

We are not yet inspecting and closing pools for issues associated with the Virginia Graeme Baker Act (P&SSAct). Here's why:

Since the Florida rule 64E-9 FAC, which the Health Department enforces, requires that the drain covers be replaced by 11/20/2009, pools that have not replaced the cover would not be out of compliance until 11/20/2009 and could not be closed by the Health Department until that date. We have been warning pool operators and owners that they are out of compliance with the VGB Act which required the grate upgrades at the time it went into effect on 12/19/2008 and they could be subject to enforcement by the Consumer Product Safety Commission. I also found out that the form I sent you which we have asked pool contractors to send us after they replace a cover is not mandatory by state rule. Only the actual replacement of the cover is mandatory by the DOH by 11/20/2009. Therefore we will begin to accumulate data of pool closures because of the grate issue after 11/20/2009.

The second issue is mitigating the entrapment hazard of direct suction drainage pools. The great news for the safety of Florida pools is that Florida law has required that pools built since 1977 and spas built since 1993 already have this feature in the form of a collector tank. About 80% of our pools are constructed after these dates and therefore already have collector tanks and are therefore extremely safe pools. The collector tank removes the force of the suction of the pump from the pool. The water flows by gravity from the pool into the collector tank and is then pumped from the collector tank into the filtration equipment. The other 20% of pools are required to be retrofitted to have a collector tank added by the recent rule change and of course will receive the new drain cover by 11/20/2009 as mentioned above. The due date for the collector tank depends mainly on the year the pool was built. The rule language is as follows: "For all pools, including wading pools, except spa type pools, with a main drain grate water depth of 4 feet or less, construction shall be completed on or before one year from the effective date of this rule; for all spa type pools built before 1977, retrofit by July 1, 2010, for all spa type pools built between 1977 and 1986, retrofit by July 1, 2011, for all spa type pools built between 1986 and 1995, retrofit by July 1, 2012 and for all other pools, retrofit by July 1, 2013." After these dates, if the retrofit is not completed then the pool would be closed by the DOH. Similar to the drain covers, we are warning pool owners and operators of direct suction pools that they are not in compliance with the VGB Act and could be subject to enforcement from the Consumer Product Safety Commission. And we are of course preparing them for our retrofit dates. These could be costly retrofits for the pool owners.

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