

*Q. A pool maintenance company recommends replacing a pool drain cover because the drain cover is beyond the lifespan, or useful life, indicated on the drain cover. Is failure to replace a drain cover that is beyond its stated useful life a violation of the Virginia Graham Baker Pool and Spa Safety Act (VGB Act)?*

A. Failure to replace a drain cover that is beyond its stated useful life is not, in itself, a violation of the VGB Act. The requirement pertaining to useful life is a marking or labeling requirement for the drain cover manufacturer. However, CPSC believes it is good practice for pool owners and operators to inspect the drain cover often and have it professionally inspected at least annually. Pool operators should consult the manufacturer's instructions including useful life markings or labeling. If a drain cover exhibits signs of cracking or otherwise fails to meet the performance requirements of the ANSI/APSP-16 2011, this would be considered a violation of the VGB Act, regardless of whether the useful life date has passed.

The VGB Act requires that public pools and spas in the United States be equipped with anti-entrapment devices or systems that comply with the ASME/ANSI A112.19.8 performance standard or any successor standard. ANSI/APSP-16 2011 is the successor standard to ASME/ANSI A112.19.8.

The APSP-16 standard includes design, material, assembly, and performance requirements. The APSP-16 standard also includes a section titled, "Packaging and Installation Instructions." This section contains instructions regarding the marking or labeling of suction fittings. The standard requires that manufacturers mark fitting components "Life: X Years," indicating the appropriate installed life in years (Section 7.1.1(b)(5)). The section also requires that manufacturers include packaging and installation instructions that contain: "Replace within 'YY' installed years," for all parts (Section 7.2.1(a)(9)).

Thus, a suction fitting or drain cover satisfies the labeling requirements of the APSP-16 standard pertaining to useful life if the useful life is marked on the product and the statement "Replace within 'YY' installed years" is included in the packaging and installation instructions. Should a drain cover exhibit signs of cracking, CPSC Compliance staff would consider this to be in violation of ANSI/APSP-16 2011 because this condition would violate the performance requirements of the standard.

CPSC recommends that all pool operators have all drain covers inspected by a qualified professional annually, or more frequently, if required, to make sure that drain covers are fully intact (no signs of cracks, broken or missing parts, etc.) and appropriately fastened to the pool floor with the manufacturers' recommended hardware.

(Staff Interpretation February 2015)