

Public Submissions
Virginia Graeme Baker Pool and Spa Safety
Act:
Interpretation of Unblockable Drain;
Revocation
CPSC-2011-0071
Comments due by: December 12, 2011

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Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Document: CPSC-2011-0071-0002

Comment from James Hayes

Submitter Information

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Submitter's Representative: Kay Hagan

Organization: NC Department of Health and human Services

Government Agency Type: State

General Comment

I'm glad you finally got this right. It makes no sense to have a single-suction pipe from a pool without backup protection. The ruling will present us some enforcement problems, but it was the right choice to protect consumers.

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Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Document: CPSC-2011-0071-0003

Comment from Kevin Maher

Submitter Information

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Organization: American Hotel & Lodging Association

General Comment

December 12, 2011

Troy Whitfield
Lead Compliance Officer
Consumer Product Safety Commission
Office of the Secretary
4330 East West Highway, Room 820
Bethesda, MD 20814

Re: Docket No. CPSC-2011-0071

Dear Mr. Whitfield:

The American Hotel & Lodging Association (AH&LA) submits these comments on behalf of the lodging industry to express concerns with the recent decision by the Consumer Product Safety Commission (CPSC) to revise its definition of “unblockable drain” and to require retrofitting of affected existing pools by May 28, 2012. AH&LA, the sole national association representing all sectors and stakeholders in the lodging industry, including individual hotel property members, hotel companies, student and faculty members, and industry suppliers, is uniquely positioned to comment on this topic because of the large number of pools our members operate.

AH&LA urges the CPSC to nullify the September 28, 2011 vote and hold to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing pool owners and operators nor state and local authorities an adequate opportunity to comment and explain to the commissioners why such a vote is so severely misguided. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

We also request that the CPSC extend its comment period on this important matter. The implications to pool communities across the country are too important to rush and should be handled properly. In addition AH&LA requests that the CPSC delay implementation of enforcement of this change for one year.

Per the issues raised by the CPSC, AH&LA submits the following comments in response.

1) Concern about the absence of due process o

Attachments

CPSC VGB Retrofit Comments Final



December 12, 2011

Troy Whitfield
Lead Compliance Officer
Consumer Product Safety Commission
Office of the Secretary
4330 East West Highway, Room 820
Bethesda, MD 20814

Re: Docket No. CPSC-2011-0071

Dear Mr. Whitfield:

The American Hotel & Lodging Association (AH&LA) submits these comments on behalf of the lodging industry to express concerns with the recent decision by the Consumer Product Safety Commission (CPSC) to revise its definition of “unblockable drain” and to require retrofitting of affected existing pools by May 28, 2012. AH&LA, the sole national association representing all sectors and stakeholders in the lodging industry, including individual hotel property members, hotel companies, student and faculty members, and industry suppliers, is uniquely positioned to comment on this topic because of the large number of pools our members operate.

AH&LA urges the CPSC to nullify the September 28, 2011 vote and hold to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing pool owners and operators nor state and local authorities an adequate opportunity to comment and explain to the commissioners why such a vote is so severely misguided. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

We also request that the CPSC extend its comment period on this important matter. The implications to pool communities across the country are too important to rush and should be handled properly. In addition AH&LA requests that the CPSC delay implementation of enforcement of this change for one year.

Per the issues raised by the CPSC, AH&LA submits the following comments in response.

- 1) Concern about the absence of due process on their recent September 28, 2011 vote to reverse themselves;

The lodging industry is concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship. Many of our members have expressed concern that they are being unfairly penalized for aggressively implementing the original regulations and now have to go back and “re-do” their work. Many unblockable drain covers were installed in the pools/spas within our industry, based in good faith reliance upon the Pools & Spa Safety Act (PSSA) and the CPSC’s original interpretive rule. These drain covers are far more expensive than the typical smaller fittings, and represented a major investment on our part. This investment was based in large part on the fact that once these covers were installed, additional equipment would not be required. Once a ruling is made, and relied upon by public as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal, which is clearly lacking in this situation.

- 2) The absence of any entrapment injuries, incidents or instances where PSSA compliant drain covers have broken or come off;

The lodging industry has taken seriously its obligation to provide safe pools for its guest even while many operators struggled to work through supplier delays in meeting the increased demand. In fact, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. AH&LA is not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our members’ firsthand experiences shows that this is clearly not the case. A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

AH&LA believes the revised rule will jeopardize the public safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment, and in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then, will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

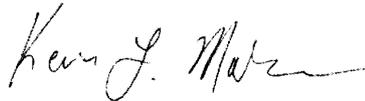
- 3) The cost of retrofitting your pools and spas to comply with this revised rule and its impact on your ability to keep these pools open to the public;

The lodging industry continues to struggle in the face of a very difficult economy. After several years of lower occupancies, reduced travel, and declining revenues, it is unfortunate that the CPSC is now requiring hotel owners and operators to spend its limited resources to again deal with a situation that has been addressed. We have heard from members who express frustration that increasing government regulation on pools by the CPSC and other Federal agencies will force them to close down their pools.

Again, AH&LA urges the CPSC to nullify the September 28, 2011 vote and hold to its original interpretative rule and definition of an unblockable drain as determined in March, 2010, as well as extending this comment period.

AH&LA thanks the Commission for the opportunity to submit these comments.

Sincerely,

A handwritten signature in cursive script that reads "Kevin J. Maher".

Kevin Maher
Senior Vice President for Governmental Affairs

CC: Inez Tannenbaum
Robert Adler
Thomas Moore
Anne Northrup
Nancy Nord
Gib Mullen
Hon. Mary Bono Mack
Hon. Cliff Stearns
Hon. G.K. Butterfield

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Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Document: CPSC-2011-0071-0004

Comment from Stephanie See

Submitter Information

Name: Stephanie See

General Comment

See attached file(s)

Attachments

IAAPA Comment to CPSC re unblockable drain vote 12 Dec 2011 (FINAL)



International Association
of Amusement Parks and
Attractions

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Office of the Secretary
Consumer Product Safety Commission
Room 820
4330 East West Highway
Bethesda, MD 20814
Submitted electronically: www.regulations.gov

December 12, 2011

Re: Docket No. CPSC-2011-0071

The International Association of Amusement Parks and Attractions (IAAPA) is the largest trade association for permanently situated amusement facilities and attractions. IAAPA represents more than 4,000 facility, supplier, and individual members in the U.S. Member facilities include amusement and theme parks, waterparks, attractions, family-entertainment centers, arcades, zoos, aquariums, museums, science centers, resorts, and casinos. Among our members are very large, multi-location facilities as well as small, single-site, family-owned operations.

There are more than 1,000 waterparks in North America, serving over 85 million guests annually. Waterparks are operated by both large and small companies, municipalities, hotel resorts and community centers. They employ between 20 and 5,000 workers per park. Safety is the number one priority for the waterpark industry, and we support the intent of the Virginia Graeme Baker Pool and Spa Safety Act (VGB). The waterpark industry currently employs many safe anti-entrapment features and practices such as the use of larger, unblockable drains as the industry avoids direct, single suction drain systems.

IAAPA appreciates the opportunity to comment on the September 28 vote to repeal the Commission's interpretation of "unblockable drain".

As IAAPA and the World Waterpark Association noted in their September 20 letter to the Commission, the Commission's vote and the subsequent Federal Register notice generated confusion in the waterpark industry. Under the VGB, drains larger than 18" x 23" are considered to be "large unblockable drains", and do not need additional anti-entrapment devices. The Commission's September 28 vote, and subsequent Federal Register notice has left waterpark operators questioning if their large unblockable drains require secondary anti-entrapment devices, if they will need to remodel their pool drain systems, and when the Commission will stop changing the rules.

The implementation of the VGB has been riddled with obscurities for the waterpark industry, but the industry has found a way to comply despite ever-changing interpretations, guidances, and other regulatory and sub-regulatory procedures.

We believe by repealing the Commission's previous interpretation of "unblockable drain", the Commission intends to address situations where a cover intended for a large unblockable drain is affixed to a smaller drain system. To best address these situations, the waterpark industry recommended the Commission not repeal its interpretation of unblockable drain, but instead clarify the previous interpretation to include additional guidance on the requirements for blockable drains until such time that the APSP-16 revision is released. To this end, we submitted suggested language that will accomplish the Commission's goal of preventing facility owners from attaching a cover intended for large unblockable drain on a smaller drain system. The Commission did not address our proposed language, and voted to issue the Federal Register notice as drafted.

We are disappointed the Commission did not provide an opportunity to offer comments on the revocation of the existing interpretation prior to the vote. IAAPA only learned of the impending vote through waterpark industry sources. Additionally, we are disappointed the Commission only sought public comment on the implementation deadline of this change, and not on the interpretation change itself. The Commission's interpretative rule on unblockable drains was issued after lengthy deliberations, including issuance of a proposed position, invitation of public comments, consideration of those comments, and a public hearing. The reversal of the rule was decided without any opportunity for stakeholder input.

It is important to note that there is no record of an entrapment incident occurring in a pool that complied with the previous interpretative definition of unblockable drain, and no evidence that the revocation of that interpretation will do anything to improve pool safety. The incidents that are so widely cited by certain members of the Commission, legislators, and safety advocates occurred in private swimming pools, which are not subject to the VGB.

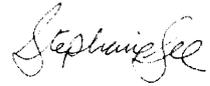
As far as the implementation deadline of May 28, 2012 is concerned, IAAPA thinks the new requirements should apply prospectively to pools that are built or undergo major renovation after the deadline.

Pool owners spent millions of dollars to make their drain systems compliant with the VGB in 2008. The week before Memorial Day 2011—traditionally the start of the outdoor swimming season in the U.S.—many pool owners had to scramble to find suitable replacement drain covers in order to open their pools, due to a massive drain cover recall. Now, some pool operators will need to change their drain systems a third time, in order to comply with the re-interpreted definition. Pool operators were not trying to skirt the law, and were acting legally and with the best of intentions, why should they continue to bear the financial burden of the Commission's indecision?

In conclusion, IAAPA is disappointed with both the result of the Commission's vote, and concerned with the precedent it sets. While it is still too early to accurately assess the impact of the new interpretative definition on the waterpark industry, we are concerned with disregard for the

Administrative Procedure Act the Commission demonstrated by not consulting stakeholders or even the APSP technical committee before making frequent regulatory changes that will have real financial and potential safety impacts for the pool and spa industry.

Respectfully,

A handwritten signature in cursive script that reads "Stephanie See".

Stephanie See
Director, Safety & Advocacy

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Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Document: CPSC-2011-0071-0005

Comment from Jennifer Hatfield

Submitter Information

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Organization: Association of Pool & Spa Professionals

General Comment

Please see attached letter representing our official comments.

Attachments

FINAL 12.12.11 apsp_letter_re_unblockable_drains



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The Global Source and Voice for the Recreational Water Industry

December 12, 2011

To: CPSC Office of the Secretary

Re: Docket No. CPSC-2011-0071

At the request of several Commissioners, the Association of Pool & Spa Professionals (APSP) respectfully submits this letter expressing our concerns with the Commission's revocation of its March, 2010 interpretive rule on unblockable drains. As the Commission is aware, this vote was taken without the benefit of a public comment period, which would have allowed owners and operators of public pools, members of the industry and others who are concerned about pool safety to explain to the Commission why this vote will jeopardize, rather than advance pool and spa safety. We understand to date numerous letters have been submitted to the Commission expressing concerns with the September revocation.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (P&SSA) was enacted. Nor have there been any entrapment incidents or injuries reported where P&SSA complaint drain covers have been installed. Millions of P&SSA complaint drain covers have been installed in public as well as residential pools. After communicating with our membership (including manufacturers, dealers, builders and service professionals) and with many owners and operators, we are not aware of any incidences where these drain covers have broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers "do come off," our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case.

A P&SSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death and there is no added safety benefit from the installation of additional equipment. As noted in the Separate Statements of Commissioners Adler and Northrup in March, 2010, the cardinal principal of entrapment avoidance is that a pool or spa should never be operated when a cover is broken or missing. APSP believes that adherence to this principle has and will continue to provide the most complete and effective means to prevent all forms of entrapment. Revoking an interpretive rule on the premise that "drain covers do come off" threatens to undermine this principle and jeopardize bather safety.

The initial vote by the Commission in 2010 correctly recognized the safety provide by an unblockable drain cover, even on a pool or spa with a single drain. In applying this concept to pools that had a smaller single drain, the Commission also made it more feasible for public pools

to comply with the P&SSA, and for residential pools to achieve the same worthy goals. We are concerned that this revocation will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Devices (SVRSs). These devices have limited value. They do not prevent most forms of entrapment, and require frequent maintenance and calibration, and even then, will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Finally, the Commission made its ruling in 2010, and essentially gave its word. Since that vote, manufacturers, as well as distributors, builders, installers, service professionals and owners and operators of public pools have made substantial investments and incurred substantial expense in the development and installation of products that were in full compliance with this interpretation. These products have also performed as intended. We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists and none was presented during the hearing on September 28, 2011.

The APSP has always been and continues to be a strong supporter of the P&SSA. We continue to work cooperatively with the CPSC on pool and spa safety guidelines and other safety initiatives. We thank the Commission for its time and consideration.

Carvin DiGiovanni



APSP Senior Director Technical
cdigiovanni@apsp.org
703-838-0083, ext.149

Jennifer Hatfield



APSP Government Affairs Director
jhatfield@apsp.org
941-345-3263

About APSP

APSP is the world's largest international trade association representing the swimming pool, spa, and hot tub industry. Its mission is to promote consumer safety, and enhance the business success of its members. Members adhere to a code of business ethics and share a commitment to public health and safety in the use of pools, spas and hot tubs. Since 1985, APSP has been accredited by the American National Standards Institute as the recognized Standards Developing Organization to produce the nation's swimming pool, spa and hot tub standards. APSP member companies include manufacturers, distributors, manufacturers' agents, designers, builders, installers, suppliers, retailers and service professionals. For more information about APSP please visit APSP.org.

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Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Document: CPSC-2011-0071-0006

Comment from Justin Dewitt

Submitter Information

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Organization: Illinois Department of Public Health

Government Agency Type: State

Government Agency: State of Illinois

General Comment

See attached file(s)

Attachments

CPSC Chairman Tenenbaum unblockable comments IDPH 12 12 11



Pat Quinn, Governor

525-535 West Jefferson Street • Springfield, Illinois 62761-0001 • www.idph.state.il.us

December 12, 2011

Inez Moore Tenenbaum, Chairman
United States Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

RE: Docket No. CPSC-2011-0071

Dear Chairman Tenenbaum:

In response to the Commission's request for public comment on CPSC's interpretation of "unblockable drain" the Illinois Department of Public Health (IDPH) offers the following input in regards to pending decisions before the Commission.

In the absence of any published data or any other compelling information, IDPH finds the September 28, 2011 revocation unsupported. Prior to the interpretive ruling being issued by the Commission in 2010, IDPH adopted a similar interpretation, based on the premise that the purpose of the ANSI 112.19.8-2007 standard was to ensure that either an "unblockable" cover or a "blockable" cover paired with a vacuum relief device be installed in regulated swimming facilities. To the extent that Illinois state law and applicable federal law require the installation and maintenance of a certified cover at all times the facility is in use, it follows that a certified, unblockable cover installed over a "blockable" sump comports with the purpose of the standard.

It is our position that no suction outlet is safe, regardless of size, without a cover that is certified, properly installed, securely attached, and intact. A "blockable" sump (one that would be completely shadowed by the 18" by 23" body blocking element referenced in the standard), having a secondary means of protection, but without a proper cover in place, would not provide protection against all forms of bather entrapment. For example, the suction outlet would not protect against disembowelment or limb entrapment. Our analysis of the proposed definition of "unblockable drain" reveals that the resulting requirements, in practice, would not be any more protective than what is currently in place.

Additionally, swimming facility operators may elect to cover "blockable" sumps with a Virginia Graeme Baker Act (VGBA) approved "blockable" cover and install a Safety Vacuum Relief System (SVRS) in lieu of an "unblockable" cover (the subject matter of this letter.) To the extent that a single "blockable" main drain may still be completely covered by a patron and to the extent that SVRS's have been shown to provide

Improving public health, one community at a time

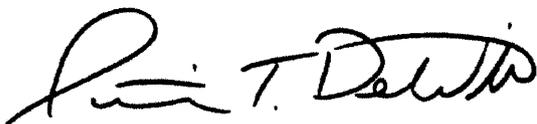
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inadequate protection from evisceration (see attached, highlighted text, page 3), IDPH believes an unsafe condition exceeding the current situation will result. Moreover, the Department's experience has been that the majority of SVRS installed fail to operate properly due to lack of testing, maintenance, incorrect installation, disabling or adjustment to avoid nuisance trips. Again, we assert that a more dangerous condition will result from relying on a "blockable" drain paired with a SVRS versus a "blockable" sump covered by an "unblockable" cover.

Lastly, our constituents and the thousands of facilities they represent have relied upon the prior interpretation of CPSC and IDPH with regard to "unblockable" covers. The financial impact of the September 28, 2011 revocation to Illinois' swimming facility operators both in loss of revenue while closed awaiting a construction permit and cost of implementation, are immeasurable at this time. As a state agency still coping with the initial effects of VGBA, IDPH is ill-situated to endure another round of permit applications from licensees weary and financially drained from initial compliance efforts, in these troubled economic times. We urge consideration of these factors in deciding to maintain this unsupported change.

IDPH appreciates the opportunity to provide input on this important and impactful issue. Please advise if additional input or testimony is required.

Sincerely,



Justin T. DeWitt, P.E., LEED AP
Chief of General Engineering

Attachment.

Cc: Congressman Henry Waxman
Congressman Jim Himes
Congressman John Larson
Congressman Cliff Stearns
Congresswoman Debbie Wasserman Schultz
Congressman Fred Upton
Congresswoman Mary Bono Mack
Senator Bill Nelson
Senator Dick Durbin
Senator Mark Pryor
Senator Richard Blumenthal



Pool Safety is our Top Priority

Instructional Manual
Model SR – 500
(Safety Vacuum Release System)



Version 3.3

Stingl Products

PMB #325, 21010 Southbank Street Sterling, VA 20165

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www.stingl-switch.com

U.S. Patent No. 6,059,536/6,342,841

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INTRODUCTION

Thank you for choosing to install the Stingl-Switch Model SR-500 on your swimming pool, hot tub, or spa. The enclosed information is designed to give you years of safe operation of your Stingl-Switch. Please closely review this important product information.

The Stingl-Switch Model SR-500 works by monitoring the vacuum on the influent side of the pool or spa pump. Whenever a blockage occurs in the pool drain or skimmers, the sudden rise in vacuum will cause the Stingl-Switch to immediately shut down pump operation and activate an audible alarm. The pump will remain off and the audible alarm will sound until manually reset.

The Stingl-Switch Model SR-500 provides a 30-minute **Maintenance/Cleaning** mode to allow pool vacuuming. Normally, the high vacuum generated by pool vacuuming would cause the Stingl-Switch to sense an entrapment condition and shut off the pump. However, in the **Maintenance/Cleaning** mode, the Stingl-Switch is **DEACTIVATED** and the pump is allowed to run under a high vacuum situation.

WARNING: DURING MAINTENANCE/CLEANING MODE VACUUM IS NOT MONITORED. A BLOCKAGE WILL GO UNDETECTED DURING THE 30-MINUTE CYCLE, INCREASING THE RISK OF ENTRAPMENT.

To prevent the system from being left accidentally in **Maintenance/Cleaning** mode, the audible alarm will be activated whenever the switch is in this mode. The pool, hot tub, or spa should not be used or left unattended while servicing or cleaning in the maintenance mode.

The Stingl-Switch Model SR-500 is designed to be easily retrofitted on all existing pools, hot tubs, and spas, and is easily installed during new pool and spa construction.

IMPORTANT INFORMATION

NOTE: This device has been designed to terminate pump operation in the event of a potential limb or body entrapment. This unit may not prevent evisceration. Stingl recommends additional layers of protection be employed.

Layers of Protection

The National Spa and Pool Institute (NSPI), the National Swimming Pool Foundation (NSPF), in cooperation with the U.S. Consumer Products Safety Commission have developed guidelines to help identify and address potential entrapment hazards in swimming pools, hot tubs, and spas. These guidelines include design standards and specific equipment that should be incorporated into every residential and commercial swimming pool, hot tub, and spa.

- Pools should have two drains per pump to minimize the amount of suction possible in a single-drain design
- Install an ANSI/ASME A112.19.8 approved anti-entrapment drain cover to help prevent all types of entrapment. Drains must have an ASME/ANSI approved anti-entrapment drain cover to prevent accidental entrapment of limbs or hair in drain. Check cover on a regular basis for damage or wear, and that it is properly secured.
- Make certain pump and hydraulic flow rates are appropriate for the installation
- Install Safety Vacuum Release System that monitors vacuum caused by clogged or blocked drain(s) and automatically shuts off the pump
- Install an Emergency Stop Button.
- Most important, educate everyone that uses the aquatic facility about safety and the need to avoid situations in which swimmers might become entrapped.

No Check Valves

ALL check valves must be removed from the influent and effluent sides of the filtration system. Check valves, in conjunction with the SVRS, can cause residual vacuum to remain on a line in an entrapment situation. It is important that all check valves be removed from the system before installation of the SR-500.

No Spring Loaded Hydrostatic Relief Valves in Main Drain Sumps

Spring-loaded hydrostatic relief valves must be removed and replaced with solid plugs. A spring-loaded check valve in the main drain sump can interfere with operations for the SR-500 (or any SVRS.) In an entrapment situation, the spring-loaded check valve can open, causing the SR-500 to trip later than normal, or not at all.

Do Not Use as Disconnect Means

The Stingl-Switch cannot be used/relied on as a disconnect means. Installer must follow all National Electric Code specifications and install a separate disconnect means.

Use ANSI/ASME A112-19.8 approved Drain Covers

To prevent hair entrapment we **STRONGLY** recommend that you use Anti-Entrapment drain covers that meet ANSI/ASME A112-19.8 standards. Anti-Entrapment drain covers are only effective to a specific flow rate. To be sure you are not exceeding the flow rate stamped on the cover, please contact your pool builder or pool service professional.

Pressure

As used in this document, the term “pressure” can refer to positive pressure (above atmospheric pressure) or negative pressure (vacuum below atmospheric pressure.)

Press a button

As used in this document, the term “press a button” means to momentarily press then release the button. In cases where a button needs to be held, the instruction will indicate this directly.

INSTALLATION

SR-500 Specifications

Technical Specifications – SR-500

Response Time:	under 3 seconds from event detection
Enclosure:	NEMA 3R (Intended for outdoor use. Provides a degree of protection against falling rain and ice formation. Meets rod entry, rain, external icing, and rust-resistance design tests.)
Visual Alarm:	Optional
Audible Alarm:	24V AC
Operating Environment:	-40 to 140 degrees F (-40 to 60 degrees C), 0-95% RH,
Size:	H = 9.0”; W = 5 1/2”; D =4.0”
Packaged Weight:	4 lbs.

Technical Specifications – Remote Alarm

Voltage: 24 V AC
Operating Environment: Suitable for Indoor\Outdoor
Size: H = 9.0”; Dia. = 3.0”
Weight: 1 lbs.

Note: Specifications subject to change without notice.

Pre-Installation

1. All Ports (drains, skimmers, vacuum lines, etc.) **MUST BE FREE OF DEBRIS PRIOR TO INSTALLATION**. Clogged ports will disrupt the normal vacuum level.
2. Backwash or otherwise clean filter as per manufacturer specification.
3. Clean pump trap basket and skimmer basket(s).
4. Inspect main drain cover. (Also Inspect Spa Drain if present) Drain covers must be free of obstruction, securely fastened w/ stainless steel screws, and in sound condition w/ no cracks or breaks.
5. Repair any leaks in circulation system before installation. Leaks will cause the formation of air bubbles that disrupt the normal vacuum level.
6. Set all valves to normal operating position. Vacuum port valve(s) should be closed and dedicated vacuum line(s) should be capped in pool. Installations with pool and spa combinations, with a single pump, we recommend you consult your pool builder or service professional about closing the spa drain line during regular filtration.
7. Pump should be run prior to installation and left in fully primed condition.
8. **ALL CHECK VALVES MUST BE REMOVED FROM SYSTEM!** Check valves can cause a dangerous vacuum condition to remain even after pump shut off.

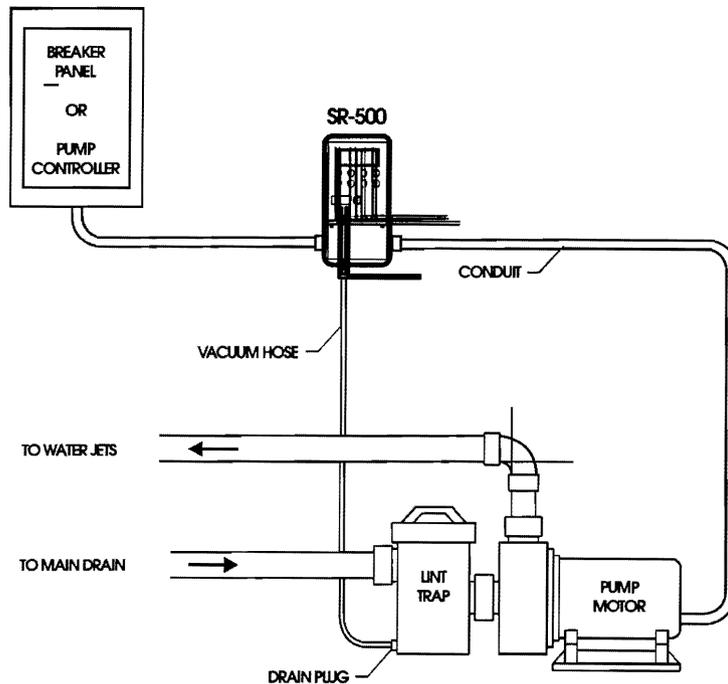


Fig. 1: System Diagram

Switch Installation

Mounting

1. Mount the SR-500 in a suitable location within 8 feet of the pump.
2. Before mounting, remove SR-500 from its plastic enclosure by depressing tab in upper left and pulling top portion of SR-500. Slide SR-500 out from the top. At this point, record the serial number of your SR-500 on the warranty card.
3. Mount plastic enclosure using screws & anchors provided.
4. Install the hose fitting provided in the 1/2" **inner** knockout below the vacuum sensor. (Refer to Fig.2)
5. Re-install SR-500 into plastic enclosure. Slide the bottom of SR-500 into box; then press upper portion until SR-500 snaps into place.
6. **NOTE: Top portion of hose must be mounted onto vacuum sensor prior to connecting lower end to pump trap.**
7. Feed the vacuum hose through the hose fitting and connect to the vacuum sensor. Insure hose is snug onto vacuum sensor. Tighten the hose fitting securely to provide strain relief for the hose. Attach hose clamp (included) for additional strain relief (Refer to Fig.2.A). The vacuum hose **MUST** exit the box straight down without bends or kinks.
8. When routing the hose take care to avoid high-traffic areas where the hose can be stepped on or tripped over. Zip-tying the hose to the pump electric conduit is a good option. Excess hose can be trimmed, **but under no circumstances shall the existing hose be lengthened or a longer hose be used.**
9. Remove drain plug from pump trap. Install in its place the flare adapter, using Teflon tape (not included) to ensure a good seal.
10. Attach the free end of the hose to the flare adapter and tighten.
11. If no pump drain plug exists, plumb in a tee with a 1/4" FPT reducer bushing.

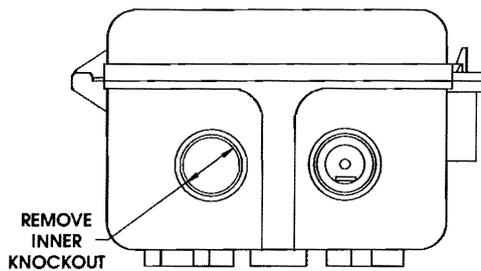


Fig. 2: 1/2" Knockout

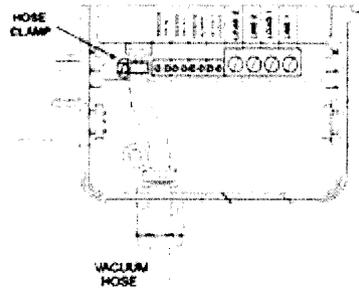


Fig. 2.A: Hose Clamp

Wiring

NOTE: THE STINGL-SWITCH CANNOT BE USED/RELIED ON AS AN ELECTRICAL DISCONNECT MEANS. A SEPARATE DISCONNECT MEANS MUST BE PROVIDED. A CERTIFIED ELECTRICIAN IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE MUST COMPLETE ALL ELECTRICAL WORK.

Line Voltage Option 1

**High Voltage 120/240V Single Phase 3 HP Pumps (20AMP) or less
(See Fig. 3 for terminal locations)**

1. Determine the operating input voltage of the pump, 120V or 240V. Set the red input switch (located on the right side of SR-500) accordingly.
2. Wire incoming voltage to line terminals (#10 & #12)
3. Wire pump to load terminals (#9 & #11)
4. Connect line & load grounds to the green ground pigtail with wire nut.
5. For this scenario see Fig. 4.A & Fig. 4.B

Line Voltage Option 2

High Voltage 240/480/600 Triple Phase 3.5 HP pumps (20AMPS) or greater.

1. Set the red input switch (located on the right side of SR-500) to 115V
2. For this scenario see Fig. 5

Low Voltage (See Fig. 3 for terminal locations)

1. Heater delay circuit – connect heater delay circuit to contacts (#3 & #4) on terminal strip. **NOTE: Heater delay must be enabled in set up menu – see operating instructions**
2. Remote powered alarms can be connected to terminals (#5 & #6), or the SR-500 can power 24V alarms by jumping terminals (#6 & #7), and wiring alarm to terminals (#5 & #8).
3. Remote interfaces such as Jandy® or ComPool®, pneumatic or solid-state controls and external timer systems are connected to terminals (#1 & #2).
NOTE: The remote mode must be enabled in the on/start menu for remote interfaces to operate properly.

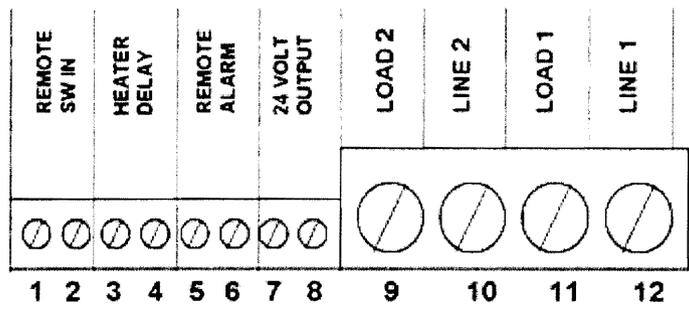


Fig. 3: Terminal Diagram

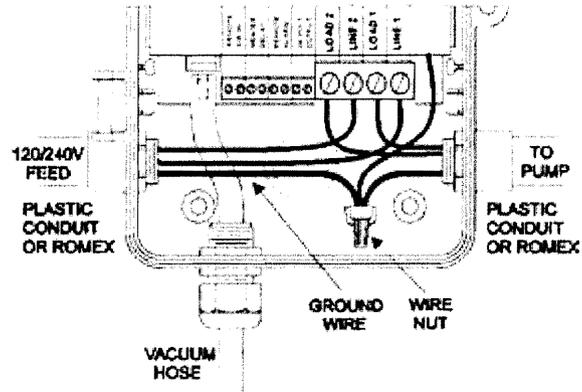


Fig. 4.A Wiring with Non-Metallic Conduit

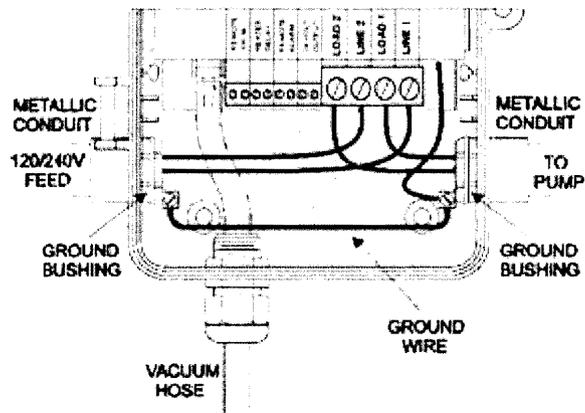


Fig. 4.B Wiring with Metallic Conduit

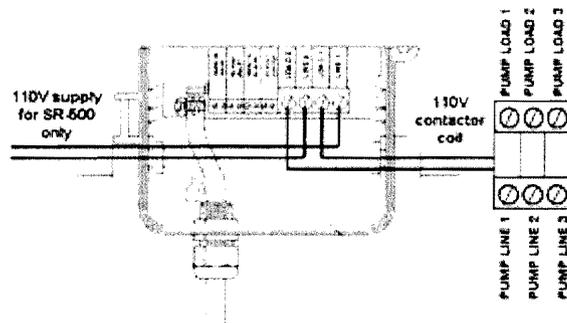


Fig. 5 Out of Phase or Triple Phase

OPERATING INSTRUCTIONS

Front Panel

The SR-500 front panel features a two-line by 16-character backlit liquid crystal display and six momentary pushbutton switches implemented in a membrane label.

Switches

OFF/STOP – Immediately stops pump operation. Also silences any active alarms.

ON/RUN – Toggles between timed, continuous run, and remote modes.

MAINT/CLEAN – Initiate **Maintenance/Cleaning mode**, where the pump will operate continuously for 30 minutes.

WARNING: DURING MAINTENANCE/CLEANING MODE VACUUM IS NOT MONITORED. A BLOCKAGE WILL GO UNDETECTED DURING THE 30-MINUTE CYCLE, INCREASING THE RISK OF ENTRAPMENT.

SET – Used to initiate set-up modes for time, date, and pump operating schedule.

+ / YES and **- / NO** – Used to answer yes/no questions, and increment or decrement the value of a displayed selection, (i.e. date and time).

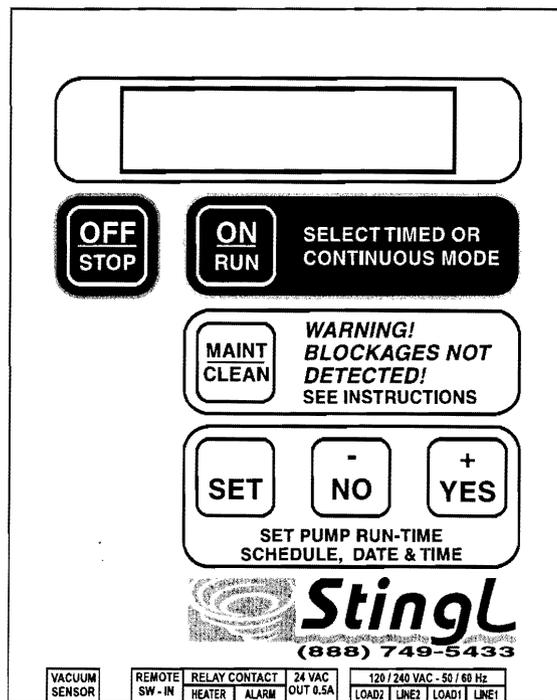


Fig. 5: Membrane Switch

Getting Started

IMPORTANT! Before AC power is applied to the SR-500, the plumbing connection must be made properly. At the time of installation, or whenever the plumbing has been reconfigured or changed in any way, the unit will need to perform vacuum level measurements. At these times, the pool system must be as “perfect” as it can be – drains unclogged, skimmers cleaned, etc., since the system will use these vacuum measurements as a reference for all subsequent operation. After the plumbing is complete and everything checks out “OK”, it’s time to apply power.

NOTE: Before applying power, make sure that voltage selector switch is set to the correct AC line voltage – 115VAC or 230VAC.

When power is applied, the unit will perform a quick self-check and verify the stability of the AC line. The unit will check the reference pressure values that were set at the time of installation; if these values are not set, the unit will display the error message “SET-UP REQUIRED.” Pressing and holding the SET button will put the unit into the SERVICE MODE, intended for use by service technicians only. Pressing any other button will have no effect.

**SET-UP REQUIRED
SEE SERVICE TECH**

Once the clock is set and the pump is primed, the unit is ready for normal operation.

NOTE: The unit must be properly set-up in order to function: failing to successfully perform the PRIME PUMP function will prevent the unit from operating. Until the PRIME PUMP function is executed, you will continue to see the ‘SET-UP REQUIRED’ message when you attempt to exit the SERVICE MODE. No other operating modes may be selected.

SERVICE MODE (AUTHORIZED PERSON (S) ONLY!)

Enter the SERVICE MODE by *pressing and holding* the SET button when the unit is in the OFF MODE. As soon as the SET button is pressed, you will see this message in the display. Continue to hold the SET button for another four seconds until you see the next message. Once you see the SERVICE MODE message, release the SET button to continue.

**** SETUP MODE **
RELEASE FOR NEXT**

**** SERVICE MODE **
TECHNICIANS ONLY!**

For any of the SERVICE MODE functions, pressing the SET button serves two purposes – it saves whatever function value was changed, and it also causes the unit to skip to the next function in the SERVICE MODE.

The SERVICE MODE can be exited at any time by pressing the OFF/STOP button. Exiting by pressing OFF/STOP will not save any changes to the currently displayed function.

The SERVICE MODE does not automatically time-out.

FIRMWARE VERSION: The first selection in the SERVICE MODE is FIRMWARE VERSION, which merely displays the version information of the firmware programmed into the SR-500's microcontroller. There is nothing to set or change. Press the SET button to skip to the next function.

**FIRMWARE VERSION
0.04X - 01/14/05**

INITIALIZE UNIT: This function will completely re-initialize the SR-500's nonvolatile EEPROM memory to its factory settings. Press the YES button to proceed; press the NO button to skip to the next function. A successful initialization is indicated with a message. Press SET to skip to the next function, or OFF/STOP to exit the SERVICE MODE.

**INITIALIZE UNIT?
FORMAT EE (Y/N)**

NOTE: After initializing the unit, all SERVICE MODE information must be re-done or the unit will not operate!

SET SENSOR ZERO: This is an automated procedure that is used to set the zero reference for the vacuum sensor. When the SR-500's vacuum sensor line is exposed to normal atmospheric pressure, the display should show zero pressure or vacuum – plus 0.2 PSI or minus 0.2 “Hg. If this is not the case, the unit may need to have its sensor zero calibrated.

**SET SENSOR ZERO?
AT 1 ATM (Y/N)**

**PLEASE WAIT. . .
0.1 PSI**

**ZERO SUCCESSFUL!
SET TO CONTINUE**

Press the YES button to proceed with the calibration; press the NO button to skip to the next function.

NOTE: This measurement is made with the vacuum sensor exposed to normal atmospheric pressure – it must NOT be connected to the pool plumbing system for this measurement to succeed!

PRIME PUMP: This is an automated procedure that is used to set the reference values for system pressures with the pump running and after the pump is stopped. Once set, these reference values will be used to determine both under and over-suction alarm conditions.

**PRIME PUMP? Y/N
PUMP RUNS 60 SEC**

NOTE: Before running the PRIME PUMP function, make sure that the filter is clean, all drains are clear, and all valves are open. All Ports (drains, skimmers, vacuum lines, etc.) MUST BE FREE OF DEBRIS. The reference vacuum measurements should be made on a system as “perfect” as it can be.

Pressing the YES button causes the pump to start immediately. The display shows the real-time pressure/vacuum measurement. Pressing NO causes the pump to stop and the unit will revert back to the beginning of the PRIME PUMP function. Once the pump is primed and vacuum has stabilized, pressing the YES button again causes the unit to save the current vacuum reading as the running reference vacuum; the pump then shuts-off and a short delay begins. If neither button is pressed, the pump will run for 60 seconds and then shut off. The unit will revert back to the PRIME PUMP function.

**PUMP PRIMED? Y/N
RUNNING 7.5 “Hg**

**PLEASE WAIT. . .
2.3 “Hg**

After the delay ends, the unit measures the stopped reference vacuum. If there is insufficient difference between the running vacuum and the stopped vacuum measurements, the unit will show the following error message:

**DELTA-P TOO LOW!
SET TO TRY AGAIN**

If this occurs, press SET button to go back to the beginning of the PRIME PUMP function.

If the PRIME PUMP function has executed successfully, with a difference (delta - P) of at least 0.5 “ Hg between the running and stopped vacuum levels, the unit will skip to the next function automatically.

REFERENCE VACUUM DELTA-P: This is the difference between the measurement made when the pump is running and the pump is stopped. This value cannot be edited with the (-/+) buttons; it can only be changed by running the PRIME PUMP function again. Press the SET button to skip to the next function.

**REFERENCE VACUUM
DELTA-P 5.2 “Hg**

Record this number here and on your warranty card: _____
Reference Vacuum (Delta-P)

REFERENCE VACUUM (STOPPED): The next selection in the SERVICE MODE is REFERENCE VACUUM measured when the pump is STOPPED. This value cannot be edited with the (-/+) buttons; it can only be changed by running the PRIME PUMP function again. Press the SET button to skip to the next function.

**REFERENCE VACUUM
STOPPED 2.3 “Hg**

Record this number here and on your warranty card: _____
Reference Vacuum (Stopped)

REFERENCE VACUUM (RUNNING): The next selection in the SERVICE MODE is REFERENCE VACUUM measured when the pump is RUNNING. This value cannot be edited with the (-/+) buttons; it can only be changed by running the PRIME PUMP function again. Press the SET button to skip to the next function.

**REFERENCE VACUUM
RUNNING 7.5 "Hg**

Record this number here and on your warranty card: _____
Reference Vacuum (Running)

VACUUM CUTOFF THRESHOLD: The next selection in the SERVICE MODE is the VACUUM CUTOFF threshold setting. This value sets the over-suction alarm threshold, and can be adjusted from 1.0"Hg to 5.0"Hg above the reference vacuum (running) measurement. The default vacuum cut off threshold is 3.0" Hg. This should not be changed without factory consultation. Once the desired value is selected, press the SET button to save the value and skip to the next function.

**VACUUM CUTOFF AT
03 "Hg ABOVE REF**

Record this number here and on your warranty card: _____
Reference Vacuum (Cutoff)

HEATER CONTROL: This value set to 'YES' or 'NO' determines whether or not the unit is configured to control a gas heater with its heater relay contacts. Choosing "yes" will enable the delay circuit and turn off heater 15 minutes before pump. Once the desired value is selected, press the SET button to save the value and skip to the next function.

**HEATER CONTROL
(Y/N) : NO**

DEFAULT RUNNING MODE: This selects the SR-500's operating mode when AC power is restored after a long (more than one day) power outage. When power is restored, the unit will automatically execute whichever operating mode is selected. The choices are:

**DEFAULT RUNNING
MODE : NONE**

- NONE – The unit simply enters the OFF state. The pump will not run under any circumstances.
- TIMED RUN – the pump will turn on and off according to the set start and stop times. For freeze protection, activating the REMOTE SW-IN will cause the pump to start.
- CONT. RUN – the pump will start and run continuously until manually interrupted by the user (or some alarm condition is encountered).
- REMT. RUN – the pump will be under direct control of the external REMOTE SW-IN function.

NOTE: If 'NONE' is selected as the default operating mode, freeze protection via the external "REMOTE SW-IN" will not function!

To exit the SERVICE MODE, press the OFF/STOP button.

Set-Up Mode

Enter the SET-UP MODE by pressing the SET button when the unit is in the OFF MODE. As soon as the SET button is pressed, you will see this message in the display. Release the SET button to continue.

**** SET-UP MODE **
RELEASE FOR NEXT**

For any of the SET-UP MODE functions, pressing the SET button serves two purposes – it saves whatever function value was changed, and it also causes the unit to skip to the next function in the SET-UP MODE.

The SET-UP MODE can be exited at any time by pressing the OFF/STOP button. Exiting by pressing OFF/STOP will not save any changes to the currently displayed function.

NOTE: if the unit is placed into the SET-UP MODE, it will automatically return to the OFF MODE after 60 seconds of button inactivity. Any changes to the currently displayed function will not be saved.

PUMP START TIME: The first selection in the SET-UP MODE is pump start time. The unit defaults to an 8:00AM start time. To change the start time, press the (-) and (+) buttons. Holding the buttons will make the time change faster. Changing the pump start time causes the pump stop time to be preset to 12 hours later than the selected pump start time. Once the desired pump start time is selected, press the SET button to save it, and skip to the next function.

**SET START (-/+)
TIME 08:00 AM**

PUMP STOP TIME: The next selection in the SET-UP MODE is pump stop time. The unit defaults to an 8:00PM stop time. To change the stop time, press the (-) and (+) buttons. The time will change in 15-minute increments. Holding the buttons will make the time change faster. Once the desired pump stop time is selected, press the SET button to save it, and skip to the next function.

**SET STOP (-/+)
TIME 08:00 PM**

NOTE: The pump stop time cannot be set closer than FIFTEEN (15) minutes to the pump start time. If the stop time value shown stops changing when you are pressing the (-/+) buttons, you are getting close to the start time.

TIME-OF-DAY CLOCK: The next selection in the SET-UP MODE is the time-of-day clock time. The unit defaults to 12:00PM (noon). To change the time-of-day clock time, press the (-) and (+) buttons. Holding the buttons will make the time change faster. Once the desired time-of-day clock time is selected, press the SET button to save it, and skip to the next function.

**SET CLOCK (-/+)
TIME 12:00 PM**

SET DATE - YEAR: The next selection in the SET-UP MODE is the year. The unit defaults to 05, for 2005. To change the year, press the (-) and (+) buttons. Holding the buttons will make the value change faster. Once the desired year value is selected, press the SET button to save it and skip to the next function.

**SET DATE (-/+)
YEAR (00-99) 05**

SET DATE – MONTH: The next selection in the SET-UP MODE is the month. The unit defaults to 01 for January. To change the month, press the (-) and (+) buttons. Holding the buttons will make the value change faster. Once the desired month value is selected, press the SET button to save it and skip to the next function. Setting the month will cause the day value to reset to 01.

**SET DATE (-/+)
MONTH (01-12) 01**

SET DATE – DAY: The next selection in the SET-UP MODE is the day of the selected month. The unit defaults to 01 for the day. To change the day, press the (-) and (+) buttons. Holding the buttons will make the value change faster. Once the desired day value is selected, press the SET button to save it and exit back to the OFF MODE.

**SET DATE (-/+)
DAY (01-31) 01**

**UNIT SUCCESSFUL!
SET TO CONTINUE**

NOTE: The maximum day count will change for different months, e.g., 31 days in January, 28 days in February, etc. The unit does not account for leap years, where there are 29 days in February.

Off/Stop Modes

Select the OFF/STOP MODE by pressing the OFF/STOP button. The pump and heater are shut off immediately, and remain off indefinitely. In the OFF/STOP mode, the static pressure or vacuum level is displayed continuously, as is the date and time.

**SYS OFF 2.3 “Hg
01/01/04 12:00**

NOTE: Freeze protection via the external “REMOTE SW-IN” will not function!

On/Run Modes

With the unit in the OFF/STOP MODE, select between the three run modes (timed, continuous, or remote) by pressing the ON/RUN button. The TIMED MODE is selected first, where the pump runs according to the chosen pump start and stop times. Pressing the ON/RUN button again selects the CONTINUOUS MODE, where the pump runs continuously until shut off by pressing the OFF/STOP button. Of course, a fault condition or an under or over-suction alarm condition will cause the unit to exit the selected RUN MODE and shut down. Pressing the ON/RUN

button again selects the REMOTE MODE, allowing the unit to be run by an external controller.

In the TIMED MODE, the display shows the current clock time, the pump status, and the current vacuum or pressure level.

**TIMED 12:00 PM
PMP OFF 2.3 "Hg**

When the pump is scheduled to start, the display shows the STARTUP message. The pump is not merely turned on; instead, a series of measurements are made to verify proper system operation. First, the vacuum is measured while the pump is off. After a 30 second delay, the vacuum is measured again. There should be a

**TIMED 12:00 PM
STARTUP 2.3 "Hg**

**TIMED 12:00 PM
PUMP ON 7.5 "Hg**

significant difference between the first and second vacuum measurement. The pump will start properly and the display will show the PUMP ON message. The unit is now monitoring the vacuum, looking for under or over-suction conditions. Once the pump has been started, the heater relay will close, allowing the heater to operate.

The heater relay will open 10 minutes prior to the scheduled pump stop time, allowing the heater to cool.

NOTE: During the STARTUP phase, blockages will not be detected! Blockages will be detected only in the PUMP ON phase.

Three attempts will be made to properly start the pump. If there is not a significant difference (minimum of 0.5"Hg) between the vacuum measurements with the pump stopped and the pump running, the pump didn't start or there is air in the plumbing. In either case, a fault condition is noted. The internal and external alarms will sound for one second on, three seconds off. Press the OFF/STOP button to clear the alarm and error message, and return to the OFF/STOP mode.

**SYSTEM ERROR: 16
DELTA-P TOO LOW**

**SYSTEM ERROR: 016
HIT OFF TO CLEAR**

There are other problems that may prevent the pump from starting. Please see the section on ERROR MODE for more information.

Remote Mode

If the SR 500 is to be used in conjunction with a remote device such as a Jandy® or Compool® system, a pneumatic switch, solid-state controls, or a remote timer, the remote mode should be selected. This will disable the time cycle & place the SR-500 under control of your remote device wired to the remote terminals (#1 & #2)

Maintenance Mode

With the unit in the OFF/STOP MODE, select the MAINTENANCE MODE by pressing the MAINT/CLEAN button. This mode is used while operating a manual vacuuming system, or during trouble shooting procedures. The pump will start immediately; the heater is shut off. The internal and external alarms will sound for one second on, three seconds off. The MAINTENANCE MODE runs for 30 minutes, and then the unit reverts to the OFF/STOP MODE. A countdown of minutes/seconds shows the remaining time. Pressing either the MAINT/CLEAN or the OFF/STOP buttons exits the MAINTENANCE MODE and returns the unit to the OFF/STOP MODE.

**MAINTENANCE MODE
ENDS IN 29:59**

WARNING: DURING MAINTENANCE/CLEANING MODE VACUUM IS NOT MONITORED, INCREASING THE RISK OF ENTRAPMENT. A BLOCKAGE WILL GO UNDETECTED DURING THE 30-MINUTE CYCLE. THE POOL, HOT TUB, OR SPA SHOULD NOT BE USED OR LEFT UNATTENDED WHILE SERVICING OR CLEANING IN THE MAINTENANCE MODE.

Error Mode

Whenever the SR-500 detects an error condition, the pump and heater will be shut off. Internal and external alarms will sound for one second on, three seconds off. The cause or type of error will be displayed on two alternating messages.

**SYSTEM ERROR: 16
DELTA-P TOO LOW**

Press the OFF/STOP button to clear the alarm and error message, and return to the OFF/STOP mode.

**SYSTEM ERROR: 16
HIT OFF TO CLEAR**

Some errors will require more than clearing a clogged drain and pressing ON/RUN. In these cases, press and hold the SET button to enter the SERVICE MODE.

Set-Up Verification Procedure

Proper operation of the SR-500 must be verified by restricting flow to the pump while running in any of the normal operating modes (timed, continuous, and remote). Begin testing by covering the main drain sump with a rubber mat. This will cause the pump to pull through the skimmer line(s) only, resulting in a higher operating vacuum. It may be possible to cover the drain and not increase the operating vacuum past the cut-off threshold. In these cases it will be necessary to close the skimmer valve(s) to create the vacuum necessary to create an alarm condition.

NOTE: Repeat this test 3 times to verify proper installation.

NOTE: Stingl Products does not recommend testing the main drain with an influent valve, due to the possibility of eliminating variables such as spring-loaded hydrostatic valves, and leaking or collapsing lines. Covering the sump with a mat ensures that the entire line is tested from the sump to pump.

PARTS LIST

<u>Part #</u>	<u>Part Description</u>
SR -500	SR-500
SR-500-1001	Hose
SR-500-2001	Hardware Kit <ul style="list-style-type: none"> • (1) Pump Fitting • (3) Anchor bolts & screws • (1) Hose Fitting
SR-500-3001	Instructional Manual
SR-500-4001	Freeze Protection Kit(Optional)
SR-500-5001	Remote Alarm Kit(Optional)
E-Stop	Emergency Stop Button

TROUBLE SHOOTING

Problem	Possible Cause	Solution
No Power (No display)	Breaker off/tripped or improper wiring	Check and/or reset breaker Verify that wiring is correct
Wrong power (error message displayed)	SR-500 switch not set properly	Verify that incoming power and switch setting are the same
High Vacuum (system error: 15 or 17)	Clogged baskets or pump trap, blocked drain, improper valve setting	Remove debris/clean baskets Verify valves are set for normal operation
Low Vacuum (system error: 16 or 17)	Stuck skimmer weir, water level too low, high filter pressure	Verify that weirs function smoothly, top off to regular operating level, backwash or clean filter as needed

The SR-500 will display several different error messages:

System Error 11 – Possible fused relay or Hydraulic Imbalance

System Error 12 – STP VACUUM LOW (reserved)

System Error 13 – STP VACUUM HIGH (reserved)

System Error 14 – RUN VACUUM LOW (reserved)

System Error 15 – RUN VACUUM HIGH – a condition exists that caused the pump to pull more than 20” of Hg upon start up, (such as a packed pump trap or clogged line).

System Error 16 – DELTA-P TOO LOW – a condition exists that caused the pump to pull less than the recorded reference vacuum upon start up (such as water level too low or a stuck skimmer weir)

System Error 17 – DELTA-P OFF REF – Measured running vacuum is more than +/- 3” Hg off of the reference vacuum recorded during the PRIME PUMP function. If the SR-500 senses a measured running vacuum level outside +/- 3 Hg of the normal (reference vacuum), it assumes there is a problem with the pump that is preventing normal flow, (such as the pump having lost prime, or a clogged impeller).

System Error E9 – Usually caused by incorrect initialization procedure, re-initialize and re-calibrate unit. Please set the date and time even if you are operating in continuous mode.

Power Fault BF – “AC Line Too Low” possible causes include insufficient wire gauge, excessive wire length, additional loads on circuit, excessive incoming impedance, excessive pump load.

ADDITIONAL OPERATIONAL NOTES:

To successfully execute the PRIME PUMP function, the following conditions must be met:

1. The minimum difference between vacuum measurements made when the pump is stopped and the pump is running must be greater than 0.5” Hg.
2. The measured running vacuum must be less than 20” Hg

To achieve a successful pump start-up during normal operation, the following conditions must be met:

1. The minimum difference between vacuum measurements made when the pump is stopped and the pump is running must be greater than 0.5” Hg
2. Current measured running vacuum must be within +/- 3” Hg of reference vacuum recorded during the PRIME PUMP function.
3. The running vacuum must be less than 20” Hg

The pump will shut off and the alarm will sound if any of the following conditions are detected:

1. If the current running vacuum measurement falls 3”Hg below the reference vacuum measured during the PRIME PUMP function.
2. If the current vacuum measurement rises 3” Hg above the reference running vacuum measured during the PRIME PUMP function.
3. If the current vacuum measurement exceeds 20” Hg.

NOTE: The 3” Hg under-suction cutoff may not function properly in systems where the pump has a flooded suction (below grade). Example: If normal running vacuum is less than or equal to 3” Hg.

OPTIONAL EQUIPMENT

Remote Alarm: A stack alarm device with an audible and visual alarm. Wired directly to the 24V remote terminal in the SR-500.

Freeze Protection: For the pool or spa that remain open year round. A freeze protection device that engages the pump when temperatures drop to near freezing.

CONTACT INFORMATION

STINGL PRODUCTS LLC

Mailing Address:

PMB # 325

21010 Southbank Street

Sterling, VA 20165

Office Address:

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Sterling, VA 20164

Telephone: (571) 434-6010

Toll Free: (888) 749-5433

Fax: (571) 434-6013

www.stingl-switch.com



Pool Safety is our Top Priority

STINGL PRODUCTS LLC

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PUBLIC SUBMISSION

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Docket: CPSC-2011-0071

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Document: CPSC-2011-0071-0007

Comment from Leif Zars

Submitter Information

Name: Leif Zars

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Submitter's Representative: Leif Zars

Organization: APSP-16

General Comment

Please see the attached letter and photographs for Chairman of APSP-16 official comments on this matter.

Attachments

Response to the CPSC request for comments by December 12 - 3

SUMP

IMG_4096-2

IMG_6654-2-2

Docket # CPSC-2011-0071

Response to the CPSC request for comments by December 12, 2011 regarding the interpretation of an Unblockable Pool or Spa Drain:

Basically I feel the Commission's revised rule is misguided for the following reasons:

The Commissioner's rule would lead one to believe that the larger sumps provide a greater degree of safety – which is definitely not the case.

- a) The attached photos of typical commercial pool or spa main drain sumps immediately indicate that without a cover/grate firmly in place, these sumps are and have been proven to be deadly.
- b) The present suggested backup devices such as a vent, SVRD, gravity flow, pump shut off, etc., are completely inadequate to protect a bather caught in one of these sumps with the high flow rates and large suction piping, whereas with smaller sumps and lower flow rates these devices can be effective.
- c) The cover/grate should be the ONLY factor which can and should be "unblockable". To suggest otherwise is misleading the public.

Non-the-less, if the Commissions' rule is to stand, and in order to allow a manufacturer of suction outlets to determine the required minimum size of a sump for a specific size cover (even though the larger the sump the more dangerous when uncovered), I suggest the following:

- 1) The one item that needs clarification is the identification of the word sump ("size of the drain opening") which I believe is intended in the CPSC wording :

"On September 28, 2011, the U.S. Consumer Product Safety Commission (CPSC) voted 3-2 to interpret an unblockable pool or spa drain based on the size of the drain opening and not the size of the drain cover used over the sump."

- 2) Accordingly I submit the following in an effort to properly identify this term:

Unblockable Outlet (Drain): A suction outlet defined as all components, including the sump and/or body, cover/grate, and hardware so that the perforated (open) area of its cover/grate cannot be shadowed by the area of the 18x23 Body Blocking Element of ANSI/APSP-16 - 2011 Standard and that the rated flow through the remaining open area cannot create a suction force in excess of the values in Table 1 of that Standard. In addition, the top open area of the sump beneath the cover/grate shall meet the same requirements as above so that the top open area of the sump cannot be shadowed by the area of the 18x23 Body Blocking Element of ANSI/APSP-16 – 2011 Standard and that the rated flow through the remaining open area MUST PROVIDE THE SAME OR A GREATER FLOW RATE THAN THE MAXIMUM FLOW RATING OF THE GRATE ABOVE THE SUMP. ACCESS TO THE SUCTION PIPING SHALL BE PREVENTED

BY PERMANENT INTERVENING BARRIER(S). For manufactured products, this is calculated or verified by laboratory testing in accordance with the Standard. For field fabricated outlets, this is calculated in accordance with Section 2.3.1.2 of the Standard.

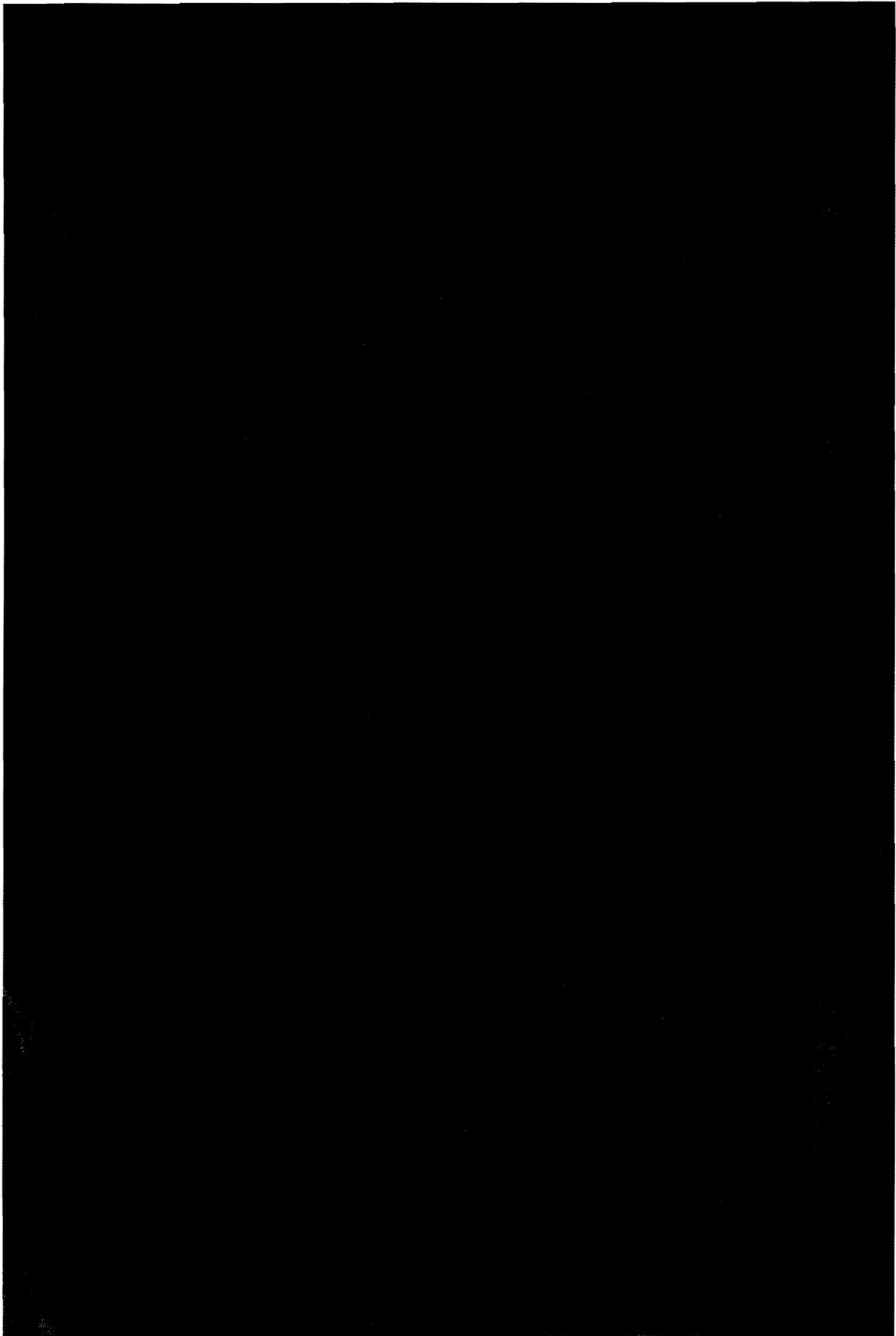
3) As stated in the Standard, testing can be done in accordance with Section 2.3.1.2 to verify the similarity of the flow rates of the top of the sump (size) with the cover/grate size in accordance with the above.

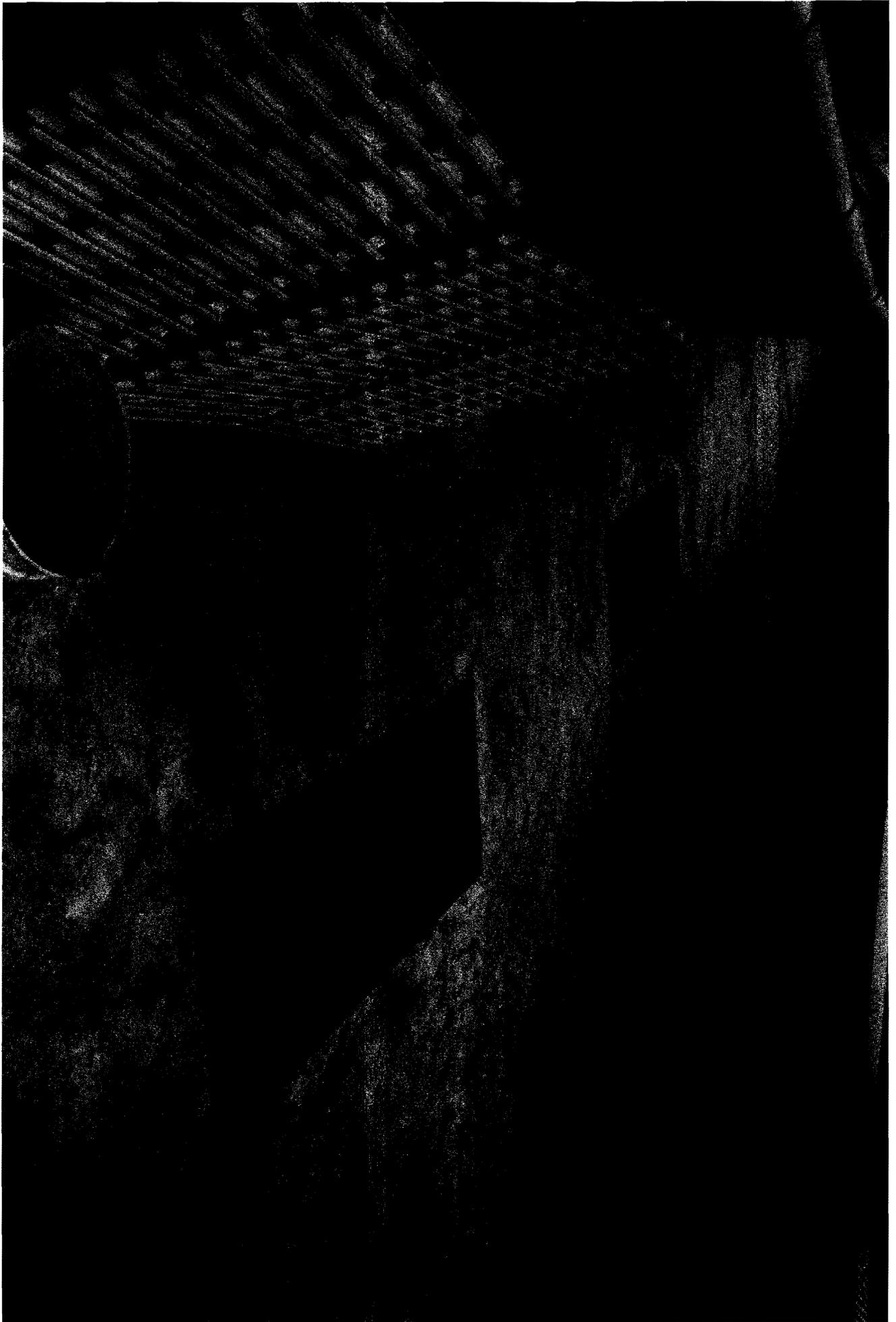
4) All that the above suggested definition does is to delineate the difference between a sump that is undersized relative to the cover/grate above, as compared to one that is basically equivalent to the flow rate of the cover/grate; something that I feel is required in order to set guide lines for the revised CPSC definition of “unblockable pool or spa drain”. This in no way indicates any degree of safety with these sumps – but rather less. Such uncovered sumps are extremely dangerous and should mandate the immediate closure of the pool or spa.

What should be done is to encourage work towards methods and designs to insure the permanence of the attachments of cover/grates, and under those conditions, request the Commissioners reversal of their ruling, which presently is mistakenly completely misdirecting industry efforts for more practical, economical and safer products.

In closing, I do not believe any discussion of clarifying the word “drain” belongs in this response, although this is a worthwhile endeavor, which we as the APSP-16 Committee shall pursue.

Respectfully,
Leif Zars
Chairman
APSP-16







PUBLIC SUBMISSION

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Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Document: CPSC-2011-0071-0008

Comment from NMHC/NAA c/o Jeanne Delgado

Submitter Information

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Submitter's Representative: Jeanne Delgado

Organization: National Multi Housing Council/National Apartment Association

General Comment

National Multi Housing Council/National Apartment Association

Consumer Product Safety Commission, Docket No. CPSC-2011-0071

Attachments

2011-12-12 NMHC NAA Comments re Docket No. CPSC-2011-0071



December 12, 2011

Office of the Secretary
Consumer Product Safety Commission
Room 820
4330 East West Highway
Bethesda, MD 20814

Re: Docket No. CPSC-2011-0071

To Whom It May Concern:

We are writing on behalf of the National Multi Housing Council (NMHC) and the National Apartment Association (NAA) in response to the Federal Register Notice of a Final Rule to revoke the Consumer Product Safety Commission's (CPSC) 2010 interpretive rule defining "unblockable drain" under the Virginia Graeme Baker (VGB) Pool and Spa Safety Act. The notice requests public comment on the ability for the regulated community to comply with this change by May 29, 2012.

NMHC and NAA represent the nation's leading apartment firms. Our combined memberships are engaged in all aspects of the industry, including ownership, development, management and finance. NMHC represents the principal officers of the industry's largest and most prominent firms. NAA is the largest national federation of state and local apartment associations with 170 state and local affiliates comprised of more than 50,000 members. Together we represent approximately six million apartment homes.

We write today to share our thoughts, experiences and concerns about not only the revocation decision but also broader compliance issues. The apartment industry is committed to ensuring the pools in their communities are safe for their residents and guests. While they have demonstrated a willingness and determination to meet the requirements of this new law, the road to compliance has been challenging. The Commission's latest decision once again subjects some in the industry to a long and frustrating, if not expensive, process to come into compliance with a new interpretation of the law.

The VGB Act and 2010 Interpretive Rule On "Unblockable Drains"

The VGB Act requires each public pool and spa in the United States with a single main drain, other than an unblockable drain, be equipped, at a minimum, with one or more secondary anti-entrapment systems. Further, Section 1403(7) of the VGB Act defines an "unblockable drain" as "a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard." This definition is the subject of the CPSC's latest action.

In 2010, the CPSC offered interpretive guidance stating that when a drain cover meeting certain specifications was attached to a drain, the covered drain constituted an "unblockable drain." If a pool owner followed this guidance, it was unnecessary for the pool to have a secondary anti-entrapment system. As a result, pool owners and operators across the country relied on this guidance as a means of meeting their compliance obligations.

However, this “change of mind” by the CPSC revokes that guidance and will require anyone who followed it to make additional changes.

This frustration comes on the heels of earlier compliance challenges stemming from the most basic requirement of the VGB Act. The Act required each pool and spa in the United States to be equipped with a drain cover that complies with the ASME/ANSI A112.19.8 performance standard by December 18, 2008. It became clear in early November 2008 that the supplies of the newly manufactured and certified drain covers were not keeping pace with demand, making it impossible to meet the effective date.

NMHC/NAA sent a letter to then Acting Chairman Nord seeking a six month extension. We cited the results of a member survey indicating that 40 percent of respondents who placed orders with manufactures were still waiting on backorders and in most cases were informed they would not receive the product in time to meet the compliance deadline. Furthermore, our findings also revealed much uncertainty at the state and local level relative to the federal requirements. We learned that some states required permits to perform the installation and others required certified professionals, resulting in additional delays. It is our opinion that these issues should have been anticipated and factored into the timetable for compliance.

While the industry did not receive an extension, the CPSC issued a Press Release clarifying their enforcement priorities and granting relief to pools that were not in operation. This unfortunately failed to provide the certainty that our members rely upon when potentially exposed to liability for noncompliance. Fortunately over time, the supply of product increased and operators were able to come into full compliance.

May 2011 Recall by Manufacturers

In May of 2011 our members were significantly affected when the CPSC announced a voluntary recall of certain pool and in-ground spa drain covers. They were incorrectly rated for protection against body entrapment by independent third party laboratories. As a result, any pool outfitted with a recalled product was ordered to close until a certified replacement cover could be installed. This meant that apartment owners were forced to close Memorial Day weekend, traditionally the time of year most pools open for the summer. Ever mindful of the seriousness of these product safety issues, our members took the necessary steps to identify whether they were affected by the recall and to replace the drain covers in question.

However, once again they were presented with the consequences of supply and demand. While warranty provisions were available from the manufacturers, they required the use of a certified service professional to install the covers once they became available. Owners were quoted wait times of two weeks to two months and in many cases longer for product. Even when the covers were finally in stock, scheduling an available certified service professional was challenging. Some of these issues and delays could have been avoided if the Commission offered additional guidance permitting the use of alternative service professionals.

Oct 2011 Revocation of Interpretive Rule on “Unblockable Drains”

With the Oct 11, 2011 decision to revoke the interpretive rule on “unblockable drains,” the CPSC has taken an action that will once again require those impacted owners to replace drain covers, reengineer systems, install new devices and/or simply close their pools. The action penalizes those owners who have relied on the 2010 guidance without offering evidence of increased safety associated with this decision.

In an effort to help our members comply with the required changes, we request additional guidance from the CPSC, especially in those situations where a compliant solution may be to modify the current drain openings and fittings rather than installing a secondary anti-entrapment system. The Commission should provide guidance identifying such approved methods along with illustrations of compliant systems. It would also be helpful for the Commission to establish a system for responding to inquiries about proposed system designs. Our industry feels that the level of guidance coming from the CPSC has inadequately met the needs of the industry.

May 28, 2012 Compliance Timeframe

NMHC/NAA surveyed member companies to assess their ability to come into compliance with this Final Rule. We also sought information relative to original VGB compliance costs, recall costs and estimated costs associated with this latest decision and would like to share them with the Commission. Keep in mind these are estimates and may exclude labor costs.

- **Costs associated with the installation of the new VGB drain covers**
\$6,539.00 per respondent.

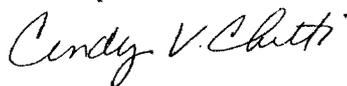
- **Costs associated with the May 2011 drain cover recall**
\$2,235.00 per respondent.

- **Projected costs associated with revocation of “unblockable drain” interpretation**
Preliminary estimates range from \$1,000 - \$70,000 per respondent.

The cost of compliance to the industry is significant. These figures also exclude losses associated with closed pools and disgruntled residents. While the health and safety of those who swim in our pools is our greatest concern, we cannot ignore the costs associated with any regulatory requirement, especially in these difficult economic times. It is therefore our hope and expectation that going forward the CPSC will provide certainty concerning regulation and offer the requested guidance sought by the regulated community to assist with compliance. Provided these resources are made available, the majority of our members believe they can come into compliance by May 28, 2012. However, we strongly encourage the CPSC to evaluate the progress made by the pool owner and operator community before the May 28, 2012 deadline and amend the timetable if necessary.

Thank you for the opportunity to respond to this notice.

Sincerely,



Cindy V. Chetti
Senior Vice President of Government Affairs
National Multi Housing Council



Gregory Brown
Vice President of Government Affairs
National Apartment Association

PUBLIC SUBMISSION

As of: January 04, 2012
Received: December 12, 2011
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Tracking No. 80f80abd
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Docket: CPSC-2011-0071

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Document: CPSC-2011-0071-0009

Comment from Rick Root

Submitter Information

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Organization: World Waterpark Association

General Comment

Office of the Secretary
Consumer Product Safety Commission
Room 820
4330 East West Highway
Bethesda, MD 20814
Submitted electronically: www.regulations.gov

December 12, 2011

Re: Docket No. CPSC-2011-0071

The World Waterpark Association is submitting its comments on the Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation (Document ID CPSC-2011-0071-001) on behalf of its waterpark operator and supplier members via the attached letter.

Respectfully,

Rick Root
President
World Waterpark Association

Attachments

World Waterpark Association - CPSC Comment - 12 December 2011



Office of the Secretary
Consumer Product Safety Commission
Room 820
4330 East West Highway
Bethesda, MD 20814
Submitted electronically: www.regulations.gov

December 12, 2011

Re: Docket No. CPSC-2011-0071

The World Waterpark Association (WWA) is the largest trade association exclusively focused on the waterpark industry. There are more than 1,000 waterparks in North America, serving over 85 million guests annually. Waterparks are operated by both large and small amusement and theme park companies, municipalities, hotel resorts, cruise ships, campgrounds, zoos and community centers. They employ between 20 and 5,000 workers per park.

Safety is the number one priority for the waterpark industry, and we support the intent of the Virginia Graeme Baker Pool and Spa Safety Act (VGB). The waterpark industry currently employs many safe anti-entrapment features and practices such as the use of larger, unblockable drains as the industry avoids direct, single suction drain systems.

WWA appreciates the opportunity to comment on the September 28 vote to repeal the Commission's interpretation of "unblockable drain."

As WWA and the International Association of Amusement Parks and Attractions noted in their September 20 letter to the Commission, the Commission's vote and the subsequent Federal Register notice generated confusion in the waterpark industry. Under the VGB, drains larger than 18" x 23" are considered to be "large unblockable drains," and do not need additional anti-entrapment devices. The Commission's September 28 vote, and subsequent Federal Register notice has left waterpark operators questioning if their large unblockable drains require secondary anti-entrapment devices, if they will need to remodel their pool drain systems and when the Commission will stop changing the rules.

WORLD WATERPARK ASSOCIATION

8826 Santa Fe Dr., Suite 310 Overland Park, KS 66212 U.S.A.

PHONE: +913.599.0300 FAX: +913.599.0520 EMAIL: wwamemberinfo@waterparks.org WEBSITE: www.waterparks.org

The implementation of the VGB has been riddled with obscurities for the waterpark industry, but the industry has found a way to comply despite ever-changing interpretations, guidances and other regulatory and sub-regulatory procedures.

We believe by repealing the Commission's previous interpretation of "unblockable drain," the Commission intends to address situations where a cover intended for a large unblockable drain is affixed to a smaller drain system. To best address these situations, the waterpark industry recommended the Commission not repeal its interpretation of unblockable drains, but instead clarify the previous interpretation to include additional guidance on the requirements for blockable drains until such time that the APSP-16 revision is released. To this end, we submitted suggested language that will accomplish the Commission's goal of preventing facility owners from attaching a cover intended for large unblockable drain on a smaller drain system. The Commission did not address our proposed language, and voted to issue the Federal Register notice as drafted.

We are disappointed the Commission did not provide an opportunity to offer comments on the revocation of the existing interpretation prior to the vote. WWA only learned of the impending vote through waterpark industry sources. Additionally, we are disappointed the Commission only sought public comment on the implementation deadline of this change, and not on the interpretation change itself. The Commission's interpretative rule on unblockable drains was issued after lengthy deliberations, including issuance of a proposed position, invitation of public comments, consideration of those comments and a public hearing. The reversal of the rule was decided without any opportunity for stakeholder input.

It is important to note that there is no record of an entrapment incident occurring in a pool that complied with the previous interpretative definition of unblockable drains, and no evidence that the revocation of that interpretation will do anything to improve pool safety. The incidents that are so widely cited by certain members of the Commission, legislators and safety advocates occurred in private swimming pools, which are not subject to the VGB.

As far as the implementation deadline of May 28, 2012 is concerned, WWA thinks the new requirements should apply prospectively to pools that are built or undergo major renovation after the deadline.

Pool owners spent millions of dollars to make their drain systems compliant with the VGB in 2008. The week before Memorial Day 2011—traditionally the start of the outdoor swimming season in the U.S.—many pool owners had to scramble to find suitable replacement drain covers in order to open their pools, due to a massive drain cover recall. Now, some pool operators will need to change their drain systems a third time, in order to comply with the re-interpreted definition. Pool operators were not trying to skirt the law, and were acting legally and with the best of intentions; why should they continue to bear the financial burden of the Commission's indecision?

In conclusion, WWA is disappointed with both the result of the Commission's vote, and concerned with the precedent it sets. While it is still too early to accurately assess the impact of the new interpretative definition on the waterpark industry, we are concerned with disregard for the Administrative Procedure Act the Commission demonstrated by not consulting stakeholders or even the APSP technical committee before making frequent regulatory changes that will have real financial and potential safety impacts for the pool and spa industry.

Respectfully,

A handwritten signature in black ink that reads "Rick Root". The signature is written in a cursive, slightly slanted style.

Rick Root
President

PUBLIC SUBMISSION

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Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain; Revocation

Document: CPSC-2011-0071-0010

Comment from Robert Rung

Submitter Information

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Hopatcong, NJ, 07843

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Fax: 973 529 0352

General Comment

Please see attachment

Attachments

Letter to CPSC regarding definition of UnblockableRR2

Robert Rung, PE

349 Lakeside Boulevard
Hopatcong, NJ 07843

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Fax 973 529 0352

RNRung@yahoo.com

For the past decade, as an employee, and then a consultant to Hayward Pool Products, I have been a member of ASME A112.19.8 and A112.19.17 Project Teams on Suction Outlets and Safety Vacuum Release Systems, ASTM Sub Committee 15.51 on Safety Vacuum Release Systems, Suction Limiting Vent Systems and Suction Limiting Gravity Systems. I am a member of the APSP Technical Committee, was chair of the APSP-7 Committee on Suction Entrapment Avoidance, and remain a member of that committee and APSP-16, the successor to ASME A112.19.8.

In particular, I was the initiator of the concept of the Unblockable Suction Outlet in...19.8, and can attest that the concept was based, as the Act correctly defines, as "...a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard."

There was never any contemplation by any of the related technical committees of such an outlet without a cover, unless the sump itself was safe.

Indeed, the language of ...19.8 (and now APSP-16), refers to "cover/grate secondary layer of protection" in Par 2.3.1.7.

At the outset, applications were mainly in field-built outlets for waterparks. The secondary layer could be industrial-strength retention systems designed by the "Registered Design Professional". A number of practices were developed to protect the bather from access to the outlet of the sump itself, even if the cover is missing.

As the value of such systems was recognized, retrofit products for residential single outlets were introduced. These were predominantly the subject of the recent discussions.

My purpose here is to alert the Commission to an unintended consequence of the interpretation of September 28, 2011. As intended, that interpretation does eliminate the possibility of exposing, say, an eight inch round sump if the cover is missing.

However, it enables acceptance of a cover/grate without the "secondary layer" over a large "unblockable" sump. Most unblockable sumps will admit a bather's body to the unprotected suction piping of a similar eight inch size, or even larger. There are known incidents of bathers swept to their death through the piping. None of the PSSA's options for single outlets can prevent this sweep-through.

If I can be of assistance to the Commission in person or otherwise, please contact me.

Respectfully,

Robert Rung, PE

Public Submissions **cont'd.**
Virginia Graeme Baker Pool and Spa
Safety Act;
Interpretation of Unblockable Drain;
Revocation
CPSC-2011-0071
Comments due by: December 12, 2011

Note:

We are providing copies of all written submissions received in the Office of the Secretary. Many have not been entered into regulations.gov as of yet. These were submissions that were received via mail and email.

PUBLIC SUBMISSION

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Submission Type: E-mail

Docket: CPSC-2011-0071

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Document: CPSC-2011-0071-0011

Comment from Randy Witt

Submitter Information

Name: Randy Witt

Address: United States,

Redacted Comment

See Attached

Attachments

Comment from Randy Witt

From: Randy Witt
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition
Date: Friday, December 09, 2011 12:10:37 PM

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we are in the process of installing PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Randy Witt
4000 N Bridge St
Yorkville, IL 60560

PUBLIC SUBMISSION

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Received: December 12, 2011
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Posted: January 05, 2012
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Submission Type: E-mail

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Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Document: CPSC-2011-0071-0012

Comment from Steve Morgan

Submitter Information

Name: Steve Morgan

Address:

Sunbelt Pools of Georgia

General Comment

See Attached

Attachments

Comment from Steve Morgan

From: [Steve Morgan](#)
To: [Whitfield, Troy](#)
Subject: CPSC Unblockable Drain Definition
Date: Monday, December 12, 2011 11:10:04 AM

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Steve Morgan
Sunbelt Pools of Georgia
3596 Oakcliff Rd
Atlanta, GA 30340

PUBLIC SUBMISSION

As of: January 05, 2012
Received: December 09, 2011
Status: Posted
Posted: January 05, 2012
Category: Other
Tracking No. 80f8e394
Comments Due: December 12, 2011
Submission Type: E-mail

Docket: CPSC-2011-0071

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Document: CPSC-2011-0071-0013

Comment from John C. Romano

Submitter Information

Name: John Romano

Address: United States,

General Comment

See Attached

Attachments

Comment from John C. Romano

From: John Romano
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition
Date: Friday, December 09, 2011 12:10:35 PM

Mr. Whitfield,

My Name is John C. Romano, My company employes over 50 people. In these hard economic times we struggle to keep our doors open, instead of getting relief from GOVERNMENT we get the opposite, see my remarks below which reflect our/my industries and consumers issues. Take politics out of the CPSC. Rely on reason and the facts.

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

John C. Romano
179 E Rocks Rd
Norwalk, CT 06851

PUBLIC SUBMISSION

As of: January 05, 2012
Received: December 12, 2011
Status: Posted
Posted: January 05, 2012
Category: Manufacturer
Tracking No. 80f8e3ad
Comments Due: December 12, 2011
Submission Type: E-mail

Docket: CPSC-2011-0071

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Document: CPSC-2011-0071-0014

Comment from Mark Laven

Submitter Information

Name: Mark Laven

Address: United States,

Organization: Latham International

General Comment

See Attached

Attachments

Comment from Mark Laven

From: Mark Laven
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition
Date: Monday, December 12, 2011 11:20:05 AM

Mr. Whitfield,

My name is Mark Laven, I am the President & CEO of Latham International. I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Mark Laven
37 Hills Rd
Loudonville, NY 12211

PUBLIC SUBMISSION

As of: January 05, 2012
Received: December 09, 2011
Status: Posted
Posted: January 05, 2012
Category: Other
Tracking No. 80f8e3b4
Comments Due: December 12, 2011
Submission Type: E-mail

Docket: CPSC-2011-0071

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Document: CPSC-2011-0071-0015

Comment from Michael Murphy

Submitter Information

Name: Michael Murphy

Address: United States,

Organization: Raptor Reef

General Comment

See Attached

Attachments

Comment from Michael Murphy

From: [Michael Murphy](#)
To: [Whitfield, Troy](#)
Subject: CPSC Unblockable Drain Definition
Date: Friday, December 09, 2011 2:20:16 PM

Mr. Whitfield,

My name is Michael Murphy, and I am General Manager of an Indoor Waterpark in North Idaho called Raptor Reef. We employ about 100 to 125 people. Our Park was constructed and opened in 2005. Raptor reef met All original VGB standards. I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Michael Murphy
8415 N Audubon Dr
Hayden, ID 83835

PUBLIC SUBMISSION

As of: January 05, 2012
Received: December 12, 2011
Status: Posted
Posted: January 05, 2012
Category: Consumer/Individual
Tracking No. 80f8e3b6
Comments Due: December 12, 2011
Submission Type: E-mail

Docket: CPSC-2011-0071

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Document: CPSC-2011-0071-0016

Comment from Calvin B. Boothby

Submitter Information

Name: Calvin Boothby

Address: United States,

General Comment

See Attached

Attachments

Comment from Calvin B. Boothby

From: Calvin Boothby
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition
Date: Monday, December 12, 2011 11:30:05 AM

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Calvin B. Boothby
3645 Castle Reagh Pl
Riverside, CA 92506

PUBLIC SUBMISSION

As of: January 05, 2012
Received: December 09, 2011
Status: Posted
Posted: January 05, 2012
Category: Consumer/Individual
Tracking No. 80f8e3b9
Comments Due: December 12, 2011
Submission Type: E-mail

Docket: CPSC-2011-0071

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Document: CPSC-2011-0071-0017

Comment from Kurt Drath

Submitter Information

Name: Kurt Drath

Address: United States,

General Comment

See Attached

Attachments

Comment from Kurt Drath

From: KURT DRATH
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition
Date: Friday, December 09, 2011 2:40:05 PM

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

KURT DRATH
207 S Shabbona Rd
Shabbona, IL 60550

PUBLIC SUBMISSION

As of: January 05, 2012
Received: December 12, 2011
Status: Posted
Posted: January 05, 2012
Category: State or Local Government
Tracking No. 80f8e3bb
Comments Due: December 12, 2011
Submission Type: E-mail

Docket: CPSC-2011-0071

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Document: CPSC-2011-0071-0018

Comment from Lorna Bonorand

Submitter Information

Name: Lorna Bonorand

Address: United States,

Government Agency Type: Local

Government Agency: East Windsor Health Department

General Comment

See Attached

Attachments

Comment from Lorna Bonorand

From: LORNA BONORAND
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition
Date: Monday, December 12, 2011 11:30:05 AM

Mr. Whitfield,

On behalf of (1- INSERT JURISDICTION), I strongly urge the commission to nullify the September 28, 2011 vote and adhere to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing state and local authorities an opportunity to comment and explain to the commissioners why such a vote is so severely misguided. Hence, we are submitting our comments at this time. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

First, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (PSSA) were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. With (2 - NUMBER OF POOLS/SPAS OR DRAIN COVERS) in place, we can also state that we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our firsthand experience shows that this is clearly not the case. A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, many unblockable drain covers were installed in the pools/spas within our jurisdiction, based in good faith reliance upon the PSSA and the commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings, and represented a major investment on our part. This investment was based in large part on the fact that once these covers were installed, additional equipment would not be required. Once a ruling is made, and relied upon by public as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. Complaints from select members of Congress or others neither constitute nor substitute such data.

Third, as we suspect is the case with many jurisdictions, the cost of compliance with yet another round of requirements will exceed our present resources. The nation has suffered the most severe economic recession since the Great Depression and states, counties, and municipalities are facing shrinking tax bases and burgeoning deficits. Though justified, the Pool & Spa Safety Act and the Americans with Disabilities Act have placed an additional burden on aquatic facilities during a financially vulnerable time. In addition, the CPSC issued a recall prior to the 2011 swim season that resulted in new resource challenges for facilities to comply with the PSSA.

(3 - OPTIONAL) We estimate the cost of bringing the pools and spas within our jurisdiction into compliance with the September 28, 2011 interpretive rule at (4 - \$DOLLAR AMOUNT), making many of our facilities vulnerable to closure. Public swimming pools play a key role in preventing drowning by helping the general population learn to swim, and by providing a means for lifeguards to become trained and certified. Increasing arbitrary costs during difficult financial times has historically resulted in pool closures. Tragically, closures are more likely in economically-disadvantaged regions where drowning is a greater risk. Pool closures reduce the opportunity for many people to learn to swim, potentially increasing the risk of drowning. The best way for the commission to save lives is to maintain the March, 2010 interpretive rule and allow our pools and spas, which have been proven safe, to operate without further interference or mandate.

Finally, we are concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship.

We thank the commission for its time and consideration.

Sincerely,

LORNA BONORAND
EAST WINDSOR HEALTH DEPARTMENT
16 Lanning Blvd
East Windsor, NJ 08520

PUBLIC SUBMISSION

As of: January 05, 2012
Received: December 09, 2011
Status: Posted
Posted: January 05, 2012
Category: State or Local Government
Tracking No. 80f8e3bd
Comments Due: December 12, 2011
Submission Type: E-mail

Docket: CPSC-2011-0071

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Document: CPSC-2011-0071-0019

Comment from Troy Breidenbach

Submitter Information

Name: Troy Breidenbach

Address: United States,

Government Agency Type: Local

Government Agency: Hopewell Township

General Comment

See Attached

Attachments

Comment from Troy Breidenbach

From: TROY BREIDENBACH
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition
Date: Friday, December 09, 2011 2:40:07 PM

Mr. Whitfield,

On behalf Hopewell Township, I strongly urge the commission to nullify the September 28, 2011 vote and adhere to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing state and local authorities an opportunity to comment and explain to the commissioners why such a vote is so severely misguided. Hence, we are submitting our comments at this time. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

First, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (PSSA) were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. With (1) DRAIN COVERS in place, we can also state that we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our firsthand experience shows that this is clearly not the case. A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, many unblockable drain covers were installed in the pools/spas within our jurisdiction, based in good faith reliance upon the PSSA and the commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings, and represented a major investment on our part. This investment was based in large part on the fact that once these covers were installed, additional equipment would not be required. Once a ruling is made, and relied upon by public as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. Complaints from select members of Congress or others neither constitute nor substitute such data.

Third, as we suspect is the case with many jurisdictions, the cost of compliance with yet another round of requirements will exceed our present resources. The nation has suffered the most severe economic recession since the Great Depression and states, counties, and municipalities are facing shrinking tax bases and burgeoning deficits. Though justified, the Pool & Spa Safety Act and the Americans with Disabilities Act have placed an additional burden on aquatic facilities during a financially vulnerable time. In addition, the CPSC issued a recall prior to the 2011 swim season that resulted in new resource challenges for facilities to comply with the PSSA.

- We estimate the cost of bringing the pools and spas within our jurisdiction into compliance with the September 28, 2011 interpretive rule at (\$5000), making many of our facilities vulnerable to closure. Public swimming pools play a key role in preventing drowning by helping the general population learn to swim, and by providing a means for lifeguards to become trained and certified. Increasing arbitrary costs during difficult financial times has historically resulted in pool closures. Tragically, closures are more likely in economically-disadvantaged regions where drowning is a greater risk. Pool closures reduce the opportunity for many people to learn to swim, potentially increasing the risk of drowning. The best way for the commission to save lives is to maintain the March, 2010 interpretive rule and allow our pools and spas, which have been proven safe, to operate without further interference or mandate.

Finally, we are concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship.

We thank the commission for its time and consideration.

TROY BREIDENBACH PARK MANAGER

TROY BREIDENBACH
park manager
Hopewell Township
PO Box 309
Bascom, OH 44809

PUBLIC SUBMISSION

As of: January 05, 2012
Received: December 12, 2011
Status: Posted
Posted: January 05, 2012
Category: Other
Tracking No. 80f8e3d2
Comments Due: December 12, 2011
Submission Type: E-mail

Docket: CPSC-2011-0071

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Comment On: CPSC-2011-0071-0001

Virginia Graeme Baker Pool and Spa Safety Act: Interpretation of Unblockable Drain;
Revocation

Document: CPSC-2011-0071-0020

Comment from Robb Cline

Submitter Information

Name: Robb Cline

Address:

Robb's Commercial Pool Service

General Comment

See Attached

Attachments

Comment from Robb Cline

From: [Robb Cline](#)
To: [Whitfield, Troy](#)
Subject: CPSC Unblockable Drain Definition
Date: Monday, December 12, 2011 11:30:06 AM

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Robb Cline
Owner
Robb's Commercial Pool Services
840 Tribute Ct
Auburn, CA 95603



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SAFETY AND TOXICOLOGY
P.O. Box 47825, Olympia, Washington 98504-7825
243 Israel Road SE, Town Center Building 3, Tumwater, Washington 98501
TDD Relay Service (800) 833-6388

Received CPSC
2011 DEC 16 A 8:35
Office of the Secretary
FOI

December 9, 2011

Office of the Secretary
Consumer Product Safety Commission
Room 820
4330 East West Highway
Bethesda, MD 20814

**SUBJECT: VIRGINIA GRAEME BAKER POOL AND SPA SAFETY ACT FINAL RULE;
REVOCATION DOCKET NO. CPSC-2011-0071**

Dear Secretary:

Thank you for the opportunity to comment on the proposed compliance date of May 28, 2012 for pools and spas with unblockable drain covers to install secondary anti-entrapment systems. This proposal is a result of the September 28, 2011 decision by the Consumer Product Safety Commission (CPSC) to revoke the April 6, 2010 interpretation of the Virginia Graeme Baker Act (VGB Act) relating to unblockable main drains.

This recent decision to revoke the previous interpretation without the opportunity for stakeholder input is disappointing and contrary to how CPSC has addressed other major decisions related to the implementation of the VGB Act.

Additionally, regulated pools and spas that have already invested to comply with the requirements of the VGB Act will be required to add secondary anti-entrapments systems or make other modifications. For the regulated pool and spa facilities within the State of Washington, this is on top of considerable expenses to comply with recent state requirements regarding perimeter barriers and single main drains, and United States Department of Justice pool and spa accessibility requirements.

On behalf of the public pool and spa facilities within the State of Washington, we request that you delay the implementation date to January 1, 2013 or prior to 2013 operation dates for seasonal pools and spas.

Sincerely,

Nancy Napolilli
Office Director





December 12, 2011

Troy Whitfield
Lead Compliance Officer
Consumer Product Safety Commission
Office of the Secretary
4330 East West Highway, Room 820
Bethesda, MD 20814

Re: Docket No. CPSC-2011-0071

Dear Mr. Whitfield:

The American Hotel & Lodging Association (AH&LA) submits these comments on behalf of the lodging industry to express concerns with the recent decision by the Consumer Product Safety Commission (CPSC) to revise its definition of “unblockable drain” and to require retrofitting of affected existing pools by May 28, 2012. AH&LA, the sole national association representing all sectors and stakeholders in the lodging industry, including individual hotel property members, hotel companies, student and faculty members, and industry suppliers, is uniquely positioned to comment on this topic because of the large number of pools our members operate.

AH&LA urges the CPSC to nullify the September 28, 2011 vote and hold to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing pool owners and operators nor state and local authorities an adequate opportunity to comment and explain to the commissioners why such a vote is so severely misguided. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

We also request that the CPSC extend its comment period on this important matter. The implications to pool communities across the country are too important to rush and should be handled properly. In addition AH&LA requests that the CPSC delay implementation of enforcement of this change for one year.

Per the issues raised by the CPSC, AH&LA submits the following comments in response.

- 1) Concern about the absence of due process on their recent September 28, 2011 vote to reverse themselves;

The lodging industry is concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship. Many of our members have expressed concern that they are being unfairly penalized for aggressively implementing the original regulations and now have to go back and “re-do” their work. Many unblockable drain covers were installed in the pools/spas within our industry, based in good faith reliance upon the Pools & Spa Safety Act (PSSA) and the CPSC’s original interpretive rule. These drain covers are far more expensive than the typical smaller fittings, and represented a major investment on our part. This investment was based in large part on the fact that once these covers were installed, additional equipment would not be required. Once a ruling is made, and relied upon by public as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal, which is clearly lacking in this situation.

- 2) The absence of any entrapment injuries, incidents or instances where PSSA compliant drain covers have broken or come off;

The lodging industry has taken seriously its obligation to provide safe pools for its guest even while many operators struggled to work through supplier delays in meeting the increased demand. In fact, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. AH&LA is not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our members’ firsthand experiences shows that this is clearly not the case. A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

AH&LA believes the revised rule will jeopardize the public safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment, and in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then, will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

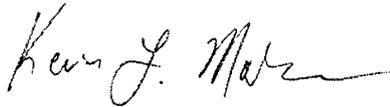
- 3) The cost of retrofitting your pools and spas to comply with this revised rule and its impact on your ability to keep these pools open to the public;

The lodging industry continues to struggle in the face of a very difficult economy. After several years of lower occupancies, reduced travel, and declining revenues, it is unfortunate that the CPSC is now requiring hotel owners and operators to spend its limited resources to again deal with a situation that has been addressed. We have heard from members who express frustration that increasing government regulation on pools by the CPSC and other Federal agencies will force them to close down their pools.

Again, AH&LA urges the CPSC to nullify the September 28, 2011 vote and hold to its original interpretative rule and definition of an unblockable drain as determined in March, 2010, as well as extending this comment period.

AH&LA thanks the Commission for the opportunity to submit these comments.

Sincerely,

A handwritten signature in black ink that reads "Kevin J. Maher". The signature is written in a cursive style with a long, sweeping underline.

Kevin Maher
Senior Vice President for Governmental Affairs
1201 New York Ave., NW
Washington, DC 20005
202-289-3147

kmaher@ahla.com

CC: Inez Tannenbaum
Robert Adler
Thomas Moore
Anne Northrup
Nancy Nord
Gib Mullen
Hon. Mary Bono Mack
Hon. Cliff Stearns
Hon. G.K. Butterfield

Stevenson, Todd

From: Randy Witt [Randy@ragingwaves.com]
Sent: Friday, December 09, 2011 12:08 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we are in the process of installing PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Randy Witt
4000 N Bridge St
Yorkville, IL 60560

Stevenson, Todd

From: John Romano [jcrallpool@aol.com]
Sent: Friday, December 09, 2011 12:06 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Whitfield,

My Name is John C. Romano, My company employes over 50 people. In these hard economic times we struggle to keep our doors open, instead of getting relief from GOVERNMENT we get the opposite, see my remarks below which reflect our/my industries and consumers issues. Take politics out of the CPSC. Rely on reason and the facts.

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

John C. Romano
179 E Rocks Rd
Norwalk, CT 06851

Stevenson, Todd

From: Michael Murphy [mmurphy@3play.com]
Sent: Friday, December 09, 2011 2:12 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Michael Murphy, and I am General Manager of an Indoor Waterpark in North Idaho called Raptor Reef. We employ about 100 to 125 people. Our Park was constructed and opened in 2005. Raptor reef met All original VGB standards. I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Michael Murphy
8415 N Audubon Dr
Hayden, ID 83835

Stevenson, Todd

From: KURT DRATH [copterman64@yahoo.com]
Sent: Friday, December 09, 2011 2:31 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

KURT DRATH
207 S Shabbona Rd
Shabbona, IL 60550

Stevenson, Todd

From: TROY BREIDENBACH [tbmgr@bright.net]
Sent: Friday, December 09, 2011 2:37 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

On behalf Hopewell Township, I strongly urge the commission to nullify the September 28, 2011 vote and adhere to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing state and local authorities an opportunity to comment and explain to the commissioners why such a vote is so severely misguided. Hence, we are submitting our comments at this time. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

First, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (PSSA) were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. With (1) DRAIN COVERS) in place, we can also state that we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our firsthand experience shows that this is clearly not the case. A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, many unblockable drain covers were installed in the pools/spas within our jurisdiction, based in good faith reliance upon the PSSA and the commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings, and represented a major investment on our part. This investment was based in large part on the fact that once these covers were installed, additional equipment would not be required. Once a ruling is made, and relied upon by public as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. Complaints from select members of Congress or others neither constitute nor substitute such data.

Third, as we suspect is the case with many jurisdictions, the cost of compliance with yet another round of requirements will exceed our present resources. The nation has suffered the most severe economic recession since the Great Depression and states, counties, and municipalities are facing shrinking tax bases and burgeoning deficits. Though justified, the Pool & Spa Safety Act and the Americans with Disabilities Act have placed an additional burden on aquatic facilities during a financially vulnerable time. In addition, the CPSC issued a recall prior to the 2011 swim season that resulted in new resource challenges for facilities to comply with the PSSA.

- We estimate the cost of bringing the pools and spas within our jurisdiction into compliance with the September 28, 2011 interpretive rule at (\$5000), making many of our facilities vulnerable to closure. Public swimming pools play a key role in preventing drowning by helping the general population learn to swim, and by providing a means for lifeguards to become trained and certified. Increasing arbitrary costs during difficult financial times has historically resulted in pool closures. Tragically, closures are more likely in economically-disadvantaged regions where drowning is a greater risk. Pool closures reduce the opportunity for many people to learn to swim, potentially increasing the risk of drowning. The best way for the commission to save lives is to maintain the March, 2010 interpretive rule and allow

our pools and spas, which have been proven safe, to operate without further interference or mandate.

Finally, we are concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship.

We thank the commission for its time and consideration.

TROY BREIDENBACH PARK MANAGER

TROY BREIDENBACH
park manager
Hopewell Township
PO Box 309
Bascom, OH 44809

Stevenson, Todd

From: Steve Morgan [smorgan@sunbeltpoolsofgeorgia.com]
Sent: Monday, December 12, 2011 11:04 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Steve Morgan
Sunbelt Pools of Georgia
3596 Oakcliff Rd
Atlanta, GA 30340

Stevenson, Todd

From: Mark Laven [marklaven@lathamint.com]
Sent: Monday, December 12, 2011 11:14 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Mark Laven, I am the President & CEO of Latham International. I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Mark Laven
37 Hills Rd
Loudonville, NY 12211

Stevenson, Todd

From: Calvin Boothby [poolspa97@aol.com]
Sent: Monday, December 12, 2011 11:20 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Calvin B. Boothby
3645 Castle Reagh Pl
Riverside, CA 92506

Stevenson, Todd

From: LORNA BONORAND [HEALTH@EAST-WINDSOR.NJ.US]
Sent: Monday, December 12, 2011 11:21 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

On behalf of (1- INSERT JURISDICTION), I strongly urge the commission to nullify the September 28, 2011 vote and adhere to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing state and local authorities an opportunity to comment and explain to the commissioners why such a vote is so severely misguided. Hence, we are submitting our comments at this time. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

First, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (PSSA) were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. With (2 - NUMBER OF POOLS/SPAS OR DRAIN COVERS) in place, we can also state that we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our firsthand experience shows that this is clearly not the case. A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, many unblockable drain covers were installed in the pools/spas within our jurisdiction, based in good faith reliance upon the PSSA and the commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings, and represented a major investment on our part. This investment was based in large part on the fact that once these covers were installed, additional equipment would not be required. Once a ruling is made, and relied upon by public as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. Complaints from select members of Congress or others neither constitute nor substitute such data.

Third, as we suspect is the case with many jurisdictions, the cost of compliance with yet another round of requirements will exceed our present resources. The nation has suffered the most severe economic recession since the Great Depression and states, counties, and municipalities are facing shrinking tax bases and burgeoning deficits. Though justified, the Pool & Spa Safety Act and the Americans with Disabilities Act have placed an additional burden on aquatic facilities during a financially vulnerable time. In addition, the CPSC issued a recall prior to the 2011 swim season that resulted in new resource challenges for facilities to comply with the PSSA.

(3 - OPTIONAL) We estimate the cost of bringing the pools and spas within our jurisdiction into compliance with the September 28, 2011 interpretive rule at (4 - \$DOLLAR AMOUNT), making many of our facilities vulnerable to closure. Public swimming pools play a key role in preventing drowning by helping the general population learn to swim, and by providing a means for lifeguards to become trained and certified. Increasing arbitrary costs during difficult financial times has historically resulted in pool closures. Tragically, closures are more likely in economically-disadvantaged regions where drowning is a greater risk. Pool closures

reduce the opportunity for many people to learn to swim, potentially increasing the risk of drowning. The best way for the commission to save lives is to maintain the March, 2010 interpretive rule and allow our pools and spas, which have been proven safe, to operate without further interference or mandate.

Finally, we are concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship.

We thank the commission for its time and consideration.

Sincerely,

LORNA BONORAND
EAST WINDSOR HEALTH DEPARTMENT
16 Lanning Blvd
East Windsor, NJ 08520

Stevenson, Todd

From: Robb Cline [robbspools@yahoo.com]
Sent: Monday, December 12, 2011 11:24 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Robb Cline
Owner
Robb's Commercial Pool Services
840 Tribute Ct
Auburn, CA 95603

Stevenson, Todd

From: Whitfield, Troy
Sent: Tuesday, December 13, 2011 9:49 AM
To: Stevenson, Todd; Little, Barbara
Subject: FW: CPSC Response - Unblockable revocation
Attachments: IMG_6654-2-2.jpg; SUMP.JPG; IMG_4096-2.jpg

Not sure if these made it through as attachments to Leif's comments yesterday...

Troy

From: Leif Zars [mailto:leif@garypools.com]
Sent: Monday, December 12, 2011 6:07 PM
To: Andrea M Crabb; Bernice Crenshaw; Bob Rung; Brian Freber; Carvin DiGiovanni; Dave Stingl; Dominic Conn; Gary Duren; Gary L. Siggins; Jim Dunn; Hyatt, James; Katie Moore; Leif Zars; 'Maria Bella'; Maribel Campos; Eilbert, Mark; Mike McCague- Watkins Mfg.; 'Mike Wolfe'; Nathan Coelho - Masterspas ; Paul Pennington; Paul Rosenau; Sharpless, Perry; Ray Mirzaei; Rob Lawson; Robert Rung; 'Ron Schroeder'; Sal Aridi; Steve Barnes; Tony Zhou; Whitfield, Troy
Subject: CPSC Rresponse

Committee Members,

Today the following and attached photos were sent to the CPSC in response to their request for comments on their recent interpretation of an unblockable pool or spa drain:

Docket # CPSC-2011-0071

"Response to the CPSC request for comments by December 12, 2011 regarding the interpretation of an Unblockable Pool or Spa Drain:

Basically I feel the Commission's revised rule is misguided for the following reasons:

The Commissioner's rule would lead one to believe that the larger sumps provide a greater degree of safety – which is definitely not the case.

- a) The attached photos of typical commercial pool or spa main drain sumps immediately indicate that without a cover/grate firmly in place, these sumps are and have been proven to be deadly.
- b) The present suggested backup devices such as a vent, SVRD, gravity flow, pump shut off, etc., are completely inadequate to protect a bather caught in one of these sumps with the high flow rates and large suction piping, whereas with smaller sumps and lower flow rates these devices can be effective.
- c) The cover/grate should be the ONLY factor which can and should be "unblockable". To suggest otherwise is misleading the public.

Non-the-less, if the Commissions' rule is to stand, and in order to allow a manufacturer of suction outlets to determine the required minimum size of a sump for a specific size cover (even though the larger the sump the more dangerous when uncovered), I suggest the following:

1) The one item that needs clarification is the identification of the word sump (“size of the drain opening”) which I believe is intended in the CPSC wording :

“On September 28, 2011, the U.S. Consumer Product Safety Commission (CPSC) voted 3-2 to interpret an unblockable pool or spa drain based on the size of the drain opening and not the size of the drain cover used over the sump.”

2) Accordingly I submit the following in an effort to properly identify this term:

Unblockable Outlet (Drain): A suction outlet defined as all components, including the sump and/or body, cover/grate, and hardware so that the perforated (open) area of its cover/grate cannot be shadowed by the area of the 18x23 Body Blocking Element of ANSI/APSP-16 - 2011 Standard and that the rated flow through the remaining open area cannot create a suction force in excess of the values in Table 1 of that Standard. In addition, the top open area of the sump beneath the cover/grate shall meet the same requirements as above so that the top open area of the sump cannot be shadowed by the area of the 18x23 Body Blocking Element of ANSI/APSP-16 – 2011 Standard and that the rated flow through the remaining open area **MUST PROVIDE THE SAME OR A GREATER FLOW RATE THAN THE MAXIMUM FLOW RATING OF THE GRATE ABOVE THE SUMP. ACCESS TO THE SUCTION PIPING SHALL BE PREVENTED BY PERMANENT INTERVENING BARRIER(S).** For manufactured products, this is calculated or verified by laboratory testing in accordance with the Standard. For field fabricated outlets, this is calculated in accordance with Section 2.3.1.2 of the Standard.

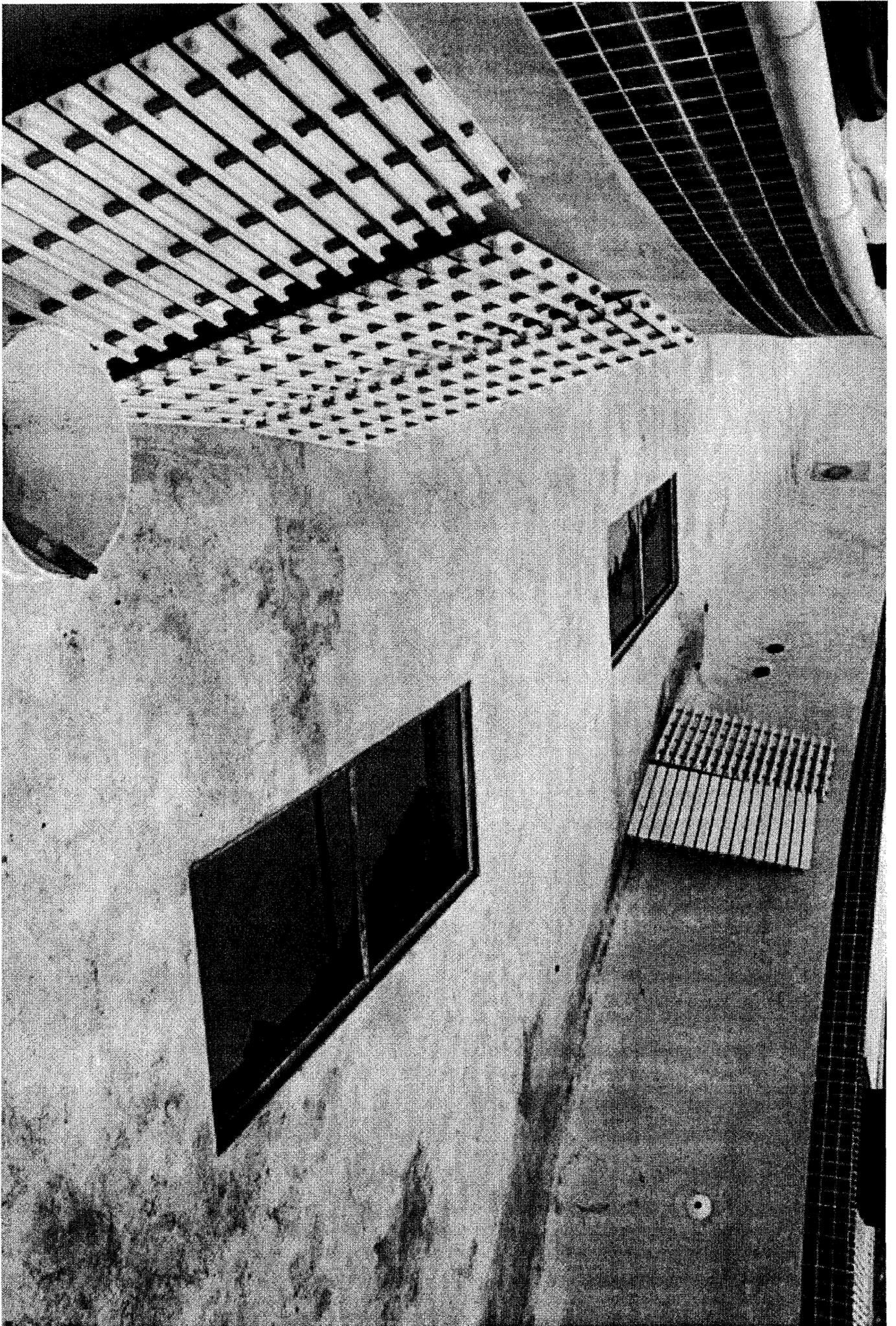
3) As stated in the Standard, testing can be done in accordance with Section 2.3.1.2 to verify the similarity of the flow rates of the top of the sump (size) with the cover/grate size in accordance with the above.

4) All that the above suggested definition does is to delineate the difference between a sump that is undersized relative to the cover/grate above, as compared to one that is basically equivalent to the flow rate of the cover/grate; something that I feel is required in order to set guide lines for the revised CPSC definition of “unblockable pool or spa drain”. This in no way indicates any degree of safety with these sumps – but rather less. Such uncovered sumps are extremely dangerous and should mandate the immediate closure of the pool or spa.

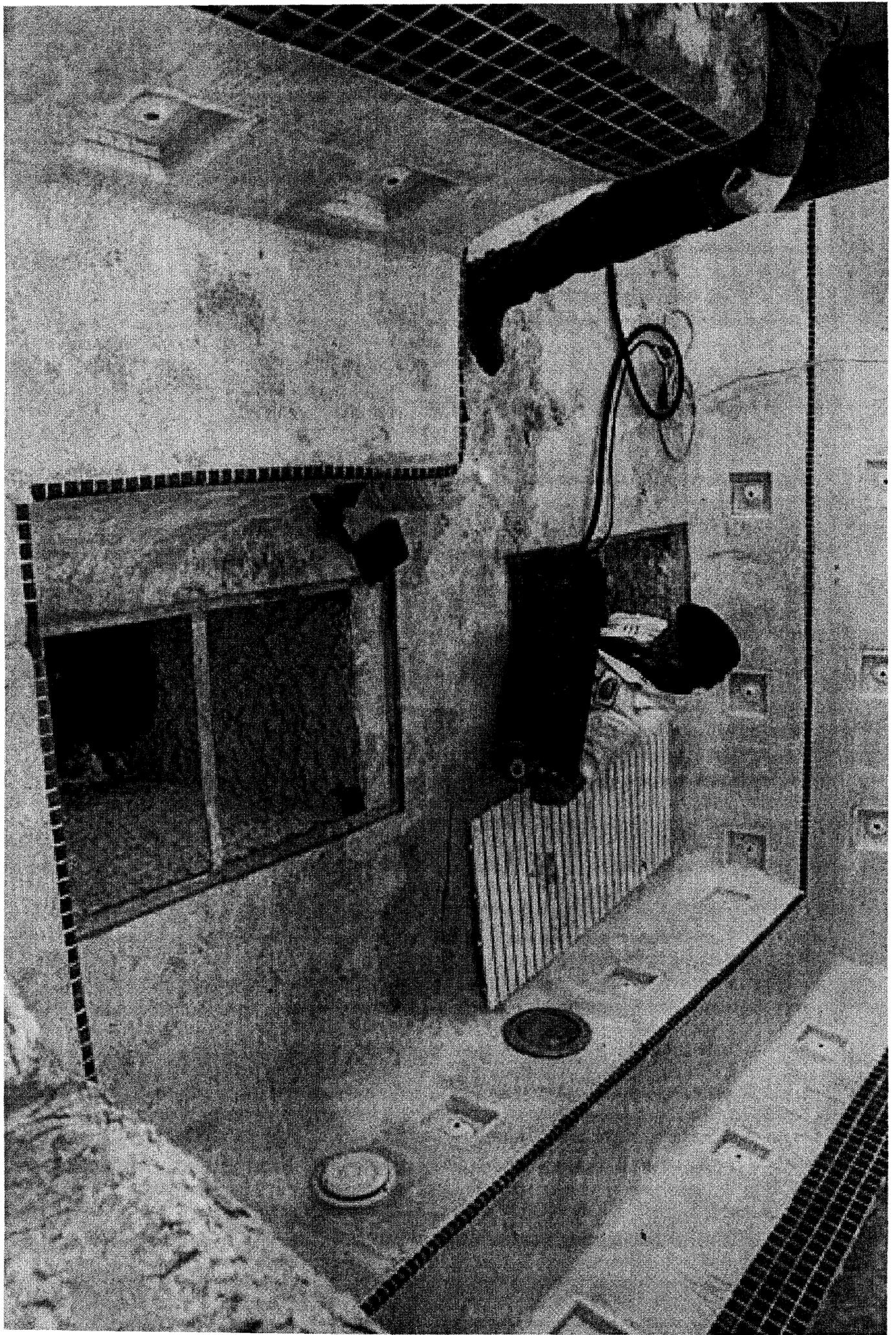
What should be done is to encourage work towards methods and designs to insure the permanence of the attachments of cover/grates, and under those conditions, request the Commissioners reversal of their ruling, which presently is mistakenly completely misdirecting industry efforts for more practical, economical and safer products.

In closing, I do not believe any discussion of clarifying the word “drain” belongs in this response, although this is a worthwhile endeavor, which we as the APSP-16 Committee shall pursue.

Respectfully,
Leif Zars
Chairman
APSP-16”







Stevenson, Todd

From: Robert Rung, PE [RRung@Haywardnet.com]
Sent: Monday, December 12, 2011 5:16 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

For the past decade, as an employee, and then a consultant to Hayward Pool Products, I have been a member of ASME A112.19.8 and A112.19.17 Project Teams on Suction Outlets and Safety Vacuum Release Systems, ASTM Sub Committee 15.51 on Safety Vacuum Release Systems, Suction Limiting Vent Systems and Suction Limiting Gravity Systems. I am a member of the APSP Technical Committee, was chair of the APSP-7 Committee on Suction Entrapment Avoidance, and remain a member of that committee and APSP-16, the successor to ASME A112.19.8.

In particular, I was the initiator of the concept of the Unblockable Suction Outlet in...19.8, and can attest that the concept was based, as the Act correctly defines, as "...a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard."

There was never any contemplation by any of the related technical committees of such an outlet without a cover, unless the sump itself was safe.

Indeed, the language of ...19.8 (and now APSP-16), refers to "cover/grate secondary layer of protection" in Par 2.3.1.7.

At the outset, applications were mainly in field-built outlets for waterparks. The secondary layer could be industrial-strength retention systems designed by the "Registered Design Professional". A number of practices were developed to protect the bather from access to the outlet of the sump itself, even if the cover is missing.

As the value of such systems was recognized, retrofit products for residential single outlets were introduced. These were predominantly the subject of the recent discussions.

My purpose here is to alert the Commission to an unintended consequence of the interpretation of September 28, 2011. As intended, that interpretation does eliminate the possibility of exposing, say, an eight inch round sump if the cover is missing.

However, it enables acceptance of a cover/grate without the "secondary layer" over a large "unblockable" sump. Most unblockable sumps will admit a bather's body to the unprotected suction piping of a similar eight inch size, or even larger. There are known incidents of bathers swept to their death through the piping.

None of the PSSA's options for single outlets can prevent this sweep-through.

If I can be of assistance to the Commission in person or otherwise, please contact me.

Respectfully,

Robert Rung, PE
349 Lakeside Blvd
Hopatcong, NJ 07843

Stevenson, Todd

From: Tammy Ricks [Tammy.Ricks@adph.state.al.us]
Sent: Monday, December 12, 2011 6:00 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

On behalf of The Baldwin County Health Department, we strongly urge the commission to nullify the September 28, 2011 vote and adhere to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing state and local authorities an opportunity to comment and explain to the commissioners why such a vote is so severely misguided. Hence, we are submitting our comments at this time. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

First, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (PSSA) were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. With over 800 facilities in place, we can also state that we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our firsthand experience shows that this is clearly not the case. A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, many unblockable drain covers were installed in the pools/spas within our jurisdiction, based in good faith reliance upon the PSSA and the commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings, and represented a major investment on our part. This investment was based in large part on the fact that once these covers were installed, additional equipment would not be required. Once a ruling is made, and relied upon by public as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. Complaints from select members of Congress or others neither constitute nor substitute such data.

Third, as we suspect is the case with many jurisdictions, the cost of compliance with yet another round of requirements will exceed our present resources. The nation has suffered the most severe economic recession since the Great Depression and states, counties, and municipalities are facing shrinking tax bases and burgeoning deficits. Though justified, the Pool & Spa Safety Act and the Americans with Disabilities Act have placed an additional burden on aquatic facilities during a financially vulnerable time. In addition, the CPSC issued a recall prior to the 2011 swim season that resulted in new resource challenges for facilities to comply with the PSSA.

Finally, we are concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship.

We thank the commission for its time and consideration.

Sincerely,

Tammy Ricks
PO Box 369
Robertsdale, AL 36567

Stevenson, Todd

From: Jeff Mitchell [jpmiko@netzero.com]
Sent: Monday, December 12, 2011 6:49 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Jeff Mitchell
Dynasty Pools
23367 Casa Bonita Ave
Quail Valley, CA 92587

Stevenson, Todd

From: Steve Barnes [steve.barnes@pentair.com]
Sent: Monday, December 12, 2011 9:56 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

At the request of several Commissioners, I respectfully submit this letter to express grave concerns with the Commission's revocation of its March 2010 interpretive rule on unblockable drains. In that ruling, the Commission correctly defined unblockable to include a properly certified, installed, and maintained drain cover as required by Federal Law under Section 1404(c)(1)(A)(ii) of the Virginia Graeme Baker Pool and Spa Safety Act ("VGB Act").

The reason provided under Part B of the CPSC Notice of Revocation states that in general, 156 "letters assert" that drain covers, regardless of their size, can come off or break and for this reason, "backup systems are necessary." Setting aside the personal view that product safety policy should be "Data Driven" and not decided by counting form letters, the VGB Act clearly defines Main Drains to be "suction outlets," which include covers/grates. Section 1404(c)(1)(A)(i) leaves no room for doubt or confusion on this issue, a compliant cover/grate must be in place or the pool shall be consider in violation of section 19(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(1)).

The VGB Act uses "unblockable drain" in Section 1404(c)(1)(A)(ii), immediately following Section 1404(c)(1)(A)(i) which requires all drains to comply with ASME/ANSI A112.19.8, and its successor standard ANSI/APSP-16 2011, both of which define drains as "suction outlets" that include "...cover/grate, and related components..." therefore the "...devices or systems designed to prevent entrapment by pool or spa drains..." described in Section 1404(c)(1)(A)(ii) are there to prevent body entrapment on "blockable" single drain systems. This is a technically sound policy consistent with codes, standards and guidelines that predate the VGB Act, including Commission's publication entitled 'Guidelines for Entrapment Hazards: Making Pools and Spas Safer' as referenced in Section 1406(a)(4)(B).

The 156 letters assert the need for "backup systems" not "secondary systems," in this regard the revocation of the March 2010 interpretive rule on unblockable drains falls well short of the asserted goal. When covers come off or break, the devices and systems in Section 1404(c)(1)(A)(ii) do not prevent evisceration, mechanical limb entrapment, or hair entanglement, all of which are prevented by the VGB-2008 certified suction outlet fitting. The secondary systems do not "prevent entrapment" when covers are missing or broken as the general public expects when they advocate for "backup systems." The Commissioner's are committing a new error by assigning safety attributes where they do not exist, and in the case of Safety Vacuum Release Systems, the VGB Act referenced standards specifically warn that they do not address all suction entrapment hazards.

The term "layers of protection" was used by Congress one time in Section 1402(4) and it is appropriately applied to barriers and fencing, where a fence is a layer of protection for lapses in supervision, just as a pool safety cover is a layer. When applied properly, all three prevent access to the water, which is the hazard. Secondary suction-limiting systems are not layers of protection against entrapment because they do not protect against all forms of entrapment. Congress did not assign layers of protection to devices and systems in Section 1404(c)(1)(A)(ii) and the Commission should reconsider by revisiting the subject using the traditional CPSC data driven process.

About Steve Barnes

Steve is the Safety and Compliance Manager for Pentair Water Pool and Spa, has been a member of the ASME A112.19.8 (Drain Cover Standard) since 2002, is a member of ASME A112.19.17 (SVRS Standard), and ASTM F15.51. He began his swimming pool industry career in 1984 as a research and development technician working on swimming pool safety and sanitation products. As a suction entrapment victim, father, and safety advocate, he would like nothing more than to see suction entrapment eliminated, however, as a researcher for more than twenty-seven years, he recognizes wishful thinking and passionately caring about safety do not translate into solutions; that takes science and following the data wherever it may take you.

Sincerely,

Steve R Barnes
11960 N Waterhole Rd
Maricopa, AZ 85139

Stevenson, Todd

From: Pk kansagra [gm.ut114@choic-hotels.com]
Sent: Monday, December 12, 2011 10:30 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

pk
1288 S Main St
Cedar City, UT 84720

Stevenson, Todd

From: Steven Gorlin [Sgorlin@gorlinpools.com]
Sent: Monday, December 12, 2011 11:11 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am Steven Gorlin and I am President and CEO of Gorlin Pools and Spas, a small business in Ocean County with 20 employees. I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Steven Gorlin CBP, CSP, CPO
3244 Ridgeway Blvd
Manchester, NJ 08759

Stevenson, Todd

From: Leif Zars [leif@garypools.com]
Sent: Monday, December 12, 2011 4:54 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

Docket # CPSC-2011-0071

Response to the CPSC request for comments by December 12, 2011 regarding the interpretation of an Unblockable Pool or Spa Drain:

Basically I feel the Commission's revised rule is misguided for the following reasons:

The Commissioner's rule would lead one to believe that the larger sumps provide a greater degree of safety - which is definitely not the case.

a) The attached photos of typical commercial pool or spa main drain sumps immediately indicate that without a cover/grate firmly in place, these sumps are and have been proven to be deadly.

b) The present suggested backup devices such as a vent, SVRD, gravity flow, pump shut off, etc., are completely inadequate to protect a bather caught in one of these sumps with the high flow rates and large suction piping, whereas with smaller sumps and lower flow rates these devices can be effective.

c) The cover/grate should be the ONLY factor which can and should be "unblockable". To suggest otherwise is misleading the public.

Non-the-less, if the Commissions' rule is to stand, and in order to allow a manufacturer of suction outlets to determine the required minimum size of a sump for a specific size cover (even though the larger the sump the more dangerous when uncovered), I suggest the following:

1) The one item that needs clarification is the identification of the word sump ("size of the drain opening") which I believe is intended in the CPSC wording :
"On September 28, 2011, the U.S. Consumer Product Safety Commission (CPSC) voted 3-2 to interpret an unblockable pool or spa drain based on the size of the drain opening and not the size of the drain cover used over the sump."

2) Accordingly I submit the following in an effort to properly identify this term:

Unblockable Outlet (Drain): A suction outlet defined as all components, including the sump and/or body, cover/grate, and hardware so that the perforated (open) area of its cover/grate cannot be shadowed by the area of the 18x23 Body Blocking Element of ANSI/APSP-16 - 2011 Standard and that the rated flow through the remaining open area cannot create a suction force in excess of the values in Table 1 of that Standard. In addition, the top open area of the sump beneath the cover/grate shall meet the same requirements as above so that the top open area of the sump cannot be shadowed by the area of the 18x23 Body Blocking Element of ANSI/APSP-16 - 2011 Standard and that the rated flow through the remaining open area MUST PROVIDE THE SAME OR A GREATER FLOW RATE THAN THE MAXIMUM FLOW RATING OF THE GRATE ABOVE THE SUMP. ACCESS TO THE SUCTION PIPING SHALL BE PREVENTED BY PERMANENT INTERVENING BARRIER(S). For manufactured products, this is calculated or verified by laboratory testing in accordance with the Standard. For field fabricated outlets, this is calculated in accordance with Section 2.3.1.2 of the Standard.

3) As stated in the Standard, testing can be done in accordance with Section 2.3.1.2 to verify the similarity of the flow rates of the top of the sump (size) with the cover/grate size in accordance with the above.

4) All that the above suggested definition does is to delineate the difference between a sump that is undersized relative to the cover/grate above, as compared to one that is basically equivalent to the flow rate of the cover/grate; something that I feel is required in order to set guide lines for the revised CPSC definition of "unblockable pool or spa drain". This in no way indicates any degree of safety with these sumps - but rather less. Such uncovered sumps are extremely dangerous and should mandate the immediate closure of the pool or spa.

What should be done is to encourage work towards methods and designs to insure the permanence of the attachments of cover/grates, and under those conditions, request the Commissioners reversal of their ruling, which presently is mistakenly completely misdirecting industry efforts for more practical, economical and safer products.

In closing, I do not believe any discussion of clarifying the word "drain" belongs in this response, although this is a worthwhile endeavor, which we as the APSP-16 Committee shall pursue.

Respectfully,
Leif Zars
Chairman
APSP-16

Sincerely,

Leif Zars
438 Sandau Rd
San Antonio, TX 78216

Stevenson, Todd

From: Leif Zars [leif@garypools.com]
Sent: Monday, December 12, 2011 4:52 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Leif Zars
438 Sandau Rd
San Antonio, TX 78216

Stevenson, Todd

From: Tim McCue [pools@bex.net]
Sent: Monday, December 12, 2011 2:52 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional since 1974 and serving on the builders council, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Tim McCue
Owner
Ohio Pool Works
3430 King Rd
Toledo, OH 43617

Stevenson, Todd

From: Carvin Digiovanni [cdigiovanni@apsp.org]
Sent: Monday, December 12, 2011 2:13 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

At the request of several Commissioners, the Association of Pool & Spa Professionals (APSP) respectfully submits this letter expressing our concerns with the Commission's revocation of its March, 2010 interpretive rule on unblockable drains. As the Commission is aware, this vote was taken without the benefit of a public comment period, which would have allowed owners and operators of public pools, members of the industry and others who are concerned about pool safety to explain to the Commission why this vote will jeopardize, rather than advance pool and spa safety. We understand to date numerous letters have been submitted to the Commission expressing concerns with the September revocation.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (P&SSA) was enacted. Nor have there been any entrapment incidents or injuries reported where P&SSA complaint drain covers have been installed. Millions of P&SSA complaint drain covers have been installed in public as well as residential pools. After communicating with our membership (including manufacturers, dealers, builders and service professionals) and with many owners and operators, we are not aware of any incidences where these drain covers have broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers "do come off," our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case.

A P&SSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death and there is no added safety benefit from the installation of additional equipment. As noted in the Separate Statements of Commissioners Adler and Northrup in March, 2010, the cardinal principal of entrapment avoidance is that a pool or spa should never be operated when a cover is broken or missing. APSP believes that adherence to this principle has and will continue to provide the most complete and effective means to prevent all forms of entrapment. Revoking an interpretive rule on the premise that "drain covers do come off" threatens to undermine this principle and jeopardize bather safety.

The initial vote by the Commission in 2010 correctly recognized the safety provide by an unblockable drain cover, even on a pool or spa with a single drain. In applying this concept to pools that had a smaller single drain, the Commission also made it more feasible for public pools to comply with the P&SSA, and for residential pools to achieve the same worthy goals. We are concerned that this revocation will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Devices (SVRSs). These devices have limited value. They do not prevent most forms of entrapment, and require frequent maintenance and calibration, and even then, will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Finally, the Commission made its ruling in 2010, and essentially gave its word. Since that vote, manufacturers, as well as distributors, builders, installers, service professionals and owners and operators of public pools have made substantial investments and incurred substantial expense in the development and installation of products that were in full compliance with this interpretation. These products have also performed as intended. We respectfully submit that once a ruling is made by the Commission, and relied upon by public,

as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists and none was presented during the hearing on September 28, 2011.

The APSP has always been and continues to be a strong supporter of the P&SSA. We continue to work cooperatively with the CPSC on pool and spa safety guidelines and other safety initiatives. We thank the Commission for its time and consideration.

About APSP

APSP is the world's largest international trade association representing the swimming pool, spa, and hot tub industry. Its mission is to promote consumer safety, and enhance the business success of its members. Members adhere to a code of business ethics and share a commitment to public health and safety in the use of pools, spas and hot tubs. Since 1985, APSP has been accredited by the American National Standards Institute as the recognized Standards Developing Organization to produce the nation's swimming pool, spa and hot tub standards. APSP member companies include manufacturers, distributors, manufacturers' agents, designers, builders, installers, suppliers, retailers and service professionals. For more information about APSP please visit APSP.org.

Sincerely,

Carvin Digiovanni
Senior Director Technical
Association of Pool & Spa Professional
2111 Eisenhower Ave Ste 500
Alexandria, VA 22314

Stevenson, Todd

From: Kenneth Gregory [carolinaflash@msn.com]
Sent: Monday, December 12, 2011 1:43 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Kenneth Gregory
President
Holland Pools
1071 Kensington Park Dr
Altamonte Springs, FL 32714

Stevenson, Todd

From: Jeffrey Fausett [jeff@aquatechpools.com]
Sent: Monday, December 12, 2011 1:40 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Jeffrey Fausett
7506 Ocean Point Dr
Huntington Beach, CA 92648

Stevenson, Todd

From: Ed Penfield [aitwater@msn.com]
Sent: Monday, December 12, 2011 1:27 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Ed Penfield, CSP, CPO
Aqua Island Technologies
2950 Newmarket St # 101-187
Bellingham, WA 98226

Stevenson, Todd

From: Thomas Pitcherello [tpitcherello@dca.state.nj.us]
Sent: Monday, December 12, 2011 1:24 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

We strongly urge the commission to nullify the September 28, 2011 vote and adhere to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing state and local authorities an opportunity to comment and explain to the commissioners why such a vote is so severely misguided. Hence, we are submitting my comments at this time. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

First, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (PSSA) were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. With (2 - NUMBER OF POOLS/SPAS OR DRAIN COVERS) in place, we can also state that we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our firsthand experience shows that this is clearly not the case. A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, many unblockable drain covers were installed in the pools/spas within our jurisdiction, based in good faith reliance upon the PSSA and the commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings, and represented a major investment on our part. This investment was based in large part on the fact that once these covers were installed, additional equipment would not be required. Once a ruling is made, and relied upon by public as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. Complaints from select members of Congress or others neither constitute nor substitute such data.

Third, as we suspect is the case with many jurisdictions, the cost of compliance with yet another round of requirements will exceed our present resources. The nation has suffered the most severe economic recession since the Great Depression and states, counties, and municipalities are facing shrinking tax bases and burgeoning deficits. Though justified, the Pool & Spa Safety Act and the Americans with Disabilities Act have placed an additional burden on aquatic facilities during a financially vulnerable time. In addition, the CPSC issued a recall prior to the 2011 swim season that resulted in new resource challenges for facilities to comply with the PSSA.

The cost of bringing the pools and spas within our jurisdiction into compliance with the September 28, 2011 interpretive rule would be very costly, making many of our facilities vulnerable to closure. Public swimming pools play a key role in preventing drowning by helping the general population learn to swim, and by providing a means for lifeguards to become trained and certified. Increasing arbitrary costs during difficult financial times has historically resulted in pool closures. Tragically, closures are more likely in economically-disadvantaged regions where drowning is a greater risk. Pool closures reduce the opportunity for many people to learn to swim, potentially increasing the risk of drowning. The best way

for the commission to save lives is to maintain the March, 2010 interpretive rule and allow our pools and spas, which have been proven safe, to operate without further interference or mandate.

Finally, we are concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship.

We thank the commission for its time and consideration.

Sincerely,

Thomas C. Pitcherello
Code Specialist
State of New Jersey
101 S Broad St
Trenton, NJ 08608

Stevenson, Todd

From: Shajee Siddiqui [shajee.siddiqui@zodiac.com]
Sent: Monday, December 12, 2011 1:21 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Shajee Siddiqui; I am the Director of Global Product Safety & Compliance for Zodiac Pool Systems, Inc., which is one of the most-recognized providers of swimming pool and spa equipment around the world. We are an organization committed to providing enjoyable, quality and above all, safe products to our customers and consumers.

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we know that PSSA compliant drain covers have been installed in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively helps to prevent all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based on good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities serviced by qualified pool-builders and service providers. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. We are finding that many of these facilities are in dire financial circumstances and will not be able to bear the cost of further compliance measures, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,