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INDUSTRY NEWS
VGB Residential Requirements Finalized
By Rebecca Robledo| 3.12.2010



The question of how the Virginia Graeme Baker act will affect residential pools has finally been answered. The Consumer Product Safety Commission has finalized three aspects of VGB that were still up in the air: model language for potential state laws; the definition of an unblockable drain; and the definition of a commercial pool.

This puts in black and white the continually confusing issue of what VGB means for residential pools.

The law is not a mandate for all pools. Instead, it provides grants to states that enact pool and spa safety legislation that meets certain requirements set out by CPSC. The model language released March 3 spells out those baseline conditions. Putting to rest one of the most contentious issues, the law does not require a safety vacuum release system or other such device on pools with multiple drains, unblockable drains or drainless systems.

Specifically, the language states that all vessels, new or existing, must have some kind of entrapment protection, whether it be multiple or unblockable drains, a drainless system or a device such as an SVRS. However, a year after

MORE INFORMATION

What does this mean for you?

Here's the upshot of this latest VGB development:

Does this law apply to all residential pools?

Probably not. The language is designed for a grant program, which awards funds to states that enact approved pool and spa safety laws.

Only states passing such legislation will be affected.

What does this mean for existing pools and spas?

In participating states, all drains must be capped with VGB-approved covers. All pools and spas must have some kind of entrapment protection. This can include multiple drains, unblockable drains, a drainless system, or a backup device such as an SVRS. So single-drain pools will need retrofitting.



What does this mean for new installs?

In addition to the approved drain covers, all new pools and spas must be built with multiple drains,

enactment of a state law, all new pools and spas must have multiple drains, unblockable drains or no drains at all. In addition, all drains will need to have VGB-approved covers.

This doesn't preclude a state from requiring secondary devices. Any state can pass more stringent language, as long as it is consistent with two CPSC publications regarding pool and spa safety: Safety Barrier Guidelines for Home Pools and Guidelines for Entrapment Hazards: Making Pools and Spas Safer.

The model legislation also presents barrier requirements that are similar to many existing laws. It applies to any outdoor residential vessel intended for swimming or recreational usage, including any aboveground and inflatable pool deeper than 24 inches.

Fencing at least 48 inches above grade shall "effectively provide protection against potential drowning or near-drowning of young children by preventing them from gaining unsupervised and unfettered access."

In addition to the height, CPSC outlined other detailed specifications for compliance. Removable mesh fencing is allowed if it meets ASTM F2286-05. For an aboveground or onground pool, the vessel itself can serve as the barrier if it stands at least 48 inches above grade. If not, fencing can be added to the top of the pool, provided it meets certain criteria.

If the house serves as part of the barrier, it must be backed up with an audible alarm or power safety cover, both of which must meet certain specifications. Portable hot tubs may have ASTM-compliant lockable manual safety covers in lieu of fences. Additionally, CPSC finalized its definition of an unblockable drain. This holds particular importance for some because an unblockable drain can stand alone and doesn't need a backup device.

unblockable drains or no drains at all. Backup devices are optional, unless the state passes a more stringent law.

Will these laws require isolation fencing?

No. A barrier is required, but the home can act as one of the four sides, as long as specified devices are in place. The fencing requirements do not apply to portable hot tubs, as long as they have lockable manual safety covers.

Can my state pass a stricter law?

Yes, as long as it doesn't conflict with VGB and two specified CPSC publications.

Is my state trying to receive a grant?

CPSC says only Florida is ready to apply. Other states have reportedly expressed interest, but the CPSC won't specify which. Many have speculated California may participate. — R.R.

To fit this category, a drain must be large enough so that its open area is not blocked by the 18-by-23-inch element used in testing. Furthermore, flow around the blocking element must fall within a given value. All covers must meet the ASME/ANSI A112.19.8 standard.

Some controversy arose over a related decision — to define a drain as unblockable if it has an adequately sized cover, even if the sump is smaller. CPSC Chairwoman Inez Tenenbaum dissented. “The use of an unblockable drain cover by itself does not address the entrapment risks posed by a missing or broken drain cover. ...” she said in a statement.

However, others saw it as adequate. “If a cover renders a pool or spa’s main drain unblockable, I can see no safety reason for interpreting the words ‘main drain’ narrowly,” Commissioner Robert Adler said.

Finally, CPSC clarified a vague term used to define a public pool. In part, VGB defines a public pool or spa as one at “a hotel or other public accommodations facility.” Because of confusion, the agency sought to define the latter term. Only pools at single-family residences that are rented to others will be excluded from VGB’s public pool and spa requirements.