see *CPSC Staff's Guide to Complying with the Law* attached). In our view, there is no need for state statutes to be revised or any other legislative or regulatory action to take place in order for the federal law to take effect. We do recognize, however, that given there are so many public pools and spas in California and that the pool safety device marketplace is still developing to meet increased demand, that compliance officials in California (and at the CPSC) may want to phase in their enforcement efforts so that

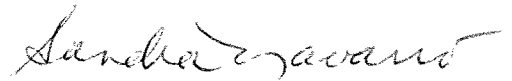
the many swimming venues in the State can properly comply and be inspected in a timely fashion.

Significantly, drowning is the second leading cause of injury-related death for children ages 1 – 14 and although entrapment deaths are a rare occurrence, the risks are not well known and can be completely prevented if pools and spas are properly equipped and maintained. Safe Kids USA and Safe Kids California hope that your office will work with the California Department of Public Health to ensure that the *Virginia Graeme Baker Pool & Spa Safety Act* is enforced even if additional time is required for full compliance. If you have any questions or need further information, please contact us. Thank you for your consideration.

Sincerely,



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Enclosure

# VIRGINIA GRAEME BAKER POOL & SPA SAFETY ACT



## CPSC STAFF'S GUIDE TO COMPLYING WITH THE LAW



**By December 19, 2008, ALL public pool owners/operators must:**

- Install drain covers that meet the ANSI/ASME A112.19.8–2007 standard on EVERY drain/grate. A list of cover manufacturers can be found at [www.cpsc.gov/whatsnew.html#pool](http://www.cpsc.gov/whatsnew.html#pool)
- Install an automatic shut-off system, gravity drainage system, Safety Vacuum Release System (SVRS), suction-limiting vent system or disable the drain, if the pool operates off of a SINGLE main drain. Pools and spas with unblockable drains are exempt from this requirement. A list of SVRS manufacturers can be found at [www.cpsc.gov/whatsnew.html#pool](http://www.cpsc.gov/whatsnew.html#pool).
- Ensure that dual or multiple main drains are at least 3 feet apart.

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Pools And Spas Not Open On December 19, 2008 Are Not Required To Be In Compliance Until The Day The Pool Or Spa Is Re-opened!

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The new Consumer Product Safety Improvement Act requires all new drain and grate covers be certified to all applicable standards starting on November 12, 2008.

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CPSC staff recommends that to ELIMINATE and not just MITIGATE the drain entrapment hazard in pools and spas, pool owners should disable old drains or build new pools without any drains and use gutters, overflows and/or skimmers to provide water to the pump.

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**Have a question or concern about the Pool & Spa Safety Act?**

Send an e-mail to [info@cpsc.gov](mailto:info@cpsc.gov)

*This information was prepared by the CPSC staff; it has not been approved by, and does not necessarily represent the views of, the Commission.*

