

# **VGBA Pool Safely Grant Program (PSGP)**

## **Frequently Asked Questions**

The U.S. Consumer Product Safety Commission (CPSC) provides the following frequently asked questions regarding CPSC’s Pool Safely Grant Program (PSGP), under the auspices of the Virginia Graeme Baker Pool and Spa Safety Act (VGBA), organized by the headings and topics below:

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### **Summary**

#### **1. What is the purpose of the VGBA PSGP funding opportunity?**

This VGBA PSGP funding opportunity is designed to assist state and local governments in implementing enforcement and education programs to prevent the drowning and drain entrapment of children in pools and spas. Funding is to be used for the specific activities listed below:

- 1) To hire and train enforcement personnel for implementation and enforcement of standards under the state or local swimming pool and spa safety law. At least 25 percent of funding must be used for this purpose. Administrative costs associated with hiring and training may be used to meet the 25 percent threshold.
- 2) To educate:
  - a) pool construction and installation companies and pool service companies about the standards;
  - b) pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming

pools and spas.

- 3) To defray administrative costs associated with such training and education programs.

**2. How much federal funding can an applicant request?**

Each applicant can request \$50,000 up to \$400,000 in federal funds under the PSGP.

**3. How much is available for the PSGP funding opportunity?**

Approximately \$3.5 million in total is available to be awarded.

**4. How many applications can an applicant submit?**

Only one application per entity will be considered for funding. If more than one application is submitted, CPSC will accept the last electronic application submitted by the applicant and validated by Grants.gov.

**5. What will happen if CPSC receives more than 1 application from a state (i.e., different organizations)?**

Local governments serving different communities within a state can apply, and we encourage multiple local governments of a state to apply. However, only one application per state or local government or political subdivision will be eligible for funding.

**Eligibility**

**6. Is this funding opportunity limited to state governments?**

No. Eligible applicants include local governments, some territories and Indian Tribes, as defined in the VGB Act. Specifically:

- The 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated State of Micronesia, the Republic of the Marshall Islands, Midway Island, Wake Island, Kingman Reef, Johnston Island, and the Canal Zone.
- Local Governments – political subdivisions of a state, which may include a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments, or any agency or instrumentality of a local government.
- Indian Tribes- any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims

Settlement Act (85 Stat. 688) [43 U.S.C. 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

**7. Can a non-profit organization apply for this funding opportunity?**

No. Grant proposal may be achieved by contracting with other entities, including civic organizations. However, the VGB Act and the FOA specify that an eligible applicant must be a state, local government or a political subdivision, or an Indian Tribe as defined in the Act. Political subdivisions may include counties, municipalities, cities, townships, towns, local public authorities, school districts; a political subdivision must be an agency or instrumentality of a local government.

**8. What does CPSC mean by “demonstrate to the CPSC’s satisfaction that the applicant has an enacted or amended a state or local law that meets the “minimum state law” requirements specified in Section 1406 of the VGB Act (15 U.S.C. § 8005)”?**

This means that, as part of the application, an applicant must submit a complete copy of the applicable state or local law, along with an explanation of how the law meets each of the safety requirements set forth in Section 1406(a)(1) of the VGB Act.

To be eligible, applicants must also demonstrate to CPSC’s satisfaction that the applicant has a state or local law that meets the requirements specified under Sections 1405 and 1406 of the VGB Act, Pub. L. No. 110-140, Title XIV, as amended, 15 U.S.C. §§ 8004- 8005.

**9. What are the requirements of the “minimum state law” specified under Section 1406?**

The minimum state law requirements for eligibility are:

- i. The enclosure of all outdoor 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;
- ii. That pools and spas built more than 1 year after the date of the enactment of such state or local law have:
  - I. More than 1 drain;
  - II. 1 or more unblockable drains; or
  - III. No main drain.

The barriers-to-entry requirement in Section 1406(a)(1)(A)(i) of the VGB Act applies to all outdoor residential pools and spas in the state or locality. The requirement in Section 1406(a)(1)(A)(ii) applies to all pools and spas in the state or locality, both public and residential, built more than 1 year after the date of enactment of the

state or local law.

The statutory requirements for PSGP eligibility, including applicable state and local law requirements, are located under the heading, “Minimum State Law Requirements.” (15 USC § 8005)

**10. Would a state or local jurisdiction that has adopted the International Swimming Pool and Spa Code (ISPSC) be eligible for this Grant?**

Each application must be reviewed on an individual basis to determine grant eligibility. However, as a general matter, it appears that state or local governments that have adopted the 2015, 2018, or 2021 ISPSC, or local jurisdictions enforcing a state’s adopted 2015, 2018, 2021 ISPSC law, may be eligible.

**11. Can the barrier requirements outlined in FAQ #10 exempt/not apply retroactively to existing pools and spas? Do the barrier requirements apply only to new installations?**

Under the law, a jurisdiction that has the appropriate barrier requirements would be eligible, regardless of whether the barrier requirements apply only prospectively, or both prospectively and retroactively. To be eligible for a grant, the state or local jurisdiction statute must include barrier requirements that apply to all swimming pools constructed in the state (or local jurisdiction) after the state (or local jurisdiction) submits an application to the CPSC for a grant.

**12. Are local governments eligible to apply if they are enforcing a local law?**

Yes, local governments may apply if they provide for enforcement of applicable state or local law. However, they must demonstrate that the state or local law meets Section 1406(a)(1) of the VGB Act.

**13. Are Federally Recognized Indian Tribes eligible to apply for this grant?**

Yes- “Indian Tribes- any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) [43 U.S.C. 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indian” are now eligible to apply.

**14. How does the VGB Act define a “public pool or spa”?**

Under the VGB Act, a “public pool or spa” means a swimming pool or spa that is:  
(a) open to the public generally, whether for a fee or free of charge; (b) open

exclusively to members of an organization and their guests; (c) open exclusively to residents of multi-unit apartment building, apartment complex, residential real estate development, or other multi-family residential area; (d) open exclusively to patrons of a hotel or other public accommodations facility; or (e) operated by the federal government or by a concessionaire on behalf of the federal government for the benefit of members of the Armed Forces and their dependents or employees of any department or agency and their dependents.

#### **15. What types of projects are authorized under the PSGP funding opportunity?**

Applicants can propose activities consistent with the authorized activities listed under section I.A., Purpose, under the PSGP FOA (reference question 1 of this FAQ).

- **Note:** *At least* 25 percent of award funds must be used for hiring and/ or training personnel for implementation and enforcement. This can include salaries.
- **Example:** Funds can be used to pay for the salaries of enforcement personnel, and funds can be used for the salaries of those delivering or administering the grant, like a grants manager. Salaries for enforcement personnel count in the enforcement category; salaries for administrative personnel count in the administrative category.
- **Example:** Funds can be used for administrative costs associated with salaries and training enforcement personnel and educating pool construction and installation companies and pool service companies about applicable state or local pool standards or educating pool owners, pool operators, and other members of the public about the state or local pool standards and about the prevention of drowning or entrapment of children using swimming pools and spas.
- **Example:** Funding can be used to train lifeguards. Because at least 25 percent of the funds must be used for hiring or training enforcement personnel, training funds for lifeguards can only be from the remaining funds.
- **Example:** Funding cannot pay for the salaries of lifeguards, only for their training and for education programs they may run.
- **Examples of allocations include proposing to use funds for:**  
A minimum of 25 percent for the hiring and training of enforcement personnel and up to 75 percent for education.

Enforcement funds – project coordinator, enforcement trainer, train the trainer enforcement training, registration for attendees, flight, per diem, and local travel for

enforcement-related training, CPO training materials, enforcement mailings, enforcement supplies, enforcement stipend.

Education funds: lifeguard training equipment, materials for conference (safety message bags, mini beach balls, lifejackets, training kits, throw bags, signs), cost of lifeguard instructor trainer, lifeguard instructor trainer certification, direct mail campaign, lifeguard training materials.

**16. Can applicants propose education/outreach projects only?**

No. Section 1405(d) of the VGB Act requires that at least 25 percent of the grant funds be used for the hiring and/or training of officials who enforce the state pool and spa safety law.

**17. Can an applicant propose to allocate more funds to one activity over another?**

Section 1405(d)(1) of the VGB Act states that at least 25percent of the grant funds must be used to hire and train enforcement personnel for implementation and enforcement of standards under the state or local swimming pool and spa safety laws. Use of the remaining funds is limited to the authorized activities under section 1405 of the VGB Act. However, there are no restrictions on allocation of funds among authorized activities.

Note that, regardless of the allocation, the proposed budget should align with the application narrative.

**18. Are sub-recipients eligible applicants under this award?**

We do not recommend making subawards/ using sub-recipients unless an applicant can meet all of the requirements and responsibilities of a pass-through entity (2 CFR 200.332). However, an applicant can propose that some aspects of the grant proposal be achieved by contracting with other entities, including non-profit entities (2 CFR § 200.331)

Note that contractor activities to be funded with grant funds are limited to activities permitted by the VGB Act and are subject to the overall allocation requirements of the VGB Act. For example, no more than a total of 75 percent of any grant award may be spent on education activities, whether such activities are conducted by the grantee or pursuant to contract. In addition, contracts must be procured according to state and local law and the requirements of 2 CFR § 200.317 and § 200.318, as applicable.

**19. Are there specific materials that must be included in our proposed PSGP training and education initiatives?**

To help ensure accurate and consistent messaging, proposals must include CPSC training and communication materials, such as:

- The 8-part CPSC training video, which provides instruction for the proper inspection of pools and spas for compliance with the VGB Act. This training MUST be included in all proposals. The video is available online at: [https://www.youtube.com/watch?v=aeelmTFpggc&list=PLNod1nEchwloV\\_2iurWoiuwx3qZhTqSfQ](https://www.youtube.com/watch?v=aeelmTFpggc&list=PLNod1nEchwloV_2iurWoiuwx3qZhTqSfQ).
- Additional CPSC education and communications resources are available for use at: <https://www.poolsafely.gov/educational-materials-catalog/>, including:
  - Brochures & Tip Cards
  - Technical Guides
  - Toolkits
  - Posters
  - Video/Radio PSAs
  - Print PSAs
  - Outdoor Signs and Billboards
  - Social Media Tools
  - Promotional items

Materials can be ordered from CPSC without charge by contacting: [poolsafely@cpsc.gov](mailto:poolsafely@cpsc.gov). Many items are also available in PDF format and can be printed by the user on an as-needed basis.

**20. Will recipients be allowed to extend beyond the 2-year project/budget period?**

Per 2 CFR 200.308(e)(2), Federal grants are eligible for a one-time, no-cost extension of up to 1 year to complete activities under the award. The request must be made in writing at least 10 days prior to the project period end date. No new funding would be made available.

**21. Explain the funding preference and describe the documentation needed.**

The funding preference is available for state and local governments with the greatest risk of child drowning and pool safety needs. Requesting it is optional. Each eligible application with a final Objective Review Committee score of 70 or greater will be assessed to receive a 5- point adjustment (should the funding preference be requested and supported by the data).

There is no specific documentation required, but an application must clearly set forth accurate and reliable data, demonstrating that the number of incidents involving child drownings, nonfatal submersions, and drain entrapments in their jurisdiction, relative to applicable populations, significantly exceeds comparable national statistics during comparable periods.

## **Application**

**22. Does Executive Order (E.O.) 12372 (Intergovernmental Review of Federal Programs) apply to the PSGP funding opportunity?**

No. The PSGP program is not subject to E.O. 12372.

**23. Who should be listed as the Program Director?**

The Program Director should be the person responsible for the administration, direction, and oversight of the project.

**24. Can the Program Manager be a contractor?**

Yes, the Program Manager can be a contractor or temporary hire.

**25. Is collaboration required?**

No. Although collaboration is encouraged, it is not a requirement. Collaboration with other stakeholders can include the following: other municipal departments; non-profit organizations; pool construction, installation, and service companies; pool owners and operators; professional organizations; local businesses; school systems; parent/teacher organizations; civic organizations; local public officials; and the media. Letters of support or collaboration are also encouraged, but not required.

**26. Must full-time enforcement personnel be hired?**

No, enforcement personnel do not need to be full-time; they may be part-time, seasonal, or temporary hires, depending upon jurisdictional needs.

## **Budget**

**27. What are the limitations for use of funding?**

Applicants may propose activities consistent with the authorized activities described in Section I.A., Purpose of the PSGP FOA. Use of PSGP funds for any other activities is not permitted. Funding restrictions specific to the PSGP include:



- At least 25 percent of award funds must be used to hire and train personnel for implementation and enforcement.
- Funds can be used to pay for the salaries of enforcement personnel, and they can be used for the salaries of those delivering or administering the grant. This could be someone like a trainer or a grants manager. The salaries of the enforcement personnel would be enforcement funds, and the salaries of those administering the grant would be education funds.
- Any remaining funds must be spent (a) to educate pool construction and installation companies and pool service companies about applicable state or local pool standards; (b) to educate pool owners, pool operators, and other members of the public about the state or local pool standards and about the prevention of drowning or entrapment of children using swimming pools and spas; and (c) to defray administrative costs associated with such training and education programs.
- Funds can be used to pay for administrative costs associated with training enforcement personnel and educating pool construction and installation companies and pool service companies about applicable state or local pool standards or educating pool owners, pool operators, and other members of the public about the state or local pool standards and about the prevention of drowning or entrapment of children using swimming pools and spas as education expenses. Administrative costs associated with such activities also count toward the education category.
- Funds must be obligated and costs incurred by the end of the 2-year project/budget period. Commitments must be paid-out within 90-calendar days of the end of the project/budget period.
- Funds cannot be used to construct, alter, or renovate pools or spas or to purchase, install, repair, or retrofit pool or spa equipment.

**28. Can grant funding be used to train lifeguards?**

Yes, funding can be used to train lifeguards. However, keep in mind that 25 percent of the funds must be used to hire enforcement personnel, so training funds can only be from the remaining 75 percent. Additionally, please remember that funding cannot pay for the salaries of these lifeguards, only for their training and for the education programs they may run.

**29. What is the difference between “obligated” and “expended”?**

The term “obligated” means that the grantee has incurred an expense that can be charged to the grant, but the expense has not yet been paid. The term “expended” means that the grantee has drawn and liquidated grant funds to pay the obligated

expense. Grantees must expend funds for obligated expenses within 90 calendar days after the end of the project/budget period.

### **Electronic Submission Requirement**

**30. How are applications submitted?**

Applications must be submitted electronically to Grants.gov. Applicants will receive an e-mail from Grants.gov verifying successful submission of the application and an application tracking number.

**31. What is the registration process for SAM.gov and Grants.gov?**

Registration in Grants.gov is required. Instructions for Grants.gov registration can be found at: <http://www.grants.gov/web/grants/applicants.html>. Because registration may take up to a month, start the process as soon as possible. Call Grants.gov at: (800) 518-4726 between 7 a.m. and 9 p.m. EST for technical assistance. Register through SAM first to get a UEI number and Tax number or employee number.

**32. What if my application is late? Will I get an extension?**

Extensions typically will not be issued for late applications. Extensions will only be granted for late applications if the Grants.gov website or related functions are not operational for the 24 hours immediately prior to the deadline. If that occurs, potential applicants will be notified by Grants.gov of the system failure and of CPSC's decision regarding the length of the extension.

### **Application Review**

**33. What is the review process, and how will the applications be evaluated?**

Grant applications are subject to a multistep review process. The eligibility review will assess application completeness and eligibility. The eligible applications will be reviewed by an Objective Review Committee (ORC) to assess technical merit. The application narrative and review criteria outlined in the PSGP FOA will be used by the ORC to review and rank applications.

**34. Will the amount of funds be reduced if there are substantially more eligible applications than available funds or depending on the strength of the application?**

Applications that are selected for grant awards will generally be funded at the full amount requested in the grant application. CPSC is obligated to remove costs which are unallowable under 2 CFR 200.

### **35. What are the criteria to make my application competitive?**

Applicants should request funds that are adequate, necessary, and reasonable to make the application competitive. Applications will be reviewed and scored independently by the ORC based on the application narrative and review criteria outlined under section IV. and V. of the PSGP FOA. CPSC encourages applicants to review carefully the PSGP criteria to ensure that applications meet or exceed the established criteria.

### **Recommendations from prior grantees**

#### **36. What has worked for prior grantees?**

- The best practice is to ensure a contingency plan is in place that includes easily accessible resources, shareable materials, and consistent unified messaging and communication with partners. Trainings should be short, offered on platforms that is accessible to many.
- Media reach and education worked well. The Pool Safely ads worked in conjunction with local ads to make residents and visitors aware of safety. Trainings should be interactive and short, offered on platforms that is accessible to many. If there is a lot of information to share, creating a series works best. Successful interactive elements for virtual sessions included polls and responses in the chat box; and provision of certificates or continuing education credits for participants. Finally make sure to record and share for those who could not attend or would like for future use.
- Identified best practices early in the grant were engaging industry pool and spa professionals in training.
- The most valuable advice learned from receiving and running the PGSP grant is to keep objectives simple, trackable and attainable.
- It is a team effort to achieve progress, especially working with both state and community partners.
- Networking and developing relationships provide additional training opportunities.
- Development of communication methods to send and receive data prior to implementation of a grant.
- While it is not always the best method, it is a good idea to have an engaging virtual training in the event there are unforeseen circumstances that make in person trainings difficult.
- One of the best practices achieved from the work on the PSGP project is the collaboration the awardee was able to achieve with other city departments. By collaborating with these other departments, they were able to broaden their outreach and increase efficiency of spreading the Pool Safely Messaging. Utilizing a variety of communication tools, such as social media and radio, helped them reach individuals in multitude of ways. It is important to have diversity in outreach to

ensure you are reaching as many people as possible.

- Partnership with health department and building department swimming facility enforcement personnel improved knowledge of VGB Act compliance topics and the national Pool Safely campaign.
- Development of the ‘Swimming Facility Owner’s VGB Act Compliance form,” which was distributed to swimming facilities and trainees.
- In-person “Best Practices for Compliance with the VGB Act” training reached participants.
- Video “Best Practices for Compliance with the VGB Act” training reached participants.
- Partnership with Spanish and English language news media companies to promote child water safety, drowning prevention, and suction entrapment prevention was helpful.
- Distribution of ‘partner kit’ water safety boxes to pools, organizations, and childcare providers was helpful.
- Listening and working with local communities on what was needed to improve drowning prevention rates and multi-sector partnerships ensure prevention efforts.