



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

September 20, 2011

Dear Commissioner,

Two associations, the International Association of Amusement Parks and Attractions (IAAPA) and the World Waterpark Association (WWA) collectively represent a majority of waterparks in the United States. We are submitting this letter on behalf of both organizations.

There are more than 1,000 waterparks in North America, serving over 85 million guests annually. Waterparks are operated by both large and small companies, municipalities, hotel resorts and community centers. They employ between 20 and 5,000 workers per park. Safety is the number one priority for the waterpark industry, and we support the intent of the Virginia Graeme Baker Pool and Spa Safety Act (VGB). The waterpark industry currently employs many safe anti-entrapment features and practices such as the use of larger, unblockable drains as the industry avoids direct, single suction drain systems.

The recent draft Federal Register notice concerning the vote to repeal the Commission's interpretation of "unblockable drain" has generated confusion in the waterpark industry. Under the VGB, drains larger than 18" x 23" are considered to be "large unblockable drains", and do not need additional anti-entrapment devices. The confusion is generated by the language in Section B of the notice, which indicates large unblockable drains do require secondary anti-entrapment devices.

The implementation of the VGB has been riddled with obscurities for the waterpark industry, but the industry has found a way to comply despite ever-changing interpretations, guidances, and other regulatory and sub-regulatory procedures. As written, the most recent notice will create further confusion for facility owners that want to do the right thing and ultimately will use limited resources for changes that may not be necessary.

We believe by repealing the Commission's previous interpretation of "unblockable drain", the Commission intends to address situations where a cover intended for a large unblockable drain is affixed on a smaller drain system. To best address these situations, the waterpark industry recommends the CPSC does not repeal its interpretation of unblockable drain, but instead clarifies the previous interpretation to include additional guidance on the requirements for blockable drains until such time that the APSP-16 revision is released. To this end, we have attached suggested language that will accomplish the Commission's goal of preventing facility owners from attaching a cover intended for large unblockable drain on a smaller drain system.

We were disappointed the CPSC did not reach out to the APSP committee or pool and spa community prior to releasing this notice. We ask the Commission to give the public an opportunity to offer comments on the new interpretation before the Commission approves the change.

We thank you for your attention to this important issue. If the Commission or its staff has questions or needs additional information, IAAPA and WWA would be more than happy to answer them.

Sincerely,

A handwritten signature in black ink, appearing to read "Chip Cleary". The signature is fluid and cursive, with a large loop at the end.

Chip Cleary
President & CEO
IAAPA

A handwritten signature in black ink, appearing to read "Rick Root". The signature is cursive and somewhat stylized.

Rick Root
President
WWA