



# US Consumer Product Safety Commission

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## Pool & Spa Safety Act

### **REVISED CPSC Staff Draft Technical Guidance on Section 1406 on Minimum State Requirements for Grant Program\* Public Comment Period**

On December 19, 2007, the President signed into law the [Virginia Graeme Baker Pool and Spa Safety Act](#) (pdf), named after the daughter of James and Nancy Baker and the granddaughter of former Secretary of State James Baker III. Graeme Baker died in a tragic incident in June 2002 after the suction from a spa drain entrapped her under the water. This Act was first introduced by Rep. Debbie Wasserman-Schultz (FL) and was supported by the Baker family and Safe Kids Worldwide.

There is an annual average of 283 drowning deaths (2003-2005) and 2,700 emergency room-treated submersion injuries (2005-2007) involving children younger than 5 in pools and spas. In addition, from 1997-2007, there were 74 reported incidents associated with suction entrapment, including 9 deaths and 63 injuries. The new law is aimed at reducing these deaths and injuries by making pools and spas safer, securing the environment around them, and educating consumers and industry on pool safety.

Section 1405 of the Act specifies that the Commission shall establish a grant program for each of fiscal years 2009 and 2010. However, Congress has not yet appropriated funds for this program. When Congress funds this grant program, we will notify the States. To provide assistance to eligible States that may be considering enacting statutes (or amending existing statutes), U.S. Consumer Product Safety Commission (CPSC) staff has prepared a [draft guidance document](#) (pdf) that describes the technical requirements of Section 1406 of the Act.

**CPSC staff has revised its August 2008 draft document, Guidance on Section 1406: Minimum State Law Requirements. This revision addresses specific comments that were received early in the comment period. The revision remains a CPSC staff draft document and CPSC staff is continuing to request comments on this draft document. All comments must be received by October 14, 2008.**

Please mark your comments as "Pool & Spa Safety Act" and send them to the Office of the Secretary at [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov) or if you are unable to submit comments by e-mail, you may submit written comments to:

Office of the Secretary  
U.S. Consumer Product Safety Commission

4330 East West Highway  
Suite 502  
Bethesda, MD 20814-4408

Comments must be received by the date noted above. Please clearly identify the specific subject your comments address in the caption or title. CPSC staff will assess comments that are received and take account of such comments when finalizing the guidance. Please note that you will not receive a direct response to your comments.

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\*These comments are those of CPSC staff, have not been reviewed or approved by, and may not necessarily reflect the views of, the Commission.

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