



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
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This document has been electronically
approved and signed.

Memorandum

September 26, 2011

TO : The Commission
Todd A. Stevenson, Secretary

THROUGH: Cheryl A. Falvey, General Counsel
Kenneth R. Hinson, Executive Director
Robert J. Howell, Deputy Executive Director for Safety Operations

FROM : DeWane Ray, Assistant Executive Director, Office of Hazard Identification and
Reduction
Andrew J. Kameron, Assistant Executive Director for Compliance

SUBJECT : CPSC Staff Response to Commissioner Nord's Follow-Up Questions on the Virginia
Graeme Baker Pool and Spa Safety Act: Unblockable Drain Rule

This memorandum is the U.S. Consumer Product Safety Commission (CPSC) staff's response to questions provided by Commissioner Nancy A. Nord in a September 20, 2011 memorandum. Please note that these responses are those of the CPSC staff; they have not been reviewed or approved by, and may not necessarily reflect the views of, the Commission.

The questions directed to legal staff in the September 20, 2011 memorandum will be answered in a separate memorandum to be provided by the Office of the General Counsel.

Question 1

Is staff aware of any concerns about the reliability of the various secondary back-up systems?

Response to Question 1

Staff is aware of some industry concerns raised in public comments about the test procedures and reliability related to the Safety Vacuum Release System (SVRS) devices and some vent pipe configurations. To date, CPSC staff has not conducted any technical review or evaluation related to the expressed concerns.

Question 2

During VGB compliance inspections, in pools with secondary back-up systems, do CPSC compliance officers check to determine if those systems are correctly installed and operating?

Response to Question 2

The Office of Compliance will provide a response to this question under a restricted distribution.

Question 3

Does staff have any information, other than that provided by the Office of Compliance based on inspections, about the number of pools that have come into compliance using unblockable drains?

Response to Question 3

Staff does not have any additional information in summary form, specific to the number of pools using an unblockable drain cover during 2011. Since many of the 2011 inspection reports have not yet been reviewed, preparing such a summary chart at this time is not feasible.

Question 4

Please list the other instances in which the agency has issued an interpretive rule without requesting comments.

Response to Question 4

The Office of the General Counsel will provide a response to this question.