



An Open Letter to All Public Swimming Pool, Spa and Special Use Pool Operators:

The Virginia Graeme Baker (VGB) Act is federal legislation that will go into effect on December 19, 2008. Virginia Graeme Baker was a young girl that tragically died after being entrapped in a spa drain. In an effort to prevent such tragedies from happening to others, this legislation was passed. This act requires that all public swimming pools, spas and special use pools have anti-entrapment and anti-evisceration mechanisms in place by December 19, 2008. The Consumer Product Safety Commission (CPSC) is the federal agency tasked with enforcing this legislation. Ohio's public swimming pools, spas and special use pools must comply with this federal legislation.

In order for public swimming pools, spas and special use pools to meet these new requirements, alterations must be made to all the public swimming pools, spas and special use pools in Ohio. All pools and spas will, at a minimum, be required to have their main drain grate covers replaced with covers that are approved by the CPSC. Replacement of main drain grate covers that are of the same size and dimension as the existing cover, with the CPSC approved covers will not require a plan review by ODH.

Other alterations may be necessary to obtain compliance with the VGB Act. Any alteration, other than a main drain cover replacement described above, to a public swimming pool or spa requires a plan review by ODH. Every pool and spa must be equipped with a means of preventing entrapment and evisceration. Pool and spa operators are encouraged to evaluate their pool and spa systems to determine what alterations are necessary for their pool and/or spa to be compliant with the VGB. More information on the requirements of this Act can be found on ODH's swimming pool and spa website, <http://www.odh.ohio.gov/odhPrograms/eh/swim/swim1.aspx>.

The new federal legislation places the burden of compliance on the operators of public swimming pools, spas and special use pools. The Director of Health has granted a statewide variance to all public swimming pool, spa and special use pool operators and contractors from the requirements in the following OAC rules:

- OAC 3701-31-04(C)(3) which states, "Each public swimming pool, public spa, or special use pool shall have inlets, one or more main drains, and gutters or skimmers that the director or the licensor, as applicable depending upon whether licensure or plan approval is at issue, determines can provide proper skimming, circulation and handling of displacement water."

The VGB Act requires that any pool or spa with a single main drain must have an additional means to prevent entrapment and evisceration. Operators can choose to install another drain, enlarge the existing drain or install a mechanical device that will prevent entrapment and evisceration. Plan review is required for any of these alterations to the pool or spa.

- OAC 3701-31-04.1(P)(3) which states, "If anti-vortex covers are used, the maximum flow velocity through the open area of the covers shall not exceed three feet per second. Flow through an anti-vortex cover shall not exceed the manufacturer's rated capacity. "

The VGB Act requires that all drain covers meet 2007 ASME/ANSI standard A112.19.8. That standard requires that drain covers have a maximum flow velocity of 1.5 ft/sec.

- OAC 3701-31-04.1(P)(4)(a)(ii) which states, "Suction piping shall be designed to pull equally from each drain. Each drain shall have the capacity to handle one hundred per cent of the designed flow with flow velocity not exceeding one and one-half ft/sec. for non-anti-vortex drain covers and three ft/sec. for anti-vortex drain covers through the open area of the grate."

The VGB Act requires that all drain covers meet ASME/ANSI standard A112.19.8. That standard requires that drain covers have a maximum flow velocity of 1.5 ft/sec.

- OAC 3701-31-04.1(P)(4)(b)(II) which states, " The oversized drain cover shall have an area of at least three hundred twenty-four square inches."

The VGB Act requires that oversized, or unblockable, main drains have a minimum area of at least four hundred fourteen square inches. Enlarging existing main drains to meet the new dimensions will require a plan review.

Alterations that require plan review must be submitted to ODH's engineering staff as required in OAC 3701-31-03(A). Installation of mechanical devices requires a plan review. In lieu of an inspection after the installation of a mechanical device that is approved by CPSC, a certification of installation will be required. The certification of installation will be mailed out with the plan approval letter as well as posted on our website, <http://www.odh.ohio.gov/odhPrograms/eh/swim/swim1.aspx>.

The certification of installation form may be used for documentation of the replacement of a main drain cover that is of the same size and dimension as the existing main drain cover. In those instances the certification statement is not required to be submitted to ODH.

If you have questions, please contact a member of the ODH engineering staff or recreation program staff at 614-466-1390.