

**Agenda  
Item  
VII.**

**State of Oregon**

**Board memo**

**Building Codes Division**

**July 1, 2009**

**To:** Residential Structures Board

**From:** Richard S. Rogers  
Structural Program Chief

**Subject:** Mid-cycle amendment - Virginia Graeme Baker Act – Pool Entrapment

**Action requested:**

The Building Codes Division requests that the board pass a motion to forward the following mid-cycle code change to public hearing.

**History:**

On December 19, 2007, the Virginia Graeme Baker Pool and Spa Safety Act, named after the daughter of Nancy Baker and the granddaughter of former Secretary of State James Baker, was signed into law. Graeme Baker died in June 2002 after the suction from a spa drain entrapped her under the water.

There is an annual average of 283 drowning deaths (2003-2005) and 2,700 emergency room-treated submersion injuries (2005-2007) involving children younger than 5 in pools and spas. In addition, from 1997-2007, there were 74 reported incidents associated with suction entrapment, including 9 deaths and 63 injuries. The new law is aimed at reducing these deaths and injuries by making pools safer, securing the environment around them, and educating consumers and industry on pool safety.

The Act specifies that on or after December 19, 2008 all swimming pool and spa drain covers available for purchase in the United States must meet specific performance requirements. Additionally, public swimming pools, wading pools, spas and hot tubs must meet requirements for installation of compliant drain covers. New drain covers which meet the current standard are now beginning to make their way into the marketplace. Additionally, in certain instances, public pools and spas must have additional devices or systems designed to prevent suction entrapment.

In Oregon, public pools are regulated by the Department of Human Services, Health Division. However, private pools accessory to one and two-family dwellings are regulated by the Oregon Residential Specialty Code.

The proposed mid-cycle amendment is based on the *2009 International Residential Code* (IRC) and adopts *ANSI/APSP-7-06 Standard for Suction Entrapment avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins*. Installations in accordance with this standard are deemed to comply with the Virginia Graeme Baker Pool and Spa Safety Act.

**Summary of proposed mid-cycle amendment:**

Underline denotes addition. ~~Strike-through denotes deletion.~~

Reinsert model code section AG106 using 2009 IRC text:

SECTION AG106  
ENTRAPMENT PROTECTION FOR SWIMMING  
POOL AND SPA SUCTION OUTLETS

AG106.1 General. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

Renumber the following section and insert APSP/NSPI abbreviation:

~~SECTION AG 106-107~~  
ABBREVIATIONS  
AG107.1 General.

APSP—Association of Pool and Spa Professionals  
NSPI—National Spa and Pool Institute  
2111 Eisenhower Avenue  
Alexandria, VA 22314

Renumber the following section and insert ANSI/APSP standard:

~~SECTION AG107 108~~  
STANDARDS  
AG108.1 General.

ANSI/APSP  
ANSI/APSP-7-06 Standard for Suction Entrapment  
avoidance in Swimming Pools, Wading Pools, Spas,  
Hot Tubs and Catch Basins. . . . . AG106.1

***More information:***

Consumer Products Safety Council:  
<http://www.cpsc.gov/vgpsa.pdf>

**Options:**

- Approve the proposed code amendment for public hearing and subsequent adoption with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.
- Request amendments and approve the proposed code amendment for public hearing and subsequent adoption with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.
- Reject the proposed code amendment.

**Recommendation:**

The division recommends that the board approve for hearing and subsequent adoption with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.

**Note:** This memo details the proposed changes to the code. The following pages include a summary of the ANSI/APSP-7-06 Standard from the ICC Final Action Agenda (see item 3). Attachment A at the end of the packet shows the proposed changes to administrative rule.

The ANSI/APSP-7-06 Standard has been provided to the board and is available for public viewing at the office of the Oregon Building Codes Division, 1535 Edgewater Street NW, Salem Oregon. Prior arrangements are requested. Please contact Dana Fischer at [dana.c.fischer@state.or.us](mailto:dana.c.fischer@state.or.us) or (503) 373-0226 to make arrangements.

## **Attachment A**

### **ORSC Mid-cycle Amendments DRAFT: 6-11-09**

#### **918-480-0010**

##### **Amendments to the Oregon Residential Specialty Code**

(1) The Oregon Residential Specialty Code is adopted and amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the Oregon Residential Specialty Code are placed in this rule, showing the section reference, a descriptive caption, and a short description of the amendment.

(2) Effective April 1, 2008:

(a) The 2006 Edition of the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials and amended by the division, is adopted to provide the plumbing provisions of the Oregon Residential Specialty Code; and

(b) The 2008 Edition of the NFPA 70, National Electrical Code as amended by the division is adopted to provide the electrical provisions of the Oregon Residential Specialty Code. See OAR chapter 918, division 305 for Oregon amendments to NFPA 70, National Electrical Code.

(3) Effective April 1, 2007 Appendix N, Low-Rise Multiple-Family Dwelling Construction is moved from the 2005 Oregon Residential Specialty Code to the 2007 Oregon Structural Specialty Code.

(4) During the phase-in period established in OAR 918-480-0005(3), plans designed to the 2005 Oregon Residential Specialty Code must use the plumbing and electrical provisions included in that 2005 code. Plans that are designed to the 2008 Oregon Residential Specialty Code must use the plumbing and electrical provisions adopted in this rule.

(5) Effective October 1, 2008, the 2008 Oregon Residential Specialty Code is amended as follows:

(a) Section R 109.1.4.1 is deleted and replaced with the following: The requirement in R318.2 that all moisture-sensitive wood framing members used in construction shall have a moisture content of not more than 19 percent of the weight of dry wood framing members is not subject to inspection by the authority having jurisdiction.

(b) Section R318.2 is amended to read: Moisture content. Prior to issuance of the insulation/vapor barrier approval required by R109.1.5.2 of this code:

(A) All moisture-sensitive wood framing members used in construction shall have a moisture content of not more than 19 percent of the weight of dry wood framing members.

(B) The general contractor or the owner who was issued the structural permit shall notify the building official, on a division-approved form, that the contractor or the owner who was issued the structural permit is aware of and has taken steps to meet the requirement in paragraph (A).

(6) Effective February 1, 2009, the 2008 Oregon Residential Specialty Code is amended as follows:

(a) Section R602.10.9 is amended to read: R602.10.9 Interior braced wall support. In buildings located in Seismic Design Category D1 and one-story buildings located in Seismic Design Category D2, interior braced wall lines shall be supported on continuous foundations at intervals not exceeding 70 feet (21,336 mm). Braced wall panels located in interior braced wall lines at less than 70-foot (21,336 mm) intervals shall be supported by double floor joists or blocking between floor joists. Where floor joists are perpendicular to the braced wall line, blocking shall be provided for the length of braced panel and shall extend to the next available joist below for braced panels whose ends are not aligned with joists below. The length to width ratio of the horizontal diaphragm supporting interior braced wall lines shall not exceed 4 to 1. Use of alternate braced panels in interior braced wall lines is not permitted.

(b)(A) Section R613.2 is added to the 2008 Oregon Residential Specialty Code: R613.2 Window sills. In dwelling units, where the opening of an operable window is located more than 72 inches (1829 mm) above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 24 inches (610 mm) above the finished floor of the room in which the window is located. Operable sections of windows shall not permit openings that allow passage of a 4 inch diameter sphere where such openings are located within 24 inches of the finished floor.

(B) Exceptions.

(i) Windows whose openings will not allow a 4-inch-diameter (102 mm) sphere to pass through the opening when the opening is in its largest opened position.

(ii) Openings that are provided with window fall prevention devices that comply with ASTM F 2090-08.

(c) Section R.613.2.1 is added to the 2008 Oregon Residential Specialty Code: R613.2.1 Operation for Emergency Escape. The window opening fall prevention device shall not reduce the

minimum net clear opening area of the window unit below what is required by Section R310.1.1 of the code.

(d) Chapter 43 of the 2008 Oregon Residential Specialty Code is amended to read: ASTM F 2090-08 (revised/updated 2008).

**(7) Effective October 1, 2009, the following sections of the 2008 Oregon Residential Specialty Code are amended:**

**(a) Section R703.1 General**

**(b) Section R703.1.1 Exterior Wall Envelope**

**(c) Section AG106 Entrapment Protection For Swimming Pool And Spa Suction**

**Outlets**

**(d) Section AG107 Abbreviations**

**(e) Section AG108 Standards**

**[NOTE: The amendments are published in their entirety at Table 2-R.]**

[Publications: Publications referenced are available for review at the division. See division web site for information on where to purchase publications.]

Stat. Auth.: ORS 455.020, 455.110, 455.525 & 455.610

Stats. Implemented: ORS 455.610

Hist.: BCA 18-1993, f. 8-24-93, cert. ef. 8-29-93; BCA 28-1993, f. 10-22-93, cert. ef. 1-1-94; BCA 29-1993, f. 11-24-93, cert. ef. 12-1-93; BCD 6-1995, f. 3-31-95, cert. ef. 4-1-95; BCD 3-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 22-1996(Temp), f. 10-1-96, cert. ef. 10-4-96; BCD 5-1997, f. 3-21-97, cert. ef. 4-1-97; Administrative Reformatting 1-19-98; BCD 3-1998, f. 1-29-98, cert. ef. 4-1-98; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 3-2000, f. 1-14-00 cert. ef. 4-1-00; BCD 19-2000(Temp), f. & cert. ef. 8-15-00 thru 2-10-01; BCD 32-2000, f. 12-27-00, cert. ef. 1-1-01; BCD 3-2001, f. 2-9-01, cert. ef. 3-1-01; BCD 2-2002, f. 3-5-02, cert. ef. 4-1-02; BCD 22-2002(Temp), f. 9-13-02 cert. ef. 10-1-02 thru 3-29-03; BCD 30-2002, f. 12-6-02, cert. ef. 1-1-03; BCD 1-2003(Temp), f. & cert. ef. 1-10-03 thru 3-31-03; BCD 33-2002, f. 12-20-02 cert. ef. 4-1-03; BCD 15-2004, f. 9-10-04, cert. ef. 10-1-04; BCD 5-2005, f. & cert. ef. 3-28-05; BCD 9-2006, f. 6-30-06, cert. ef. 7-1-06; BCD 1-2007, f. 2-15-07, cert. ef. 4-1-07; BCD 5-2008, f. 2-22-08, cert. ef. 4-1-08; BCD 13-2008(Temp), f. & cert. ef. 7-3-08 thru 12-30-08; BCD 21-2008, f. 9-30-08, cert. ef. 10-1-08; BCD 24-2008(Temp), f. & cert. ef. 10-6-08 thru 4-1-09; BCD 1-2009, f. & cert. ef. 1-30-09