



U.S. CONSUMER PRODUCT SAFETY COMMISSION
BETHESDA, MD 20814

OFFICE OF THE GENERAL COUNSEL

Cheryl A. Falvey
General Counsel
Tel: 301-504-7642
E-Mail: cfalvey@cpsc.gov

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

Dear Mr. Davis,

The Office of General Counsel recently issued a letter which identified various waterpark attractions that were within or outside the scope of the Virginia Graeme Baker Pool and Spa Safety Act, based on descriptions provided by the waterpark industry. The determination that "runout slides" and "catch slides" fall outside the scope of the Act was based on the assumption that these structures would end after a prolonged runout feature on the deck rather than in any depth of water in which users would need to wade or swim to exit the slide. It has come to our attention, however, that our letter may have caused some confusion because some slides may end in pools (known as "plunge pools" or "catch pools") that can be quite long and may require the user to wade or swim through the water to reach the other side and get out. If this is the case, such a structure would indeed qualify as a "pool" under the VGB Pool and Spa Safety Act as it would meet the definition of a "structure intended for swimming or recreational bathing."

Because waterpark attractions are so varied in size, depth, and shape, we regret to say that there can be no "one size fits all" answer to what is or is not a pool. Thus, we urge your members to use common sense in making determinations of whether a particular waterslide ends in an area that meets the definition of a pool under the VGB Pool and Spa Safety Act. If a waterslide ends in a pool that a child will need to wade through or swim in, it falls within the definition of pool in the Act. If the slide ends on a deck with minimal runoff water, it is not a pool.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl A. Falvey". The signature is stylized and cursive.

Cheryl A. Falvey