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ADVISORY NOTICE

Date: November 19, 2008

To: Owners/Operators of Public Pools, Spas, and Wade Pools Located in San Joaquin County

From: San Joaquin County Environmental Health Department

Subject: **VIRGINIA GRAEME BAKER POOL AND SPA SAFETY ACT**

This is a notification letter to inform you about the new *Virginia Graeme Baker Pool and Spa Safety Act* (VGB) requirements. In December 2007, President Bush signed into law the VGB Act. The main purpose of this Act is to increase the safety of swimming pools and spas by establishing a federal swimming pool drain cover standard and ensuring pools and spas are equipped with proper safety devices. The federal law mandates that all public swimming pools and spas be equipped with anti-entrapment main drain covers that comply with ASME/ANSI A112.19.8-2007 performance standards. In addition, the Act requires that all public pools have dual (split) main drains **OR** be equipped with a safety vacuum release system or other device designed to prevent entrapment.

The VGB Act requires that such modifications be in effect by December 19, 2008. The Consumer Product Safety Commission (CPSC) is the primary enforcement agency for the Act and they have the authority to close any public pool or spa found not to be in compliance on December 19, 2008. The San Joaquin County Environmental Health Department cannot enforce the standards locally unless the California state law is amended to include the VGB Act.

However, please be advised that any renovations that include splitting drains or adding devices to an existing pool or spa to meet the VGB Act must be approved by the San Joaquin County Environmental Health Department and/or your local building department. Submittal of plans may be required for this work.

If you have questions regarding this advisory please contact:

- Jeff Carruesco, Registered Environmental Health Specialist, Program Coordinator, San Joaquin County Environmental Health Department, at (209) 468-3438.
- Troy Whitfield, Consumer Product Safety Commission, at (301) 504-7548, for technical or engineering questions; or visit <http://www.cpsc.gov/whatsnew.html#pool> for information and interpretations of the VGB Act.

For a full text of the new VGB Act from the Federal Code, please visit the following web site:
http://www.nspf.org/Documents/HR6_TitleXIV.pdf

1 Can my pool or spa be shut down if we do not make the December 19, 2008, deadline for modifying the main drains?

Public pools and spas that are not in operation or are closed for the season on December 19, 2008, do not need to meet the requirements of the Virginia Graeme Baker Act until they return to operation. Upon reopening, if the necessary modifications have not been made, the pool and/or spa could be subject to closure; however, as stated above, the Consumer Product Safety Commission (CPSC) is the enforcement agency. The Environmental Health Department cannot enforce the VGB Act standards locally unless the California state law is amended to include these requirements.

2 How do I know if my pool is currently in compliance with the Virginia Graeme Baker Act?

If your pool or spa has a **single main drain** that is an “unblockable” drain (defined by the CPSC as having dimensions of **18 inches x 23 inches or larger**), then it is in compliance with the Act. If the pool or spa single main drain has dimensions **smaller than 18 inches x 23 inches**, it **is not** in compliance with the Act.

If your pool or spa has **dual main drains**, then complying with the Act would require replacing the main drain covers, as long as the covers are at least three (3) feet apart (connecting piping must have a “T” configuration), and they meet the ASME/ANSI A112.19.8-2007 performance standards. A licensed pool contractor or builder should inspect your pool and any work done should be performed by a licensed pool contractor. Remember, any renovations including splitting drains or adding devices to an existing pool or spa to meet the VGB Act must be approved by the San Joaquin County Environmental Health Department and/or your local building department.

3 How can the single main drain in my pool be retrofitted to comply with the Virginia Graeme Baker Act?

Any swimming pool or spa which is constructed with a **single main drain** must be equipped with an ASME/ANSI A112.19.8-2007 approved cover AND a device or system designed to prevent entrapment such as one of the following:

- A safety vacuum release system (SVRS);
- A suction-limiting vent system;
- A gravity drainage system;
- An automatic pump shut-off system;
- Any other system determined by the CPSC to be equally or more effective as one of the above systems;
- The main drain can be split and have a “T” connection with a three-foot (3) separation between the suction outlets. Approved ASME/ANSI A112.19.8-2007 main drain covers shall be installed over the two (2) outlets.

4 Can I do the work on my pool or do I need to hire someone to do it?

This department highly recommends that a licensed pool builder or contractor make an assessment of your pool in order to determine the best option to bring the pool into compliance with the VGB Act. Remember, any renovations including splitting drains or adding devices to an existing pool or spa to meet the VGB Act must be approved by the San Joaquin County Environmental Health Department and/or your local building department.