



Missouri Department of Health and Senior Services

P.O. Box 570, Jefferson City, MO 65102-0570 Phone: 573-751-6400 FAX: 573-751-6010
RELAY MISSOURI for Hearing and Speech Impaired 1-800-735-2966 VOICE 1-800-735-2466

Margaret T. Donnelly
Director



Jeremiah W. (Jay) Nixon
Governor

TECHNICAL BULLETIN L-09-001

TO: Regional Environmental Public Health Specialists
Local Public Health Administrators
Local Environmental Public Health Specialists

FROM: Cathy Sullivan, Interim Chief, Bureau of Environmental Regulations and Licensure

SUBJECT: Virginia Graeme Baker Pool & Spa Safety Act

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CONTACT: Bryan Haugen, Asst. Lodging Program Manager
Bryan.Haugen@dhss.mo.gov , (417) 895-6932

We have received numerous questions regarding the Virginia Graeme Baker Pool and Spa Safety Act, how this new law affects swimming pools and spas in Missouri, and particularly how it impacts these facilities at licensed lodging establishments.

The Virginia Graeme Baker Pool and Spa Safety Act **is a federal act** aimed at reducing deaths and injuries by setting forth requirements related to preventing possible suction from a pool or spa drain that could result in entrapping an individual under water or causing other related injuries. The act sets design and construction standards for swimming pool and spa main drain covers and provides for additional anti-entrapment devices to be installed on some swimming pools and spas. The provisions of this act apply to all public swimming pools and spas in the nation. The definition of 'public pool' in the act also encompasses what have been classed as semi-public pools in many swimming pool ordinances and includes swimming pools and spas at facilities like apartments, country clubs, and motels.

In Missouri, unless a local jurisdiction has adopted a local ordinance, the only swimming pools and spas we routinely regulate are those at lodging establishments. The remainder of this bulletin will pertain to pools and spas at lodging establishments. Jurisdictions with pool ordinances will need to determine for themselves if and how they will incorporate compliance with the Virginia Graeme Baker Pool and Spa Safety Act into their ordinance.

If the owner or operator of a public pool or spa requests information about the requirements of this act, encourage them to visit the United States Consumer Product Safety Commission web site at: <http://www.cpsc.gov/businfo/vgb/poolspa.aspx> or by phone at 301-504-7908.

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Swimming pool and spa compliance with the Missouri Lodging standards will be different for existing and new pools or spas and are as follows:

Existing Pools and Spas

The Missouri lodging rule, 19 CSR 20-3.050 Sanitation and Safety Standards for Lodging Establishments, has had a requirement for anti-entrapment main drain grates since 2004. Section F.4.F states that, "Main drain grates shall be whole and openings shall not be over one-half inch (1/2") wide. Main drain grates shall be in good repair, firmly affixed at all times and designed and maintained to prevent user entrapment".

Therefore, all existing pools and spas located in lodging establishments throughout the state of Missouri should already have anti-entrapment drain covers. For these existing anti-entrapment drain covers, we are not going to verify that they comply with the Virginia Graeme Baker Pool and Spa Safety Act. This does not mean that the establishment is not responsible for complying with the act, but that for lodging establishment licensing purposes, we are not going to enforce this standard.

For any existing pool or spa that does not have an anti-entrapment drain cover or if the operator is replacing an existing anti-entrapment drain cover, we will require verification that the new drain cover complies with the Virginia Graeme Baker Pool and Spa Safety Act. This act requires anti entrapment drain covers to be designed and constructed to meet the standards set forth in ASME/ANSI A112.19.8-2007. These covers have been on the market since December 2008. These are identified by either the ASME symbol, "ASME/ANSI A112.19.8-2007" or a mark of "VGB 2008". If you are unsure of the certification of the new pool drain cover, request the pool operator contact the manufacturer of the pool drain cover and obtain a copy of the compliance certificate.

If the pool or spa has an unusual size or configuration of drain, it is acceptable for the pool operator to have a drain cover fabricated in the field. In this instance, a Professional Engineer (P.E.) will need to write a letter certifying that the fabricated drain cover meets the ASME/ANSI A112.19.8-2007 requirement. This certification needs to be on hand for the inspector to verify.

New Pools and Spas

New pools or spas in the state must be certified to be in compliance with a national swimming pool code. This will now include being fully compliant with the Virginia Graeme Baker Pool and Spa Safety Act. The facility must provide certification to Missouri Department of Health and Senior Services, either from the architect, engineer or contractor that the pool and/or spa was designed and installed to comply both with a national swimming pool code and the Virginia Graeme Baker Pool and Spa Safety Act .