

**Jim Turner**  
Certified Building Inspector  
**“Finding the Unknown Within Your Home”**

Residential ~ Commercial ~ Roofing ~ Litigation Support ~ Forensic Investigations ~ Contractor QC Evaluations

---

January 1, 2018

**POOL SAFETY ACT**

“Swimming pool” or “pool” means any structure intended for swimming or recreational bathing that contains water over 18 inches deep. “Swimming pool” includes in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas, and non-portable wading pools.

Pools & Spas contain plumbing, electrical, heating, and mechanical components. Inspection of these components is limited to what is present, visible, operable and accessible. Inspected items are examined for significant nonperformance, excessive or unusual wear, leakage, and general state of repair. Pools & Spas bodies as well as components located below the water line, any non-visible and/or buried plumbing, electrical conduit, waterfalls, fountains, slides, diving boards, and other specialty equipment are considered beyond the scope of the inspection. Review of these items usually requires a qualified and licensed specialist and is up to the discretion of the inspector.

**Pool/Spa Safety**

On October 11, 2017, SB 442, known as the **Pool Safety Act** was signed into law. **Effective January 1, 2018, any home inspector performing an inspection of a home with a pool or spa, whether or not the inspector is performing a pool inspection, is required to identify and report which, if any, of seven specific drowning prevention safety features are present.**

**The Pool Safety Act requires:**

- 1 When a single-family residence with a pool (see definitions below) is transferred and a home inspection is performed on the home, the home inspection report shall identify which, if any, of seven specific drowning prevention safety features are present. Those safety features are defined in section 115922 of the Health & Safety Code.
2. The home inspection report shall specifically state if the pool or spa has fewer than two of the listed drowning prevention safety features.

**Applicable Definitions (Health and Safety Code 115921)** Section 11591 defines terms related to the requirements of the Bill:

“**Enclosure**” means a fence, wall, or other barrier that isolates a swimming pool from access to the home.

“**Approved safety pool cover**” means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91.

“**Exit alarms**” means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

**The Seven Drowning Safety Provisions (Health and Safety Code 115922)**

Section 115922 of the Health and Safety Code states that “Except as provided in Section 115925, when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home, the respective swimming pool or spa shall be equipped with at least two of the... seven drowning prevention safety features.”

The requirement for the safety features is triggered by the issuance of a permit for the construction or remodeling of a pool or spa. An inspection by the local building department is required prior to the issuance of a final approval.

With the passage of this bill, inspection of safety features is also triggered when a home inspection is completed on a single-family home with a swimming pool in conjunction with the transfer of a property. **NOTE** that there is no requirement for there to be a pool inspection **AND** there is no requirement for a pool inspection to verify the presence of the “2 of 7” safety features. It only applies when there is a transfer of the property with a swimming pool and a home inspection is performed on the single-family home.

## Jim Turner

Certified Building Inspector

*“Finding the Unknown Within Your Home”*

Residential ~ Commercial ~ Roofing ~ Litigation Support ~ Forensic Investigations ~ Contractor QC Evaluations

---

### Safety Feature One – Health and Safety Code 115922 (a)(1)

“An enclosure that meets the requirements of section 115923 and isolates the swimming pool or spa from the private single-family home.”

As noted earlier an “Enclosure” means a fence, wall, or other barrier that isolates a swimming pool from access to the home. There are six characteristics for an enclosure to comply with the bill. All six are required or the enclosure does not meet the requirement of the legislation. The first five requirements are from section 115923.

1. Any access gates through the enclosure must open away from the swimming pool, and must be self-closing with a self-latching device placed no lower than 60 inches above the ground.
2. The enclosure must be a minimum height of 60 inches.
3. The maximum vertical clearance from the ground to the bottom of the enclosure shall be no more than 2 inches.
4. Any gaps or voids in the enclosure shall not allow passage of a sphere equal to or greater than 4 inches.
5. The outside surface shall be free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over the enclosure.
6. The enclosure shall isolate the swimming pool or spa from the private single-family home. [Health and Safety Code 511922 (a)(1)]

If **ALL** six are present the enclosure meets the requirements as a safety feature.

### Safety Feature Two – Health and Safety Code 115922 (a)(1)

“Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.”

ASTM F2286 is a document, which includes many design and performance requirements.

Some of the design requirements can be measured.

- The top of a fence or wall used as a barrier needs to be a minimum of 48 inches above the exterior side of the grade.
- If there is a hinge to gate used in addition to, or as part of the mesh safety barrier, the gate shall be self-closing and self-latching. The gate shall accommodate a locking device and open outward from the pool, spa or hot tub. The locking device shall be located a minimum of 54 inches above the grade and be mounted on the outside of the gate.
- There must be a clear zone of 20 inches between the barrier and the pool/spa/hot tub.
- There must be a latching device no lower than 45 inches above grade for each barrier section. The latching device needs to provide security equal to or greater than that of a hook-and-eye-type latch incorporating a spring actuated retaining lever.
- The bottom of the mesh barrier can be no more than 1 inch above the deck or surface grade.

Some of the design requirements may not be conclusively verified.

- The distance between vertical support poles and the attached mesh shall be designed and fabricated to hinder the child’s ability to climb the mesh safety barrier.
- Any decorative details cannot allow a child to use those details to climb mesh safety barrier.
- The mesh safety barrier shall be removable.
- The mesh safety barrier shall continuous and constant protection. When used outdoors or in an unenclosed pool/spa/hot tub, the mesh safety barrier may provide 360° protection or may be attached to another property or perimeter fence to prevent unsupervised access to the pool.

---

Jim Turner ~ Certified Inspector

305 N. 2<sup>nd</sup> Ave. # 352 ~ Upland, CA. 91786 ~ Direct: 909.376.7000 ~ Fax: 909.992.3299

Email: [jimturnerinspector@gmail.com](mailto:jimturnerinspector@gmail.com) ~ [www.TheCertifiedInspector.com](http://www.TheCertifiedInspector.com) ~ Since 1992

## Jim Turner

Certified Building Inspector

***“Finding the Unknown Within Your Home”***

Residential ~ Commercial ~ Roofing ~ Litigation Support ~ Forensic Investigations ~ Contractor QC Evaluations

---

Many of the requirements of ASTM F2286 CANNOT be verified by a non-invasive physical examination of the safety feature.

- There 40% open space requirement in the mesh to allow visibility from the outside to the inside of the mesh fence.
- The posts shall be embedded 3 inches below grade and be spaced no more than 40 inches apart.
- There is a tensile strength test requirement for the mesh material.
- There is a discoloration test for the mesh material.
- There is a specific screw size requirement for attachment of a molding strip to the vertical posts.
- The deck sleeves shall be of a non-conductive material.
- There are specific Vertical Load Test and Impact Tests.
- There are labeling and warning sign requirements for the mesh safety barrier.

This raises the question, “Can any mesh fence be considered fully compliant by means of a non-invasive physical examination?”

### **Safety Feature Three – Health and Safety Code 115922 (a)(1)**

“An approved safety pool cover, as defined in subsection (d) of section 115921.”

ASTM F1346-91 is a seven page, two-column document that contains many design and performance requirements.

The requirements include but are not limited to:

- Knowledge of the materials and manufacturing process.
- Knowledge of the installation and the delivery of detailed instructions for installation.
- Extensive labeling requirements for the cover. (These include product labeling, warning labeling, proper signal words, safety alert symbols, word messaging, label color, font size, letter style, life expectancy of the cover, cover protection advice, attachment of the labels, replacement of labeling, instruction/use labeling, packaging labeling and compliance labeling.)
- Proper markings for the safety cover are to include manufacturer’s name, date manufactured or installed and instructions to the consumer to inspect the cover for premature wear or deterioration.
- No visible damage to seams, ties or welds that will impair intended performance of the device when subjected to safety cover tests.
- No gaps or openings between the cover and the deck surface or coping wall or both which could allow passage a test object to gain access to the water or be subject to entrapment.
- There are *specific test requirements and test methods* for testing Static Load, Perimeter Deflection, Surface Drainage and Opening Tests.

Most of the requirements of ASTM F1346 CANNOT be confirmed by means of a non-invasive physical examination.

---

Jim Turner ~ Certified Inspector

305 N. 2<sup>nd</sup> Ave. # 352 ~ Upland, CA. 91786 ~ Direct: 909.376.7000 ~ Fax: 909.992.3299

Email: [jimturnerinspector@gmail.com](mailto:jimturnerinspector@gmail.com) ~ [www.TheCertifiedInspector.com](http://www.TheCertifiedInspector.com) ~ Since 1992

## Jim Turner

Certified Building Inspector

*“Finding the Unknown Within Your Home”*

Residential ~ Commercial ~ Roofing ~ Litigation Support ~ Forensic Investigations ~ Contractor QC Evaluations

---

### Safety Feature Four – Health and Safety Code 115922 (a)(1)

“Exit alarms on the private single-family homes doors that provide direct access to the swimming pool or spa. The exit alarms may cause either an alarm noise or a verbal warning, such as a repeated notification that ‘the door to the pool is open.’”

As indicated earlier, an exit alarm means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building. (Health and Safety Code 115921)

Exit alarms are required on ANY door or window that permits access from the residence to the pool area without an enclosure between the pool and the residence. The exit alarm is required to make an audible sound when the door or window is opened or is left ajar. If a door or window is opened the alarm must sound. The exit alarm may be battery operated or hard wired.

### Safety Feature Five – Health and Safety Code 115922 (a)(1)

“A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private single-family home’s doors providing direct access to the swimming pool or spa.”

Any door providing direct access to the swimming pool or spa must be self-closing and self-latching. Does this include sliding glass doors? Yes, **ANY** door. In addition to the door being self-closing and self-latching there must be a release mechanism no lower than 54 inches above the floor. This can be in addition to the standard lock mechanism.

### Safety Feature Six – Health and Safety Code 115922 (a)(1)

“An alarm, when placed in a swimming pool or spa, will sound upon detection of accidental or an authorized entrance into the water. The alarm shall meet and be independently certified to the ASTM standard F 2208 ‘Standard Safety Specification for Residential Pool Alarms,’ which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or become submerged in water, is not a qualifying drowning prevention safety feature.”

The key phrase is the exit alarm “shall meet and be independently certified to ASTM standard F 2208”. All exit alarms complying with this standard SHALL be labeled or marked “Meets requirements of ASTM Safety Specification F 2208”. The name, model number, date of manufacturer, and contact information is required to be placed permanently on the product as appropriate.

There are four classifications of alarms, Surface, Subsurface, Pool Perimeter and Personal Immersion Alarms.

Most of the requirements of ASTM F2208-08 **CANNOT** be confirmed by means of a non-invasive physical examination.

These include but are not limited to:

- Alarm shall sound within 20 seconds both at the pool and within the residence via a remote receiver.
- The operational condition of the alarm shall be made known by means of an energized lamp at a distance of 10 feet +/- 1 foot and specified at a specified angle of view (45 degrees from perpendicular +/- % degrees).
- The alarm must have a minimum rating of 85 dba.
- If the alarm is battery operated there must be a low-battery indicator.
- The alarm must automatically reset.
- Wireless alarms must be FCC Part-15 compliant.
- If the alarm deactivates or has reduced sensitivity due to environmental factors, the alarm must provide a visual and audible warning.

---

Jim Turner ~ Certified Inspector

305 N. 2<sup>nd</sup> Ave. # 352 ~ Upland, CA. 91786 ~ Direct: 909.376.7000 ~ Fax: 909.992.3299

Email: [jimturnerinspector@gmail.com](mailto:jimturnerinspector@gmail.com) ~ [www.TheCertifiedInspector.com](http://www.TheCertifiedInspector.com) ~ Since 1992

## Jim Turner

Certified Building Inspector

*“Finding the Unknown Within Your Home”*

Residential ~ Commercial ~ Roofing ~ Litigation Support ~ Forensic Investigations ~ Contractor QC Evaluations

---

- There are various tests and test procedures for each type of alarm. Child tests may include repeated drop tests, vertical drop tests and horizontal drop tests using a child intrusion simulator called “Rescue Timmy” who meets the requirements of the National Center(s) for Disease Control for a one year old child.
- Instructions are required to be shipped with each unit using ANSI Z53 5.6 as a guide. At a minimum the instructions shall address proper installation, any needed adjustments, size and shape limitations of the pool, troubleshooting instructions, contact information for the manufacturer, power or battery requirements, recommended distance from transmitter to receiver and a statement that states: “This device is not intended to replace any other safety consideration; that is, adult supervision, lifeguards, fences, gates, pool covers, locks, and so forth, and some devices may not detect gradual entry.”

### **Safety Feature Seven – Health and Safety Code 115922 (a)(1)**

“Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the feature set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by ASTM or the American Society of Mechanical Engineers (ASME).”

Although this law does not create a point of sale correction requirement (unlike water heater strapping and smoke alarm & carbon monoxide detector compliance), it does trigger a disclosure to the *Buyer*.

---

Jim Turner ~ Certified Inspector

305 N. 2<sup>nd</sup> Ave. # 352 ~ Upland, CA. 91786 ~ Direct: 909.376.7000 ~ Fax: 909.992.3299

Email: [jimturnerinspector@gmail.com](mailto:jimturnerinspector@gmail.com) ~ [www.TheCertifiedInspector.com](http://www.TheCertifiedInspector.com) ~ Since 1992