

MAY 03 2010



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814

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APR 27 2010

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**NOTICE OF NON-COMPLIANCE**

Certified Mail/Telecopy: (414) 540-0044

Milwaukee, WI 53209

Re:

CPSC Sample No.

Dear

The U.S. Consumer Product Safety Commission (CPSC) has authority to enforce the Virginia Graeme Baker Pool & Spa Safety Act (VGBA), effective December 19, 2008. On October 27, 2009 the CPSC staff conducted an inspection of 1 pool located at your facility, located at Milwaukee, WI. The inspection revealed that the pool is not equipped with an ASME/ANSI A112.19.8 anti-entrapment drain cover. The pool does not comply with the requirements mandated by the VGBA, 15 U.S.C. § 1404 (c).

In order to prevent drowning due to entrapment, the VGBA requires that each public pool and spa in the United States be equipped with anti-entrapment devices or systems that comply with the ASME/ANSI A112.19.8 performance standard. In addition, public pools and spas with a single main drain (other than an unblockable drain) shall be equipped with a secondary device or system designed to prevent entrapment by a pool or spa drain. See Section 1404 of the VGBA.

Information on the VGBA can be found at: <http://www.poolsafety.gov/index.html>.

A public pool or spa that does not comply with the requirements mandated by the VGBA is in violation of Section 1404 (c)(1)(A)(ii), which is a Prohibited Act under section 19(a)(1) of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. § 2068(a)(1). As a result, the pool or spa owner could be subject to fines of \$100,000 for each violation up to a maximum of \$15 million for any related series of violations, imprisonment for not more than five (5) years, and /or forfeiture of assets, pursuant to Sections 20 and 21 of the CPSA, 15 U.S.C. § 2069 and 2070.

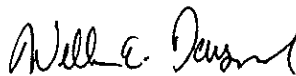
**The staff request that you immediately stop operating the pool or spa until it can be brought into compliance with the VGBA.** Please respond in writing within **10 working days** from the date that you receive this letter, outlining the specific actions you plan to take to address the violation described herein. If you have already made arrangements to address this violation, provide a timeline for the anticipated completion of the work that will address the violation. Please direct your response and any questions you may have to my attention including reference to the CPSC sample number, at the address and telephone number shown above.

Section 15(b) of the CPSA, 15 U.S.C. § 2064(b) requires every manufacturer, importer, distributor, and retailer of a consumer product, or other product or substance over which the Commission has jurisdiction under any other Act enforced by the CPSC, who obtains information which reasonably supports the conclusion that the product (1) fails to comply with an applicable consumer product safety rule; (2) fails to comply with any other rule, regulation, standard, or ban under the CPSA or any other Act enforced by the CPSC; (3) contains a defect which could create a substantial product hazard; or (4) creates an unreasonable risk of serious injury or death to immediately inform the Commission of the failure to comply, defect, or risk, unless the firm has actual knowledge that the Commission has been adequately informed of the failure to comply, defect, or risk. See 16 C.F.R. Part 1115. Pursuant to Section 20 of the CPSA, 15 U.S.C. § 2069, such violations could subject you and your firm to civil penalties of up to \$100,000 per violation up to a maximum of \$15 million for any related series of violations. In addition, pursuant to Section 21 of the CPSA, 15 U.S.C. § 2070, such violations could subject you and your firm to criminal penalties including imprisonment for not more than five (5) years and forfeiture of assets associated with the violation(s). Sections 15(b) and 37 of the CPSA, 15 U.S.C. §§ 2064 and 2084, and 16 C.F.R. Parts 1115, 1116, and 1117 describe the obligation of manufacturers, importers, distributors, and retailers to furnish information to the Commission.

Until this matter is resolved, there will remain a possibility of further action, including reasonably anticipated litigation. You must abide by the continuing legal obligation to preserve all information, documents, and electronically-stored data now in existence or created hereafter related to the subject products, including, but not limited to, the following: e-mail, correspondence, import records, test records, test samples, purchase records, customer lists, and invoices.

Thank you for your cooperation in this matter.

Sincerely,



William E. Dewgard  
Compliance Officer

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Enclosures/Links: Compilation of Statues- <http://www.cpsc.gov/businfo/acts.html>  
Regulated Products Handbook- <http://www.cpsc.gov/businfo/8001.pdf>  
Virginia Graeme Baker Pool and Spa Safety Act, Public Law No. 110-14-  
<http://www.poolsafety.gov/pssa.html>