



ISSUE

Insights



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Swimming Pools and Spas Anti-Entrapment Devices and Systems

Under Federal law known as the Virginia Graeme Baker Pool and Spa Safety Act (VGBA), all public pools and spas must have had appropriate safety drain covers and, in certain circumstances, anti-entrapment systems installed on or before December 19, 2008.

Notwithstanding the December deadline, reports surfaced in California from pool owners who experienced problems and unreasonable demands and fees by local officials when it came to retrofitting their pools. In response, the California Legislature introduced, and the Governor signed, AB 1020, a California version of the VGBA, which provides more clarity and guidance for pool owners and local governments. Here's an overview:

Technical Specifications

Under AB 1020 (R-Emmerson), every public swimming pool must be equipped with anti-entrapment devices or systems that comply with ASME/ANSI performance standard A112.19.8, as in effect December 31, 2009, or any applicable ASME/ANSI performance standard adopted by the California Department of Public Health.

A "public swimming pool" includes those outdoor and indoor structures, whether in-ground or above-ground, intended for swimming or recreational bathing, including a swimming pool, hot tub, spa, or nonportable wading pool that is open to residents of a multifamily residential area.

Every public swimming pool with a single main drain that is not an un-blockable drain must be equipped with at least one or more of the following devices or systems:

- An approved safety vacuum release system;
- A suction-limiting vent system;
- A gravity drainage system;
- An approved and tested automatic pump shut-off system ; or
- Any other system that is deemed, in accordance with federal law, to be equally effective as, or more effective than, the systems described above.

For those public pools built on or after January 1, 2010, there must be at least two main drains per pump that meet specified requirements under the law.



State Preemption/Grandfathering

The new state law declares the Legislature's intent to "occupy the whole field" of health and safety standards for public swimming pools. This means that a uniform standard will prevail and will prevent local governments from requiring standards above and beyond state law.

The new state law grandfathers in those pools deemed to be in federal compliance prior to the enactment of the state law.

A public swimming pool owner who meets the grandfathering exception must, however, do one of the following before to September 30, 2010:

- File a Department of Public Health form with the appropriate city, county, or city and county department of environmental health to demonstrate compliance (see below); or
- File a signed statement with the Department of Public Health, attesting that the required work has been completed. The statement must provide the name and license number of the qualified individual who completed the required work. Alternatively, the owner may provide a copy of the final building permit (if required by the local agency) or one of the following documents if no permit was required:
 - A document that describes the modification with sufficient information to document the work that was done to comply with federal law; or
 - A copy of the final paid invoice (the amount paid may be omitted or redacted).

Compliance

Pursuant to this law, the California Department of Public Health must develop an internal public swimming pool compliance tracking system. That system is to track pool owner compliance with anti-entrapment requirements. By March 31, 2010, the Department must also issue a form (and post it on their website), which form is to be completed by pool owners to verify their compliance with the anti-entrapment standards.

The form must include the following information:

- A statement of whether the pool operates with a single or split main drain;
- Identification of the type of anti-entrapment devices or systems that have been installed and
- A signature and license number of a qualified individual who certifies that the technical information provided on the form is accurate.

Each public swimming pool owner must file this completed form with the local enforcement agency within 30 days of completing pool construction or safety equipment installation. If the construction or installation is completed prior to the date that the Department issues the form, the form must be filed within 30 days after the form is issued.

The Department of Public Health is authorized until January 1, 2014, to assess an annual fee not to exceed \$6 to defray the Department's costs of compliance. The fee will be collected by the local health department.



Resources:

- Health and Safety Code Section 18942, 116064.1, and 116064.2
- Federal Safety Law, 15 USC 8001 - <http://www.cpsc.gov/pssa.pdf>
- [CAA Background Paper # 43 - Swimming Pool and Spa Safety Requirements](#)

