



U.S. CONSUMER PRODUCT SAFETY COMMISSION
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OFFICE OF THE GENERAL COUNSEL

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Mr. Randy Davis
IAAPA
1448 Duke Street
Alexandria, VA 22314

Dear Mr. Davis,

I am responding to your letter in which you provided information regarding various waterpark attractions in the waterpark industry and on IAAPA's experience with drain cover availability in the marketplace. Your letter raised certain jurisdictional issues we discussed in a meeting and you have subsequently discussed with a member of my staff. This letter memorializes these discussions.

The Virginia Graeme Baker Pool and Spa Safety Act ("Act") defines a swimming pool or spa broadly to mean "any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, [including] hot tubs, spas, portable spas, and non-portable wading pools."¹ According to the information you submitted, wave action pools are pools designed to simulate breaking or cyclic waves "for purposes of general play"; activity pools are designed "for casual water play ranging from simple splashing activity to the use of attractions places in the pool for recreation"; leisure rivers provide a river like flow for swimmers and may include water features and play devices; and interactive play attractions include elements of "bather-driven and bather-controlled play." Based on this information and on the commonly understood uses of these systems, the wave action pools, activity pools, leisure rivers, and interactive play attractions are all clearly "structures intended for swimming or recreational bathing." Thus, these systems meet the definition of "swimming pool or spa" under the Act and are not excluded from the scope of the Act.

The description of the runout slide in Attachment 1 provides that it includes "a gradually sloping area at the termination of a manufactured waterslide attraction that is submerged in gradually increasing water depth for the purpose of decelerating patrons prior to exiting to a deck or walkway area." Since the runout slide's primary function is to decelerate patrons prior to exiting to a deck or walkway area and not for swimming or recreational bathing, the runout slide falls outside the scope of the Act. Similarly, according to the information provided in

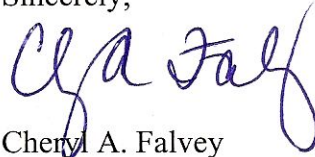
¹ Section 1403(6) of the Virginia Graeme Baker Pool and Spa Safety Act.

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Attachment 1, the catch slide's purpose is to terminate the slide action and provide a means for exit to a deck or walkway area. Since the catch slide does not appear to be a structure intended for swimming or recreational bathing, the Office of General Counsel finds that it, too, is outside the scope of the Act.

The remaining issues in your letter have been referred to our Engineering and Compliance divisions for consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "CFA Falvey". The signature is written in a cursive style with a large, looping "F".

Cheryl A. Falvey