

Hon. Robert Adler
Commissioner
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Commissioner Adler,

I strongly urge you to reconsider your vote to remove the requirement in the Virginia Graeme Baker Pool & Spa Safety Act (VGB Act) that public pools and spas be equipped with back-up safety devices to prevent entrapment by pool or spa drains. History shows that we cannot rely on drain covers alone to prevent the horrible deaths and serious injuries that are caused by pool and spa entrapments.

According to the US Consumer Product Safety Commission (CPSC), between 1999-2008, there have been 83 reported entrapments on pool or spa drains, with at least 11 of these incidents resulting in death. All but one of those victims were children. According to testimony from the CPSC at Senate hearings and through published interviews, the total number of entrapments is "underreported," meaning the true number of entrapments is far greater than current CPSC statistics. The terribly sad stories of the deaths of three children spurred Congress to enact the VGB Act to prevent anything like this from occurring again:

Virginia Graeme Baker, the seven-year-old granddaughter of former Secretary of State James Baker, died in her mother's arms after she sat on the underwater drain of a hot tub.

Zachary Cohn, a six-year-old from Connecticut became entrapped in the drain in the family pool and drowned in his father's arms when he could not be freed from the powerful force of the suction.

Abigail Taylor, a six-year-old from Minnesota, lost most of her intestines and eventually died from the injuries caused by her entrapment on an uncovered drain in a wading pool.

All of these deaths would have been prevented by back-up layers of protection, such as vacuum-breaking devices, pump shut-off systems, or gravity systems. We were shocked to see that, because of your vote, CPSC's rules do not require the use of these life-saving devices. In addition, the requirement for back-up safety equipment has now been removed from the grant program for states that enact pool and spa safety laws.

The report from the Senate committee that passed the VGB Act states that the purpose of the law is to "improve pool and spa safety through the use of anti-entrapment devices and to encourage state adoption of minimum mandatory swimming pool and spa laws incorporating several layers of protection." The CPSC's interpretation undermines that intent.

The simple truth is that drain covers come off or break over the course of the life of a pool or spa, even when the owners and operators have the best of intentions. Even pools with dual drains are not safe without a back-up, because drains can get blocked. The purpose of the VGB Act was to ensure that pools and spas would be safe even when drain covers fail. Because of your recent vote, our children will be put at unnecessary risk. I urge you to change your mind.

Sincerely,