

# PUBLIC SUBMISSION

<b>As of:</b> November 23, 2009
<b>Received:</b> November 10, 2009
<b>Status:</b> Posted
<b>Posted:</b> November 23, 2009
<b>Category:</b> State or Local Government
<b>Tracking No.</b> 80a55517
<b>Comments Due:</b> November 20, 2009
<b>Submission Type:</b> Web

**Docket:** CPSC-2009-0073

Proposed Collection; Comment Request—Virginia Graeme Baker Pool and Spa Safety Act; Compliance Form

**Comment On:** CPSC-2009-0073-0002

Agency Information Collection Activities; Proposals, Submissions, and Approvals

**Document:** CPSC-2009-0073-0004

Comment from Colleen Maitoza

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## Submitter Information

**Name:** Colleen Maitoza

**Address:** CA

**Government Agency Type:** Local

**Government Agency:** Sacramento County EMD

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## General Comment

Within our jurisdiction alone we have over 2200 pools needing VGB upgrades. Of these only 37% are compliant at this time. I feel you have grossly underestimated the time and cost element. Our Department alone lost \$100,000 in plan review cost last fiscal year doing VGB upgrades plan checks. Also, the ability of your office being able to find someone onsite at an Apartment complex, HOA or Mobile Home Park that knows anything about the pool or what was done to it is very remote. Most have a pool service company or contractor handling this and they don't seem to have the time to meet onsite. This means that completing some of the information on the form is impossible because much of what you need to verify is under water. I understand you are calling ahead to set up appointments but I can only assume this limits your inspectors to a certain type of pool such as Park and Rec., Waterpark, Hotel/motel, etc. It does seem that these have better compliance than the other type I noted earlier and would skew your compliance numbers.

I would suggest that you work with a data collection company such as Decade Software to develop a form that will collect the information you need and be able to be done in the field using a Tablet computer.

I have also attached both my comments on the current form as well as the form we are using within our jurisdiction.

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## Attachments

**CPSC-2009-0073-0004.1:** Comment from Colleen Maitoza

**CPSC-2009-0073-0004.2:** Comment from Colleen Maitoza



**U.S. Consumer Product Safety Commission  
Virginia Graeme Baker Pool and Spa Safety Act  
Verification of Compliance Form**  
**COMPLETE A FORM FOR EACH PUMP AT A FACILITY**

This form assumes one pump under the drain cover. What about multiple pumps under the same drain cover(s)? <sup>1</sup>

**PART I – Pool Management Information**

Investigator Name		Date of Inspection <sup>2</sup>	
Facility Name		Add /Program Record <sup>2</sup>	
Address		Pool License/Permit Number	
City		Zip Code	
Contact Name		Title	
Contact Address		Zip Code	
City		Fax #	
Email Address		Erase line. <sup>5</sup>	

**PART II – POOL/SPA Information**

Pool Location	Indoor <input type="checkbox"/>	Outdoor <input type="checkbox"/>	Water Park <input type="checkbox"/>	Other <input type="checkbox"/>
Pool Type	Swimming Pool <input type="checkbox"/>	Wading Pool <input type="checkbox"/>	Spa <input type="checkbox"/>	Hot tub <input type="checkbox"/>
Water Features (if any)	Spray <input type="checkbox"/>	Slide <input type="checkbox"/>	Hydro-jet <input type="checkbox"/>	Other <input type="checkbox"/>
Volume of Pool (Gallons)	Mfg. Make, Model Number, Horse Power of Pump			

**Part III – Drain Covers**

Total Number of Drain Covers in Pool/Spa <input type="checkbox"/>		Total Number of Drain Covers Installed for VGBA Compliance <input type="checkbox"/>				
Name of Manufacturer of Drain Covers						
Drain Cover	Drain Cover Dimensions & Shape (Round, Rectangular, Square, etc.)	Drain Cover & Frame Make and Model Number	Date Installed & Location (Wall or Floor)	Cover Flow Rate per Manufacturer Specifications (gallons per minute)	Pump Flow Rate (gallons per minute)	Cover Conforms to ASME/ANSI A112.19.8-2007 or newer standard (Indicate Yes/No)
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

Note: Attach documentation that the drain covers comply with ASME/ANSI A112.19.8 performance standard. (i.e. Professional Engineer inspection report)

Can a licensed Contractor be added? <sup>12</sup>

# Summary of Comments on U

Page: 1

≡	Number: 1	Author: Maitozac	Subject: Text Box	Date: 11/10/2009 8:43:25 AM
	This form assumes one pump under the drain cover. What about multiple pumps under the same drain cover(s)?			
≡	Number: 2	Author: Maitozac	Subject: Callout	Date: 11/10/2009 8:08:26 AM
	Add /Program Record(PR) a number of jurisdictions do not issue permits or licenses but do use Decade Software for their data base and issue PR numbers instead.			
≡	Number: 3	Author: Maitozac	Subject: Callout	Date: 11/10/2009 8:08:51 AM
	Move line. Need more room for address.			
☰	Number: 4	Author: Maitozac	Subject: Polygon	Date: 11/10/2009 8:17:58 AM
	Increase line space.			
≡	Number: 5	Author: Maitozac	Subject: Callout	Date: 11/10/2009 8:11:00 AM
	Erase line. Need more room for FAX #			
≡	Number: 6	Author: Maitozac	Subject: Callout	Date: 11/10/2009 8:16:25 AM
	Confusing. Everything is either indoor or outdoor, the addition of water park and other is confusing. What data collection are you wanting here? Perhaps Water Park should be under pool type or a note to "check all that apply".			
≡	Number: 7	Author: Maitozac	Subject: Callout	Date: 11/10/2009 8:12:00 AM
	Need line to specify what Other is.			
☰	Number: 8	Author: Maitozac	Subject: Polygon	Date: 11/10/2009 8:17:22 AM
	More room needed in this area to add the Other information			
☰	Number: 9	Author: Maitozac	Subject: Polygon	Date: 11/10/2009 8:19:20 AM
	Increase row height			
☰	Number: 10	Author: Maitozac	Subject: Polygon	Date: 11/10/2009 8:20:36 AM
	Need a lot more column width and/or row height for this section.			
≡	Number: 11	Author: Maitozac	Subject: Callout	Date: 11/10/2009 8:21:49 AM
	From what the flowmeter? With a clean filter? Is the flowmeter installed properly for correct reading?			
≡	Number: 12	Author: Maitozac	Subject: Callout	Date: 11/10/2009 8:22:18 AM
	Can a licensed Contractor be added?			

#### Part IV Anti-Entrapment Device/System

1. Single Main Drain Yes ☐ No ☐ What about Channel drains with dimensions of (3"+) x (31"+)? <sup>1</sup>  
Is this an unblockable drain that is larger than 18 x 23? Yes ☐ No ☐ (If no, go to next section)
2. Multi-Drain System Yes ☐ No ☐  
Is the multi-drain system at least three (3) feet from pipe center to pipe center? Yes ☐ No ☐ (See Attachment I, page 4) (If no, go to next section) <sup>2</sup>

Can't verify without removing covers. Recommend using 3 ft. from closest edge of cover to cover.

#### Select Secondary Backup System

- ☐ Compliant Safety Vacuum Release System (SVRS) (Compliant with ASME/ANSI A112.19.17 or ASTM-F2387)  
SVRS Mfr. Name and Model \_\_\_\_\_
- ☐ Suction-Limiting Vent System  
Mfr. Name and Model Number \_\_\_\_\_
- ☐ Gravity Drainage System \_\_\_\_\_
- ☐ Automatic Pump Shutoff System  
Mfr. Name and Model Number \_\_\_\_\_
- ☐ Drain Disabling <sup>3</sup>  
Describe how this was accomplished \_\_\_\_\_  
Add (Not allowed in some States. Check with the Local Health Department.)
- ☐ Other \_\_\_\_\_

Comments \_\_\_\_\_

#### Part V Sump – Equalizer Lines

##### Sump Size

Width \_\_\_\_\_ Depth \_\_\_\_\_ Length \_\_\_\_\_ <sup>4</sup>

Is Sump existing or new \_\_\_\_\_ Is it field fabricated or manufactured \_\_\_\_\_  
Describe how it is fabricated \_\_\_\_\_  
(If field fabricated, attach copy of certification from Professional Engineer) <sup>5</sup> Add "or Licensed Contractor"

Manufacturer Name and Model Number \_\_\_\_\_ Installation Date \_\_\_\_\_

Clearance between the bottom of the cover and the opening of the suction pipe is \_\_\_\_\_ (inches)

##### Equalizer Lines:

Are equalizer lines disabled? (Yes/No) (If so, describe how) \_\_\_\_\_

Do equalizer lines have covers that cannot be removed? (Yes/No)  
Describe how this was accomplished \_\_\_\_\_

Provide manufacturer name and model number for each equalizer cover  
\_\_\_\_\_

Installation Date \_\_\_\_\_

Number: 1	Author: Maitozac	Subject: Callout	Date: 11/10/2009 8:27:10 AM
What about Channel drains with dimensions of (3"+) x (31"+)?			
Number: 2	Author: Maitozac	Subject: Callout	Date: 11/10/2009 8:29:25 AM
Can't verify without removing covers. Recommend using 3 ft. from closest edge of cover to cover.			
Number: 3	Author: Maitozac	Subject: Callout	Date: 11/10/2009 8:31:03 AM
Add (Not allowed in some States. Check with the Local Health Department )			
Number: 4	Author: Maitozac	Subject: Polygon	Date: 11/10/2009 8:33:09 AM
Can't verify without removing covers.			
Number: 5	Author: Maitozac	Subject: Callout	Date: 11/10/2009 8:31:53 AM
Add "or Licensed Contractor			

## Part VI Comments

If pool is not in full compliance provide a description of actions or steps needed to bring pool or spa into compliance with the Virginia Graeme Baker Pool and Spa Safety Act or attach a timeline provided by the pool manager or documentation that drain covers have been ordered.

Comments _____		
_____		
_____		
_____		
_____		
_____		
_____		
_____		
_____		
_____		
CPSC Investigator - Print Name	Signature	Date

**Note:** This form must be completed by CPSC staff or the designated State or Local government official.

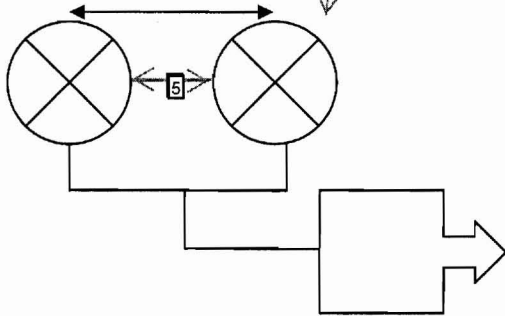
The Consumer Product Safety Commission has requested approval from the Office of Management and Budget for the collection of information associated with this form. In the absence of such an approval, you are not required to complete this form.

This page contains no comments

<sup>1</sup>  
The drain cover is not centered over drain pipe in most cases. You would have to remove the covers to verify the 3 ft. separation. Suggest using 3ft from inside edge of drain cover to cover as shown by arrows below.

**CORRECT**

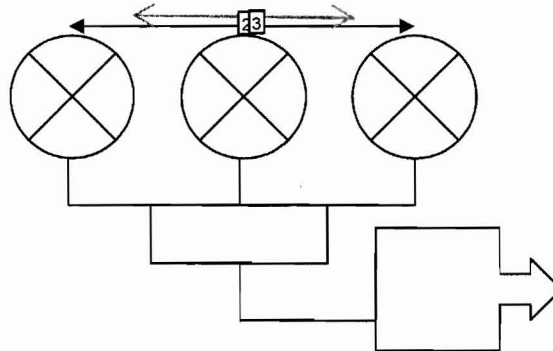
3 FEET APART OR MORE



Dual Drain Outlets

**CORRECT**

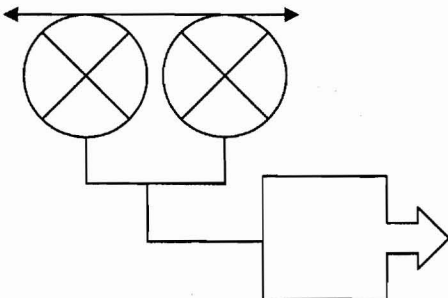
3 FEET APART OUTMOST OUTLETS



Multiple Drain Outlets

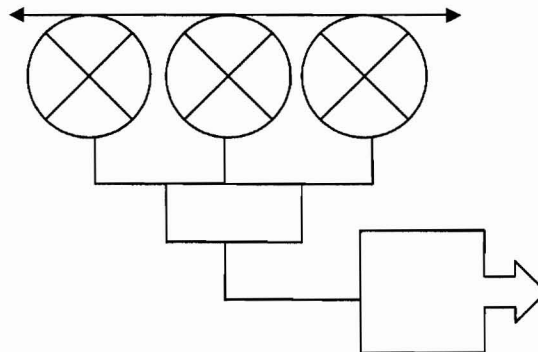
**Incorrect**

LESS THAN 3 FEET APART



**Incorrect**

LESS THAN 3 FEET APART FROM OUTMOST OUTLET





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Number: 1 Author: Maitozac Subject: Callout Date: 11/10/2009 8:38:03 AM

The drain cover is not centered over drain pipe in most cases. You would have to remove the covers to verify the 3 ft separation. Suggest using 3ft from inside edge of drain cover to cover as shown by arrows below.

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Number: 2 Author: Maitozac Subject: Line Date: 11/10/2009 8:35:22 AM

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Number: 3 Author: Maitozac Subject: Line Date: 11/10/2009 8:35:38 AM

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Number: 4 Author: Maitozac Subject: Line Date: 11/10/2009 8:35:00 AM

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Number: 5 Author: Maitozac Subject: Line Date: 11/10/2009 8:34:31 AM

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**APPROVED BY**

DATE: \_\_\_\_\_

INSTALLATION CERTIFICATION  
VGB DRAIN COVER & SECONDARY DEVICE

**OFFICE USE ONLY**

Fee Paid \$ \_\_\_\_\_

FA: \_\_\_\_\_

PR: \_\_\_\_\_

SR: \_\_\_\_\_

Date: \_\_\_\_\_

**NOTE: Use one form for each pump or multiple pumps under the same cover.**

For the property named \_\_\_\_\_,

located at \_\_\_\_\_, California, I hereby certify that pursuant to California State Health & Safety Code Sec. 116064.1 and 116064.2, that an Anti-entrapment cover meeting the current standards of the American Society of Mechanical Engineers ASME/ANSI standard A 112.19.8-2007 and where required, a secondary safety device meeting the current ASME/ANSI or ASTM standards have been installed per the manufacturer's instructions on the:

- |  |  |
|--|--|
| <input type="checkbox"/> <b>Swimming Pool</b><br><input type="checkbox"/> <b>Spa Jet / Booster</b> | <input type="checkbox"/> <b>Spa Recirculation</b><br><input type="checkbox"/> <b>Wading/toddler pool</b> |
|--|--|

Existing Pump(s): Make/Model \_\_\_\_\_ H.P. \_\_\_\_\_; Flow (gpm) \_\_\_\_\_

Make/Model \_\_\_\_\_ H.P. \_\_\_\_\_; Flow (gpm) \_\_\_\_\_

**Main Drain(s):**

Manufacturer of approved cover: \_\_\_\_\_

Model/Part Number: \_\_\_\_\_ GPM rating: Floor \_\_\_\_\_; Wall \_\_\_\_\_ Installed on ☐ Wall ☐ Floor

Cover bears the following markings:

- ☐ "VGB 2008 or later",  
☐ "ASME/ANSI standard A 112.19.8-2007 or later", "Life": \_\_\_\_\_

Main drain/Jet suction pipe size is \_\_\_\_\_ inches. Manufacturer's main drain(s) sump depth requirement in inches is: \_\_\_\_\_

- ☐ Single drain – Not unblockable (one of the following secondary devices required: SVRS / Suction limiting vent / gravity drainage / auto pump shut-off/ other approved by enforcement agency)
- ☐ Type of secondary device installed: \_\_\_\_\_
  - ☐ Manufacturer of approved device: \_\_\_\_\_ Model/Part Number: \_\_\_\_\_

SVRS bears the following markings:

- ☐ "ATSM F2387",  
☐ "ASME/ANSI standard A 112.19.17",

**NOTE: If installing a variable speed SVRS pump a RPM/Time Data sheet shall be faxed to EMD at 875-8513 following the installation. (A sample form is available from the Environmental Health Plan Review office)**

- ☐ Single drain – Unblockable (size and shape that a human body cannot sufficiently block to create a suction entrapment)  
☐ Dual main drain(s)

**Equalizer line(s):**

Manufacturer of approved cover: \_\_\_\_\_

Model/Part Number: \_\_\_\_\_ GPM rating: Floor \_\_\_\_\_; Wall \_\_\_\_\_ Installed on ☐ Wall ☐ Floor

- ☐ "VGB 2008 or later",  
☐ "ASME/ANSI standard A 112.19.8-2007 or later", "Life": \_\_\_\_\_

Skimmer equalizer line(s) pipe size were found to be \_\_\_\_\_ inches # of Skimmers: \_\_\_\_\_

Manufacturer's skimmer equalizer line(s) sump depth requirement in inches is: \_\_\_\_\_

- ☐ Single equalizer line  
☐ Dual Skimmer equalizer line(s) sump depth \_\_\_\_\_ inches  
☐ Skimmers are connected with single line to pump.  
☐ Skimmers are separately valved before pump and can be isolated.

- ☐ I declare that I hold an active California State Contractor license # \_\_\_\_\_ or California State Professional Engineer license # \_\_\_\_\_, with qualified experience working on public swimming pools and that the information provided above is true to the best of my knowledge. I'm aware that improper certification of the above information shall be subject to potential disciplinary action at the discretion of the licensing authority.

Signature \_\_\_\_\_

Print name \_\_\_\_\_

Date \_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone \_\_\_\_\_ email \_\_\_\_\_

**PAYMENT DUE PRIOR TO APPROVAL CALL PLAN REVIEW AT (916) 874-6010**

For a complete text of the law, visit:

[http://info.sen.ca.gov/pub/09-10/bill/asm/ab\\_1001-1050/ab\\_1020\\_bill\\_20091011\\_chaptered.pdf](http://info.sen.ca.gov/pub/09-10/bill/asm/ab_1001-1050/ab_1020_bill_20091011_chaptered.pdf)

# PUBLIC SUBMISSION

**As of:** November 23, 2009  
**Received:** November 16, 2009  
**Status:** Posted  
**Posted:** November 23, 2009  
**Category:** Trade Association  
**Tracking No.** 80a58357  
**Comments Due:** November 20, 2009  
**Submission Type:** Web

**Docket:** CPSC-2009-0073

Proposed Collection; Comment Request—Virginia Graeme Baker Pool and Spa Safety Act; Compliance Form

**Comment On:** CPSC-2009-0073-0002

Agency Information Collection Activities; Proposals, Submissions, and Approvals

**Document:** CPSC-2009-0073-0005

Comment from Stephanie See

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## Submitter Information

**Name:** Stephanie See

**Address:**

IAAPA  
1448 Duke Street  
Alexandria, VA, 22314

**Email:** ssee@iaapa.org

**Phone:** 703-836-4800

**Organization:** International Association of Amusement Parks and Attractions/World Waterpark Association

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## General Comment

Comment to CPSC re: Virginia Graeme Baker Act

The waterpark industry welcomes this opportunity to offer a public comment on the regulations pertaining to the Virginia Graeme Baker Act compliance forms and procedure. Guest safety is the attractions industry's top priority and the waterpark industry supports the intent of the Virginia Graeme Baker Pool and Spa Safety Act – to prevent drowning due to drain entrapment.

Waterpark Industry in the U.S.

Two associations, the International Association of Amusement Parks and Attractions (IAAPA) and the World Waterpark Association (WWA) collectively represent a majority of waterparks in the United States. We are submitting this comment on behalf of both organizations.

The waterpark industry is a fast growing industry, both in the United States and internationally. There are more than 1,000 waterparks in North America, serving over 85 million guests annually. Waterparks are operated by both large and small companies, municipalities, hotel resorts and community centers. They employ between 20 and 5,000 workers per park.

#### Comments on the Proposed Compliance Form and Procedure

1. The waterpark industry does not believe the estimated .5-hour burden on a pool operator to complete the inspection is sufficient for waterparks:

- Water attractions are not traditional pools. Waterpark attractions are unique in design and configuration, with specific safety performance requirements. Common pools and spas feature flat water, smaller drain systems, few walking surfaces and few interactive features. Additionally, a traditional pool facility has one or two pools.
- In contrast, waterparks tend to be larger and may have multiple separate pools within a facility. Waterparks have multiple drains of varying sizes that are oftentimes field-fabricated and therefore not simply identified as VGB compliant by a VGB stamp as common pool drains are.
- Due the number of drains and the additional calculations that go into test

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## Attachments

**CPSC-2009-0073-0005.1:** Comment from Stephanie See

## **Comment to CPSC re: Virginia Graeme Baker Act**

The waterpark industry welcomes this opportunity to offer a public comment on the regulations pertaining to the Virginia Graeme Baker Act compliance forms and procedure. Guest safety is the attractions industry's top priority and the waterpark industry supports the intent of the Virginia Graeme Baker Pool and Spa Safety Act – to prevent drowning due to drain entrapment.

### **Waterpark Industry in the U.S.**

Two associations, the International Association of Amusement Parks and Attractions (IAAPA) and the World Waterpark Association (WWA) collectively represent a majority of waterparks in the United States. We are submitting this comment on behalf of both organizations.

The waterpark industry is a fast growing industry, both in the United States and internationally. There are more than 1,000 waterparks in North America, serving over 85 million guests annually. Waterparks are operated by both large and small companies, municipalities, hotel resorts and community centers. They employ between 20 and 5,000 workers per park.

### **Comments on the Proposed Compliance Form and Procedure**

1. The waterpark industry does not believe the estimated .5-hour burden on a pool operator to complete the inspection is sufficient for waterparks:

- Water attractions are not traditional pools. Waterpark attractions are unique in design and configuration, with specific safety performance requirements. Common pools and spas feature flat water, smaller drain systems, few walking surfaces and few interactive features. Additionally, a traditional pool facility has one or two pools.
- In contrast, waterparks tend to be larger and may have multiple separate pools within a facility. Waterparks have multiple drains of varying sizes that are oftentimes field-fabricated and therefore not simply identified as VGB compliant by a VGB stamp as common pool drains are.
- Due the number of drains and the additional calculations that go into testing a field-fabricated drain for compliance, the waterpark industry believes a compliance inspection will take significantly longer time than .5 hours.

2. Since the VGB is enforced by different agencies in different states, we ask the CPSC to recommend that the states use the proposed form and standard operating procedure during compliance inspections. This ensures consistency across state lines, regardless of the inspecting party.

3. If a facility has already been inspected by a local or state official and has been determined to be in compliance with the Virginia Graeme Baker Act, CPSC should accept that finding and not re-inspect the facility.

# PUBLIC SUBMISSION

<b>As of:</b> November 23, 2009 <b>Received:</b> November 18, 2009 <b>Status:</b> Posted <b>Posted:</b> November 23, 2009 <b>Category:</b> Other <b>Tracking No.</b> 80a59ef0 <b>Comments Due:</b> November 20, 2009 <b>Submission Type:</b> Web
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**Docket:** CPSC-2009-0073

Proposed Collection; Comment Request—Virginia Graeme Baker Pool and Spa Safety Act; Compliance Form

**Comment On:** CPSC-2009-0073-0002

Agency Information Collection Activities; Proposals, Submissions, and Approvals

**Document:** CPSC-2009-0073-0006

Comment from Connie Harvey

## Submitter Information

**Name:** Connie Harvey

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2025 E Street, NW  
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**Phone:** 703-894-8033

**Organization:** American Red Cross

## General Comment

The American Red Cross, Preparedness and Health and Safety Services, offers the following comments on Docket No. CPSC-2009-0073:

Estimated Burden of the Proposed Collection

Issue: The burden related to time is likely underestimated because of the following:

☐ The form is quite long

☐ There is a significant amount of detailed information required

☐ An individual form must be filled out for each individual pump (not pool). The number of pumps at a given location could vary greatly. As one example, at a facility a staff member used to operate had 16 pumps and it is just a typical indoor recreation facility.

Minimizing the Burden

Issue: The requirement that the form is filled out by "only CPSC staff or a state or local government official" is unnecessary. Most of the information will be coming directly from the pool operator or the facility engineer.

Recommendation: Make the form electronic. It could be sent to pool owners/operators ahead of time to complete certain sections and kept on file at the facility from year to year. The CPSC inspection could focus on verification of the information.

Additional Issues Related to Form

□□□ The most important point is that the cover is secure at installation and every day of operation afterwards. Consider requiring some type of statement about how the facility will continue to monitor the security of the cover(s).

□□□ It is our understanding that the covers have a defined service life. Consider requiring that the expiration date be recorded on the form which would be a benefit to the operator as well as the officials.

# PUBLIC SUBMISSION

<b>As of:</b> November 23, 2009
<b>Received:</b> November 19, 2009
<b>Status:</b> Posted
<b>Posted:</b> November 23, 2009
<b>Category:</b> Other
<b>Tracking No.</b> 80a5afd4
<b>Comments Due:</b> November 20, 2009
<b>Submission Type:</b> Web

**Docket:** CPSC-2009-0073

Proposed Collection; Comment Request—Virginia Graeme Baker Pool and Spa Safety Act; Compliance Form

**Comment On:** CPSC-2009-0073-0002

Agency Information Collection Activities; Proposals, Submissions, and Approvals

**Document:** CPSC-2009-0073-0007

Comment from Scott Heusser

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## Submitter Information

**Name:** Scott Heusser

**Address:**

2158 Gekeler Ln

Boise, ID, 83714

**Email:** workemailaddress@aol.com

**Phone:** 208-345-2792

**Fax:** 208-345-5299

**Organization:** Custom Pools, Inc.

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## General Comment

Please see my attached comments.

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## Attachments

**CPSC-2009-0073-0007.1:** Comment from Scott Heusser



November 19, 2009

Office of the Secretary, Consumer Product Safety Commission

Room 502

4330 East West Highway

Bethesda, MD 20814

Re: Docket No. CPSC-2009-0073

To Whom it may concern:

I have been a pool professional for the past 15 years. Currently, I am primarily engaged in the construction of pools and remodels thereof, but, have experience as a commercial pool operator and service technician. I hold numerous industry specific certifications, and continue to advance my education in this field. I have been and continue to be an instructor of a nationally recognized pool operator course. In addition, I have been active in inspecting pools for several years as well as acting as a consultant in regards to the Virginia Graeme Baker Act.

Given my experience, I feel I am very qualified to assess the quality, utility and clarity of the information collection attempts made by the Consumer Product Safety Commission in regards to the Virginia Graeme Baker Act. Please consider the comments listed below.

*"Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information has practical utility"*

I cannot argue that the information is necessary to the Commission's function of administering the Act. However, I believe that the information being collected is incomplete and inaccurate, thereby negating any practical utility. In my area, I have had the opportunity to communicate with a handful of inspectors that have been contracted to perform the information collection. In all cases, at the end of our conversation I was told that they felt their training was inadequate. In more than one instance I was told that their phone training session started with something similar to, "My name is John Doe with the CPSC. Today I will be training you to inspect pools and spas in regards to the Virginia Graeme Baker Act. Let me first start by telling you I don't know anything about swimming pools.....". A couple of hour's worth of training well intentioned people does not make them experts.

Let's examine potential interested parties that could be responsible for inspections and their levels of expertise.

- Professional Engineer- Has received extensive training and is capable of advanced calculations. However, in most instances these individuals have very little exposure to swimming pools and spas.
- Licensed Inspector- In most cases has received extensive training in environmental health yet little or no formal training in regards to pools and spas. This individual generally has limited exposure to pools and spas. This person has likely been impressed in to pool inspections due to the health concerns of disease transmission and does so as an additional above and beyond their "normal" job.
- Pool operator- Generally has limited formal pool and spa training but has extensive site specific knowledge through exposure.
- Trained Pool Professional- Has received extensive formal training and has had extensive exposure through years of experience dealing with multiple types of pools and spas at numerous locations.

By applying this logic the most qualified person is the Trained Pool Professional.

The argument could be made allowing trained pool professionals to perform Baker Act inspections allows the pool industry to police their own. I submit that inspections are commonly performed within industries. For example, electrical inspectors are generally licensed electricians. The same stands true for plumbing inspectors. Those inspectors have received additional training, are certified to perform inspections and have a code book to consult. Why not copy the process and carry it into the pool industry? Training programs exist and are available through several entities. The model of training & licensing inspectors exists by drawing on current electrical, plumbing and mechanical inspection programs. The standard for public pool and spa installations exists in ANSI/APSP-1, ANSI/APSP-2 and ANSI/APSP-7. By implementing an inspection program using industry experts, not unlike the electrical industry, I see a substantial budgetary savings, especially how it relates to training inspectors.

*"Whether the estimated burden of the proposed collection of information is accurate"*

I don't believe the estimated burden is correct. The collection form clearly states that it is to be completed for each pump. In the case of a large pool or water park with multiple pumps, the estimated time burden of ½ hour for operators and 2-1/2 hours for inspectors is very low. In some instances water parks may have 20 or more pumping systems. In light commercial pools it is common to see 2 or 3 pumping systems. In commercial spas it would not be unusual to have 2 or 3 pumping systems. There are thousands of water parks, public pools and public spas with multiple pumping systems in the United States. I don't believe that the number of multiple pumping systems was properly accounted for while estimating the burden.

*“Whether the quality, utility and clarity of the information to be collected could be enhanced”*

The information being collected could be enhanced by placing the responsibility of collecting said information with the people who are most intimate with the installation of the safety products at the time they are installed. Either the property owners or contractors that make these installations are far more knowledgeable of each facility and should, for instance, provide documented sump dimensions and photographic proof of a compliant sump. An inspector that attempts to view the installation of suction fittings with the pool full has no viable method of inspecting how secure a cover is to the frame, the sump dimensions or plumbing configurations and thus is expending valuable resources collecting incomplete information.

*“Whether the burden imposed by the collection of information could be minimized by the use of automated, electronic or other technological collection techniques, or other forms of information technology.”*

I see no reason that this information could not be entered into an electronic form. This could be web accessible or even an electronic form that could be populated by an owner or contractor and emailed to the inspecting body. An affidavit of completeness and accuracy would need to be built into the form. If the burden of information collection was placed on the facility owner or contractor it would be a substantial budgetary savings to the Commission as well a reduced burden on the owner or contractor. At this point the Commission could spot check facilities to ensure compliance. As the total number of inspections would decrease, I would expect that the number of inspectors to decrease while their level of expertise would increase.

I wish to extend my comments to the Verification of Compliance Form. I ask you to consider these comments because it relates directly to “..the quality, utility and clarity of the information...”

- There should be a field labeled “No Submerged Suction Points”. This form is obviously set up to handle retrofits but in the last year many pools have been built without any sort of submerged suction outlet. These pools would still need to be certified as compliant, but this form lacks that selection.
- I suggest that the term “drain cover” be replaced by, “suction outlet cover”. This more accurately addresses drain covers, skimmer equalizer covers and possibly vacuum port covers at some point.
- At the top of the form it is clearly stated that a form should be completed for each pump at the facility. Later in this form (Part III) it asks for the total number of “drain covers” installed in the pool or spa. It should be a reflection of how many suction outlet covers are plumbed to this *system*, not how many exist within that body of water.

- I suggest that fields be inserted to track time used during the physical inspection as well as time used to complete forms and submit information.
- In Part II it asks if there are water features. Once again this has no bearing on the information collected as a separate form will be completed for the water feature pump.
- In Part III it asks for the total number of “drain covers” in a pool or spa. This question is answered in the chart located below where each cover is listed. It is a redundancy and should be eliminated.
- As there might be multiple forms for each facility, there should be a field for pump identification and another field that indicates how many forms are being submitted, i.e., “form 1 of 5”.
- Part IV discusses Unblockable drains. I suggest that it read, “Has this drain been tested as an Unblockable drain by the manufacturer or do the dimensions exceed 18 inches x 23 inches or a diagonal measurement of 29 inches?” There are a number of suction fittings marketed as “Unblockable” that do not exceed the 18 inch x 23 inch measurements, yet, have been tested and certified to meet the standard.
- Part IV refers to a multi drain system with spacing of 3 feet pipe center to pipe center. This brings up an issue regarding previously issued interpretations of the Act. Previously, the pipe center was not specified but rather 36 inches spacing suction fitting center to suction fitting center. This should be corrected either through an updated interpretation or correct the language of the form.
- Submerged suction fittings located on opposite planes has been conspicuously omitted from the form. I suspect that this is due to the lack of a firm definition regarding the installation of suction fittings on opposite planes in the Commission’s interpretations of the Act. This has been an effective means of preventing entrapment for quite some time and there are thousands of installations that this pertains to. Even if the opposite plane installation is not addressed by the Commission the problem of how to measure the spacing between fittings still exists. There are two methods that could be used to measure this spacing. First is to measure from the pipe center down the wall, across the floor to the next pipe center. The second is to measure the hypotenuse of a triangle formed by the two pipe centers and the intersection of the wall and floor. Which method is correct? This has been a repeated question I have submitted and still have yet to receive guidance. I suggest that the CPSC consult ANSI/APSP 7 “American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins”.
- Part IV also reads “Select Secondary Backup System that is installed”. For continuity with the Act and industry it should read, “Secondary Layer of Entrapment Protection”.
- Part IV lists suction-limiting vent system. At this time I am unaware of a manufacturer of these devices. This would be an engineered product.
- Part V is confusing, even for a person as familiar with the Act as I am. In its current configuration it is easy to assume that the sump measurements are only for the equalizer sump. In one instance a local inspector measured the skimmer dimensions as the sump for the equalizer line. After viewing the form I can see his reasoning. These dimensions need to be listed in the chart in Part III with the suction fittings they service.

- Part V only leaves one small area to enter information for skimmer equalizers. In many jurisdictions public pools are required to have a minimum of 2 skimmers. These should have a chart similar to Part III, including sump dimensions if field manufactured. In addition, the potential flow through each skimmer equalizer needs to be accounted for just as “main drains” are. This is addressed in ANSI/APSP 7, “American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins”.
- It would benefit the Commission to collect information on the existence and number of vacuum lines. These are a suction point, typically placed in the wall at a depth ranging from 6 inches to 18 inches below water surface. These lines are used for vacuuming the pool and are controlled by a valve on the suction side of the pump. ANSI/APSP 7, “American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins” calls for these lines to be fit with an IAPMO approved fitting. Currently these vacuum lines are not subject to the Act, but they are a submerged suction point nevertheless. As you may recall a young girl in Florida recently had her arm entrapped in a wall mounted vacuum line.
- Attachment I shows drain configurations and plumbing configurations. An inspector has very little way of determining the plumbing configuration. This is especially true if the pool or spa is filled with water. Plumbing configuration is more easily determined at the time of installation by the contractor or owner’s representative that made the improvements.

I thank you in advance for your consideration of my comments and suggestions.

Respectfully,



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# PUBLIC SUBMISSION

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**Docket:** CPSC-2009-0073

Proposed Collection; Comment Request—Virginia Graeme Baker Pool and Spa Safety Act; Compliance Form

**Comment On:** CPSC-2009-0073-0002

Agency Information Collection Activities; Proposals, Submissions, and Approvals

**Document:** CPSC-2009-0073-0008

Comment from Pamela Scully

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## General Comment

Docket No. CPSC-2009-0073

In general, standardized forms are a positive reporting mechanism. However, the negative side of standardized forms for public swimming pools, whirlpool spas, etc affected by the Virginia Graeme Baker Pool and Spa Safety Act (Act), as CPSC has been known to quote regarding clarifications on other aspects on this Act, is that "no 'one size fits all'".

Some of the information being requested on the form, though ideal to obtain, may not be available on all pools, especially the older, existing swimming pools. Parts I, II, III and IV require general information that can be obtained during a routine site inspection. However, Part V is seeking information on the sumps, which could require information that for the older pools may not be easily obtainable during an inspection now unless the pool is drained and the main drain cover(s) removed. This could lead to significant scheduling issues, concerns with properly reinstalling the main drain cover, as well as significant costs in refilling the pool. Part VI is the closing inspection comments and asks the inspector to outline what measures would need to be

taken to bring a non-compliant pool into compliance. A pool consultant/engineer and not the inspector should be making these types of recommendations.

The CPSC is also indicating that CPSC staff or the designated State or Local government official who is conducting the inspection "must" complete and sign off on this form. In CT, in accordance with the Connecticut Public Health Code Section 19-13-B33b(g) all existing public pools are inspected by the local director of health or his authorized agent. The "authorized agent" is usually a local registered sanitarian, and not an engineer or certified pool inspector. The local sanitarians, though very familiar with the sanitation/safety aspects of a public pool, are not all trained in the mechanical plumbing details of a pool. The sign off on if the pool is or is not in full compliance with the Act, Part VI on the form, should not be the inspector's responsibility or liability. The pool owner or their contractor doing the actual work to comply with the Act should be the responsible party for ensuring that their pool is in full compliance with the Act.

On another note, it appears that CPSC by using the word "must", when indicating who would complete this form, is stating that this form will be the mandatory form. And it also appears that CPSC is expecting the forms to be submitted to the CPSC if completed at the local level since the CPSC is requesting approval from the Office of Management and Budget for the collection of information associated with the form. What regulations are currently in place that would require local health departments to utilize a required federal standardized reporting form? What is the time frame CPSC is anticipating having forms submitted for all public pools? How many of the pools is CPSC actually planning on completing the forms for, or will this burden, like the job of implementation and enforcement of the Act, be handed down to each state to handle?