

## **MEMORANDUM**

**DATE:** May 5, 2009

**TO:** Public Bathing Place Owners and Operators

**FROM:** Tressa Madden, Director  
Consumer Protection Division

**SUBJECT:** OSDH Rules regarding the federal Virginia Graeme Baker Act

This is to provide you with information regarding a new federal law that became effective December 19, 2008, which affects all public bathing places, and to also provide you with information regarding Oklahoma State Department of Health rules passed by the State Board of Health relative to this issue.

By now you have probably heard of the Virginia Graeme Baker Pool and Spa Safety Act. For your reference we have enclosed a copy of this measure. To summarize, it is a federal law under the jurisdiction of the federal Consumer Product Safety Commission intended to reduce the risk of injury or drowning associated with physical and suction entrapment. It requires the installation of new drain covers that meet specific standards intended to reduce the risk of physical entrapment, and also requires a modification to provide one of several additional measures to reduce the risk of suction entrapment. This act makes it a violation of federal law to manufacture, sell, or distribute into commerce any drain cover that does not meet the new standard.

Over twenty years ago the Oklahoma State Board of Health adopted rules requiring all public bathing places in Oklahoma to be fitted with an anti-vortex cover over all drains. These drain covers have proven to be very effective in preventing entrapment and injury; however, if the current anti-vortex cover is replaced with a cover meeting the new standard and the additional measures required under the federal law are not implemented, the risk of suction entrapment will actually increase. Therefore, the State Board of Health recently amended Oklahoma rules to require any existing pool owner, who is replacing a drain cover or making modification to their pool for compliance with the federal law, to provide the Oklahoma State Department of Health with a "scope of work" in writing, which outlines the proposed modifications to the public bathing place, prior to performing the work. The scope of work shall include, at a minimum, the make and model number of the equipment that will be installed. An inspection by the Department is required upon completion of the work and prior to re-filling the pool with water.

Although the rule changes adopted by the Oklahoma State Board of Health do not mandate modifications to public bathing places in Oklahoma, you should be advised this would not prevent the federal Consumer Product Safety Commission from taking action, including administrative fines, for non-compliance with the new federal law. For your assistance we have enclosed a document you may use to provide the information when submitting the scope of work. If you have already provided modifications to your pool, please fill this out and submit to the address provided at the top of the form. If you are planning to modify your pool please submit the scope of work prior to performing the modifications, and contact your local county health department or our office for an inspection. If you have any questions regarding this matter you may contact our office at (405) 271-5243.