

FREQUENTLY ASKED QUESTIONS ABOUT THE FEDERAL POOL & SPA SAFETY ACT

Question 1: What do the mandatory provisions of the Federal Pool and Spa Safety Act cover?

Answer: The federal mandates in the Act pertain to two issues:

1. The manufacture, import, and sale of suction outlet fittings (drain fittings and covers) and
2. Entrapment avoidance systems in public pools and spas.

Question 2: What do these provisions require?

Answer: The Act requires the following:

1. On or after 12/19/08, all suction outlet fittings and covers made, imported, or sold in the U.S. must be certified to comply with ASME/ANSI A 112.19.8, 2007 version.
2. As of 12/19/08, all public pools and spas, both new and existing, be equipped with certified covers on every suction outlet.
3. As of 12/19/08, every public pool and spa, new and existing, that has a single outlet, other than an unblockable outlet, must employ one or more of the following additional options:
 - Safety vacuum release system (SVRS) that complies with ANSI/ASME A112.19.17 or ASTM F2387; or
 - Suction limiting vent system; or
 - Gravity drainage system; or
 - Automatic pump shut-off; or
 - Drain disablement; or
 - Equivalent system that may be approved by the CPSC.

Question 3: Does the suction outlet cover requirement in the Act apply to pools and spas with dual or multiple drains?

Answer: Yes. Every drain in every public pool and spa must have a compliant cover by the effective date. After 12/19/08 the pool or spa cannot be open for use if the covers and system are not compliant.

Question 4: Will such covers be available in time to install before the effective date?

Answer: Some manufacturers have assured the APSP that compliant covers will be available in sufficient time to purchase and install. However, the APSP cannot speak to every cover installed, especially covers of unusual sizes and shape.

Question 5: How will I know which covers comply?

Answer: They will have the following embossed or permanently marked in a location that is visible when installed:



Or, "ASME A112.19. 8 2007" and, a flow rating "X GPM", and "Life: X Years", and Manufacturer and Model.

Question 6: What if I cannot find the manufacturer or a compliant replacement cover that fits?

Answer: The drain will require permanent disablement, or replacement with a cover and mounting frame that is compliant.

Question 7: Is a skimmer considered a suction outlet?

Answer: No. The Act addresses only submerged suction outlets.

Question 8: Does the Act require SVRS devices on all public pools?

Answer: No. An SVRS is one of several options available to release a high vacuum occurrence in a pool or spa with a single outlet. These options are not required on pools or spas with multiple certified drains or with a single unblockable drain and sump.

Question 9: What is an unblockable drain?

Answer: The Act defines an unblockable drain as a drain sump of "any size or shape that a human body cannot sufficiently block to create a suction entrapment issue." The ANSI/APSP-7 2006 standard defines unblockable as "of any size and shape such that a representation of the torso of the 99 percentile adult male cannot sufficiently block it to the extent that it creates a body suction entrapment hazard." In other words, the outlet must be such that a torso 18" x 23" with corners having a 4-inch radius would not be able to sufficiently block the outlet. The standard also allows for channel drains with a minimum open area 3" wide X 31" long.

Question 10: What is a safety vacuum release system (SVRS)?

Answer: The definition in the Act is as follows: "The term 'safety vacuum release system' means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage." SVRS devices must be certified to ASME/ANSI A112.19.17 or ASTM 2387-04

Question 11: What is a gravity drainage system?

Answer: Gravity Drainage is a circulation system where the water flowing from the pool/spa does not connect directly to the pump. The water drains into a tank or basin open to atmosphere from which the pump pulls its water for circulation back to the pool.

Question 12: What is a suction limiting vent system?

Answer: Suction-Limiting Vent System -- a pipe vented to the atmosphere that connects to the suction pipe between the pool and the pump. When a high vacuum event occurs, air from the vent pipe replaces the water in the suction pipe thereby breaking the suction. The vent opening is protected by a tamper resistant cover.

Question 13: What is an automatic pump shut-off?

Answer: Automatic Pump shut-off system -- a device or system that shuts off the pump/motor when it senses a high vacuum occurrence that includes but is not limited to some of the safety vacuum release devices (SVRS) and load sensing motors.

Question 14: What is drain disablement?

Answer:

Existing Construction:

1. Fill with concrete, Glue in plug
2. Reverse flow, permanently disconnect from pool pump suction (no valve to switch back)
3. Permanently disconnect suction outlet pipe from all circulation systems

New Construction:

1. Not applicable -- the rest of the codes and standards do not permit single blockable drain configurations.

Question 15: According to the Act, how far apart must multiple or dual drains be?

Answer: The Act does not specify. The ANSI/APSP-7 2006 standard requires that multiple drains or suction outlets be at least 3 feet apart, measured from center of sump to center of sump. Or that suction outlets be located on different planes.

Question 16: Does the Act apply to hot tubs?

Answer: Yes. Hot Tubs are considered “spas” for purposes of this act.

Question 17: Does the Act apply to residential pools and spas?

Answer: Yes. As of 12/19/08, it will be against federal law to make, import, or sell a suction outlet fitting and cover that does not comply with ASME/ANSI A112.19.8 -2007. Installation of a non compliant cover in a customer’s pool or spa would be a violation of that provision. The other federal mandates discussed above apply only to public facilities.

Question 18: How does the Act define a “Public” pool or spa?

Answer: The term is defined broadly and includes:

1. any facility open to the public whether free or for a fee
2. multiple family residential facilities
3. hotels or other public accommodations
4. facilities operated by the federal government for the military, their dependents, or for any federal agency or department

Question 19: How do these Federal provisions or mandates compare with ANSI/APSP-7?

Answer: Each of the above provisions is entirely consistent with ANSI/APSP-7. Pools and spas built or retrofitted to comply with this standard will also comply with the Act.

Question 20: Does ANSI/APSP-7 require a pool to be closed to swimmers if the cover is not ASME compliant?

Answer: The standard requires ASME approved covers. Non-compliant covers and systems should be addressed. If a cover is broken, damaged, not secure or missing, the standard requires that the pool or spa be immediately closed to bathers.

Question 21: What is the penalty for not complying with these provisions?

Answer: That has yet to be determined by the CPSC.

Question 22: How else does this Act affect residential pools and spas?

Answer: That is also yet to be determined. The CPSC is charged with creating “minimum state law requirements,” pertaining to entrapment protection and barriers to prevent drowning. Any state that enacts laws that meet or exceed those requirements will be eligible for grant money from the CPSC. The Act provides guidelines and instructions to the CPSC in creating those “minimum state law requirements.” With regard to entrapment, these guidelines and

instructions are entirely consistent with ANSI/APSP-7. With regard to barriers, these guidelines and instructions are consistent with the “Layers of Protection” approach endorsed by the APSP and found in our literature.

Question 23: What else should I do about entrapment protection in residential pools?

Answer: All residential pools and spas and hot tubs should be built and maintained in accordance with applicable state and local law and ANSI/APSP-7.

Question 24: What should I do about barriers in public and residential pools and spas?

Answer: All pools and spas and hot tubs should be protected in accordance with applicable state and local law and the ANSI/APSP-8 Model Barrier Code.

Question 25: What are the legal responsibilities of builders, renovators, and service professionals under the ACT?

Answer: These are not specified by the Act. Also, as a non-profit membership organization, APSP is not able to provide legal advice or to provide guidance for each and every situation. Pool and spa professionals should consult with their own legal counsel with regard to any questions of law or interpretation of the Act.

IMPORTANT NOTE:

The above information is intended to provide important technical information with regard to the recent Pool and Spa Safety Act. It is not intended as legal advice. As a non-profit membership organization, APSP is not able to provide legal advice. Pool and spa professionals should consult with their own legal counsel with regard to any questions of law or interpretation of the Act or any other federal or state law, regulation, code or ordinance.

The APSP is not responsible for any liability or damages that in any way is alleged to have resulted from the above questions and answers.