

FOR IMMEDIATE RELEASE

## **Revised LA County Rules Still Pose Danger to Public**

### **County Misses Opportunity to Correct Flawed Pool Safety Notice**

WASHINGTON, DC – February 17, 2009 – The LA County Department of Public Health threw owners and operators of Los Angeles County’s 16,000 public pools another pool safety curveball this week, with a new notice on compliance requirements for the Virginia Graeme Baker Pool and Spa Safety Act. The updated memo, posted on February 9, but largely unnoticed, perpetuates some of the same misinformation related to what pool owners and operators must do in order to comply with the federal law.

The memorandum, issued by the office of swimming pool program manager Bernard Franklin, continues to encourage pool owners to pursue the most expensive and disruptive fixes by draining, digging up and re-fitting single-drain pools with multiple drains. Such major alterations can cost tens of thousands of dollars while more affordable modifications are available.

“LA County officials really missed an opportunity to accurately reflect the letter of the federal law when they issued these changes,” said John Procter, spokesman for the Pool Safety Council. “PSC has worked hard to compel LA County to modify its interpretation. While we are pleased to see some modification related to environmental impact and acceptable compliance options, the new language leaves much to be desired.”

Prior to LA County’s Feb. 9 rule change, county officials required the area’s 16,000 public pools to drain their pools when installing the new drain covers, a costly and time-consuming process that threatened to waste one billion gallons of water in LA County alone. The guidance also required owners of single drain public pools to install dual drain systems, as opposed to far more cost-effective anti-entrapment devices.

After months of outcries from the public, the media and the Pool Safety Council, LA County changed their tune and will now permit certified divers to perform drain cover installation and anti-entrapment devices as acceptable means of VGB compliance.

The new rules are far from perfect, however. LA County still requires public pools replacing old drain covers with approved anti-entrapment drain covers “submit plans to this Department and pay a plan check fee prior to commencing the work and in advance of the issuance of permits.” PSC views these fees as arbitrary – and expensive – impediments for public pools working to comply with the Pool and Spa Safety Act. “This new

language misses the mark,” Procter continued. “Fees for simple maintenance do more to fill the county coffers than encourage compliance.”

The revised advisory also contradicts the Consumer Products Safety Commission’s guidance on the installation of so-called “unblockable” drains, creating yet another area of confusion and potentially forcing pool operators to conduct costly modifications when simpler, much more affordable alterations can be made. LADPH’s new advisory describes dimensions for unblockable drain covers, not dimensions required for the actual drains themselves.

“While we consider some of these amendments a victory, we will continue to voice our concerns until LA County sets the record straight,” Procter concluded.

The Pool and Spa Safety Act, which went into effect in December 2008, was named after former Secretary of State James Baker’s granddaughter, who died after becoming entrapped in a spa drain. The law requires all public pools and spas take relatively simple measures to prevent drain entrapment from occurring. They must install approved safety drain covers, while single drain public pools must also install approved anti-entrapment devices.

PSC is a non-profit organization dedicated to the prevention of child drowning nationwide. For additional information, please visit our website at: [www.poolafetycouncil.org](http://www.poolafetycouncil.org).