

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

7 11-4

SENATE
S.B. No. _____

1887-1935

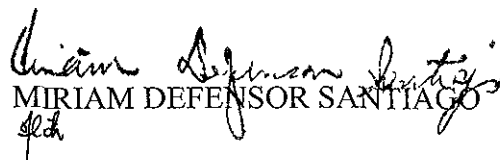


Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the Philippines. While adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning, research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

This bill seeks to provide measures to increase the safety of our pools and spas in order to prevent injuries and drowning incident.


MIRIAM DEFENSOR SANTIAGO
Sd

SENATE
S.B. No. _____

Introduced by Senator Miriam Defensor Santiago

AN ACT
TO INCREASE THE SAFETY MEASURES FOR POOLS AND SPAS

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* – This Act shall be known as the “Pool and Spa Safety Act.”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the local governments and appropriate agencies, and encourage the State to improve their pool and spa safety laws and to educate the public about pool and spa safety.

SECTION 3. *Definition of Terms.* – As used in this section, the term –

(1) “Barrier” means a fence, dwelling wall, or non-dwelling wall, or any combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool, especially access from the residence or from the yard outside the barrier. A wall of a dwelling may service as part of the barrier if it does not contain any door or window that opens to provide access to the swimming pool.

(2) “Main Drain” means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a re-circulating pump.

(3) “Safety Vacuum Release System” means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(4) “Unblockable Drain” means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

(5) “Swimming Pool” or “Spa” means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

SECTION 4. *Swimming Pool and Spa Drain Cover Standard.* – Effective one year after the date of enactment of this Act, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the Philippines shall conform to the entrapment protection standards of the Department of Trade and Industry performance standard, or any successor standard regulating the same.

SECTION 5. *Minimum Requirements.* –

(A) In General – The Department of Trade and Industry should be able to promulgate rules and regulation with the minimum requirements --

(1) that the enclosure of all residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(2) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(3) that pools and spas built more than one year after the date of enactment of such statute have--

- (i) more than one drain per circulation pump;
- (ii) one or more unblockable drains per circulation pump; or
- (iii) no main drain; and

(4) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by the Department of Trade and Industry.

(B) In establishing minimum law requirements under paragraph (A), the Department of Trade and Industry shall--

(1) consider current or national performance standards on pool and spa barrier protection and entrapment prevention; and

(2) ensure that any such requirements are consistent with the guidelines which they may have set prior to the enactment of this Act.

(3) promulgate standards regulating pool and spa safety and can rely on an applicable national performance standard.

(C) *Basic Access-Related Safety Devices and Equipment Requirements to be Considered-* In establishing minimum requirements for swimming pools and spas, the Department of Trade and Industry shall consider the following:

(1) Covers- A safety pool cover.

(2) Gates- A gate with direct access to the swimming pool that is equipped with a self-closing, self-latching device.

(3) Doors- Any door with direct access to the swimming pool that is equipped with an audible alert device or alarm which sounds when the door is opened.

(4) Pool Alarm- A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(D) *Entrapment, Entanglement, and Evisceration Prevention Standards to be Required* - In establishing additional minimum law requirements for swimming pools and spas, the Department of Trade and Industry shall require, at a minimum, 1 or more of the following (except for pools constructed without a main drain):

(a) *Safety Vacuum Release System*- A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party.

(b) *Suction-Limiting Vent System*- A suction-limiting vent system with a tamper-resistant atmospheric opening.

(c) *Gravity Drainage System*- A gravity drainage system that utilizes a collector tank.

(d) *Automatic Pump Shut-Off System*- An automatic pump shut-off system.

(e) *Other Systems*- Any other system determined by the Department of Trade and Industry to be equally effective as, or better than, the systems described in subparagraphs (a) through (e) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

SECTION 6. *Education Program.* –

(A) *In General*- The Department of Trade and Industry shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop--

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

- (2) educational materials designed for pool owners and operators; and
- (3) a national media campaign to promote awareness of pool and spa safety.

(B) Authorization of Appropriations- There are authorized to be appropriated to the Department of Trade and Industry for each of fiscal years 2007 through 2012 PhP 10,000,000 to carry out the education program authorized by subsection (a).

SECTION 7. *Report* - Within 1 year after the close of each fiscal year for which grants are made under section 6, the Department of Trade and Industry shall submit a report to the Congress evaluating the effectiveness of the grant program authorized by that section.

—

SECTION 8. *Separability Clause*. – If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 9. *Repealing Clause*. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 10. *Effectivity Clause*. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,