

TO: NAA Members

FROM: Jim Arbury, NAA/NMHC Senior Vice President of Government Affairs
Jeanne McGlynn Delgado, NAA/NMHC Vice President of Business and Risk
Management Policy

RE: CPSC Pool and Spa Act Enforcement Priorities

DATE: December 16, 2008

As NAA/NMHC have previously reported, apartment firms that offer pools or spas at their properties must comply with new regulations that go into effect on December 19, 2008. Specifically, the Virginia Graeme Baker Pool and Spa Safety Act requires firms to install approved anti-entrapment devices. Importantly, firms should note that pools that are closed for the season are not required to comply with the law until they re-open.

We have been working closely with the U.S. Consumer Product Safety Commission (CPSC), the agency responsible for enforcing the law. Most recently we met with CPSC staff and sent a letter to the Commission requesting an extension or recognition of good faith compliance efforts for owners that are unable to meet the deadline due to product or labor shortages.

Given the significant and serious safety considerations, however, instead of offering broad relief, the CPSC prioritized its enforcement targets in a press release issued today. According to that release, which is posted at www.cpsc.gov/cpsc/pub/prerele/prhtml09/09065.html, the CPSC will focus on what it considers high-risk pool and spa operations, such as those that children are most likely to use. Initial enforcement efforts will be directed at:

- 1) Baby pools*
- 2) wading pools or those designed for toddlers*
- 3) In-ground spas*

*where they use flat grate main drains and single main drain systems

The CPSC strongly encourages pool owners to continue their efforts to come into compliance as soon as possible. In a call with CPSC today, officials indicated that while they cannot direct the efforts of the states, they are hopeful the states will adopt similar enforcement priorities.

NAA/NMHC members who are not yet in compliance (and whose pools are open this time of year) are strongly advised to continue your efforts toward full compliance. Firms should also document all product and work orders, and if you operate one of the three priorities listed above, pay special attention to get them into compliance first.

More information on the law and its requirements is available at www.cpsc.gov/whatsnew.html#pool. If you have any questions, please do not hesitate to contact Jeanne McGlynn Delgado, NAA/NMHC's Vice President of Business and Risk Management Policy, at 202/974-2344 or idelgado@nmhc.org.