



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814

STATEMENT OF COMMISSIONER NANCY NORD  
ON THE DECISION TO REVISE THE PROPOSED INTERPRETIVE RULE  
DEFINING “PUBLIC ACCOMMODATIONS FACILITY” UNDER THE  
VIRGINIA GRAEME BAKER POOL AND SPA SAFETY ACT

August 4, 2010

I voted with my colleagues today to re-propose for a 60 day comment period an interpretative rule to define the term “public accommodations facility” as that term is used in the Virginia Graeme Baker Pool and Spa Safety Act. I agreed to re-propose because I am interested in the insights and feedback from the public. Unlike the definition proposed last March which exempted the smallest establishments, the new proposal defines a public accommodations facility as every inn, hotel, motel or other place of lodging, including but not limited to, rental units rented on a bi-weekly or weekly basis.

I would also note, nonetheless, that I am comfortable with the definition we published last March in our proposed interpretative rule. This definition was recommended by staff, it appears elsewhere in our statutes, and is based on the history of other statutes: the American for Disabilities Act, the Civil Rights Act and the Federal Fire Protection and Control Act. In addition, Section 104c(2)(D) of the CPSIA also refers to the definition in the Federal Fire Protection and Control Act in discussing crib safety, a subject I believe that all would agree is a critical priority for this agency. As yet I am not persuaded that safety requires that we construct a different definition from that which is widely accepted as the correct definition of this term. I do see merit in the predictability that comes from following past precedent.

It should be remembered that an interpretative rule like the one being proposed today does not preempt states from choosing a different level of protection. I encourage public comments on this interpretative rule.