

IMPORTANT: READ CAREFULLY

PRODUCT SAFETY AND LIABILITY NOTICE

April 6, 2009

Re: **Non-compliance and liability of mismatched drain covers and frames**

Dear Hayward Customer:

Thank you for your continued support of our Industry's diligent effort to comply with the Virginia Graeme Baker Pool and Spa Safety Act. Through webinars, seminars, articles and interviews, we have shared the latest clarifications and interpretations regarding this legislation as it has been made public by various agencies, commissions and government authorities. Notwithstanding these efforts, trade reports continue to indicate that misunderstandings remain regarding the provisions of the VGB Safety Act.

Hayward is very concerned that implementation in the field is not proceeding at all times according to the VGB Pool and Spa Safety Act.

- 1. The practice of mismatching drain covers and frames or sumps is dangerous and creates a potential hazard to the pool or spa patron.**
- 2. If malfunction of a drain cover assembly occurs as a result of the installation of a non-Hayward drain cover on a Hayward frame or sump and said malfunction results in personal injury or property damage, Hayward bears no responsibility.**
- 3. Hayward bears no responsibility for any resulting personal injury or property damage resulting from the use of any non-Hayward parts.**

See below for a more detailed review of why we feel it is important that we communicate with you directly and forcefully on this issue:

The Act requires "...each public pool and spa in the United States shall be equipped with anti-entrapment devices or systems that comply with the ASME/ANSI A112.19.8 performance standard, or any successor standard...". ASME A112.19.8 – 2007 and the A112.19.8a – 2008 addenda defines Suction Fittings (drains and other suction outlets) as "...all components, including the sump and/or body, cover/grate, and hardware." Thus, **drain covers and frames or drain covers and sumps must be tested in combination to determine compliance** with that standard. Indeed, the ASME standard specifically provides that "cover/grate assemblies that...do not connect directly to the circulation piping must have either the manufacturer's recommended sump below or behind the outlet cover/grate, or a field sump of the design specified by the

manufacturer to control flow through the open area of the cover/grate.” Simply stated, **installation of anything other than the recommended Hayward drain cover on a Hayward frame or Hayward sump is not ASME A112.19.8-2007 or ASME A112.19.8a - 2008 compliant. Likewise, the installation of a Hayward drain cover on a non-Hayward frame or sump is not compliant.**

We have been advised that some pool builders, installers and servicers are attaching non-Hayward drain covers to Hayward frames and/or sumps. **Such a practice is dangerous as it creates a potential hazard to the pool or spa patron and should be discontinued.** There are non-Hayward covers presently in distribution that have been tested in combination with Hayward frames and/or sumps. This testing and evaluation reveals that **such a combination presents potential entrapment dangers due to misfit and/or inferior, non-compliant fastening systems.** A properly secured cover as defined in 2.1.1-6 of the ASME standard is imperative to a compliant suction fitting. In addition, test results of non-Hayward covers *and* frames presently in distribution conclude that these products are inferior to the entrapment prevention features of Hayward covers and frames or Hayward covers and sumps.

Anyone selling, recommending or installing non-Hayward covers for installation on Hayward frames or sumps may be held responsible for any liabilities associated with the dangers created by any mechanical or hydraulic mismatch or loss of fastening integrity. Consequently, Hayward customers should

- Use only WGX1048E or WGX1048EW, 8” round replacement cover on all Hayward 8” cover and frame or cover and sump.
- Use only WGX1031B, 9x9 square replacement cover and inner frame for replacement on all Hayward 9x9 cover and frame or cover and sump.
- Use only WGX1032B, 12x12 replacement cover and inner frame on all Hayward 12x12 cover and frame or cover and sump.
- Use only WGX1033B, 18x18 replacement covers and inner frames on all Hayward 18x18 cover and frame.

Thank you for your help and support regarding this very important subject. Should you have any questions, please feel free to contact me directly.

Sincerely,



Kevin Potucek
Vice President of Product Management