

**U.S. Consumer Product Safety Commission
LOG OF MEETING**

SUBJECT: Underwriters Laboratories (UL) Meeting on Proposed Changes to Voluntary Standard UL 1563 (Spas)

DATE OF MEETING: April 27, 2006

LOG ENTRY SOURCE: Patricia Bittner

DATE OF LOG ENTRY: May 5, 2006

LOCATION: Underwriters Laboratories, Brea, California

CPSC ATTENDEE(S): Patricia Bittner

NON-CPSC ATTENDEE(S): Gary Siggins, UL; Syed Hamdani, UL; Robin French, Watkins Manufacturing Corporation; Stephen Macey, Caldera Spas; Louis Nollet, Gecko Electronics, Inc.; Angelo Pugliese, Dimension One Spas; Lee West, Balboa Instruments, Inc.

SUMMARY OF MEETING: The meeting was called by Gary Siggins, Principal Engineer (PDE)-Swimming Pool, Spa, and Whirlpool Bath Equipment for UL. UL received a request from certain spa manufacturers to increase the water temperature of spas for consumer use by amending the applicable voluntary standard, UL 1563. The reason for this request was that some consumers want hotter spas.

Prior to the meeting, Mr. Siggins had provided attendees with a history and rationale for the temperature regulating control requirements in UL 1563. Mr. Siggins stated that UL would like to take a look at the entire issue without just looking at the standard. He noted that the text of the standard was written for the "old" electromechanical controls (turn dials), which are not now commonly used. Mr. Siggins suggested that the group consider what they would do if they were going to do the entire standard over again.

There was some discussion as whether the history behind the original set point (104 degrees F) in the standard was accurately described, as Mr. West and Mr. Pugliese had different recollections from Mr. Siggins as to why this set point was chosen. Mr. Pugliese stated that the medical opinion at that time was that 110 degrees F was a safe temperature, so they decided that they wanted spas to be 109 degrees F or less. They took the technology at that time and needed a 5 degree tolerance to get this assurance and thus, the set point was 104 degrees. Mr. Siggins will review their comments, but stated that his information was based on Bulletins. Mr. Pugliese stated that the medical evidence shows that 108-109 degrees F is not unsafe for consumers.

Ms. Bittner stated that CPSC has a contract report on hyperthermia from spa use in pregnancy that has just been posted on the web for public comment. Public comments are being accepted until June 5, 2006 and she suggested that the attendees read the report and submit their comments to the agency. She stated that she is not present to defend the report and is not speaking on behalf of the Commission. She noted that after the public comments have been received and reviewed, she anticipated that the staff would write their own analysis and recommendations.

Mr. Siggins asked Ms. Bittner to describe neural tube defects. There was some discussion as to whether this situation was comparable to that of a pregnant woman taking drugs, sitting in a hot car, etc.

There was discussion as to what the "tolerance" in the standard should be. There seemed to be agreement that the 1 to 1.5 degree range was achievable in today's technology. Mr. Siggins stated that UL would like to see a performance-based standard. There was discussion about removing the set point entirely and keeping the maximum temperature of the spa 109 degrees F. Industry stated that this is what has really been allowed all along. Ms. Bittner stated that this was not the intention of the standard, since clearly the set point is there for a reason. Mr. Nollet noted that the temperature of the spa may not be known to the consumer, and thus they might not be able to properly adjust the temperature. There was discussion on the use of thermometers, whether they might be appropriate and how they might be used in certain spa models. Indicators and timers were also discussed.

With regard to signage, Mr. French and Mr. Macey noted that their companies

have included lawn placards that warn pregnant women about the appropriate temperatures and other issues with their products for a number of years. These signs can be attached to a fence near the spa or to the spa itself. The group discussed possible wording changes for the signs. Mr. Siggins will try to work on potential language for the lawn signs without overloading it.

Mr. French noted that the factory default temperature for spas is 102 degrees and the other attendees concurred that their products were also set to this temperature, although there is no requirement in the standard that this be done. Consumers can reset the default temperature after purchase. There was some discussion about whether the spas remain at this temperature when the power goes off, etc.

There was discussion about the accuracy/resolution of handheld thermometers, in the event that they would be used by the homeowner. Many spas already have a temperature display. It was noted that to display the temperature without defining the accuracy defeats the purpose of displaying the temperature. If the sensor is +/- one degree F there will also be the accuracy of the thermometer to take into account, which might be another +/- one degree F. There was a question raised as to whether UL would run the tests using the control (thermometer) against the reference standard.

There was concern expressed that the well-being of the pregnant woman is taken into account at the expense of concern for the arthritic patient, who may have been told by his doctor to get into a spa of 108 degrees F. How can this be reconciled?

Discussion on consumer education--how to get the word out on safe use of the spas. It was felt that the manufacturers can only get the word out to the dealers. The dealers are the ones who interact with the public. Ms. Bittner mentioned that in other projects, public awareness campaigns are sometimes used by manufacturers who want to ensure that products are used properly to avoid liability. Manufacturers felt that CPSC, spa dealers, ACOG, Teratology and OTIS might be other sources of public information. Ms. Bittner mentioned that CPSC already has some information on their website and that she would forward it to Gary Siggins.

Mr. Siggins reviewed the changes that were suggested by the group and said that he will draft up a proposal for review by the Working Group before the full Standards Technical Panel meeting June 21-22, 2006 in Northbrook IL.

