

U.S. Consumer Product Safety Commission Announces Voluntary Recall of Pool and In-Ground Spa Drain Covers Recall Impacts Certain Drain Covers Installed to Comply with Virginia Graeme Baker Pool and Spa Safety Act

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The U.S. Consumer Product Safety Commission (CPSC), in cooperation with eight manufacturers, recently issued a voluntary recall of approximately one million pool and spa drain covers. These drain covers were primarily installed in community association and public pools to comply with the Virginia Graeme Baker Pool and Spa Safety Act (“Virginia Graeme Baker Act”) and California’s complementary anti-entrapment legislation, AB 1020.¹

The recall notice describes the affected drain covers as “incorrectly rated to handle the flow of water through the cover, which could pose a possible entrapment hazard.”² These drain covers did not properly meet testing requirements and manufacturers must provide a replacement or retrofit, depending on the make and model involved. Although no injuries were reported as of the date of recall, consumers are advised in the CPSC recall notice to stop using the recalled products. You will find the following chart, along with additional information, including drain cover photos, on the CPSC recall notice.

Company	Model Information (websites)	Dates Sold	Remedy
A&A	www.aamfg.com	Dec. 2008 - Apr. 2011	Replacement or Retrofit

¹ For a reminder of the Virginia Graeme Baker Act requirements, visit “Complying with the New Law on Pool and Spa Safety Requirements,” at http://epsten.com/files/articles/24/Pool_and_Spa_Safety_Act.4ccfaf4744748.pdf

² Recall Notice: Eight Manufacturers Recall Pool and In-Ground Spa Drain Covers Due to Incorrect Ratings Covers Pose Possible Entrapment Hazard to Swimmers; <http://www.cpsc.gov/cpscpub/prerel/prhtml/11/11230.html>

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Coachella Valley

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AquaStar	www.aquastarpoolproducts.com	Dec. 2008 - Apr.2011	Replacement or Retrofit
Color Match	www.poolfittings.com	Dec. 2008 - Apr. 2011	Replacement or Retrofit
Custom Molded Products	www.c-m-p.com	Dec. 2008 - Apr. 2011	Replacement or Retrofit
Hayward Pool Products	www.hayward-pool.com	Dec. 2008 - Apr. 2011	Replacement or Retrofit
Pentair Water Pool & Spa	www.pentairpool.com	June 2009 - Apr. 2011	Replacement or Retrofit
Rising Dragon	www.risingdragonplastics.com	Dec. 2008 - Apr. 2011	Replacement or Retrofit
Waterway	www.waterwayplastics.com	Dec. 2008 - Apr. 2011	Replacement or Retrofit

Identifying Affected Drain Covers

To determine if a particular community association's drain covers are among those recalled, you must identify their makes and models. For assistance in doing so, consult the above chart and perform appropriate due diligence by making reasonable inquiry with your pool and spa service professionals and/or by reviewing community association records of drain cover installation. If you find your drain covers are affected, immediately contact the drain cover manufacturer in writing to arrange for replacement or retrofit, as needed. Your regular pool and spa service professional may or may not be the company contracted by the drain cover manufacturer to perform the required work. Nevertheless, community associations are advised to ensure that any contractors performing work on the property are properly licensed and insured to meet community association requirements.

Certain pool and spa service professionals estimate that approximately twenty percent (20%) of community associations with pools and in-ground spas could be affected by the CPSC recall. This percentage may be higher or lower, depending upon specific geographic areas and the particular drain covers used by particular pool and spa service professionals.

Perhaps the easiest method of determining whether or not a particular community association's drain covers are affected is to review the AB 1020 compliance form the installing contractor submitted to the local environmental health department, and which the community association should have on file. The form includes manufacturer, model, install date and other detailed information to assist in making the necessary identification. If a community association complied with the anti-entrapment legislation, but does not have a copy of the compliance form, contact the pool and spa service provider that performed the installation.³

California's Public Pool and Spa Safety Act, AB 1020, was enacted in conformance with federal safety standards. For more information about AB 1020

³ Some community associations were quick to comply with legal requirements, even before the form itself became available.

compliance, visit the California Department of Public Health website at <http://www.cdph.ca.gov/HEALTHINFO/ENVIRONHEALTH/WATER/Pages/PublicPoolandSpaSafetyAct.aspx>. There, you will find information about compliance requirements, including a flow-chart illustrating the differing avenues toward compliance for pools constructed before and after January 1, 2010,⁴ and a copy of the form used for filing with local environmental health departments to demonstrate compliance.⁵

For further information, the CPSC Recall Hotline is (800) 638-2772.

⁴ Compliance Guide for Assembly Bill 1020 (Flowchart); <http://www.cdph.ca.gov/HealthInfo/environhealth/water/Documents/RecHealth/SwimPoolAB1020/Compliance%20Guide%20for%20Assembly%20Bill%201020%20Flowchart.pdf>

⁵ California Department of Public Health Compliance Form – Anti-Entrapment Devices and Systems for Public Pools and Spas; <http://www.cdph.ca.gov/HealthInfo/environhealth/water/Documents/RecHealth/PPSA%2010-02%20Enclosure.pdf>