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IMMEDIATE ACTION REQUIRED

Re: Virginia Graeme Baker Pool and Spa Safety Act

Dear Customer:

Attached you will find information we are providing you in regard to the Virginia Graeme Baker Pool and Spa Safety Act ("VGB 2008") from ASME A112.19.8-2007/8A-2008 Code. Presently, there are very few drain covers and/or grates available that comply with VGB 2008 Act.

The enactment of Virginia Graeme Baker Pool and Spa Safety Act 2008 has made modifications and upgrades necessary to all existing drain boxes, suction boxes and grates that cover them in order to be compliant with the new law by December 19th, 2008. It is up to the pool owners to take the proper steps to resolve this issue and maintain a file for documenting process to comply. Failure to comply with new code will put pools at risk of being shut down and will create huge liability issues for the owners.

We recommend that you have your pool inspected and a solution developed by a **LICENSED DESIGNED PROFESSIONAL** as stated in the new code. Please be aware that there is a lot of misinformation being generated on this subject. (This new code not only applies to the grates, but also to the sump construction underneath the grates, flow rates etc.).

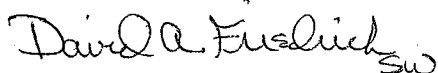
Paddock has exhaustively researched this new law and can assist you with this process. We have an array of solutions that will solve the problems, and also provide you with a letter of compliance from a **Licensed Design Professional**. Of course the Health Department needs to approve all of this.

All Paddocks "VGB 2008" frames and grates are stainless steel, eliminating the need to replace them in 5 to 10 years (Both frames and grates constructed of PVC or ABS will be required to be replaced, although as of this time, there are no 18" x 18" or larger grates approved.)

Please contact us if we can be of further assistance.

Very truly yours,

WILLIAM L. WATSON CO., INC.



David A. Friedrich, President

Virginia Graeme Baker Pool and Spa Safety Act

June 18, 2008 Staff Interpretation of Section 1404:

“Federal Swimming Pool and Spa Drain Cover Standard” *

On December 19, 2007, the President signed into law the Virginia Graeme Baker Pool and Spa Safety Act, named after the daughter of Nancy Baker and the granddaughter of former Secretary of State James Baker. Graeme Baker died in a tragic incident in June 2002 after the suction from a spa drain entrapped her under the water. This Act was first introduced by Rep. Debbie Wasserman-Schultz (FL) and was supported by the Baker family and Safe Kids Worldwide.

There is an annual average of 283 drowning deaths (2003-2005) and 2,700 emergency room-treated submersion injuries (2005-2007) involving children younger than 5 in pools and spas. In addition, from 1997-2007, there were 74 reported incidents associated with suction entrapment, including 9 deaths and 63 injuries. The new law is aimed at reducing these deaths and injuries by making pools safer, securing the environment around them, and educating consumers and industry on pool safety.

The Act specifies that on or after December 19, 2008, swimming pool and spa drain covers available for purchase in the United States must meet specific performance requirements. Additionally, public swimming pools, wading pools, spas and hot tubs must meet requirements for installation of compliant drain covers. New drain covers which meet the current standard are now beginning to make their way into the marketplace. Additionally, in certain instances, public pools and spas must have additional devices or systems designed to prevent suction entrapment.

U.S. Consumer Product Safety Commission (CPSC) staff has prepared this guidance document that spells out the technical requirements of Section 1404 of the Act, along with CPSC staff's answers to certain enforcement and legal issues. This document takes into account comments provided to CPSC during an open comment period in March 2008. Comments were provided by a member of the U.S. House of Representatives, state government officials, pool industry representatives, safety equipment manufacturers and representatives, consumer safety organizations, and others.

CPSC staff urges all public pool and spa owners/operators, state and local health and safety officials, and those in the pool and spa industry to carefully review this document as they work toward complying with Section 1404 of the Act prior to December 19, 2008.

Contact CPSC at info@cpsc.gov or 301.504.7908 if you need further assistance.

** This document, which was prepared by CPSC staff, has not been reviewed or approved by and may not necessarily represent the views of the Commission.*

**STATE OF NEW YORK - DEPARTMENT OF HEALTH
INTEROFFICE MEMORANDUM**

TO: City/County Directors of Environmental Health
District Directors

FROM: Michael J. Cambridge, Director
Bureau of Community Environmental Health and Food Protection

SUBJECT: New Federal Law – Virginia Graeme Baker Pool and Spa Safety Act
Guidance – Plan Review and Drain Cover Requirements

DATE: August 21, 2008

For your information, the Virginia Graeme Baker Pool and Spa Safety Act was signed December 19, 2007 with an effective date of December 19, 2008, and establishes mandatory Federal requirements for suction entrapment avoidance in public swimming pools and spas. The Pool and Spa Safety Act requires:

- 1) Safety drain covers. Each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the ASME/ANSI A112.19.8 performance standard.
- 2) Public pool drain covers. Each new and existing public pool and spa shall be equipped with drain covers conforming to the ASME/ANSI A112.19.8 performance standard.
- 3) Public pool drain systems. Each new and existing pool and spa with a single main drain, other than an unblockable drain, shall be equipped, at a minimum, with one or more additional devices or systems designed to prevent suction entrapment.

The Consumer Product Safety Commission (CPSC) is responsible for implementation and enforcement of this law. Individual States do not have enforcement responsibility. We have established the following guidance to clarify local health department (LHD) responsibilities regarding review of swimming pool plans and regulatory oversight of existing pools with respect to provisions of this new Federal law.

New pools and pool renovation involving the main drain system of an existing pool

Effective December 19, 2008, review of design plans for new pools or renovations involving the main drain system of an existing pool, must include a review of the drain cover specification for compliance with the ASME/ANSI A112.19.8 performance standard to determine if the drain covers meet the Federal requirements. When reviewing pool design plans prior to the effective date of December 19, 2008, we recommend that drain covers be evaluated for compliance with the ASME/ANSI A112.19.8 performance standard. If a proposed drain cover is not listed, the facility owner and design engineer should be informed of the Federal

requirement, no further action is necessary on your part. Although we anticipate that CPSC will post a list of products and manufacturers that meet the drain cover performance standards, you can ask and accept evidence from a manufacturer that a drain cover has been certified by a nationally recognized testing laboratory as meeting the ASME/ANSI A112.19.8 standard.

Since the design standards in Subpart 6-1 of the State Sanitary Code (SSC) for drain systems requires two (2) suction outlets, additional devices or systems to prevent suction entrapment as noted in the 3rd listed requirement, are not required.

Existing pools

The Virginia Graeme Baker Pool and Spa Safety Act also applies to existing public pools and spas. Owners/operators of these pools and spas may be making modifications to comply with the new requirements. During routine inspections, although LHDs are not responsible for the enforcement or the interpretation of the Federal requirements for existing facilities, LHDs are responsible for reviewing and approving all plans and specifications for additions or modifications to an existing swimming pool in accordance with Section 6-1.8 of Subpart 6-1. Plan review and approval should be limited to requirements contained in Subpart 6-1 and the drain cover specifications in the Federal performance standard (similar to the requirements for new pools) but do not need to include approval of devices and systems required by Federal law to prevent entrapment except to the extent such modifications impact Subpart 6-1 compliance. Swimming pool operators with questions about compliance with the Federal requirements should be referred to the CPSC for more information. You can also provide a copy of the attached CPSC staff interpretation of the "Federal Swimming Pool and Spa Drain Cover Standard." The most current interpretation can be accessed at <http://www.cpsc.gov/phth/vgpsa.pdf>.

If you have any questions, please contact Douglas Sackett at (518) 402-7600.

Attachments (2) - CPSC & ASTHO

cc: N. Kim, Ph.D.
R. Svenson
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Regional Field Coordinators