

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700

July 01, 2010

To: **Alameda County Swimming Pool and Spa Facility Owners and Operators**
From: Alameda County Department of Environmental Health

AB1020 is the California law that became effective January 01, 2010. AB1020 was enacted to bring California in line with the safety provisions of the Federal Virginia Graeme Baker Pool and Spa Safety Act (VGBA). Now commonly referred to as the VGB, the intent of both the federal and state laws is to prevent accidental drowning due to entrapment and suction hazards at pool and spa suction outlets.

In December 2008, Alameda County Department of Environmental Health (ACDEH) notified all public pool and spa facilities operating in Alameda County of the pending VGB requirements, and provided information to owners and operators of these facilities on how to comply with the VGB requirements. The original compliance due date for the Federal VGB Act was December 18, 2009, however, the California Legislature modified its interpretation of the VGB Act with AB1020 and extended the compliance date to July 01, 2010.

ACDEH is the local enforcement agency charged with the regulation and oversight of public pool and spa operations in Alameda County. Some operations have complied with AB1020 and the VGBA by submitting a Scope of Work (SOW) for review and approval, providing an approved contractor or engineer to install the approved safety devices, receiving a final inspection of the installation by an ACDEH inspector and properly completing and attaining the required signatures on a VGB or AB1020 certification form.

Those operations that have not completed the above described process by July 01, 2010 are non-compliant with both laws and will be posted "Closed" by this Department until certified compliant. Please also note that the VGBA provides for a substantial penalty for non-compliance as depicted in the following excerpt:

"Operating a pool or spa that does not comply with the requirements mandated by the VGBA is a violation of Section 1404 (c)(1)(A)(ii) and shall be considered 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, you and 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 Section 20 and 21 of the CPSA, 15 U.S.C. 2068 and 2070."

If your pool or spa is non-compliant or has been posted "Closed" for non-compliance, please make contact with this Department immediately as outlined below:

***City of Oakland.....Ho Kwan, Senior REHS510-567-6751**

***Cities of Albany, Emeryville, Alameda, San Leandro, Hayward and San Lorenzo...Rodel Villa, Senior REHS.....510-567-6883**

***Cities of Hayward, Union City, Newark and Fremont.....Newton Leung, Senior REHS....510-567-6815**

***Cities of Castro Valley, Dublin, Pleasanton, Sunol, Livermore....Chris Jonas, Senior REHS.....510-567-6773**

Alameda County Department of Environmental Health thanks you in advance for your cooperation with our Recreation Protection Program.