



U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

William E. Dewgard
Compliance Officer
Office of Compliance and Field Operations

SEP 11 2009

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NOTICE OF NONCOMPLIANCE

Certified Mail

Re:

Dear _____

The U.S. Consumer Product Safety Commission ("CPSC") has authority for enforcing the Virginia Graeme Baker Pool & Spa Safety Act ("VGBA"), 15 U.S.C. § 8001 *et. seq.* effective December 19, 2008. On September 1, 2009 the CPSC staff conducted an inspection of 4 pools and 1 spa located at your facility, located at _____. The inspection revealed that the pools and spa did not comply with the requirements mandated by the VGBA.

In order to prevent drowning due to entrapment, the VGBA requires that each public pool and spa in the United States shall be equipped with anti-entrapment devices or systems that comply with the ASME/ANSI A112.19.8 performance standard. Each public pool and spa with a single main drain other than an unblockable drain shall be equipped with a secondary device or system designed to prevent entrapment by a pool or spa drain. See Section 1404 of the VGBA.

Information about the VGBA is available by accessing:
<http://www.cpsc.gov/about/cpsia/sect232.html> and <http://www.cpsc.gov/vgpsa.pdf>.

Operating a pool or spa that does not comply with the requirements mandated by the VGBA is a violation of Section 1404 (c)(1)(A)(ii) and shall be considered a Prohibited Act under Section 19(a)(1) of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. § 2068(a)(1). As a result, you and the pool or spa owner could be subject to fines of \$100,000 for each violation up to a maximum of \$15 million for any related series of violations, imprisonment for not more than

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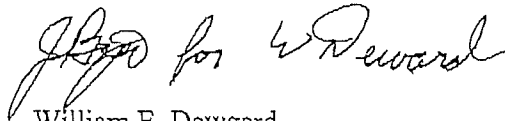
five (5) years, and/or forfeiture of assets, pursuant to Sections 20 and 21 of the CPSA, 15 U.S.C. §§ 2069 and 2070.

The staff requests that you immediately stop operating the pool or spa until it can be brought into compliance with the VGBA. Please respond in writing within 10 working days from the date that you receive this letter outlining the specific actions you plan to take to address the violation described herein. If you have already made arrangements to address this violation, provide a timeline for the anticipated completion of the work that will address the violation. Please direct your response and any questions you may have to my attention at the address and telephone number shown above.

Until this matter is resolved, there will remain a possibility of further action, including reasonably anticipated litigation. You must abide by the continuing legal obligation to preserve all information, documents, and electronically-stored data now in existence or created hereafter related to the subject products, including, but not limited to, the following: e-mail, correspondence, import records, test records, test samples, purchase records, customer lists, and invoices.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "W. Dewgard" or similar, written in dark ink.

William E. Dewgard
Compliance Officer

Enclosed: Statues Enforced by CPSC
Regulated Products Handbook
Virginia Graeme Baker Pool and Spa Safety Act, Public Law No. 110-14