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109TH CONGRESS
2^D SESSION

S. 3718

[Report No. 109–357]

To increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 24, 2006

Mr. ALLEN (for himself, Mr. STEVENS, Mr. DeWINE, Mr. DODD, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 29, 2006

Reported by Mr. STEVENS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and

to educate the public about pool and spa safety, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Pool and Spa Safety Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings.
 Sec. 3. Federal swimming pool and spa safety requirements.
 Sec. 4. Recommended State law standards.
 Sec. 5. State swimming pool safety grant program.
 Sec. 6. Education program.
 Sec. 7. Definitions.
 Sec. 8. CPSC reports.

8 **SEC. 2. FINDINGS.**

9 The Congress finds that—

10 (1) of injury-related deaths, drowning is the
 11 leading cause of death in children under 4 and the
 12 second leading cause of death in children 14 and
 13 under in the United States;

14 (2) many children drown due to pool and spa
 15 drowning and entrapment, such as Virginia Graeme
 16 Baker, who at age 7 drowned by entrapment in a
 17 residential spa;

18 (3) in 2003, 782 children ages 14 and under
 19 died as a result of unintentional drowning;

1 (4) adult supervision at all aquatic venues is a
 2 critical safety factor in preventing children from
 3 drowning; and

4 (5) research studies show that the installation
 5 and proper use of barriers or fencing, as well as ad-
 6 ditional layers of protection, could substantially re-
 7 duce the number of childhood residential swimming
 8 pool drownings and near drownings.

9 **SEC. 3. FEDERAL SWIMMING POOL AND SPA SAFETY RE-**
 10 **QUIREMENTS.**

11 (a) ALL POOLS AND SPAS.—

12 (1) IN GENERAL.—Every swimming pool and
 13 spa in the United States that has a main drain,
 14 other than an unblockable drain, shall be equipped
 15 with a drain cover that meets the ASME/ANSI
 16 A112.19.8M performance standard, or any successor
 17 ASME/ANSI standard.

18 (2) EFFECTIVE DATE.—This subsection shall
 19 take effect 1 year after the date of enactment of this
 20 Act.

21 (b) POOLS AND SPAS BUILT AFTER DATE OF EN-
 22 ACTMENT.—Every swimming pool and spa built more than
 23 1 year after the date of enactment of this Act shall have—

24 (1) more than 1 drain;

25 (2) 1 or more unblockable drains; or

1 ~~(3) no main drain.~~

2 ~~(c) ENFORCEMENT.—~~This section may be enforced
 3 by State and local governments through building code in-
 4 spectors, pool and spa safety inspections, or otherwise, and
 5 subject to the same penalties as would apply for violations
 6 of State or local laws in pari materia.

7 ~~(d) NO PREEMPTION.—~~Nothing in this section pre-
 8 empts or supersedes any State or local law, regulation, or
 9 other requirement that imposes additional or more strin-
 10 gent standards for swimming pools or spas except to the
 11 extent that compliance with such law, regulation, or other
 12 requirement would violate the requirements of subsection
 13 ~~(a) or (b).~~

14 **SEC. 4. RECOMMENDED STATE LAW STANDARDS.**

15 ~~(a) IN GENERAL.—~~

16 ~~(1) SAFETY STANDARDS.—~~Within 90 days after
 17 the date of enactment of this Act, the Commission
 18 shall issue an advance notice of proposed rulemaking
 19 to establish recommended minimum State law stand-
 20 ards for swimming pools and spas with respect to—

21 ~~(A)~~ enclosure of the pool or spa by barriers
 22 to entry that will effectively prevent small chil-
 23 dren from gaining unsupervised and unfettered
 24 access to the pool or spa; and

1 ~~(B)~~ devices and systems designed to pre-
 2 vent entrapment of children by pool or spa
 3 ~~drains.~~

4 ~~(2)~~ DEADLINE.—The Commission shall issue
 5 the recommended minimum standards as a final rule
 6 within 18 months after it issues the advance notice
 7 of proposed rulemaking.

8 ~~(3)~~ STATUS OF STANDARDS.—

9 ~~(A)~~ IN GENERAL.—The standards promul-
 10 gated by the Commission under this section—

11 (i) shall be advisory in nature;

12 (ii) shall not prevent the Commission
 13 from subsequently promulgating standards
 14 regulating pool and spa safety or from re-
 15 lying on an applicable national perform-
 16 ance standard;

17 (iii) shall not be promulgated as a
 18 consumer product safety rule; and

19 (iv) shall be used by the Commission
 20 solely for the purpose of determining the
 21 eligibility of a State for a grant under sec-
 22 tion 5 of this Act.

23 ~~(B)~~ ENFORCEMENT.—The Commission
 24 may not enforce any standard promulgated
 25 under this section except for the purpose of de-

1 termining the eligibility of a State for a grant
2 under section 5 of this Act.

3 ~~(4) STANDARDS TO REFLECT NATIONAL PER-~~
4 ~~FORMANCE STANDARDS AND COMMISSION GUIDE-~~
5 ~~LINES.—In promulgating standards under this Act,~~
6 ~~the Commission shall—~~

7 ~~(A) consider current or revised national~~
8 ~~performance standards on pool and spa barrier~~
9 ~~protection and entrapment prevention; and~~

10 ~~(B) ensure that any standards promul-~~
11 ~~gated under this Act are consistent with the~~
12 ~~guidelines contained in the Commission's publi-~~
13 ~~cation 362, entitled "Safety Barrier Guidelines~~
14 ~~for Home Pools", the Commission's publication~~
15 ~~entitled "Guidelines for Entrapment Hazards:~~
16 ~~Making Pools and Spas Safer", and any other~~
17 ~~pool safety guidelines established by the Com-~~
18 ~~mission.~~

19 ~~(b) MINIMUM STANDARDS FOR POOLS AND SPAS.—~~
20 ~~In promulgating recommended minimum State law stand-~~
21 ~~ards for swimming pools and spas under subsection (a),~~
22 ~~the Commission, at a minimum, shall require that—~~

23 ~~(1) any outdoor swimming pool or spa is en-~~
24 ~~closed by an appropriate fence or other barrier~~

1 (which may be an exterior wall of a residence or
2 other structure); and

3 ~~(2) any swimming pool or spa with a main~~
4 ~~drain is equipped, at a minimum, with at least 1 of~~
5 ~~the anti-entrapment devices described in subsection~~
6 ~~(d).~~

7 ~~(c) BASIC ACCESS-RELATED SAFETY DEVICES AND~~
8 ~~EQUIPMENT TO BE CONSIDERED.—In promulgating the~~
9 ~~swimming pool and spa standard, the Commission shall~~
10 ~~consider the following options:~~

11 ~~(1) BARRIERS.—A wall, fence, enclosure, or~~
12 ~~barrier between the swimming pool and the portion~~
13 ~~of the building that forms part of the enclosure.~~

14 ~~(2) COVERS.—A safety pool cover.~~

15 ~~(3) GATES.—A gate with direct access to the~~
16 ~~swimming pool that is equipped with a self-closing,~~
17 ~~self-latching device.~~

18 ~~(4) DOORS.—Any door with direct access to the~~
19 ~~swimming pool that is equipped with an audible alert~~
20 ~~device or alarm which sounds when the door is~~
21 ~~opened.~~

22 ~~(d) ENTRAPMENT, ENTANGLEMENT, AND EVISCERA-~~
23 ~~TION PREVENTION STANDARDS TO BE REQUIRED.—In~~
24 ~~promulgating the swimming pool and spa standard, the~~
25 ~~Commission shall require, at a minimum, 1 or more of~~

1 the following (except for pools constructed without a main
2 drain):

3 (1) SAFETY VACUUM RELEASE SYSTEM.—A
4 safety vacuum release system which ceases operation
5 of the pump, reverses the circulation flow, or other-
6 wise provides a vacuum release at a suction outlet
7 when a blockage is detected, that has been tested by
8 an independent third party and found to conform to
9 ASME/ANSI standard A112.19.17 or ASTM stand-
10 ard F2387.

11 (2) SUCTION-LIMITING VENT SYSTEM.—A sue-
12 tion-limiting vent system with a tamper-resistant at-
13 mospheric opening.

14 (3) GRAVITY DRAINAGE SYSTEM.—A gravity
15 drainage system that utilizes a collector tank.

16 (4) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An
17 automatic pump shut-off system.

18 (5) DRAIN DISABLEMENT.—A device or system
19 that disables the drain.

20 (6) OTHER SYSTEMS.—Any other system deter-
21 mined by the Commission to be equally effective as,
22 or better than, the systems described in paragraphs
23 (1) through (5) of this subsection at preventing or
24 eliminating the risk of injury or death for children
25 associated with pool drainage systems.

1 **SEC. 5. STATE SWIMMING POOL SAFETY GRANT PROGRAM.**

2 (a) **IN GENERAL.**—Subject to the availability of ap-
3 propriations authorized by subsection (c), the Commission
4 shall establish a grant program to provide assistance to
5 States in hiring and training State and local government
6 employees in implementing and enforcing State swimming
7 pool safety standards enacted by the State, educating the
8 public about swimming pool and spa safety related to their
9 use by children, and administering swimming pool and spa
10 safety programs.

11 (b) **ELIGIBILITY.**—To be eligible for a grant under
12 the program, a State shall—

13 (1) demonstrate to the satisfaction of the Com-
14 mission that it has a State statute, or that, after the
15 date of enactment of this Act, it has enacted a stat-
16 ute, or amended an existing statute, and provides for
17 the enforcement of, a law that—

18 (A) applies to all swimming pools in the
19 State; and

20 (B) meets the minimum recommended
21 swimming pool and spa safety standards pro-
22 mulgated by the Commission under section 4;
23 and

24 (2) submit an application to the Commission at
25 such time, in such form, and containing such addi-
26 tional information as the Commission may require.

1 ~~(c) AMOUNT OF GRANT.~~—The Commission shall de-
2 termine the amount of a grant awarded under this Act,
3 and shall consider—

4 ~~(1) the population and relative enforcement~~
5 needs of each qualifying State; and

6 ~~(2) allocation of grant funds in a manner de-~~
7 signed to provide the maximum benefit from the
8 program in terms of protecting children from drown-
9 ing or entrapment.

10 ~~(d) USE OF GRANT FUNDS.~~—A State receiving a
11 grant under this section shall use—

12 ~~(1) at least 50 percent of amount made avail-~~
13 able to hire and train enforcement personnel for im-
14 plementation and enforcement of standards under
15 the State swimming pool and spa safety law; and

16 ~~(2) the remainder—~~

17 ~~(A) to educate pool construction and in-~~
18 stallation companies and pool service companies
19 about the standards;

20 ~~(B) to educate pool owners, pool operators,~~
21 and other members of the public about the
22 standards under the swimming pool and spa
23 safety law and about the prevention of children
24 using swimming pools and spas from drowning
25 or becoming entrapped; and

1 (C) to defray administrative costs associ-
 2 ated with such training and education pro-
 3 grams.

4 (e) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There
 5 are authorized to be appropriated to the Commission for
 6 each of fiscal years 2008 through 2012 \$10,000,000 to
 7 carry out this section.

8 **SEC. 6. EDUCATION PROGRAM.**

9 (a) ~~IN GENERAL.~~—The Commission shall establish
 10 and carry out an education program to inform the public
 11 of methods to prevent drowning and entrapment in swim-
 12 ming pools and spas. In carrying out the program, the
 13 Commission shall develop—

14 (1) educational materials designed for pool
 15 manufacturers, pool service companies, and pool
 16 supply retail outlets;

17 (2) educational materials designed for pool own-
 18 ers and operators; and

19 (3) a national media campaign to promote
 20 awareness of pool and spa safety.

21 (b) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There
 22 are authorized to be appropriated to the Commission for
 23 each of fiscal years 2008 through 2012 \$5,000,000 to
 24 carry out the education program authorized by subsection
 25 (a).

1 **SEC. 7. DEFINITIONS.**

2 In this Act:

3 (1) **ASME/ANSI STANDARD.**—The term
4 “ASME/ANSI standard” means a safety standard
5 accredited by the American National Standards In-
6 stitute and published by the American Society of
7 Mechanical Engineers.

8 (2) **ASTM STANDARD.**—The term “ASTM
9 standard” means a safety standard issued by ASTM
10 International, formerly known as the American Soci-
11 ety for Testing and Materials.

12 (3) **BARRIER.**—The term “barrier” includes a
13 natural or constructed topographical feature that
14 prevents unpermitted access to a swimming pool,
15 and, with respect to a hot tub, a lockable cover.

16 (4) **COMMISSION.**—The term “Commission”
17 means the Consumer Product Safety Commission.

18 (5) **MAIN DRAIN.**—The term “main drain”
19 means a submerged suction outlet typically located
20 at the bottom of a pool or spa to conduct water to
21 a re-circulating pump.

22 (6) **NEW POOL.**—The term “new pool” means
23 a pool constructed more than 180 days after the ef-
24 fective date of a State statute enacted or amended
25 after the date of enactment of this Act to establish
26 State minimum swimming pool and spa safety

1 standards that meet the recommended standards
2 promulgated by the Commission under section 4.

3 ~~(7) SAFETY VACUUM RELEASE SYSTEM.—~~The
4 term “safety vacuum release system” means a vacu-
5 um release system capable of providing vacuum re-
6 lease at a suction outlet caused by a high vacuum
7 occurrence due to a suction outlet flow blockage.

8 ~~(8) UNBLOCKABLE DRAIN.—~~The term
9 “unblockable drain” means a drain of any size and
10 shape that a human body cannot sufficiently block
11 to create a suction entrapment hazard.

12 ~~(9) SUCTION OUTLET DRAIN COVER.—~~The term
13 “suction outlet drain cover” means a drain cover
14 which is designed to help prevent mechanical, body
15 and hair entrapment and evisceration.

16 ~~(10) SWIMMING POOL; SPA.—~~The term “swim-
17 ming pool” or “spa” means any outdoor or indoor
18 structure intended for swimming or recreational
19 bathing, including in-ground and above-ground
20 structures, and includes hot tubs, spas, portable
21 spas, and non-portable wading pools.

22 **SEC. 8. CPSC REPORTS.**

23 ~~(a) RULEMAKING PROGRESS.—~~The Commission shall
24 report to the Senate Committee on Commerce, Science,
25 and Transportation and the House of Representatives

1 Committee on Energy and Commerce within 1 year after
 2 the date of enactment of this Act on its progress toward
 3 issuing a final rule under section 4. The Commission shall
 4 include in the report an explanation of its reason for rec-
 5 ommending certain standards over other, alternative
 6 standards.

7 (b) EFFICACY OF GRANT PROGRAM.—Within 1 year
 8 after the close of each fiscal year for which grants are
 9 made under section 5, the Commission shall submit a re-
 10 port to the Congress evaluating the effectiveness of the
 11 grant program authorized by that section.

12 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

13 (a) *SHORT TITLE.*—This Act may be cited as the “Pool
 14 and Spa Safety Act”.

15 (b) *TABLE OF CONTENTS.*—The table of contents for
 16 this Act is as follows:

- Sec. 1. Short title; table of contents.*
- Sec. 2. Findings.*
- Sec. 3. Federal swimming pool and spa drain cover standard.*
- Sec. 4. State swimming pool safety grant program.*
- Sec. 5. Minimum State law requirements.*
- Sec. 6. Education program.*
- Sec. 7. Definitions.*
- Sec. 8. CPSC report.*

17 **SEC. 2. FINDINGS.**

18 *The Congress finds that—*

19 (1) *of injury-related deaths, drowning is the sec-*
 20 *ond leading cause of death in children aged 1 to 14*
 21 *in the United States;*

1 (2) *many children die due to pool and spa*
 2 *drowning and entrapment, such as Virginia Graeme*
 3 *Baker, who at age 7 drowned by entrapment in a res-*
 4 *idential spa;*

5 (3) *in 2003, 782 children ages 14 and under*
 6 *died as a result of unintentional drowning;*

7 (4) *adult supervision at all aquatic venues is a*
 8 *critical safety factor in preventing children from*
 9 *drowning; and*

10 (5) *research studies show that the installation*
 11 *and proper use of barriers or fencing, as well as addi-*
 12 *tional layers of protection, could substantially reduce*
 13 *the number of childhood residential swimming pool*
 14 *drownings and near drownings.*

15 **SEC. 3. FEDERAL SWIMMING POOL AND SPA DRAIN COVER**
 16 **STANDARD.**

17 (a) **CONSUMER PRODUCT SAFETY RULE.**—*The provi-*
 18 *sions of subsection (b) shall be considered to be a consumer*
 19 *product safety rule issued by the Consumer Product Safety*
 20 *Commission under section 9 of the Consumer Product Safe-*
 21 *ty Act (15 U.S.C. 2058).*

22 (b) **DRAIN COVER STANDARD.**—*Effective 1 year after*
 23 *the date of enactment of this Act, each swimming pool or*
 24 *spa drain cover manufactured, distributed, or entered into*
 25 *commerce in the United States shall conform to the entrap-*

1 ment protection standards of the ASME/ANSI A112.19.8
 2 performance standard, or any successor standard regulating
 3 the same.

4 **SEC. 4. STATE SWIMMING POOL SAFETY GRANT PROGRAM.**

5 (a) *IN GENERAL.*—Subject to the availability of appro-
 6 priations authorized by subsection (e), the Commission shall
 7 establish a grant program to provide assistance to eligible
 8 States.

9 (b) *ELIGIBILITY.*—To be eligible for a grant under the
 10 program, a State shall—

11 (1) demonstrate to the satisfaction of the Com-
 12 mission that it has a State statute, or that, after the
 13 date of enactment of this Act, it has enacted a statute,
 14 or amended an existing statute, and provides for the
 15 enforcement of, a law that—

16 (A) except as provided in section
 17 5(a)(1)(A)(i), applies to all swimming pools in
 18 the State; and

19 (B) meets the minimum State law require-
 20 ments of section 5; and

21 (2) submit an application to the Commission at
 22 such time, in such form, and containing such addi-
 23 tional information as the Commission may require.

1 (c) *AMOUNT OF GRANT.*—*The Commission shall deter-*
 2 *mine the amount of a grant awarded under this Act, and*
 3 *shall consider—*

4 (1) *the population and relative enforcement*
 5 *needs of each qualifying State; and*

6 (2) *allocation of grant funds in a manner de-*
 7 *signed to provide the maximum benefit from the pro-*
 8 *gram in terms of protecting children from drowning*
 9 *or entrapment, and, in making that allocation, shall*
 10 *give priority to States that have not received a grant*
 11 *under this Act in a preceding fiscal year.*

12 (d) *USE OF GRANT FUNDS.*—*A State receiving a grant*
 13 *under this section shall use—*

14 (1) *at least 50 percent of amount made available*
 15 *to hire and train enforcement personnel for imple-*
 16 *mentation and enforcement of standards under the*
 17 *State swimming pool and spa safety law; and*

18 (2) *the remainder—*

19 (A) *to educate pool construction and instal-*
 20 *lation companies and pool service companies*
 21 *about the standards;*

22 (B) *to educate pool owners, pool operators,*
 23 *and other members of the public about the stand-*
 24 *ards under the swimming pool and spa safety*
 25 *law and about the prevention of drowning or en-*

1 *trapment of children using swimming pools and*
 2 *spas; and*

3 *(C) to defray administrative costs associ-*
 4 *ated with such training and education programs.*

5 *(e) AUTHORIZATION OF APPROPRIATIONS.—There are*
 6 *authorized to be appropriated to the Commission for each*
 7 *of fiscal years 2008 through 2012 \$10,000,000 to carry out*
 8 *this section, such sums to remain available until expended.*

9 **SEC. 5. MINIMUM STATE LAW REQUIREMENTS.**

10 *(a) IN GENERAL.—*

11 *(1) SAFETY STANDARDS.—A State meets the*
 12 *minimum State law requirements of this section if—*

13 *(A) the State requires by statute—*

14 *(i) the enclosure of all residential pools*
 15 *and spas by barriers to entry that will effec-*
 16 *tively prevent small children from gaining*
 17 *unsupervised and unfettered access to the*
 18 *pool or spa;*

19 *(ii) that all pools and spas be equipped*
 20 *with devices and systems designed to pre-*
 21 *vent entrapment by pool or spa drains;*

22 *(iii) that pools and spas built more*
 23 *than 1 year after the date of enactment of*
 24 *such statute have—*

25 *(I) more than 1 drain;*

1 (II) 1 or more unblockable drains;

2 or

3 (III) no main drain; and

4 (iv) every swimming pool and spa that
 5 has a main drain, other than an
 6 unblockable drain, be equipped with a drain
 7 cover that meets the consumer product safe-
 8 ty standard established by section 3; and

9 (B) the State meets such additional State
 10 law requirements for pools and spas as the Com-
 11 mission may establish after public notice and a
 12 30-day public comment period.

13 (2) *USE OF MINIMUM STATE LAW REQUIRE-*
 14 *MENTS.—The Commission—*

15 (A) shall use the minimum State law re-
 16 quirements under paragraph (1) solely for the
 17 purpose of determining the eligibility of a State
 18 for a grant under section 4 of this Act; and

19 (B) may not enforce any requirement under
 20 paragraph (1) except for the purpose of deter-
 21 mining the eligibility of a State for a grant
 22 under section 4 of this Act.

23 (3) *REQUIREMENTS TO REFLECT NATIONAL PER-*
 24 *FORMANCE STANDARDS AND COMMISSION GUIDE-*

1 *LINES.—In establishing minimum State law require-*
 2 *ments under paragraph (1), the Commission shall—*

3 *(A) consider current or revised national*
 4 *performance standards on pool and spa barrier*
 5 *protection and entrapment prevention; and*

6 *(B) ensure that any such requirements are*
 7 *consistent with the guidelines contained in the*
 8 *Commission’s publication 362, entitled “Safety*
 9 *Barrier Guidelines for Home Pools”, the Com-*
 10 *mission’s publication entitled “Guidelines for*
 11 *Entrapment Hazards: Making Pools and Spas*
 12 *Safer”, and any other pool safety guidelines es-*
 13 *tablished by the Commission.*

14 *(b) STANDARDS.—Nothing in this section prevents the*
 15 *Commission from promulgating standards regulating pool*
 16 *and spa safety or from relying on an applicable national*
 17 *performance standard.*

18 *(c) BASIC ACCESS-RELATED SAFETY DEVICES AND*
 19 *EQUIPMENT REQUIREMENTS TO BE CONSIDERED.—In es-*
 20 *tablishing minimum State law requirements for swimming*
 21 *pools and spas under subsection (a)(1), the Commission*
 22 *shall consider the following requirements:*

23 *(1) COVERS.—A safety pool cover.*

1 (2) *GATES*.—*A gate with direct access to the*
 2 *swimming pool that is equipped with a self-closing,*
 3 *self-latching device.*

4 (3) *DOORS*.—*Any door with direct access to the*
 5 *swimming pool that is equipped with an audible alert*
 6 *device or alarm which sounds when the door is*
 7 *opened.*

8 (4) *POOL ALARM*.—*A device designed to provide*
 9 *rapid detection of an entry into the water of a swim-*
 10 *ming pool or spa.*

11 (d) *ENTRAPMENT, ENTANGLEMENT, AND EVISCERA-*
 12 *TION PREVENTION STANDARDS TO BE REQUIRED.*—

13 (1) *IN GENERAL*.—*In establishing additional*
 14 *minimum State law requirements for swimming pools*
 15 *and spas under subsection (a)(1), the Commission*
 16 *shall require, at a minimum, 1 or more of the fol-*
 17 *lowing (except for pools constructed without a single*
 18 *main drain):*

19 (A) *SAFETY VACUUM RELEASE SYSTEM*.—*A*
 20 *safety vacuum release system which ceases oper-*
 21 *ation of the pump, reverses the circulation flow,*
 22 *or otherwise provides a vacuum release at a suc-*
 23 *tion outlet when a blockage is detected, that has*
 24 *been tested by an independent third party and*

1 *found to conform to ASME/ANSI standard*
2 *A112.19.17 or ASTM standard F2387.*

3 *(B) SUCTION-LIMITING VENT SYSTEM.—A*
4 *suction-limiting vent system with a tamper-re-*
5 *sistant atmospheric opening.*

6 *(C) GRAVITY DRAINAGE SYSTEM.—A grav-*
7 *ity drainage system that utilizes a collector tank.*

8 *(D) AUTOMATIC PUMP SHUT-OFF SYSTEM.—*
9 *An automatic pump shut-off system.*

10 *(E) DRAIN DISABLEMENT.—A device or sys-*
11 *tem that disables the drain.*

12 *(F) OTHER SYSTEMS.—Any other system*
13 *determined by the Commission to be equally ef-*
14 *fective as, or better than, the systems described in*
15 *subparagraphs (A) through (E) of this para-*
16 *graph at preventing or eliminating the risk of*
17 *injury or death associated with pool drainage*
18 *systems.*

19 *(2) APPLICABLE STANDARDS.—Any device or*
20 *system described in subparagraphs (B) through (E) of*
21 *paragraph (1) shall meet the requirements of any*
22 *ASME/ANSI or ASTM performance standard if there*
23 *is such a standard for such a device or system, or any*
24 *applicable consumer product safety standard.*

1 **SEC. 6. EDUCATION PROGRAM.**

2 (a) *IN GENERAL.*—*The Commission shall establish and*
 3 *carry out an education program to inform the public of*
 4 *methods to prevent drowning and entrapment in swimming*
 5 *pools and spas. In carrying out the program, the Commis-*
 6 *sion shall develop—*

7 (1) *educational materials designed for pool man-*
 8 *ufacturers, pool service companies, and pool supply*
 9 *retail outlets;*

10 (2) *educational materials designed for pool own-*
 11 *ers and operators; and*

12 (3) *a national media campaign to promote*
 13 *awareness of pool and spa safety.*

14 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 15 *authorized to be appropriated to the Commission for each*
 16 *of fiscal years 2008 through 2012 \$5,000,000 to carry out*
 17 *the education program authorized by subsection (a).*

18 **SEC. 7. DEFINITIONS.**

19 *In this Act:*

20 (1) *ASME/ANSI STANDARD.*—*The term “ASME/*
 21 *ANSI standard” means a safety standard accredited*
 22 *by the American National Standards Institute and*
 23 *published by the American Society of Mechanical En-*
 24 *gineers.*

25 (2) *ASTM STANDARD.*—*The term “ASTM stand-*
 26 *ard” means a safety standard issued by ASTM Inter-*

1 *national, formerly known as the American Society for*
 2 *Testing and Materials.*

3 (3) *BARRIER.*—*The term “barrier” includes a*
 4 *natural or constructed topographical feature that pre-*
 5 *vents unpermitted access by children to a swimming*
 6 *pool, and, with respect to a hot tub, a lockable cover.*

7 (4) *COMMISSION.*—*The term “Commission”*
 8 *means the Consumer Product Safety Commission.*

9 (5) *MAIN DRAIN.*—*The term “main drain”*
 10 *means a submerged suction outlet typically located at*
 11 *the bottom of a pool or spa to conduct water to a re-*
 12 *circulating pump.*

13 (6) *SAFETY VACUUM RELEASE SYSTEM.*—*The*
 14 *term “safety vacuum release system” means a vacuum*
 15 *release system capable of providing vacuum release at*
 16 *a suction outlet caused by a high vacuum occurrence*
 17 *due to a suction outlet flow blockage.*

18 (7) *UNBLOCKABLE DRAIN.*—*The term*
 19 *“unblockable drain” means a drain of any size and*
 20 *shape that a human body cannot sufficiently block to*
 21 *create a suction entrapment hazard.*

22 (8) *SWIMMING POOL; SPA.*—*The term “swim-*
 23 *ming pool” or “spa” means any outdoor or indoor*
 24 *structure intended for swimming or recreational bath-*
 25 *ing, including in-ground and above-ground struc-*

1 *tures, and includes hot tubs, spas, portable spas, and*
2 *non-portable wading pools.*

3 ***SEC. 8. CPSC REPORT.***

4 *Within 1 year after the close of each fiscal year for*
5 *which grants are made under section 4, the Commission*
6 *shall submit a report to the Congress evaluating the effec-*
7 *tiveness of the grant program authorized by that section.*

Calendar No. 654

109TH CONGRESS
2^D SESSION

S. 3718

[Report No. 109-357]

A BILL

To increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

SEPTEMBER 29, 2006

Reported with an amendment