

# Risk Management Bulletin

A Bulletin for Members of the South Dakota Public Assurance Alliance

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## In This Issue

- Update: Pool and Spa Safety Act
- Drain Covers
- Definition of Unblockable Drain
- Frequently Asked Questions

### Links:

Consumer Product Safety Commission

<http://www.cpsc.gov>

National Recreation and Parks Association

<http://www.nrpa.org>

## Contact Us

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<http://www.sdpaa.org>

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## Update: Pool and Spa Safety Act

The purpose of this bulletin is to update you on the latest developments of the Virginia Graeme Baker Pool and Spa Safety Act. The Act was enacted to ensure public safety in pools and spas through federal regulations that require the use of equipment that protects against entrapment and evisceration. Specifically, the legislation requires that public pool and spas be equipped with certified drain covers or grates that meet the required ASME/ANSI A112.19.8 standards and safety measures to prevent entrapment and evisceration before December 19, 2008.

The December 19<sup>th</sup> deadline was set by Congress and has not been amended. According to the CPSC, they lack authority to extend the deadline set by Congress. The CPSC states that "pools that operate year-around must be in full compliance by December 19, 2008 and pools which do not operate on a year-round basis must be in full compliance by their opening day".

## Drain Covers

According to requirements recently published by the CPSC, every public pool in the United States is required to have the most recent ASME/ANSI A112.19.8 certified drain covers or grates. Each new drain cover or grate may not exceed the ASME/ANSI A112.19.8 specified maximum flow rate. In order to achieve compliance, facility operators must ensure that the flow rates do not exceed the standard for each drain cover or grate. This may require consultation from a pool or engineering professional to ensure compliance.

Approved covers from a number of sources and manufacturers are currently available in various sizes and can be viewed at: <http://www.cpsc.gov/phth/draincman.html>. According to the National Recreation and Parks Association (NRPA), comments from their members indicate that "pool operators may be challenged to find ASME/ANSI certified covers, especially if you have non-traditional, field fabricated drains, and/or very large drains".

Both NRPA and SBI recommend that if you are having difficulty obtaining certified covers due to market demand and delays in shipping that you should save all receipts which document your

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purchase and efforts to comply with these regulations.

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## Definition of Unblockable Drain

According to the NRPA, "When the law was passed in 2007, the definition of an unblockable drain was one that measured 24" diagonally/diameter or larger. This did not appear to create an undue burden on public pools as most pools were equipped with 18"x18" drains that had a 24" diagonal/diameter". CPSC has now redefined an unblockable drain to be one that measures 29" diagonally/diameter. Therefore single main drain pools with drains that measured at least 24" diagonally/diameter which were in compliance earlier in 2008 are now not in compliance. Even if your drain is unblockable (measures 29" or larger) you **must have** the most recently certified ASME/ANSI drain covers or grates to prevent entrapment and entanglement.

### Single Main Drains

A single main drain pool must have an unblockable drain or have one or more additional devices or systems that are designed to prevent suction entrapment. This means your drain must equal or exceed a 29" diagonal or diameter, or must be equipped with one or more additional devices or systems that are designed to prevent suction entrapment. Such devices or systems include safety vacuum release system (SVRS), suction limiting vent system, gravity drainage system, automatic pump shutoff system, or drain disablement. Once again, all drains, even if they exceed 29" diagonal or diameter, **must have** the most recent ASME/ANSI A112.19.8 certified drain covers or grates.

### Multiple Main Drains

Public pools with multiple drains leading to one main drain, that are more than 3 feet apart, are considered to be unblockable and in compliance. However, all the drains **must have** the new ASME/ANSI certified drain covers that prevent entrapment and entanglement.

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## Frequently Asked Questions

### NRPA

The following information has been prepared by the National Recreation and Parks Association and is available on their website at <http://www.nrpa.org>.

#### **Do all pools require the new ASME/ANSI certified drain covers or grates that prevent entrapment and entanglement?**

Yes, all pools **must have** the new ASME/ANSI certified drain covers that prevent entrapment and entanglement.

#### **If I have an 18"x18" drain or 16"x16" drain in my multiple main drain pool, do I now need to make them 29"?**

No, you do not have to replace these drains with 29" drains. However, you must have new ASME/ANSI certified drain covers or grates on all your drains.

**If my drain exceeds the new unblockable standard for single main drain pools of 29" do I have to do anything?**

Yes, even if your drain is larger than 29", you **must install** a new ASME/ANSI certified anti-entrapment anti-entanglement drain cover or grate.

**If I have one single main drain with one drain of 18" X 18" (24" diagonal) with no additional devices or systems that are designed to prevent suction entrapment what do I need to do?**

Since you do not have what is considered an unblockable single main drain, you must either make the drain at least 29" or, install one or more additional devices or systems that are designed to prevent suction entrapment and meet the ASME/ANSI Standard. Such devices or systems include a safety vacuum release system (SVRS), suction limiting vent system, gravity drainage system, automatic pump shutoff system, or drain disablement. Additionally, you **must install** a new 18"x18" ASME/ANSI certified drain cover.

**Are Water Features Required To Comply?**

If your water features are classified as a public pool then you must comply with public pool standards.

**Does the law also apply to portable pools?**

Yes, portable pools have the same requirements as in-ground pools.

**CPSC**

The following frequently asked questions have been taken directly from the CPSC website at <http://www.cpsc.gov>. Please go to this website for the latest information on this Act.

**DRAIN COVERS**

**Q: What types of drain covers are available for purchase?**

**A:** A variety of drain covers have already been certified to ASME/ANSI A112.19.8-2007. These include covers that are round (for blockable and unblockable drains), 9"x 9" square, 12"x12" square, and 18"x 18" square. CPSC staff expects additional square unblockable drain covers to enter the market in 2009. To view a complete listing of drain cover manufacturers who have received certification that their product meets the ASME/ANSI standard, log on to: [www.cpsc.gov/businfo/draincman.html](http://www.cpsc.gov/businfo/draincman.html). (Jan. 30, 2009)

**Q: What is the proper marking on approved drain covers?**

**A:** Drain covers made during a short period in the summer of 2008 used the ASME symbol and/or the "ASME/ANSI A112.19.8-2007" mark. There was then a period of time during the late summer and early fall of 2008 when no marking was placed on drain covers being made to be in compliance with the standard. Since November 12, 2008, newly made drain covers should have the "VGB 2008" marking. You should ensure that you are using certified covers. If there is no mark or you are otherwise in doubt, contact the manufacturer and ask for a copy of the certificate. Also keep a record of where and exactly when you purchased the cover. (Jan. 30, 2009)

**Q: Can operators pre-order approved drain covers?**

**A:** Yes. Round covers and various square covers are available for purchase and many manufacturers are taking orders for drain covers yet to be manufactured. (Jan. 30, 2009)

**Q: What should I do if my pool's drain requires a field-fabricated drain cover but none is available? (For example a pool with a single L-shaped drain that is half on the pool bottom and half on the wall.)**

**A:** Certain drains will require a field-fabricated cover. Pool owners/operators should either work to find a manufacturer who will build a custom-made cover or the pool should be re-built to have dual main drains. In the near term, owners/operators should incorporate one of the secondary anti-entrapment systems into their existing system. If the two planes of the L-shaped drain cannot be blocked simultaneously by the body blocking element defined in the ASME standard, then a secondary system is not necessary. Failure to comply with the requirements of the Act may result in pool closure. (Jan. 30, 2009)

**Q: Who is approving new drain cover designs?**

**A:** Third-party testing and certification is being conducted by Underwriters Laboratories, the National Sanitation Foundation, and IAPMO (The International Association of Plumbing and Mechanical Officials). (Jan. 30, 2009)

**Q: I have a field-fabricated, unblockable drain cover that I believe meets the current ASME/ANSI standard. Am I required to order a new cover?**

**A:** No. A field-fabricated cover may continue to be used where a professional engineer (PE) certifies that it meets the requirements of ASME/ANSI A112.19.8-2007, including flow rates, UV exposure, and durability. The PE must document that the drain cover meets the new standard and provide a copy of the certificate to the pool owner/operator. (Jan. 30, 2009)

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## Conclusion

If your entity operates a public swimming pool, it is extremely important that you are in compliance with this Act. Failure to do so could mean closure of your facility. It will be very difficult to defend your entity should an entrapment or evisceration occur to one of your patrons.

The most up-to-date information is available from the CPSC at their website. Another good source of information is the National Recreation and Park Association. I would recommend that you periodically check these 2 websites for information.

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