Implementation of a New Federal Pool and Spa Safety Law: A View from the Field

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Objectives

- To increase awareness of a new federal law amongst owners of residential pools, local building officials, and residential pool businesses
- To assess the understanding of legal requirements at local building code offices
- To evaluate the necessary elements required to implement policy change from the federal to the local level
Objectives

- To understand the diversity of building codes amongst the different counties and municipalities in Maryland
- To help streamline the process of informational exchange amongst various stakeholders namely: the local code officials, residential pool and spa owners, businesses, and national organizations and bodies
Methods:

- Contact local code officials and invite them to complete our short survey
- Visit pool professionals in the field and gauge their level of understanding
- Create easily accessible compendium of information
Background Information

- Virginia Baker III died in June 2002 trapped in the drain of a friend’s hot tub. She was 7 (define entrapment?)
- Drowning constitutes the 2nd largest cause of drowning amongst children 1-14, mostly in residential pools (CDC, 2008)
- The Virginia Graeme Baker Pool and Spa Safety Act (VGBPSSA) was passed on December 19th, 2008 under the authority of the U.S. Consumer Product Safety Commission
- Some risk factors: lack of barriers around swimming pools and spas, lack of supervision, age, recreation in natural water settings
The VGBPSS Act:

- The Act mandates the following:

  - that all outdoor residential pools and spas have barriers around them that will prevent children from gaining easy access to them;

  - that all pools and spas be equipped with devices and systems to prevent entrapment by pool and spa drains;

  - that all new pools and spas have either more than one drain, one or more unblockable drain or no main drain;
The VGBPSS Act:

- that pools and spas with main drains, other than an unblockable drain be equipped with a drain cover that meets the consumer product safety standard established by section 1404;

- that owners of residential pool and spas be sent periodic notifications about compliance with entrapment protection standards of the American Society of Mechanical Engineers (ASME)/American National Standards Institute (ANSI) 112.19.8 performance standards or any successor standard.
Scope

- 23 counties (and Baltimore city) make up the main 24 jurisdictions in Maryland
- There are approximately 450 cities in Maryland
- Each of these jurisdictions has numerous spas and above and below ground residential pools.
- To determine the nature of the jurisdiction’s building code requirements and knowledge of the new; of these counties were contacted from November, 2008 through February, 2009 via phone calls and surveyed
- Resounding majority did not respond in detail to our survey questionnaire
The picture from the field

- All the different counties have different building codes: different editions of the same code or different codes altogether
- Anecdotal reports suggest that most counties have not heard of the VGBPSSA
- Most towns follow the county’s building code though some do have their own building code while some are too small to have any such mechanism in place
- Many counties and towns have sub-contracted code implementation to other companies and are therefore quite unaware of their own codes
From the field

• Most pool suppliers interviewed were not aware of the new law.
• However, they mostly sold above ground pools which do not have main drains, only skimmers (if these people are in the business they should know safety standards).
• There are very formal few mandatory licensing or certification requirements to become a pool professional. Basically, anyone with an intention to start a business can become one. This has problematic consequences. The governing bodies have thus far been focused on the pool devices and not the professional
From the field

- Anecdotal reports suggest that even pool and spa manufacturers/companies are not informing their sales people and franchises about VGBPSSA.
- The CPSC is going to unroll a new informational campaign targeting consumers and manufacturers. They were originally estimated to get approximately $5 million annually from 2008-2012. However this approach needs to be tweaked.
From the field

- There is not much informational outreach directed towards the residential pools and spas segment wherein lies most of the threat, lack of knowledge about pool engineering and a misplaced sense of invincibility from mishaps.
- Most residential pool and spa owners in Maryland will not be VGB compliant unlike their public counterparts.
- The threat of children drowning in home pools and spas remains.
Challenges faced

• Extremely difficult to get in contact with officials who are in and out of their offices
• There is great heterogeneity and complexity in terms of stakeholders, different building codes and processes
• Governmental bodies are not given adequate resources to undertake large projects such as VGB implementation given their scope
• Issues of coordination among stakeholders, and perceptions of the problem make the implementation process more challenging
Recommendations

- Identification of the right stakeholders to target is very important.

- Before a new law is implemented, the various stakeholders must get together to discuss the potential difficulties in implementing said law; otherwise, major entities might be overlooked by the law.

- The different stakeholders must assume active responsibility in helping disseminate information about law to their constituencies, but funding is an issue.

- Extremely important to set SMART objectives when unrolling a new law to ensure law has desired impact in the field.
Recommendations

- Local building code officials are one of the main conduits of information to the residential pools and spa owners. These officials are more likely able to influence pool owners to follow VGB protocol.
- The counties must gather information from their local jurisdictions about building code information and process.
- Local building officials have to be targeted by the CPSC, and the APSC consistently to gather information from and to administer information to
The Grand Finale

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