



## **Pleasant Hill Recreation & Park District**

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November 14, 2008

The Honorable Senator Barbara Boxer  
112 Hart Senate Office Building  
Washington, D.C. 20510

RE: Virginia Graeme Baker (VGB) Pool and Spa Safety Act

Dear Senator Boxer:

The VGB Act was enacted to ensure public safety in pools and spas through federal regulations that require the use of equipment that protects against body entrapment, hair entanglement and evisceration. Specifically, the legislation requires that public pools and spas be equipped with certified drain covers that meet the ASME/ANSI A112.19.8 standard before December 19, 2008. Additional items are required under the VGB Act if pools only have one main drain.

As an operator of aquatic facilities, safety is my primary concern and has been since I first became a lifeguard. I wholeheartedly support the intent of the VGB Act, which adds additional layers of protection against entrapment and evisceration for public pool and spa users. However, based on the information provided to me by the National Recreation and Park Association (NRPA), the Consumer Product Safety Commission (CPSC) and with my research into drain covers, I have found that complying with the VGB Act by December 19, 2008 will be extremely difficult, if not impossible.

The Pleasant Hill Recreation & Park District (the District) operates three swimming pool facilities: College Park High School Pool, Pleasant Hill Education Center Pool and Pleasant Hill Aquatic Park. The pools at College Park and the Education Center are open year-round, while Pleasant Hill Aquatic Park is a seasonal facility which recently closed for the 2008 season and will re-open in early spring 2009.

The pools at College Park and the Education Center have two 18" x 18" main drains, and Aquatic Park has three 12" x 12" main drains. There are currently no main drain covers available for sale that meet the ASME/ANSI A112.19.8 standard as required under the VGB Act that also fit the main drains at the District's facilities. While CPSC has stated that compliant drain covers should be available in November 2008, to date, I have been unable to locate compliant drain covers for the District's facilities. When compliant drain covers do become

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***District Office***

147 Gregory Lane  
Pleasant Hill, CA 94523  
(925) 682-0896, Office  
(925) 682-1633, Fax

***Community Center***

320 Civic Drive  
Pleasant Hill, CA 94523  
(925) 676-5200, Office  
(925) 676-5630, Fax

***Senior Center***

233 Gregory Lane  
Pleasant Hill, CA 94523  
(925) 798-8788, Office  
(925) 798-8837, Fax

***Park Maintenance***

310 Civic Drive  
Pleasant Hill, CA 94523  
(925) 671-4659, Office  
(925) 676-7628, Fax

***Winslow Center***

2590 Pleasant Hill Rd.  
Pleasant Hill, CA 94523  
(925) 937-2707, Office  
(925) 937-7812, Fax

available, I will be among the thousands of pool operators across the county scrambling to purchase a product whose demand greatly exceeds supply.

If I am unable to procure certified drain covers for College Park and the Education Center pools by December 19, 2008, I feel I will have no choice but to close the pools until I can secure and install drain covers as required by the VGB Act. Was it the intent of Congress that public pools be closed if products that would allow them to comply with the VGB Act are not available?

Closure of the pools at College Park and the Education Center would result in a huge loss of revenue for the District and other local agencies, including Mt. Diablo Adult Education (MDAE). As the full impact of the nation's economic crisis has yet to hit the State and local agencies, ANY loss of revenue would be extremely detrimental to the financial health of the District and MDAE.

Closures of the pools would also impact hundreds of pool users. At the Education Center pool, the District co-sponsors an adult lap swim class called "Swim For Fitness" with MDAE. Three class times are offered, each meeting three times per week. Over 140 adults are registered for the current term. Cancellation of MDAE classes will not only result in the loss of revenue from registration fees, but also a loss of Average Daily Attendance (ADA) revenue MDAE receives from the State. In addition to Swim For Fitness, MDAE offers a "Water Blast" program three times a week, averaging 40 participants per class.

The District offers a variety of aquatics programs at the Education Center during the year. Scheduled to start in January 2009 is a "High School Pre-Season Clinic", which had 25 high school aged swimmers enrolled in January 2008. The District's "Water Aerobics" program meets in the morning and evening two days a week and has been averaging 20 participants per class. If the closure of the Education Center is extended into February 2009, the Ygnacio Valley High School Swim Team season would be impacted, as the high school swim season starts February 2, 2009. This is a sample of programs at one of the District's facilities that would be affected by a closure.

In order to avoid the closure of the District's pools, the cancellation of our aquatics programs and the loss of revenue associated with the cancellation, I am asking Congress to allow for a delay or phase-in period to implement the requirements of the VGB Act until December 19, 2009.

Sincerely,

*Korey Riley*

Korey Riley  
Aquatics Supervisor