

Shajee Siddiqui
Director, Global Product Safety & Compliance Zodiac Pool Systems, Inc.
6000 Condor Dr
Moorpark, CA 93021

Stevenson, Todd

From: Jeff McGalliard [jeff@jmkpools.com]
Sent: Monday, December 12, 2011 1:08 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely, Jeff McGalliard JMK POOLS

Jeff McGalliard
JMK Plastering Inc
751 Wambold Rd
Souderton, PA 18964

Stevenson, Todd

From: Jodi Goike [CCPPA99@YAHOO.COM]
Sent: Monday, December 12, 2011 12:52 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Jodi Goike and I am the owner of Crystal Clear Pools of Port "A" in Port Aransas, TX. I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Jodi Goike
Owner
Crystal Clear Pools of Port 'A'
135 Avenue J
Port Aransas, TX 78373

Stevenson, Todd

From: Lee Jenkin [anchoraquatics@anchoraquatics.com]
Sent: Monday, December 12, 2011 12:39 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Lee Jenkin; I am the GM at Anchor Aquatics, Inc. a Maryland company specializing in commercial pool management, service, and repair. I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Lee Jenkin
754 Valentine Rd
Crownsville, MD 21032

Stevenson, Todd

From: Robert Morgan [rjmorgan@sunbeltpools.com]
Sent: Monday, December 12, 2011 12:31 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Robert J. Morgan
Operations
Sunbelt Pools
10555 Plano Rd
Dallas, TX 75238

Stevenson, Todd

From: Edsel Hamilton, III [ephamilton@hamilton-associates.com]
Sent: Monday, December 12, 2011 12:26 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is E. P. Hamilton III Ph.D., P.E. My company, Hamilton & Associates, is an engineering, architectural, and technical services firm based in the Austin, TX area. I am a Licensed Professional Engineer in the State of Texas and sit on the Technical Committee of the Association of Pool and Spa Professionals (APSP), an industry group whose purview includes the promulgation of technical standards for the pool and spa industry, including ANSI/APSP-16, a pool drain cover standard incorporated in the Virginia Graeme Baker Pool and Spa Safety Act (VGSA).

I am writing you today regarding the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a Professional Engineer with over 20 years experience with the pool industry, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While PSSA compliant drain covers have been installed in numerous pools and spas, I am not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions; such information would have quickly made its way to the Technical Committee of APSP upon which I have served for a number of years. Therefore, while I understand some Commissioners have stated that drain covers do come off, the first hand industry experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover has been shown to effectively prevent all forms of entrapment injury or death, and that there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). Based on my technical experience, these devices have limited value. They do not prevent most forms of entrapment and are known in the industry to be frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

From technical and public safety perspectives, once a ruling is made by the Commission, and relied upon by public and private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, I am aware of no such data.

Thanks to the Commission for its time and consideration.

Sincerely,

E. P. Hamilton III, Ph.D., P.E.
President
Hamilton & Associates
1406 Three Points Rd Ste A100
Pflugerville, TX 78660

Stevenson, Todd

From: Steve Swanson [steven@thepoolcompany.com]
Sent: Monday, December 12, 2011 12:17 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Steven Swanson. I have owned and operated my firm, "The Pool Company", specializing in the construction and renovation of gunite swimming pools and spas since 1979. We gross roughly 1 million annually. I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Steven S. Swanson
The Pool Company
PO Box 887

Clayton, CA 94517

Stevenson, Todd

From: Louis Fruia [lfruia@conroeisd.net]
Sent: Monday, December 12, 2011 11:41 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing today with regard to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain as it relates to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in opposition to this change.

First, as the Commission is aware; there have been no documented entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. It is also true that there have been no documented entrapment incidents or injuries reported where PSSA compliant drain covers have been installed and finally, we are not aware of any documented incidences where a compliant drain cover has broken, come loose or where a pool or spa has been operated under such conditions. While we do not question the possibility as some Commissioners have stated, that drain covers would or will come off, or that facilities maybe operated outside of the laws of compliance our experience shows and the documentation reflects that covers listed and installed to the ANSI/APSP-16 standard or its predecessor, do not reflect to the contrary nor have created a health or safety hazard to the aquatic public.

What the documentation does reflect at this time is that a PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death and that there is no added safety benefit to requiring additional equipment. If there is concern it should require additional support of the evidence to warrant additional change not a concept based on what may happen.

Second, the revised rule may actually jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS) and in doing so may create a false "layer of protection". Safety Vacuum Release Systems (SVRS) have limited value; they do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance, calibration, or monitoring for the device to prove to be viable as a "layer of protection" and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, current unblockable drain covers that are installed in public facilities with respect to the law and upon the PSSA and the Commission's original interpretive rule are working as the lack of evidence form the field suggests. The retro change to the current legislation is expensive, will require addition maintenance and monitoring to insure compliance and represent a major investment on the very facilities that are struggling to exist and whom they are intended to serve. The PSSA and the Commission's is asking facilities to meet a challenge that may happen, not one supported by the evidence, and certainly not one that provides a viable "layer of protection "to the patron and they are doing so without evidence of failure or documented examples from the field. We do believe that this action, though unsupported by the evidence was done so with good intentions but it is not the right thing to do in this struggling economy.

This initial legislation and its supporting investment was required, and was as based on documented hard facts, and as the evidence does suggest has in large part once these covers were installed, not required additional equipment to be installed.

Many aquatic facilities across the nation are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012. I submit that before we require more we should require further documented evidence of the necessity to make a change.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration

Sincerely,

Louis S Fruia
545 FM 1488 Rd Apt 1216
Conroe, TX 77384

Stevenson, Todd

From: Bernard Franklin, REHS [rhealth@ladhs.org]
Sent: Monday, December 12, 2011 11:40 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

On behalf of (1- INSERT JURISDICTION), I strongly urge the commission to nullify the September 28, 2011 vote and adhere to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing state and local authorities an opportunity to comment and explain to the commissioners why such a vote is so severely misguided. Hence, we are submitting our comments at this time. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

First, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (PSSA) were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. With (2 - NUMBER OF POOLS/SPAS OR DRAIN COVERS) in place, we can also state that we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our firsthand experience shows that this is clearly not the case. A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, many unblockable drain covers were installed in the pools/spas within our jurisdiction, based in good faith reliance upon the PSSA and the commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings, and represented a major investment on our part. This investment was based in large part on the fact that once these covers were installed, additional equipment would not be required. Once a ruling is made, and relied upon by public as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. Complaints from select members of Congress or others neither constitute nor substitute such data.

Third, as we suspect is the case with many jurisdictions, the cost of compliance with yet another round of requirements will exceed our present resources. The nation has suffered the most severe economic recession since the Great Depression and states, counties, and municipalities are facing shrinking tax bases and burgeoning deficits. Though justified, the Pool & Spa Safety Act and the Americans with Disabilities Act have placed an additional burden on aquatic facilities during a financially vulnerable time. In addition, the CPSC issued a recall prior to the 2011 swim season that resulted in new resource challenges for facilities to comply with the PSSA.

(3 - OPTIONAL) We estimate the cost of bringing the pools and spas within our jurisdiction into compliance with the September 28, 2011 interpretive rule at (4 - \$DOLLAR AMOUNT), making many of our facilities vulnerable to closure. Public swimming pools play a key role in preventing drowning by helping the general population learn to swim, and by providing a means for lifeguards to become trained and certified. Increasing arbitrary costs during difficult financial times has historically resulted in pool closures. Tragically, closures are more likely in economically-disadvantaged regions where drowning is a greater risk. Pool closures

reduce the opportunity for many people to learn to swim, potentially increasing the risk of drowning. The best way for the commission to save lives is to maintain the March, 2010 interpretive rule and allow our pools and spas, which have been proven safe, to operate without further interference or mandate.

Finally, we are concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship.

We thank the commission for its time and consideration.

Sincerely,

Bernard Franklin, REHS
5050 Commerce Dr
Baldwin Park, CA 91706

Stevenson, Todd

From: Louis Fruia [lfruia@conroeisd.net]
Sent: Monday, December 12, 2011 11:39 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Louis Fruia
545 FM 1488 Rd Apt 1216
Conroe, TX 77384

Stevenson, Todd

From: Kim Skinner [kim@poolhelp.com]
Sent: Monday, December 12, 2011 11:30 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Kim Skinner, owner of several pool service companies in California, Nevada, and Arizona.

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Mr. Kim A. Skinner
291 Rickenbacker Cir
Livermore, CA 94551

Stevenson, Todd

From: Eric Ryzerski [ecopool@comcast.net]
Sent: Sunday, December 11, 2011 10:07 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

I would like to add that here in NY I feel that compliance for VGB on existing pools should be changed to allow the facility to update their drains to current codes and not just change the cover and use an Svrs. I am not a fan or believer in Svrs, it a item which can and does fail We thank the Commission for its time and consideration.

Sincerely,

Eric ryzerski
Ecopool, Inc.
108 Village Sq # 408
Somers, NY 10589

Stevenson, Todd

From: Gary Gessler [gary@poolsplusofwi.com]
Sent: Saturday, December 10, 2011 1:10 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

IN the State of Wisconsin public pool owners have each spent thousands of dollars on state required engineering services, state commerce safety inspections, and expensive unblockable shields in order to become compliant to the CPSC's interpretation. reversing this ruling is a crime against small business/ pool owners. you will be demanding that they start all over again spending money they dont have to stay in business. we are not talking about big corporations but hotels, campgrounds and resorts. the bread and butter of northern Wisconsin economy this reversal will no doubt close more small businesses and take away even more jobs with it. not to mention it will destroy any remaining confidence in our government. please allow common sense to prevail.

We thank the Commission for its time and consideration.

Sincerely,

Gary Gessler
4902 Cranberry Rd
Harshaw, WI 54529

Stevenson, Todd

From: Sheila Bezdek [info@sweetwaterpoolandpatio.com]
Sent: Monday, December 12, 2011 8:10 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Sheila Bezdek
Sweetwater Pool & Patio
4528 Bissonnet St
Bellaire, TX 77401

Stevenson, Todd

From: Dennis Sansone [dennis@pooltron.com]
Sent: Monday, December 12, 2011 8:21 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Dennis Sansone
VP General Manager
Pool Tron, Inc.
10403 Trenton Ave
Saint Louis, MO 63132

Stevenson, Todd

From: William Bartleson, III [billbartleson@aquatechusa.com]
Sent: Monday, December 12, 2011 8:27 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

William Bartleson, III
Owner
AquatechUSA
28 Brighton Pl
Swedesboro, NJ 08085

Stevenson, Todd

From: Roger Roth [rroth@tulsa-health.org]
Sent: Monday, December 12, 2011 8:31 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

Due to the lack of evidence that the CPSC's previous stance on unblockable drains was not protective of the public's health and because the new interpretation creates financial hardship on aquatic facilities, the Tulsa Health Department recommends that only newly constructed facilities be required to comply with the new interpretation of the Act

We thank the commission for its time and consideration.

Sincerely,

Roger Roth
5051 S 129TH EAST AVE
TULSA, OK 74134

Stevenson, Todd

From: Fred Blanchard [wwsg@comp3.net]
Sent: Monday, December 12, 2011 8:31 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

From Fred Blanchard President of Warm Water Sales Group 24 Knollwood Drive Longmeadow, MA 01106

Please make sure the SVRS and VGB laws stay in place, we need to protect all swimmers. These products need to be in place and checked to make sure they work each year! Protect all Americans!

We thank the Commission for its time and consideration.

Sincerely,

Fred J Blanchard
24 Knollwood Dr
Longmeadow, MA 01106

Stevenson, Todd

From: Chris Ley [cley.vhg@gmail.com]
Sent: Monday, December 12, 2011 9:09 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Chris Ley
Chief Engineer
Homewood Suites
905 Cobb Place Blvd NW
Kennesaw, GA 30144

Stevenson, Todd

From: Christi Peterson [christi@crystalpoolservices.com]
Sent: Monday, December 12, 2011 9:12 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Christi Peterson
2303 Millvale Dr
Kingwood, TX 77345

Stevenson, Todd

From: Joseph Tassin [joey@sabinepools.com]
Sent: Monday, December 12, 2011 9:20 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Joey Tassin
2415 Johns Aly
Lake Charles, LA 70605

Stevenson, Todd

From: Whitfield, Troy
Sent: Monday, December 12, 2011 11:10 AM
To: Stevenson, Todd
Cc: Little, Barbara
Subject: Another wave of Unblockable revocation letters
Attachments: CPSC Unblockable Drain Definition; CPSC Unblockable Drain Definition

Today is the last day, so I expect a few more waves to appear before day's end.

Stevenson, Todd

From: Code Official Hilton [jhilton@sunrise-eng.com]
Sent: Monday, December 12, 2011 10:59 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

On behalf of (Cotton Wood Heights City I strongly urge the commission to nullify the September 28, 2011 vote and adhere to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing state and local authorities an opportunity to comment and explain to the commissioners why such a vote is so severely misguided. Hence, we are submitting our comments at this time. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

First, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (PSSA) were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. With (2 - NUMBER OF POOLS/SPAS OR DRAIN COVERS) in place, we can also state that we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our firsthand experience shows that this is clearly not the case. A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, many unblockable drain covers were installed in the pools/spas within our jurisdiction, based in good faith reliance upon the PSSA and the commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings, and represented a major investment on our part. This investment was based in large part on the fact that once these covers were installed, additional equipment would not be required. Once a ruling is made, and relied upon by public as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. Complaints from select members of Congress or others neither constitute nor substitute such data.

Third, as we suspect is the case with many jurisdictions, the cost of compliance with yet another round of requirements will exceed our present resources. The nation has suffered the most severe economic recession since the Great Depression and states, counties, and municipalities are facing shrinking tax bases and burgeoning deficits. Though justified, the Pool & Spa Safety Act and the Americans with Disabilities Act have placed an additional burden on aquatic facilities during a financially vulnerable time. In addition, the CPSC issued a recall prior to the 2011 swim season that resulted in new resource challenges for facilities to comply with the PSSA.

(3 - OPTIONAL) We estimate the cost of bringing the pools and spas within our jurisdiction into compliance with the September 28, 2011 interpretive rule at (4 - \$DOLLAR AMOUNT), making many of our facilities vulnerable to closure. Public swimming pools play a key role in preventing drowning by helping the general population learn to swim, and by providing a means for lifeguards to become trained and certified. Increasing arbitrary costs during difficult financial times has historically resulted in pool closures. Tragically, closures are more likely in economically-disadvantaged regions where drowning is a greater risk. Pool closures

reduce the opportunity for many people to learn to swim, potentially increasing the risk of drowning. The best way for the commission to save lives is to maintain the March, 2010 interpretive rule and allow our pools and spas, which have been proven safe, to operate without further interference or mandate.

Finally, we are concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship.

We thank the commission for its time and consideration.

Sincerely,

Jody L Hilton
10988 Chapada Way
Sandy, UT 84094

Stevenson, Todd

From: Richard Eddington [reddington@bullfrogspas.com]
Sent: Monday, December 12, 2011 10:58 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Richard A. Eddington
2582 Singletree Ln
South Jordan, UT 84095

Stevenson, Todd

From: Guy Larsen [guy@aspoools.com]
Sent: Monday, December 12, 2011 10:47 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Guy Larsen, President of All Seasons Pools & Spas, a fifty person company in the pool construction, service and retail industry. We are based in Orland Park, Illinois. I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Guy Larsen
President
All Seasons Pools & Spas, Inc.
9135 W 135th St

Orland Park, IL 60462

Stevenson, Todd

From: Dan Ball [gencopool1@aol.com]
Sent: Monday, December 12, 2011 10:33 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Dan Ball; I run Genco Pools & Spas (a 15 person company specializing in pool construction, maintenance, service & retail sales). We are based in Simpsonville, SC.

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Dan Ball
Genco Pools & Spas
1217 NE Main St

Simpsonville, SC 29681

Stevenson, Todd

From: Brody Anderson [brody@andersonpoolworks.com]
Sent: Monday, December 12, 2011 10:32 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely, Brody Anderson

Brody Anderson
11075 SW Wishram Ct
Tualatin, OR 97062

Stevenson, Todd

From: Dana Anderson [dana@andersonpoolworks.com]
Sent: Monday, December 12, 2011 10:24 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Dana Anderson, CBP
President
Anderson Poolworks
9500 SW Boeckman Rd
Wilsonville, OR 97070

Stevenson, Todd

From: Randy Witt [Randy@ragingwaves.com]
Sent: Friday, December 09, 2011 12:08 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we are in the process of installing PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Randy Witt
4000 N Bridge St
Yorkville, IL 60560

Stevenson, Todd

From: John Romano [jcrallpool@aol.com]
Sent: Friday, December 09, 2011 12:06 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Whitfield,

My Name is John C. Romano, My company employes over 50 people. In these hard economic times we struggle to keep our doors open, instead of getting relief from GOVERNMENT we get the opposite, see my remarks below which reflect our/my industries and consumers issues. Take politics out of the CPSC. Rely on reason and the facts.

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

John C. Romano
179 E Rocks Rd
Norwalk, CT 06851

Stevenson, Todd

From: Michael Murphy [mmurphy@3play.com]
Sent: Friday, December 09, 2011 2:12 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Michael Murphy, and I am General Manager of an Indoor Waterpark in North Idaho called Raptor Reef. We employ about 100 to 125 people. Our Park was constructed and opened in 2005. Raptor reef met All original VGB standards. I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Michael Murphy
8415 N Audubon Dr
Hayden, ID 83835

Stevenson, Todd

From: KURT DRATH [copterman64@yahoo.com]
Sent: Friday, December 09, 2011 2:31 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

KURT DRATH
207 S Shabbona Rd
Shabbona, IL 60550

Stevenson, Todd

From: TROY BREIDENBACH [tbmgr@bright.net]
Sent: Friday, December 09, 2011 2:37 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

On behalf Hopewell Township, I strongly urge the commission to nullify the September 28, 2011 vote and adhere to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing state and local authorities an opportunity to comment and explain to the commissioners why such a vote is so severely misguided. Hence, we are submitting our comments at this time. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

First, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (PSSA) were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. With (1) DRAIN COVERS) in place, we can also state that we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our firsthand experience shows that this is clearly not the case. A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, many unblockable drain covers were installed in the pools/spas within our jurisdiction, based in good faith reliance upon the PSSA and the commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings, and represented a major investment on our part. This investment was based in large part on the fact that once these covers were installed, additional equipment would not be required. Once a ruling is made, and relied upon by public as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. Complaints from select members of Congress or others neither constitute nor substitute such data.

Third, as we suspect is the case with many jurisdictions, the cost of compliance with yet another round of requirements will exceed our present resources. The nation has suffered the most severe economic recession since the Great Depression and states, counties, and municipalities are facing shrinking tax bases and burgeoning deficits. Though justified, the Pool & Spa Safety Act and the Americans with Disabilities Act have placed an additional burden on aquatic facilities during a financially vulnerable time. In addition, the CPSC issued a recall prior to the 2011 swim season that resulted in new resource challenges for facilities to comply with the PSSA.

- We estimate the cost of bringing the pools and spas within our jurisdiction into compliance with the September 28, 2011 interpretive rule at (\$5000), making many of our facilities vulnerable to closure. Public swimming pools play a key role in preventing drowning by helping the general population learn to swim, and by providing a means for lifeguards to become trained and certified. Increasing arbitrary costs during difficult financial times has historically resulted in pool closures. Tragically, closures are more likely in economically-disadvantaged regions where drowning is a greater risk. Pool closures reduce the opportunity for many people to learn to swim, potentially increasing the risk of drowning. The best way for the commission to save lives is to maintain the March, 2010 interpretive rule and allow

our pools and spas, which have been proven safe, to operate without further interference or mandate.

Finally, we are concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship.

We thank the commission for its time and consideration.

TROY BREIDENBACH PARK MANAGER

TROY BREIDENBACH
park manager
Hopewell Township
PO Box 309
Bascom, OH 44809

Stevenson, Todd

From: Steve Morgan [smorgan@sunbeltpoolsofgeorgia.com]
Sent: Monday, December 12, 2011 11:04 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Steve Morgan
Sunbelt Pools of Georgia
3596 Oakcliff Rd
Atlanta, GA 30340

Stevenson, Todd

From: Mark Laven [marklaven@lathamint.com]
Sent: Monday, December 12, 2011 11:14 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Mark Laven, I am the President & CEO of Latham International. I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Mark Laven
37 Hills Rd
Loudonville, NY 12211

Stevenson, Todd

From: Calvin Boothby [poolspace97@aol.com]
Sent: Monday, December 12, 2011 11:20 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Calvin B. Boothby
3645 Castle Reagh Pl
Riverside, CA 92506

Stevenson, Todd

From: LORNA BONORAND [HEALTH@EAST-WINDSOR.NJ.US]
Sent: Monday, December 12, 2011 11:21 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

On behalf of (1- INSERT JURISDICTION), I strongly urge the commission to nullify the September 28, 2011 vote and adhere to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing state and local authorities an opportunity to comment and explain to the commissioners why such a vote is so severely misguided. Hence, we are submitting our comments at this time. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

First, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (PSSA) were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. With (2 - NUMBER OF POOLS/SPAS OR DRAIN COVERS) in place, we can also state that we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our firsthand experience shows that this is clearly not the case. A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, many unblockable drain covers were installed in the pools/spas within our jurisdiction, based in good faith reliance upon the PSSA and the commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings, and represented a major investment on our part. This investment was based in large part on the fact that once these covers were installed, additional equipment would not be required. Once a ruling is made, and relied upon by public as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. Complaints from select members of Congress or others neither constitute nor substitute such data.

Third, as we suspect is the case with many jurisdictions, the cost of compliance with yet another round of requirements will exceed our present resources. The nation has suffered the most severe economic recession since the Great Depression and states, counties, and municipalities are facing shrinking tax bases and burgeoning deficits. Though justified, the Pool & Spa Safety Act and the Americans with Disabilities Act have placed an additional burden on aquatic facilities during a financially vulnerable time. In addition, the CPSC issued a recall prior to the 2011 swim season that resulted in new resource challenges for facilities to comply with the PSSA.

(3 - OPTIONAL) We estimate the cost of bringing the pools and spas within our jurisdiction into compliance with the September 28, 2011 interpretive rule at (4 - \$DOLLAR AMOUNT), making many of our facilities vulnerable to closure. Public swimming pools play a key role in preventing drowning by helping the general population learn to swim, and by providing a means for lifeguards to become trained and certified. Increasing arbitrary costs during difficult financial times has historically resulted in pool closures. Tragically, closures are more likely in economically-disadvantaged regions where drowning is a greater risk. Pool closures

reduce the opportunity for many people to learn to swim, potentially increasing the risk of drowning. The best way for the commission to save lives is to maintain the March, 2010 interpretive rule and allow our pools and spas, which have been proven safe, to operate without further interference or mandate.

Finally, we are concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship.

We thank the commission for its time and consideration.

Sincerely,

LORNA BONORAND
EAST WINDSOR HEALTH DEPARTMENT
16 Lanning Blvd
East Windsor, NJ 08520

Stevenson, Todd

From: Robb Cline [robbspools@yahoo.com]
Sent: Monday, December 12, 2011 11:24 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Robb Cline
Owner
Robb's Commercial Pool Services
840 Tribute Ct
Auburn, CA 95603

Stevenson, Todd

From: Code Official Hilton [jhilton@sunrise-eng.com]
Sent: Monday, December 12, 2011 10:59 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

On behalf of (Cotton Wood Heights City I strongly urge the commission to nullify the September 28, 2011 vote and adhere to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing state and local authorities an opportunity to comment and explain to the commissioners why such a vote is so severely misguided. Hence, we are submitting our comments at this time. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

First, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (PSSA) were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. With (2 - NUMBER OF POOLS/SPAS OR DRAIN COVERS) in place, we can also state that we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our firsthand experience shows that this is clearly not the case. A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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Third, as we suspect is the case with many jurisdictions, the cost of compliance with yet another round of requirements will exceed our present resources. The nation has suffered the most severe economic recession since the Great Depression and states, counties, and municipalities are facing shrinking tax bases and burgeoning deficits. Though justified, the Pool & Spa Safety Act and the Americans with Disabilities Act have placed an additional burden on aquatic facilities during a financially vulnerable time. In addition, the CPSC issued a recall prior to the 2011 swim season that resulted in new resource challenges for facilities to comply with the PSSA.

(3 - OPTIONAL) We estimate the cost of bringing the pools and spas within our jurisdiction into compliance with the September 28, 2011 interpretive rule at (4 - \$DOLLAR AMOUNT), making many of our facilities vulnerable to closure. Public swimming pools play a key role in preventing drowning by helping the general population learn to swim, and by providing a means for lifeguards to become trained and certified. Increasing arbitrary costs during difficult financial times has historically resulted in pool closures. Tragically, closures are more likely in economically-disadvantaged regions where drowning is a greater risk. Pool closures

reduce the opportunity for many people to learn to swim, potentially increasing the risk of drowning. The best way for the commission to save lives is to maintain the March, 2010 interpretive rule and allow our pools and spas, which have been proven safe, to operate without further interference or mandate.

Finally, we are concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship.

We thank the commission for its time and consideration.

Sincerely,

Jody L Hilton
10988 Chapada Way
Sandy, UT 84094

Stevenson, Todd

From: Richard Eddington [reddington@bullfrogspas.com]
Sent: Monday, December 12, 2011 10:58 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Richard A. Eddington
2582 Singletree Ln
South Jordan, UT 84095

Stevenson, Todd

From: Guy Larsen [guy@aspools.com]
Sent: Monday, December 12, 2011 10:47 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Guy Larsen, President of All Seasons Pools & Spas, a fifty person company in the pool construction, service and retail industry. We are based in Orland Park, Illinois. I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Guy Larsen
President
All Seasons Pools & Spas, Inc.
9135 W 135th St

Orland Park, IL 60462

Stevenson, Todd

From: Dan Ball [gencopool1@aol.com]
Sent: Monday, December 12, 2011 10:33 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Dan Ball; I run Genco Pools & Spas (a 15 person company specializing in pool construction, maintenance, service & retail sales). We are based in Simpsonville, SC.

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Dan Ball
Genco Pools & Spas
1217 NE Main St

Simpsonville, SC 29681

Stevenson, Todd

From: Brody Anderson [brody@andersonpoolworks.com]
Sent: Monday, December 12, 2011 10:32 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely, Brody Anderson

Brody Anderson
11075 SW Wishram Ct
Tualatin, OR 97062

Stevenson, Todd

From: Dana Anderson [dana@andersonpoolworks.com]
Sent: Monday, December 12, 2011 10:24 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Dana Anderson, CBP
President
Anderson Poolworks
9500 SW Boeckman Rd
Wilsonville, OR 97070

Stevenson, Todd

From: Eric Ryzerski [ecopool@comcast.net]
Sent: Sunday, December 11, 2011 10:07 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

I would like to add that here in NY I feel that compliance for VGB on existing pools should be changed to allow the facility to update their drains to current codes and not just change the cover and use an Svrs. I am not a fan or believer in Svrs, it a item which can and does fail We thank the Commission for its time and consideration.

Sincerely,

Eric ryzerski
Ecopool, Inc.
108 Village Sq # 408
Somers, NY 10589

Stevenson, Todd

From: Gary Gessler [gary@poolsplusofwi.com]
Sent: Saturday, December 10, 2011 1:10 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

IN the State of Wisconsin public pool owners have each spent thousands of dollars on state required engineering services, state commerce safety inspections, and expensive unblockable shields in order to become compliant to the CPSC's interpretation. reversing this ruling is a crime against small business/ pool owners. you will be demanding that they start all over again spending money they dont have to stay in business. we are not talking about big corporations but hotels, campgrounds and resorts. the bread and butter of northern Wisconsin economy this reversal will no doubt close more small businesses and take away even more jobs with it. not to mention it will destroy any remaining confidence in our government. please allow common sense to prevail.

We thank the Commission for its time and consideration.

Sincerely,

Gary Gessler
4902 Cranberry Rd
Harshaw, WI 54529

Stevenson, Todd

From: Sheila Bezdek [info@sweetwaterpoolandpatio.com]
Sent: Monday, December 12, 2011 8:10 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Sheila Bezdek
Sweetwater Pool & Patio
4528 Bissonnet St
Bellaire, TX 77401

Stevenson, Todd

From: Dennis Sansone [dennis@pooltron.com]
Sent: Monday, December 12, 2011 8:21 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Dennis Sansone
VP General Manager
Pool Tron, Inc.
10403 Trenton Ave
Saint Louis, MO 63132

Stevenson, Todd

From: William Bartleson, III [billbartleson@aquatechusa.com]
Sent: Monday, December 12, 2011 8:27 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We thank the Commission for its time and consideration.

Sincerely,

William Bartleson, III
Owner
AquatechUSA
28 Brighton Pl
Swedesboro, NJ 08085

Stevenson, Todd

From: Roger Roth [rroth@tulsa-health.org]
Sent: Monday, December 12, 2011 8:31 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

Due to the lack of evidence that the CPSC's previous stance on unblockable drains was not protective of the public's health and because the new interpretation creates financial hardship on aquatic facilities, the Tulsa Health Department recommends that only newly constructed facilities be required to comply with the new interpretation of the Act

We thank the commission for its time and consideration.

Sincerely,

Roger Roth
5051 S 129TH EAST AVE
TULSA, OK 74134

Stevenson, Todd

From: Fred Blanchard [wwsg@comp3.net]
Sent: Monday, December 12, 2011 8:31 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

From Fred Blanchard President of Warm Water Sales Group 24 Knollwood Drive Longmeadow, MA 01106

Please make sure the SVRS and VGB laws stay in place, we need to protect all swimmers. These products need to be in place and checked to make sure they work each year! Protect all Americans!

We thank the Commission for its time and consideration.

Sincerely,

Fred J Blanchard
24 Knollwood Dr
Longmeadow, MA 01106

Stevenson, Todd

From: Chris Ley [cley.vhg@gmail.com]
Sent: Monday, December 12, 2011 9:09 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Chris Ley
Chief Engineer
Homewood Suites
905 Cobb Place Blvd NW
Kennesaw, GA 30144

Stevenson, Todd

From: Christi Peterson [christi@crystalpoolservices.com]
Sent: Monday, December 12, 2011 9:12 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We thank the Commission for its time and consideration.

Sincerely,

Christi Peterson
2303 Millvale Dr
Kingwood, TX 77345

Stevenson, Todd

From: Joseph Tassin [joey@sabinepools.com]
Sent: Monday, December 12, 2011 9:20 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We thank the Commission for its time and consideration.

Sincerely,

Joey Tassin
2415 Johns Aly
Lake Charles, LA 70605

Stevenson, Todd

From: Center, Information
Sent: Tuesday, September 13, 2011 3:02 PM
To: Stevenson, Todd
Cc: Wolfson, Scott; Filip, Alexander; Fleming, Nychelle
Subject: FW: Drain cover inspection and log

Todd,

Please note this information as comments. I checked with Troy Whitfield and he indicated that there was nothing further we could do to assist this person.

Thank you,

Michael June

From: Rick Rassi [<mailto:rrassi@goshenschools.org>]
Sent: Tuesday, September 13, 2011 8:52 AM
To: Center, Information
Subject: RE: Drain cover inspection and log

Thanks for the reply Michael. I do have the heath dept. phone number and contact names. The local Heath Dept wants us to get the info from the installer. They do not have a form to fill out with the requirements they are asking for and it seems the company that installed our drain covers is not willing to help us out much ether. I have contacted the installers several times and no answer. The VGB act regulations are still causing us grief after working at this for some time. We are trying to do the right things but it seems that people do not agree on what needs done or just not prepared to help you get all the things done others are asking for. This whole thing is very costly and unorganized and is very frustrating. I am able to get some of this information from the manufacture of the drain covers my self but it only states the model and the certified flow rate of our particular drain cover. 8 pages of documented facts of which only, at best, 3 paragraphs apply to the product we purchased and installed. It does have signatures and a certified seal with a number on it that makes it look official but it's contents are far from the requirements that are asked of us. For a federal mandated law, the requirements seem to have to many variations from state to state leaving us who are trying to comply, frustrated and confused. It would be nice to finally have this completed and be done with.

Rick

-----Original Message-----

From: Center, Information [<mailto:Info@cpsc.gov>]
Sent: Monday, September 12, 2011 4:13 PM
To: Rick Rassi
Subject: FW: Drain cover inspection and log

Hello Mr. Rassi,

This appears to be a request from the local health dept. and they are the authority that should clarify what information they are requiring and how to collect/display the required information. If you do not have that phone number, you can click on the link below and select your state to get the number to the health department.

<http://www.cdc.gov/mmwr/international/relres.html>

Michael June

From: Rick Rassi [<mailto:rrassi@goshenschools.org>]

Sent: Monday, September 12, 2011 11:38 AM

To: Center, Information

Subject: Drain cover inspection and log

Our health dept ask us for a form that would list ...

- *Installers name and certification number qualifying them as an installer*
- *Engineering firm or certification number of the manufacture of the new approved drain covers and manufactured date.*
- *Date of installation and signature of installer*
- *A log of annual inspections of the cover after installation.*
- *Post this document in a conspicuous place in the pool area.*

Are there form made up for this purpose. The company who installed our approved covers has not supplied us with anything like this? Are we to simply make up our own form and post it?

*Thank you Rick Rassi Goshen Indiana
Goshen Schools Maint. Dept.*

*****!!! Unless otherwise stated, any views or opinions expressed in this e-mail (and any attachments) are solely those of the author and do not necessarily represent those of the U.S. Consumer Product Safety Commission. Copies of product recall and product safety information can be sent to you automatically via Internet e-mail, as they are released by CPSC. To subscribe or unsubscribe to this service go to the following web page: <https://www.cpsc.gov/cpsclist.aspx>
*****!!!

Stevenson, Todd

From: Roy Murphy [roy@platinumpools.com]
Sent: Friday, December 09, 2011 10:19 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Roy Murphy
1905 Azalea St
Sulphur, LA 70663

Stevenson, Todd

From: DAVID HOFFER, JR. [dave@aquatrendspools.com]
Sent: Thursday, December 08, 2011 5:15 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

David Hoffer, CPOI
General Manager
Aquatrends
723 N Hariton St
Orange, CA 92868

Stevenson, Todd

From: Bill Burt [bburt@1paramount.com]
Sent: Thursday, December 08, 2011 6:06 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We thank the Commission for its time and consideration.

Sincerely,

Bill Burt
Director of Sales and Marketing
Paramount Pool and Spa Systems
295 E Corporate Pl
Chandler, AZ 85225

Stevenson, Todd

From: Jerry Marshall [jerrymarshall@shelbyohio.org]
Sent: Thursday, December 08, 2011 7:19 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am the mgr of two outdoor pools for the City of Shelby. We currently have \$2,000 invested in installing 2 oversized stainless steel drain covers for our main pool to comply with the Virginia Graham Baker Act. Each grate is anchored down with four screws and it is extremely unlikely they will come loose. Even if they were not fastened down the weight of the grate would make it difficult to float off the sump and then you are talking half the sump.

Because of the nature of the grate they require weekly maintenance and monthly maintenance by a dive team to remove hair that is built up. I would be more concerned over decrease of flow than worrying about size of the sump.

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Jerry Marshall
Park Superintendent
City of Shelby
43 W Main St
Shelby, OH 44875

Stevenson, Todd

From: Dennis Moeglein [dmoeg@borough.kenai.ak.us]
Sent: Thursday, December 08, 2011 8:48 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Dennis Moeglein, I am the lead water operator and certified pool operator for the Kenai Peninsula Borough in Alaska. In regards to our 7 public swimming pool operations as well as public pools everywhere I would like to take the time to comment not only on this new action but on the VGBA in general.

After reviewing the VGBA a few years ago and prior to putting several very expensive and in my opinion unnecessary drain covers in our gravity drain type pools, the only part of all this that I agreed with was the need to put the extra precautions on pools/hot tubs/etc. that had pump suction type drains, a much smaller number nation wide. I have been working as a water operator, pool operator, plumber for many years and have a pretty good knowledge of hydraulics and I would have to say that this was what we call a knee jerk reaction to what was no doubt a few tragic accidents that could have been handled on a much smaller scale.

While our central emergency divers helped me out with the initial measuring of our drain covers (all gravity type), I asked them to see if they felt there was any chance of there being enough suction to cause entrapment and without a doubt there answer was no. No doubt that if someone were to drown in the pool by other means you would probably find the body down around the drains due to gravity. These grown men worked all around the drains with no problems of being sucked down to them and even put there bodies right down on them and were able to push off with little or no effort. I hate to think what this new federally mandated and unfunded law cost we the tax payers nation wide. I deal with many other Federally mandated and unfunded issues with my main job as a water operator all the time and its no small wonder why our country is broke. I have now heard that we may need to replace these new covers we put on every so many years, needed or not leading me to believe that this was all part of the stimulus package to put Americans to work, I know all the new Regulations brought on by the Federal government sure keep me hopping.

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Dennis W Moeglein
Lead Water Operator
Kenai Peninsula Borough Maintenance
47140 E Poppy Ln
Soldotna, AK 99669

Stevenson, Todd

From: Don Blankenstein [Donb@blankensteins.com]
Sent: Thursday, December 08, 2011 8:53 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

F R Blankenstein III (Don)
President
F.R. Blankenstein Company
503 N Broadway St
Natchez, MS 39120

Stevenson, Todd

From: Wally Heise [sifcamp@frontiernet.net]
Sent: Thursday, December 08, 2011 9:15 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Wally Heise, owner of South Isle Family Campground in Isle Minnesota. We are a seasonal business and the swimming pool is in operation for 3 months in the summer.

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Wally Heise
39002 Highway 47
Isle, MN 56342

Stevenson, Todd

From: Curt Slimm [clearbluepi@comcast.net]
Sent: Thursday, December 08, 2011 10:50 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Curt Slimm and I own and operate a small business in NJ. My business is directly tied to the the purchase of used homes with swimming pools and we regularly inspect drain covers on swimming pools as part of our standard inspection. I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We thank the Commission for its time and consideration.

Sincerely,

Curt Slimm
Owner
Clear Blue Pool Inspections LLC

37 Champlain Rd
Marlton, NJ 08053

Stevenson, Todd

From: Joe Duttprn [countryspaspoolslc@comcast.net]
Sent: Friday, December 09, 2011 7:27 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

Hi, you may get many email's about this problem. As a pool service company for 25 years we have seen many problems that have not been safe. We have to deal with what is put into the swimming pool when it is built. Then we correct what is wrong, YET no one has asked us what needs to be corrected before the pool is built. Builders cut corners to make a larger profit, I have seen this many times. There have been many agencies making acts (VGBA) (PSSA) and a few more pool main drain testing companies, trying to solve this problem of drain entrapment. I'am not sure if a act is a law. I'am NOT surprised that no one in our government can solve this problem of death in our swimming pools by improper drains. What is the COST in money, for the life of a child? Who is in charge? It seems to me that the more educated ya are, the dumber the rules and laws get. The design of the main drain is the problem. Everyone is missing this point. They try to change the cover and add systems to over ride the suction of the pumps. The MAIN drains are not designed to solve this death problem. It all comes back to MONEY, how much will safety cost. Fighting over definitions in ACT's, may keep someone busy at a desk, but how about we solve the problem? One idea I have is make the main drains larger, make them so large that no one will die or get trapped on them. Then redesign the covers and other safety items to shut down the pumps. Start with the MAIN drains. The pool does have the space for a larger main drain! I am sure other service company's have ideas for this problem. Yes this would cost more MONEY, so what is the cost of a child's death? I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We thank the Commission for its time and consideration.

Sincerely,

Joe Dutton
Country Spas & Pools LLC
603 Evergreen Blvd
Browns Mills, NJ 08015

Stevenson, Todd

From: Gene Sirbaugh, C [gsirbaugh1@pghboe.net]
Sent: Friday, December 09, 2011 8:00 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We thank the Commission for its time and consideration.

Sincerely,

Gene C. Sirbaugh
2035 Fairland St
Pittsburgh, PA 15210

Stevenson, Todd

From: Victor Nunes [vmtn53@yahoo.com]
Sent: Friday, December 09, 2011 8:25 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We thank the Commission for its time and consideration.

Sincerely,

Victor Nunes
Route Manager
Herb's Pool Service Inc.
3769 Redwood Hwy
San Rafael, CA 94903

Stevenson, Todd

From: CLYDE farmer [clydebillfarmer@yahoo.com]
Sent: Friday, December 09, 2011 9:13 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We thank the Commission for its time and consideration.

Sincerely,

CLYDE FARMER
9512 Valley Ranch Pkwy E Apt 2020
Irving, TX 75063

Advanced Pool Services, Inc.

(248)889-8846

Fax (248)889-8848

Advancedpool@comcast.net

Mailing/Billing
PO Box 233
Milford, MI 48381

Office/Shipping
1220 N. Milford Rd.
Highland, MI 48357

11-01-11
Pool Safety Council
336 West College Ave.
Santa Rosa, Ca. 95401

Paul, it was a pleasure speaking to you, regarding our methods of winterizations, and concerns with resealing main drain grates. We are flattered that you value our opinions. We have been in the swimming pool industry for over 35 years, and are concerned about swimmer safety as much as anyone. We service all types of concrete pools from residential to institutional, and build institutional and commercial.

Winterization of in ground pools in Michigan usually does not involve draining the pool completely. We do however drain, plug, and partially refill in ground spas, as well as in ground pools less than 48" deep. The frost line is generally considered to be 42" in our region of the country, so main drain lines below this level are blown out with a truck towed 185 cfm or larger compressor. We install winterizing a valve in the deck on outdoor pools that we build or repipe to allow an air-lock on the line, so water cannot go back in the line as water level in the pool increases from the snow and rain. This valve also gives us a way to test the SVRS that we install.

We also open numerous pools of all sizes each spring. It is not practical, and sometimes impossible to cover large municipal, or multi function pools for the winter. These pools require a complete draining and acid washing every year. The water remaining in these pools invariably become dark green to black. The main drain grates must be removed to clean the algae and debris from the pool. The main drain sump is where the suction hose from our trash pumps is placed, as it is the lowest point of the pool. Removing the grates requires that you "feel " your way under the dirty water in order to remove the screws securing the main drain grates. It is not uncommon to

drop, or misplace these securing screws. We generally have replacement screws on our trucks, but it is not uncommon to find missing, or improper screws in pools not serviced by us in the past.

I hope this letter is useful to you and others in your much appreciated efforts to make our Swimming Pool Industry safe and responsible for all.

Gregg Paulsen- President

October 18, 20011

The Honorable Inez Tenenbaum, Chairman
The Honorable Thomas Moore, Commissioner
The Honorable Robert Adler, Commissioner
The Honorable Nancy Nord, Commissioner
The Honorable Anne Northup, Commissioner

U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Commissioners:

Recently I have been asked to comment on the SVRS (suction vacuum release systems) such as the Vac-Alert system which is currently being manufacture in the United States. During my tenor at Precision Pools and Spas Inc. in the capacity of General Manager of Operations from 2007~2011 we installed various SVRS systems and found that the Vac-Alert was the most reliable product on the market. I personally installed well over 75+ units, model # 2000L and #2000S on commercial pools, spas and wading pools across Southern California.

As of today, we have only experienced three complaints regarding the performance of the Vac-Alert from 2008 through 2011. As we responded to these complaints our findings were that there was not a problem with the Vac-Alert or installation of the product but the actual pool equipment was not being properly maintained such as the circulation pump and / or the filtration system was not operating properly and was in need of repair.

The Vac-Alert has the best warranty (Three years / No questions asked return or replacement policy) out of all of the SVRS manufactures that I currently know of, Hence, I will continue to install the Vac-Alert based on the quality and reliability on the product in Southern California.

One final note; I am asking you to please re-write the VGBA law to include a back-up system such as the Vac-Alert or some other SVRS unit be installed along with approved drain covers even if the vessel has split drains or a un-block able drain (channel) as the drain covers are only part of the solution to stopping body entrapment. Thank you for your consideration of this letter.

Sincerely,

Steve Heinkel

29577 Camino Pepita, Menifee Ca. 92584

Formally- Ca. State Lic., C-53, B-General Contractor, Industry Expert for CSLB SOCAL

LARRY WALTERS POOL SERVICE

6673 Alfonso Drive - Chino, Ca 91710
Cell 909-636-2311 Fax (909) 591-1939
larrywalterspoolservice@verizon.net
contractor license# 928517 C-61 C-53 D-35

Dear Commissioners:

I have been in the Swimming Pool service industry for over 30 years mostly the commercial service sector. I have installed hundreds of drain covers and many S.V.R.S units. I commend your efforts to increase the safety of all pools and spas. There has been a great amount of progress recently with design improvements regarding drain covers and plumbing specifications/designs. I see a few areas that present a higher potential risk for entrapment they are single drain pools and spas, The narrow 3" by 32" channel drains, And spas/ wading pools in general due to the increased contact with the drain covers/ suction inlets. I can present a couple of examples where only a S.V.R.S. unit will provide the desired protection.

1 If a child/person is in a spa or wading pool that has a current split T plumbing design and plastic bag or a towel or other debris or plumbing problem covers one of the two drain covers it becomes a single drain system. The only way to stop a potential entrapment is with a S.V.R.S. type devise. # 2 This applies to the previously approved channel drain they are too narrow and can be covered leaving only an S.V.R.S. AS the fail safe design. # 3 If a child removes skimmer cover to remove a toy Etc. Or for any reason places their hand in the suction port only an S.V.R.S. system can stop the entrapment. The issue of hair entrapment as I see it is more difficult to address. Many people go under water in spas creating contact with the suction covers they are not aware of the potential of hair entanglement. Additional warning signs might be a place to start. In Riverside County California S.V.R.S. units are required by inspectors as a failsafe system prior to a sign off by the county on pools or spas that have been modified without County approval. S.V.R.S. units certainly offer a fail safe level of protection (There are many types of units not all of the same quality construction) If can be of further assistance please contact me. Thank you for your efforts to provide swimming pool safety.

Thank You,

Larry Walters Pool Service
909-636-2311

Stevenson, Todd

From: Kathleen Moore [madmaven2@gmail.com]
Sent: Thursday, November 03, 2011 5:56 PM
To: Comments for Commissioner Adler
Subject: Virginia Graeme Baker Pool and Spa Safety Act
Attachments: Letter to Commissioners[1].doc

Commissioner Adler,

My name is Kathleen Moore and I am employed by State of Texas, Department of State Health Services (DSHS) as a Registered Sanitarian. I am responsible for the Public Pool and Spa Program and the Public Interactive Water Feature Program. In addition I am the subject matter expert (SME) for all things aquatic, including open recreational waters, private and public pools and spas, recreational waterborne illness, etc. I am currently serving on the committee that is engaged in rewriting the ANSI standard for suction outlets. I was asked to contact you concerning VGBA and CPSC's recent unblockable main drain interpretation. I was unable to receive permission to respond on behalf of DSHS, so I am contacting you as a private citizen with insight into VGBA, suction outlets, and the impact to the industry of VGBA and interpretations of VGBA by CPSC. Please see the attached.

I appreciate your taking to the time to read the attachment.

Kathleen O. Moore, R.S., CPO

Stevenson, Todd

From: Marie Terrell [coolpoolco@aol.com]
Sent: Thursday, December 08, 2011 4:30 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Marie S. Terrell
Owner/Operator
Cool Pool Service, Inc
1164 Lambe Rd
Snow Camp, NC 27349

Stevenson, Todd

From: Craig Bonawandt [swimnpools@aol.com]
Sent: Thursday, December 08, 2011 4:36 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Craig Bonawandt
Haven Pools, Inc.
1152 E Jericho Tpke
Huntington, NY 11743

Stevenson, Todd

From: Tom Brockett [twbrockett@aquamanswim.com]
Sent: Thursday, December 08, 2011 3:10 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Tom Brockett
PO Box 645
Ashburn, VA 20146

Stevenson, Todd

From: James Clark [jclark@lifecenterplus.com]
Sent: Thursday, December 08, 2011 3:28 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

James J. Clark
3361 Marcella Ave
Stow, OH 44224

Stevenson, Todd

From: Lee Hovis [Lee@nocatee.com]
Sent: Thursday, December 08, 2011 3:37 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Lee M. Hovis
62 Franklin Ave
Ponte Vedra Beach, FL 32082

Stevenson, Todd

From: Kevin Engel-Cartie [kevin@nwsymca.org]
Sent: Thursday, December 08, 2011 3:48 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Kevin Engel-Cartie
2721 Sunnyside Ct
Sioux City, IA 51106

Stevenson, Todd

From: David Scarmardo [dscarmardo@gepark.org]
Sent: Thursday, December 08, 2011 3:55 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

David Scarmardo
185 Spring Ave
Glen Ellyn, IL 60137

Stevenson, Todd

From: Steve Ravizza [info@laketahoepools.com]
Sent: Thursday, December 08, 2011 2:06 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Steve Ravizza, Lake Tahoe Pools
Lake Tahoe Pools
PO Box 50850
Mesa, AZ 85208

Stevenson, Todd

From: Douglas Rico [service@aquamanswim.com]
Sent: Thursday, December 08, 2011 3:06 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

D Rico
Aquaman Pool Service Inc.
PO Box 645
Ashburn, VA 20146

Stevenson, Todd

From: Nancy Bona [bonapools@aol.com]
Sent: Thursday, December 08, 2011 1:08 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely, Nancy Bona

Nancy Bona
Henry Bona Pools & Spas
878 US Highway 46
Kenvil, NJ 07847

Stevenson, Todd

From: Whitfield, Troy
Sent: Thursday, December 08, 2011 1:05 PM
To: Stevenson, Todd
Cc: Little, Barbara
Subject: FW: CPSC Unblockable Drain Definition

Another just arrived...

Troy

-----Original Message-----

From: Teri Novotny [<mailto:poools@novotnysales.com>]
Sent: Thursday, December 08, 2011 12:51 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear

and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

T. Novotny
Novotny Sales Inc
5615 Wilmot Rd
Johnsburg, IL 60051

Stevenson, Todd

From: Carl Dependahl [carl.dependahl@ci.florence.or.us]
Sent: Thursday, December 08, 2011 12:10 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

On behalf of the City of Florence, Oregon, I strongly urge the commission to nullify the September 28, 2011 vote and adhere to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing state and local authorities an opportunity to comment and explain to the commissioners why such a vote is so severely misguided. Hence, we are submitting our comments at this time. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

First, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (PSSA) were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. With More than 2 large public access pools in place, we can also state that we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our firsthand experience shows that this is clearly not the case. A reasonable method to secure such previously compliant covers should be investigated and required, at a minimum. The evidence should show its A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, many unblockable drain covers were installed in the pools/spas within our jurisdiction, based in good faith reliance upon the PSSA and the commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings, and represented a major investment on our part. This investment was based in large part on the fact that once these covers were installed, additional equipment would not be required. Once a ruling is made, and relied upon by public as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. Complaints from select members of Congress or others neither constitute nor substitute such data.

Third, as we suspect is the case with many jurisdictions, the cost of compliance with yet another round of requirements will exceed our present resources. The nation has suffered the most severe economic recession since the Great Depression and states, counties, and municipalities are facing shrinking tax bases and burgeoning deficits. Though justified, the Pool & Spa Safety Act and the Americans with Disabilities Act have placed an additional burden on aquatic facilities during a financially vulnerable time. In addition, the CPSC issued a recall prior to the 2011 swim season that resulted in new resource challenges for facilities to comply with the PSSA.

Public swimming pools play a key role in preventing drowning by helping the general population learn to swim, and by providing a means for lifeguards to become trained and certified. Increasing arbitrary costs during difficult financial times has historically resulted in pool closures. Tragically, closures are more likely in economically-disadvantaged regions where drowning is a greater risk. Pool closures reduce the opportunity for many people to learn to swim, potentially increasing the risk of drowning. The best way for the

commission to save lives is to maintain the March, 2010 interpretive rule and allow our pools and spas, which have been proven safe, to operate without this mandate.

Finally, we are concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship.

We thank the commission for its time and consideration.

Sincerely,

Carl Dependahl, CBO
Building Official
City of Florence
250 Highway 101
Florence, OR 97439

Stevenson, Todd

From: Cynthia Wilson [crw@LikeNewPool.com]
Sent: Thursday, December 08, 2011 12:26 PM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Cynthia Wilson; I run operations for Like New Pool Service Inc, a pool cleaning maintenance and repair company. We are based in San Diego, California.

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Cynthia Wilson
Vice President of Operations
Like New Pool Service, Inc.

10224 Baroness Ave
San Diego, CA 92126

Stevenson, Todd

From: Jodi Hasbrouck [jahasbrouck@derrytownship.org]
Sent: Thursday, December 08, 2011 11:52 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

On behalf of (1- INSERT JURISDICTION), I strongly urge the commission to nullify the September 28, 2011 vote and adhere to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing state and local authorities an opportunity to comment and explain to the commissioners why such a vote is so severely misguided. Hence, we are submitting our comments at this time. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

First, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (PSSA) were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. With (2 - NUMBER OF POOLS/SPAS OR DRAIN COVERS) in place, we can also state that we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our firsthand experience shows that this is clearly not the case. A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, many unblockable drain covers were installed in the pools/spas within our jurisdiction, based in good faith reliance upon the PSSA and the commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings, and represented a major investment on our part. This investment was based in large part on the fact that once these covers were installed, additional equipment would not be required. Once a ruling is made, and relied upon by public as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. Complaints from select members of Congress or others neither constitute nor substitute such data.

Third, as we suspect is the case with many jurisdictions, the cost of compliance with yet another round of requirements will exceed our present resources. The nation has suffered the most severe economic recession since the Great Depression and states, counties, and municipalities are facing shrinking tax bases and burgeoning deficits. Though justified, the Pool & Spa Safety Act and the Americans with Disabilities Act have placed an additional burden on aquatic facilities during a financially vulnerable time. In addition, the CPSC issued a recall prior to the 2011 swim season that resulted in new resource challenges for facilities to comply with the PSSA.

(3 - OPTIONAL) We estimate the cost of bringing the pools and spas within our jurisdiction into compliance with the September 28, 2011 interpretive rule at (4 - \$DOLLAR AMOUNT), making many of our facilities vulnerable to closure. Public swimming pools play a key role in preventing drowning by helping the general population learn to swim, and by providing a means for lifeguards to become trained and certified. Increasing arbitrary costs during difficult financial times has historically resulted in pool closures. Tragically, closures are more likely in economically-disadvantaged regions where drowning is a greater risk. Pool closures

reduce the opportunity for many people to learn to swim, potentially increasing the risk of drowning. The best way for the commission to save lives is to maintain the March, 2010 interpretive rule and allow our pools and spas, which have been proven safe, to operate without further interference or mandate.

Finally, we are concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship.

We thank the commission for its time and consideration.

Sincerely,

Jodi Hasbrouck
Code Enforcement Officer
Township of Derry
600 Clearwater Rd
Hershey, PA 17033

Stevenson, Todd

From: John Bently [johnbently@carefreepools.com]
Sent: Thursday, December 08, 2011 11:34 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is John N. Bently, I own and operate Rosebrook Carefree Pools, Inc., a company with twenty employees, that designs, builds, repairs, and services commercial and residential pools and spas. The company is located in Highland Park, Illinois. I was involved in the original discussions back in 1998 at the CPSC offices in Bethesda MD, regarding entrapment in pools and spas, which eventually led to the Virginia Graeme Baker Pool/Spa Safety Act. I still am involved as I am on the committee that advises the CPSC and ANSI about pool/spa safety issues for the Association of Pool & Spa Professionals.

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

Second, the revised rule will jeopardize bather safety by placing far too much emphasis and reliance on Safety Vacuum Release Systems (SVRS). These devices have limited value. They do not prevent most forms of entrapment and, in our experience, are frequently prone to false activation. They also require frequent maintenance and calibration, and even then will only activate AFTER an entrapment incident has occurred. An unblockable drain cover that complies with the original interpretive rule of March, 2010, is a passive measure which eliminates ALL forms of entrapment ALL the time.

Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

John N. Bently
Exec Vice President
Rosebrook Carefree Pools, Inc.
2310 Skokie Valley Rd
Highland Park, IL 60035

Stevenson, Todd

From: PATRICK WALSH [PAT@AGPCO.COM]
Sent: Thursday, December 08, 2011 11:26 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

PATRICK WALSH
19811 Encino Valley Cir
San Antonio, TX 78259

Stevenson, Todd

From: albert rizzo, jr. [alrizzo@rizzopools.com]
Sent: Thursday, December 08, 2011 10:45 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

Pres. Obama, promised us in order to help small business, he would try to take away some of the regulations.. unneeded regulations.. this is an unneeded regulation.. does nothing to improve safety, and actually gives a false sense of security..

We thank the Commission for its time and consideration.

Sincerely,

Albert Rizzo Jr.
96 Dickinson Rd
South Glastonbury, CT 06073

Stevenson, Todd

From: Alexander Hincman [jhinc@aol.com]
Sent: Thursday, December 08, 2011 10:29 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is A. John Hincman, I run Pro-Tech Pool Service specializing in pool construction and service. We are based in Danvers, MA. I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

A. John Hincman
22 Putnam Ln
Danvers, MA 01923

Stevenson, Todd

From: Schaefer Oglesby [ssoglesby@comcast.net]
Sent: Thursday, December 08, 2011 10:26 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

On behalf of (1- INSERT JURISDICTION), I strongly urge the commission to nullify the September 28, 2011 vote and adhere to its original interpretative rule and definition of an unblockable drain as determined in March, 2010. We are particularly troubled by the fact that this vote took place without allowing state and local authorities an opportunity to comment and explain to the commissioners why such a vote is so severely misguided. Hence, we are submitting our comments at this time. For the reasons outlined below, we respectfully submit that the revised rule, as voted on September 28, 2011, will jeopardize the safety of child and adult bathers in general, and provide no benefit - except to certain equipment manufacturers.

First, there have been no entrapment fatalities or serious injuries since the public pool provisions of the Pool & Spa Safety Act (PSSA) were enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. With (2 - NUMBER OF POOLS/SPAS OR DRAIN COVERS) in place, we can also state that we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some commissioners have stated that drain covers do come off, our firsthand experience shows that this is clearly not the case. A PSSA-compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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Third, as we suspect is the case with many jurisdictions, the cost of compliance with yet another round of requirements will exceed our present resources. The nation has suffered the most severe economic recession since the Great Depression and states, counties, and municipalities are facing shrinking tax bases and burgeoning deficits. Though justified, the Pool & Spa Safety Act and the Americans with Disabilities Act have placed an additional burden on aquatic facilities during a financially vulnerable time. In addition, the CPSC issued a recall prior to the 2011 swim season that resulted in new resource challenges for facilities to comply with the PSSA.

(3 - OPTIONAL) We estimate the cost of bringing the pools and spas within our jurisdiction into compliance with the September 28, 2011 interpretive rule at (4 - \$DOLLAR AMOUNT), making many of our facilities vulnerable to closure. Public swimming pools play a key role in preventing drowning by helping the general population learn to swim, and by providing a means for lifeguards to become trained and certified. Increasing arbitrary costs during difficult financial times has historically resulted in pool closures. Tragically, closures are more likely in economically-disadvantaged regions where drowning is a greater risk. Pool closures

reduce the opportunity for many people to learn to swim, potentially increasing the risk of drowning. The best way for the commission to save lives is to maintain the March, 2010 interpretive rule and allow our pools and spas, which have been proven safe, to operate without further interference or mandate.

Finally, we are concerned that the revised rule will cause many at the state and local levels to question the motives and credibility of the commission, thus jeopardizing an important relationship.

We thank the commission for its time and consideration.

Sincerely,

Schaefer Oglesby
2309 Heronhill Pl
Lynchburg, VA 24503

Stevenson, Todd

From: Frank Witchey [frankwitchey@mcleanpoolspa.com]
Sent: Thursday, December 08, 2011 10:04 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

My name is Frank Witchey: I own and operate McLean Pool and Spa. We are a mdium sizepool company with 12 fulltime empluess and 6 season employees. We have been doing business in theMcLean, Great Falls, Reston and Vienna area for 28 years.

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

As the Commission is aware, there have been no entrapment fatalities or serious injuries since the public pool provisions of the PSSA was enacted. Nor have there been any entrapment incidents or injuries reported where PSSA compliant drain covers have been installed. While we have installed PSSA compliant drain covers in numerous pools and spas, we are not aware of any incidences where a compliant drain cover has broken or come loose or where a pool or spa has been operated under such conditions. Therefore, while some Commissioners have stated that drain covers do come off, our first hand experience shows that with covers listed to the ANSI/APSP-16 standard or its predecessor, this is clearly not the case. A PSSA compliant unblockable drain cover effectively prevents all forms of entrapment injury or death, and there is no added safety benefit to requiring additional equipment.

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Third, many unblockable drain covers were installed in public facilities based in good faith reliance upon the PSSA and the Commission's original interpretive rule. These drain covers are far more expensive than the typical smaller fittings and represented a major investment on the part of the facilities we service. This investment was based in large part on the fact that once these covers were installed, additional equipment would NOT be required. Many of these facilities have advised us that they are in dire financial circumstances and will not be able to pay for the cost of further compliance, even by May, 2012.

We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Frank Witchey
6921 Pine Crest Ave

McLean, VA 22101

Stevenson, Todd

From: Jimmy Baker [ncpoolman@aol.com]
Sent: Thursday, December 08, 2011 9:49 AM
To: Whitfield, Troy
Subject: CPSC Unblockable Drain Definition

Mr. Whitfield,

I am writing you today in regards to the recent decision by the Consumer Product Safety Commission (Commission) to change the definition of an unblockable drain in regards to the Pool & Spa Safety Act (PSSA). As a pool industry professional, my overriding concern for public safety compels me to write to the Commission in strong opposition to this change.

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We respectfully submit that once a ruling is made by the Commission, and relied upon by public, as well as private entities, it should not be reversed except where there is clear and compelling safety data to support such a reversal. As explained above, no such data exists.

We thank the Commission for its time and consideration.

Sincerely,

Jimmy H. Baker, Jr. -- Nashville, NC
President
Aqua-Clear Pools & Spas, Inc.
256 N Winstead St
Nashville, NC 27856