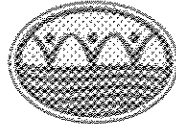


Pool Safety Council



November 20, 2009

Mr. Todd A. Stevenson
Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Reference: Docket No. CPSC-2009-0073

Dear Secretary:

The Pool Safety Council (PSC) is pleased to have the opportunity to offer comments on the Virginia Graeme Baker Pool and Spa Safety Act compliance form. As one of the main forces behind enactment of the Virginia Graeme Baker Pool and Spa Safety Act ("VGB"), our members believe it is critical to ensure that as many pools as possible are in compliance in order to enhance pool safety and reduce the incidents of entrapment drownings across America. With this in mind, our comments on the compliance form are as follows:

Necessity: To date, there have been more than 8 incidents of entrapment this year. This statistic alone confirms the need for the Consumer Product Safety Commission to do all it can to further enforce compliance of VGB Act. If left to their own devices, pool owners and operators may not feel compelled to obey this law. *Thus, it is of utmost necessity that the CPSC continue to collect this information.*

Estimated Burden: In terms of the estimated burden, Los Angeles County alone has 16,000 public pools. When NBC's "Today Show" investigated pools in Los Angeles County, they found up to 90% of the pools that they looked at not in compliance.

We question if burden figures listed in the CPSC request notice would provide accurate insight into compliance of the VGB Act as they are based only on 97 investigations. It might make more sense for the CPSC to look to partner with the local departments of health, industry or a non-profit so that they are able to investigate a more significant and representative sampling.

Information Collected. In terms of the quality, utility and clarity of the information collected, we believe it could be enhanced. To achieve high-quality information and data, it is imperative that pool inspectors actually travel out to facilities to inspect pools, rather than just place calls to operators. Needless to say, PSC would be happy to collaborate with CPSC on a possible training class to instruct inspectors what to notice. Drain covers need to be checked for compliance with respect to ANSI

1.800.970.8420

P.O. Box 34100, Washington, D.C. 20043

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standards, but inspectors should also ensure that they are properly installed and in good condition in order to prevent accidents.

The Pool Safety Council strongly believes that in order to effectively prevent entrapment accidents, back up layers of protection, like an SVRS, should be required in all public pools, regardless of the number of drains. These additional protection layers will help to reduce the risk of older and loose drain covers.

Examples of the types of questions we recommend including in a compliance form include:

1. Are the suction outlet cover(s) on the main drain(s) compliant with ASME A112.19.8-2008a?
Are the cover(s) stamped VGB compliant?
2. Are the installed cover(s) flow rated at or above the required turnover rate of the pool or spa?
3. Do the installed cover(s) have enough open area to allow the existing circulation system to operate at the required turnover rate of the pool or spa?

It is our experience that some VGB-approved drain covers are not allowing for the necessary turnover rates to maintain acceptable clean water and health standards, so it is important that this is also confirmed.

4. If dual drains are present, are they separated by the required 36" distance, and if not, is there an approved backup layer of protection?
5. Is a single blockable main drain present, and if so, is there an approved backup layer of protection, i.e. SVRS, gravity system, etc.?
6. Is a single unblockable main drain present, and if so, does it meet the latest CPSC guidelines for an unblockable drain or is it certified by a Professional Engineer?
7. Are the suction outlet cover(s) properly fastened to the suction outlet with the correct number of fasteners and proper material, i.e. Type 316 Stainless Steel?
8. Where a backup layer of protection is employed, is it certified to ASME A112.19.17 or certified by a Professional Engineer?

California is in the process of developing a very specific form to highlight compliance with their state law. We strongly recommend working with states that are in the process of developing compliance forms to ensure that there are synergies.

Information Technology: Ultimately, all forms should be made available electronically to the public on the CPSC's Web site and www.poolssafety.gov. In order to comply with transparency standards set form by the Administration, CPSC should work with state departments of health to ensure that all forms are posted to publicly available Web sites, either through the states or the CPSC directly.

Conclusion

We appreciate the CPSC's efforts to gain input from the pool community on this important matter. We believe that updates to the estimated burden information and collection process, the forms will serve as an important tool for community members. We hope that the industry and members of the drowning prevention community, like PSC, continue to be used a resource throughout the development and implementation process of this compliance form.

Sincerely,



Danielle Kazmier
Executive Director
Pool Safety Council