

Virginia Graeme Baker Pool and Spa Safety Act Grants Implementation Report September 2021

About This Report

The U.S. Consumer Product Safety Commission (CPSC) prepared this report in accordance with Section 1408 of the Virginia Graeme Baker Pool and Spa Safety Act (VGBA), 15 U.S.C. § 8007, which requires the CPSC to submit a report to Congress evaluating the implementation of the grant program.

Pool Safety Data

Fatal and nonfatal child drownings in pools and spas continue to cause a public health and safety challenge across the United States. According to a CPSC report released June 8, 2021, data show the need for continued awareness in reducing drowning, particularly as many families spent more time at home this summer to curb the spread of COVID-19, and drowning remains the leading cause of unintentional death among children 1–4 years old.

CPSC's new data show that there were an estimated 6,200 pool or spa-related, hospital emergency department-treated, nonfatal drownings each year for 2018 through 2020; in addition, there were 397 pool or spa-related, fatal child drownings reported per year for 2016 through 2018 involving children younger than 15 years old. Fatal incident rates spiked in 2018, with 404 reported fatalities involving children younger than 15. Children younger than 5 years old accounted for 75 percent of child drownings between 2016 and 2018.

About the VGBA Grant Program

The CPSC's Pool Safety Grant Program (PSGP) is authorized under the VGBA, Pub. L. No. 110-140, Title XIV, as amended, 15 U.S.C. §§ 8004-8005.

Congress authorized the PSGP to incentivize states to adopt additional comprehensive pool safety laws to help prevent pool and spa drownings. The PSGP requires certain safety devices in public and private swimming pools to protect children. The four primary goals and allowable uses of the grant funds [VGB Act Section 1405(d)] are to:

- 1) Hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law. At least 50 percent of the grant funding must be used for this purpose.
- 2) Educate pool construction and installation companies and pool service companies about the standards.
- 3) Educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas.
- 4) Defray administrative costs associated with the training and education programs.

PSGP awards are for a 2-year project period. PSGP recipients are required to compile and report to the CPSC the program's performance and outcomes in an interim report at the end the first

year's period of performance. A final report is required at the end of the second year's period of performance, covering the entire 2 years' performance and outcomes.

To be eligible, PSGP applicants must be a state or local government or U.S. Territory that has an enacted or amended state and/or local law(s) that meets the requirements of the Pool and Spa Safety Act.

- 1) The following entities are eligible to apply for a PSGP grant:
 - a) The 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated State of Micronesia, the Republic of the Marshall Islands, Midway Island, Wake Island, Kingman Reef, and Johnston Island.
 - b) Local Governments – political subdivisions of a state, which may include a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments, or any agency or instrumentality of a local government.
- 2) The following criteria are used to determine whether a state or local law meets the requirements specified in Section 1406 of the VGBA (15 U.S.C. § 8005):
 - a) The enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;
 - b) That pools and spas built more than 1 year after the date of the enactment of such state or local law have:
 - i) More than 1 drain;
 - ii) 1 or more unblockable drains; or
 - iii) No main drain.

PSGP Grant Awards

In September 2019 the CPSC awarded five PSGP 2-year grants totaling \$1,124,000, to state and local governments to help them reduce deaths and injuries from drowning and drain entrapments in pools and spas. The grant recipients and amounts are:

Recipient	State	Amount
City of North Las Vegas	NV	\$124,000
Columbus Public Health	OH	\$250,000
Florida Department of Health	FL	\$250,000
Rhode Island Department of Health	RI	\$250,000
Virginia Department of Health	VA	\$250,000

The CPSC is receiving the required reports from the grantees listed above and will continue to monitor their performance through the end of the project period in September 2021.

On May 7, 2021, the CPSC awarded five additional, 2-year PSGP grants totaling \$867,267. The recipients and amounts are:

Recipient	State	Amount
Florida Department of Health	FL	\$248,695
DuPage County Health Department	IL	\$291,811
County of Middlesex	NJ	\$128,800
District of Columbia	DC	\$54,993
Loudoun County	VA	\$142,968

The CPSC is receiving the required reports from the grantees and will continue to monitor their performance through the end of the project period in 2023.

The CPSC issued another funding opportunity announcement for additional PSGP awards in Fiscal Year 2021. Those grants are anticipated to be awarded in the first quarter of FY 2022.

About the U.S. Consumer Product Safety Commission

The CPSC is charged with protecting the public from unreasonable risks of injury or death associated with the use of thousands of types of consumer products under the agency's jurisdiction. Deaths, injuries, and property damage from consumer product incidents cost the nation more than \$1 trillion annually. CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical or mechanical hazard. CPSC's work to ensure the safety of consumer products – such as toys, cribs, power tools, cigarette lighters and household chemicals – contributed to a decline in the rate of injuries associated with consumer products over the past 40 years.