

INFORMATION COLLECTION REQUEST (ICR)  
Virginia Graeme Baker Pool and Spa Safety Act  
Verification of Compliance Form  
SUPPORTING STATEMENT

**A. Justification**

**1. Information to be collected and circumstances that make the collection of information necessary**

On December 19, 2009 the Virginia Graeme Baker Pool and Spa Safety Act (“Act”) became effective (Pub. L. No. 110-140). The Act applies to public pools and spas and requires that each swimming pool and spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard or any successor standard regulating such swimming pool or drain cover pursuant to section 1404(b) of the Act (“Drain Cover Standard”). In addition to the anti-entrapment devices or systems, each public pool and spa in the United States with a single main drain other than an unblockable drain shall be equipped with 1 or more of the following devices and systems designed to prevent entrapment by pool or spa drains that meet the requirements of the Drain Cover Standard: safety vacuum release system; suction-limiting vent system; gravity drainage system; automatic pump shut-off system or drain disablement. The Act is designed to prevent the tragic and hidden hazard of drain entrapment and eviscerations in public pools and spas.

**2. Use and sharing of collected information**

The CPSC will use the information to identify drain covers at pools and spas that do not meet the requirements of the ASME/ANSI A112.19.8 performance standard or any successor standard regulating such swimming pool or drain cover.

**3. Use of Information Technology (IT) in information collection**

The collection of information would occur through a form that CPSC staff will fill in during the course of the pool and spa inspection. CPSC did not develop electronic collection techniques.

**4. Efforts to Identify Duplication**

The Verification of Compliance Form (“form”) provides for very detailed information recordation for each individual pump located at a pool or spa facility. The CPSC staff is unaware of any other source of this information other than

directly from pool managers.

**5. Impact on small business**

The form does not have a disproportionate impact on pool owners or operators because the form will be filled out entirely by the field investigators during the normal course of the pool or spa inspection. **The average time to inspect a pool or spa facility should not exceed 3 hours for the pool owner/operator.** The pool or spa manager will not need to be present throughout the entire inspection.

**6. Consequences to Federal program or policy activities if collection is not conducted or is conducted less frequently**

Failure to provide the information sought by the questionnaire would impair the CPSC's ability to identify noncompliant pools or spas and specifically what drain covers are noncompliant. The failure to obtain this information could lead to the use of non-compliant drain covers and pose a risk of serious injury to the public.

**7. Special circumstances requiring respondents to report information more often than quarterly or to prepare responses in fewer than 30 days**

Not applicable.

**8. Agency's Federal Register Notice and related information**

Given the limited purpose and nature of the information collection, no consultation outside the agency was necessary. **An FR notice was published September 21, 2009. Comments were received....(summarize comments and staff response.)**

**9. Decision to provide payment or gift**

The CPSC will not provide any payment or gifts to pool and spa owners/operators in connection with the information collection.

**10. Assurance of confidentiality**

The information recorded in response to the questions on the form would be subject to the Freedom of Information Act and its exemptions to public disclosure.

**11. Questions of a sensitive nature**

No questions of a sensitive nature are asked.

**12. Estimate of hour burden to respondents**

There are no total capital or start-up costs or service costs projected in connection with the form. Investigators will be talking to either the pool owner/operators or staff at the time of the inspection. Investigators will be collecting drain cover and sump certification documents. While the average time to inspect a pool or spa facility is 4 hours, pool owners/operators or staff will not need to be present during the entire inspection. It is estimated that pool staff will be required for 3 hours per investigation. Therefore the total annual hours expected to be required from respondents is 291 hours (97 inspections x 3 hours per inspection).

**13. Estimate of total annual cost burden to respondents**

Since it is unclear whether junior or senior employees will be available to investigators, it is assumed that management-level employees will serve this function. Using the rate of \$54.88/hour as average total compensation for testing (Bureau of Labor Statistics, September 2008, All workers, goods-producing industries, management, professional, and related), the annual cost to respondents may be as high as \$13,805.04 (\$54.88 x 291).

**14. Estimate of annualized cost to the federal government**

The CPSC estimates that it will take an average of 4 hours to review the information collected from the oral communications with pool owners/operators or staff. The annual cost to the Federal government of the collection of information in these regulations is estimated to be \$30,977.92. This is based on an average wage rate of \$55.97 (the equivalent of a GS-14 Step 5 employee). This represents 70.1 percent of total compensation with an additional 29.9 percent coming from benefits (BLS, September 2008, percentage total benefits for all civilian management, professional, and related employees), or \$79.84 x 388 hours.

**15. Program Changes or Adjustments**

The Form would represent a new collection of information.

**16. Plans for tabulation and publication**

Information collected under this requirement will not be published.

**17. Exemption for Display of Expiration Date**

The agency does not seek an exemption from displaying the expiration date.

**18. Exemption to Certification Statement**

Not applicable.

**B. Collection of Information Employing Statistical Methods**

Not applicable.