

Pool and Spa Drains

Introduction

According to the Consumer Product Safety Commission (CPSC), there were 83 reports of entrapment in pool drains, resulting in 11 deaths and 69 injuries, between 1999 and 2008.

Pool and spa drains are a necessary part of the circulation system but the suction created by pumping water through the drains can trap swimmers, especially children and those with long hair. Pools and spas with a single drain system present a greater risk of entrapment than those with two or more drains.

The granddaughter of former Secretary of State James Baker, Graeme Baker, died as the result of entrapment in a spa drain. This tragic event was the catalyst for a new Federal law.

The Virginia Graeme Baker Pool and Spa Safety Act of 2007 is a federal law that became effective on December 19, 2008. The law requires owners and operators of public pools and spas to comply with new Federal standards for pool and spa construction, including incorporation of anti-entrapment drains and drainage systems to protect against entrapment and drowning.

The CPSC has stated that public pools and spas that are not in operation as of December 19, 2008 need not meet the requirements of the Pool and Spa Safety Act until they return to operation.

What CAU Recommends:

- > Retain a Certified Pool Operator to assess all association pools and spas and determine what modifications are required to comply with this law
- > Develop an action plan to comply with this law as soon as possible
- > Retain a licensed and insured swimming pool contractor to replace existing drain covers with ASME A112.19.8-2007 approved anti-entrapment covers as soon as possible and make any required modifications to single drain systems recommended during the assessment
- > Verify that association pools and spas comply with all applicable local laws and ordinances

Need More Information?

The CPSC website (<http://www.PoolSafety.gov>) has a variety of information related to this law. The Association of Pool and Spa Professionals website (<http://www.apsp.org/>) has similar information. Associations may also request additional information on this topic by contacting CAU's Loss Control Department.

General Requirements

The intent of the law is to reduce injuries and deaths by imposing mandatory requirements for entrapment avoidance for all public pools and spas. There are two requirements in the law that will affect a community association with a pool or spa.

1. All new and existing public pools and spas must be equipped with anti-entrapment drain covers that meet the requirements of ASME A112.19.8-2007.
2. All public pools and spas with a single main drain, other than an unblockable drain, must be equipped with one or more additional devices or systems designed to prevent suction entrapment.

A third requirement in the law affects the manufacturing and sale of drain covers. All pool and spa drain covers manufactured, sold or imported into the United States must conform to 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).

Impact on Associations

Most condominiums and community associations would view their common element pools and spas as a private or exclusive amenity. Under some state laws this might be an accurate statement, but not according to the new Federal law.

Prior to December 19, 2008, individual state & local laws regulated the operation of community association pools and spas. Regardless of how a state law defines a public pool or spa, the Federal law specifically defines pools & spas that are open exclusively to members of a residential real estate development such as a community association as public. This definition may be in direct conflict with your state laws but the Federal definition prevails.

Violations of this law can result in civil or criminal penalties, including fines and imprisonment, which the association's insurance policies do not cover. Enforcement of the law is under the Consumer Product Safety Act. When the bill became law, the maximum penalty for one or more violations

was \$1.825 Million. On August 14, 2008, with the passage of the landmark Consumer Product Safety Improvement Act of 2008, the maximum penalty skyrocketed to \$15 Million.

What will it Cost?

There is no simple answer to this question but most estimates average around \$1,200 per drain. Every pool and spa has a different drain configuration that will require a different approach to comply with this law. There will be costs associated with replacing the drain covers and for retrofitting any single main drain systems.

Since this is a new law, there were very few, if any, compliant drain covers available on the market when the law became effective. Today, many compliant drain covers are available in standard sizes at a cost ranging from less than \$100 to \$1,000 or more depending on the size of the cover. There will be additional costs for installation and any modifications to drain assembly that may be required to accommodate the new cover.

The other cost component of the law has to deal with the drains themselves. If a pool or spa has a single main drain, other than an unblockable drain, it must be equipped with one or more additional features designed to prevent suction entrapment. The law recognizes the following systems or methods as meeting this requirement:

- Safety vacuum release system
- Suction limiting vent system
- Gravity drainage system
- Automatic pump shut off system
- Drain disablement
- Other systems determined by the CPSC to be equally effective as, or better than, the above systems in preventing or eliminating the risk of injury or death associated with pool drainage systems.

Ease of placement, engineering, concrete cutting and patching, plumbing and permitting will determine the cost of installing these additional safeguards. Another key cost component is whether the repairs will require draining of the pool. If a scuba diver can make the repairs this will eliminate the costs associated with draining and filling the pool.