



## A look one year later at how the aquatics industry is addressing the Virginia Graeme Baker Act.

As an athlete with disabilities, 56-year-old Bill Stock wasn't going to let the fact that he couldn't use his legs slow him down. A resident of Hawaii, he loved the water, and frequently used the pool for physical therapy after a spinal cord infection left him paralyzed from the waist down. He enjoyed swimming at the Hilton Hawaiian Village's Duke Kahanamoku Lagoon in Honolulu, Hawaii, and according to reports from his family, did so most days.

However, on July 30, 2009, his love of the water turned fatal. According to his attorney, Stock was swimming that day when he became trapped by the suction of an underwater grate five feet below the surface. Although Stock was a strong swimmer, because he couldn't move his legs, he drowned. Those who witnessed the accident said it took three people to pull him free of the powerful force of the drain.

It is incidents like this one that continue to stoke the fire to enforce the Virginia Graeme Baker Pool and Spa Safety Act (VGBA), which went into effect on December 18, 2008. The act, named for the granddaughter of Secretary of State James Baker who was also killed in an entrapment incident, requires that every public pool and spa in the United States be equipped with anti-entrapment devices or systems. It also requires that pools or spas with a single main drain must add a secondary device or shut-off system (for more detail on VGBA, see the sidebar).

According to the U.S. Consumer Products

Safety Commission, the agency responsible for enforcing this law, there were 74 cases of entrapment resulting in nine deaths from 1999 to 2007. Since the law went into effect in 2008, Ben Schneider of the nonprofit advocacy group Pool Safety Council has been researching the issue, and says he has seen at least nine cases of injury from entrapment.

"The law was passed for a great reason—just because there aren't thousands of injuries from these drains, doesn't mean it isn't meaningful," he says. "There is no excuse for even one injury, because it is so preventable."

Though safety is a top priority across the aquatics industry, there have been challenges with the law and its enforcement. Schneider has heard from many aquatics managers that the timeline given to do the repairs and changes necessary to come into compliance was too demanding. "This law has been on the books since December of 2008, and pool operators knew that deadline was coming when the law was passed in



## VIRGINIA GRAEME BAKER ACT REVEALED

**T**HE VIRGINIA GRAEME BAKER Act is a law passed by Congress in December 2007 in response to entrapment deaths at pools and spas across the United States. Named for the granddaughter of Secretary of State James Baker who drowned from entrapment, the federal statute is aimed at preventing the strong suction that can occur around the drains of aquatic facilities.

The law went into effect on December 19, 2008, and requires all public pools and spas to be retrofitted with drain covers that meet the ASME/ANSI A112.19.8-2007 standard. These drains are less likely to entangle swimmers' hair or other parts of the body. In addition, if the pool or spa has a single main drain, the facility must be fitted with a safety vacuum release system, a suction-limiting vent system, an automatic pump shut-off system, or a type of drain disablement system.

To view a list of drains that have been approved by the CPSC, visit [www.cpsc.gov/businfo/vgb/draincman.html](http://www.cpsc.gov/businfo/vgb/draincman.html)

2007," Schneider explains. "New drain covers need to be changed every few years anyway—if [pool managers] aren't changing to the new compliant covers, they are breaking the law, period."

The law states that facilities needed to be updated to meet the VGBA requirements before December 2008, or before the start of the summer if the pool is seasonal. Tom Dunning, lead pool operator for Seattle Parks and Recreation, says his team started updating in February 2008 to get all of the city's pools in compliance by deadline. However, with 11 different pools to update, his agency won't be fully compliant until the middle of November of this year. "We took a break in the summer, but on average each pool was closed for about three weeks to do the repair," Dunning says.

In addition, Seattle's pools were mostly multiple drain pools, which meant they only needed to replace drain covers and some sump pumps. The city also has its own maintenance department, so much of the work could be done in-house. He surmises that if a city or county had to correct single drain issues at the pools as well, it would take a lot longer to come into compliance.

"Every project like this has unforeseen problems," Dunning explains. "One of our pools sits right next to a lake and was built in 1951. For this particular pool, we had to change the sumps out as well. When we cut into the pool shell which was six to seven feet below lake level, lake water just came rushing in. It became a serious repair." Dunning estimates that the cost to comply with VGBA for all of Seattle was \$400,000—money allocated to the compliance project came from the mayor's office.

In Austin, Texas, the city's 50 pools were in compliance by May of this year. Tom Nelson, aquatics division manager, says that it took all winter to finish switching to the new, compliant drains. "We just designated staff to do it," he says. "We are lucky that most of our pools are closed in the winter." Nelson also explains that most of the pools just needed new drain covers that were replaced during regular scheduled maintenance. His estimated costs for the repairs were \$30,000, which came from the capital improvements project fund.

Though cities like Seattle and Austin are meeting the requirements of VGBA, they are certainly not the norm. In an MSNBC special report that aired in July, experts surmised that only 10 percent of Los Angeles County pools were in compliance. Reports also estimate that out of 6,000 pools in Orange County, California, thousands are non-compliant.





The National Recreation and Park Association, in conjunction with the Association of Pool and Spa Professionals, Independent Pool & Spa Service Association, International Swimming Hall of Fame, and World Waterpark Association, will once again be celebrating and promoting the month of May as National Water Safety Month. As you begin planning your programs for next summer, we urge you to incorporate this month into your activities

As the nation's most influential water-safety organizations, we are uniting to implement the World's Largest Swimming Lesson event on Thursday, June 3, 2010. This event will build national and local awareness about the vital importance of learning to swim to prevent drowning and accidental death of children ages 1-14.

The World's Largest Swimming Lesson will take place at 100 different facilities at a synchronized time around the globe. Participating facilities will focus on teaching children and families how to swim, aquatic safety information and basic swimming survival skills.

Communities depend on aquatic venues to learn how to swim, learn aquatic safety information, and practice safe behaviors. Join us in promoting National Water Safety Month. As a consumer, take part in water safety by always being Water Aware. For more information on the educational programs and certification classes that NRPA offers visit [www.nrpa.org](http://www.nrpa.org).

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CIRCLE 23 ON PRODUCT INFORMATION FORM ON PAGE 67

According to Stephanie Marquis, a spokesperson for the Wisconsin Department of Health Services, out of 4,000 licensed pools in that state, a "vast majority need modifications" to come into compliance with VGBA. "Our goal is to protect the health and safety of our citizens," Marquis says. "We take this responsibility very seriously, but there have been challenges since the law was passed."

In Wisconsin, the Department of Commerce needs to approve any construction to a public facility, including pools. Therefore in order to comply with VGBA, an aquatics facility needs to contract with an engineer or designer to draw up plans for the installation, then submit those plans for review by the DOC, perform the work, and have the facility inspected to make sure it has followed the plan and complied with the law.

This process can be time-consuming and expensive. Marquis explains that because of this complicated process, the Department of Health Services will expect pools to come into compliance with the law, but right now have no deadline as to when they will begin enforcing it.


#### Law of the Land

Some pool and spa operators are counting on lack of enforcement by the U.S. Consumer Product Safety Commission, and cite this as one reason they haven't complied—no one is paying attention. "In January, pool operators were just throwing their hands up in the air and just not doing anything," says Schneider. He says his organization has been "firing shots across the bow," but the CPSC is now starting to take action. He points to a letter from the agency addressed to six non-compliant aquatics facilities in Ohio, asking managers to stop operation until they comply with VGBA.

"It is terrific that CPSC is enforcing this important law," Schneider says. "The ball is in their court and they are running with it. For every time we hear about a community getting it together, we also hear about pools who say they aren't worried about enforcement. I think this Ohio letter proves otherwise."

Dunning says his department in Seattle works very closely with the health department to make sure the compliance updates are done correctly the first time. "If they inspect your pool and you fail, you basically have to go back to day one," he says.

Randy Holveck, a public health sanitarian and lead inspector for the city of Madison, Wisconsin, agrees. He is responsible for checking compliance, as well as making sure that pool operators have followed the guidelines outlined by their engineers. So far, none of the pools that he has inspected have failed. "Most [operators and managers] just want more information, and once we tell them how to proceed, they are fine," he says. "Communication is key."

Schneider says he thinks pool operators need to do their "due diligence and get in compliance. Parents we speak to have no idea what can happen to their children because of these drains," he says. "They are mortified that this is even an issue. I have yet to run into a parent who says, 'I'd rather have my kid in mortal danger than have the pool close down for a few days.'" 

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CIRCLE 24 ON PRODUCT INFORMATION FORM ON PAGE 67