

Do You Have Questions Regarding California's Public Playground Minimum Safety Regulations?

Now You've Got Answers.

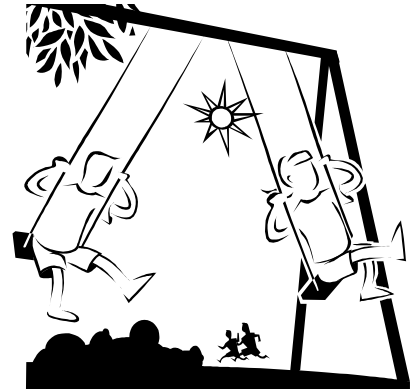
Question #1. Why were public playground safety regulations necessary?

A. On average, over 1,000 California children are hospitalized each year due to playground injuries. In addition to the pain and suffering these injuries cause to our children, the cost of these hospitalizations is almost \$7.5 million. Many of these injuries are avoidable. However, hundreds — if not thousands — of playgrounds in California lack adequate protective surfacing, fail to provide an adequate fall zone around slides or climbing equipment, have equipment placed too close together, have entrapment hazards, or have unacceptably dangerous equipment.

Question #2. Who developed the public playground safety regulations?

A. The California Legislature enacted Health and Safety Code sections 115725 through 115750, which required the adoption of regulations pertaining to the design, installation, inspection, maintenance, and supervision where appropriate of all playgrounds open to the public, and for the training of personnel involved in the design, installation, and maintenance of those playgrounds. In response to this mandate, the California Department of Health Services (DHS) adopted the playground safety regulations.

To assist it in developing the standards, DHS convened an Advisory Working Group consisting of representatives from the office of the State Architect, the California Parks and Recreation Society, the League of California Cities, the Department of Parks and Recreation, the California Department of Education, and the California Council of the American Society of Landscape Architects, as well as state and national experts in playground design and safety issues and representatives of public and private groups which would be affected by the regulations.



Question #3. What do the regulations require?

A. The regulations impose several requirements on playground operators. For example, playground operators must comply with specified sections of the Consumer Product Safety Commission's (CPSC) Handbook for Public Playground Safety and the Standard Consumer Safety Performance Specification for Playground Equipment for Public Use (ASTM Standard), that relate to the design, installation, inspection, and maintenance of a playground and playground equipment (see insert for more detailed information).

Operators were also required to have an initial inspection of their playgrounds performed by a Certified Playground Safety Inspector by October 1, 2000. Based on advice provided at the initial inspection, operators must implement any changes in the design, installation, inspection, maintenance and supervision of their playgrounds that are identified as necessary to comply with the requirements. Operators are required to upgrade their playgrounds by replacement or improvement to the extent required by Health and Safety Code section 115730.

Operators are required to design or redesign playgrounds, locate or relocate playground equipment and routes of access to and from playgrounds, and surface or resurface portions of playgrounds to comply with specified criteria in the CPSC Handbook and the ASTM Standard. Operators are also required to provide playground equipment and surfacing materials that comply with specified criteria in the CPSC Handbook and the ASTM Standard.

The regulations also require playground operators to have playground equipment assembled and installed in compliance with the written instructions of the manufacturer. Either the playground equipment shall be assembled and installed by or under the direct supervision of an individual who is authorized by the manufacturer to assemble and install the equipment or, prior to its first use, the playground equipment shall be inspected by a Certified Playground Safety Inspector who shall certify to the operator in writing that the equipment, insofar as it can be seen without disassembling it or digging into the surfacing, is in compliance with the state's requirements.

Operators are also required to maintain and inspect the playground and playground equipment in accordance with specified sections of the CPSC Handbook and ASTM Standard.

Further, operators are required to train their personnel involved in the design, installation, and maintenance of a playground by ensuring their personnel have read and understood the state's requirements, before participating in the design, installation or maintenance of a playground for which the personnel has responsibility.

Question #4. Who is considered a "playground operator" for purposes of these regulations?

A. The regulations apply to public agencies, including a state agency, city, county, city and county, school district, and any other district, as well as any entity operating a playground which is open to the public, including (but not limited to) a church, subdivision, hotel, motel, resort, camp, office, hospital, shopping



center, day care setting, and restaurant. The regulations apply to child care centers regulated by the California Department of Social Services pursuant to California Code of Regulations, Title 22, Division 12, Chapter 1, and facilities operated for the developmentally disabled.

Any of the above entities having a playground open to the public is a "playground operator" for purposes of the regulations.

The regulations do not apply to a foster family home, certified family home, small family home, group home, or family day care home, which is licensed and regulated to meet child safety requirements enforced by the California Department of Social Services.

Question #5. What is the deadline for coming into compliance with the regulations?

A. All public agencies operating playgrounds, including a state agency, city, county, city and county, and district, shall upgrade their playgrounds by replacement or improvement, as necessary to satisfy the regulations, to the extent state funds are made available specifically for that purpose through state bonds or other means. All other entities operating playgrounds open to the public shall upgrade their playgrounds by replacement or improvement, as necessary to satisfy the regulations, on or before January 1, 2003.

Question #6. Is there a different deadline for recently-installed playgrounds?

A. Yes. The regulations do not currently apply to playgrounds which were installed between January 1, 1994 and December 31, 1999 and which have been updated to comply with the 1994 CPSC playground safety guidelines. Those playgrounds are subject to the requirements set forth in Health and Safety Code section 115730(b) until 15 years after the date those playgrounds were installed, at which time those playgrounds shall be subject to the public playground safety regulations.

Question #7. What constitutes a "playground" for purposes of these regulations?

A. The term "playground" refers to an improved outdoor area designed, equipped, and set aside for children's play that is not intended for use as an athletic playing field or athletic court, and includes any play equipment, surfacing, fencing, signs, internal pathways, internal landforms, vegetation, and related structures.

Question #8. What constitutes “playground equipment” for purposes of these regulations?

A. “Playground equipment” means a fabricated structure intended primarily for play by children located at a playground which has at least one surface designated and intended for play by children and which is anchored to or built into the ground and not intended to be moved.

Question #9. Who qualifies as a “playground supervisor” for purposes of these regulations?

A. The term “supervisor” means an individual who has been hired or appointed by the operator, on a paid or volunteer basis, and trained by the operator to oversee the use of the playground, report hazards or injuries, and administer first aid in the case of injury.

Question #10. What age range of children are the regulations aimed at protecting?

A. The regulations define the term “children” as individuals who are two years of age through twelve years of age.

Question #11. Who qualifies as a Certified Playground Safety Inspector?

A. A Certified Playground Safety Inspector is a person who possesses a current Certified Playground Safety Inspector certificate issued by the National Playground Safety Institute.

Question #12. How do I find a Certified Playground Safety Inspector in my area?

A. For Certified Playground Safety Inspectors in your area, contact the California Parks and Recreation Society at (916) 665-2777 or www.cprs.org.

Question #13. What financial assistance is available to meet the requirements?

A. The California Integrated Waste Management Board (CIWMB) administers two grant programs designed to help upgrade the state’s public playgrounds. (1) The Playground Safety and Recycling Grant Program was established to assist local *educational* agencies in using recycled-content materials to upgrade public playgrounds, prevent injuries and satisfy DHS’ playground safety regulations. Additionally, the use of recycled-content materials will help conserve resources and develop markets for these materials. (2) CIWMB’s Park Accessibility and Recycling Grant Program was established to assist *parks and other specified types of districts* in using recycled-content materials to upgrade public playgrounds. The upgrades are needed to meet state accessibility requirements and satisfy DHS’ playground safety regulations. Additionally, the use of recycled-content materials will help conserve resources and develop markets for these materials. For further information on timeframes and eligibility, please contact CIWMB at (916) 341-6441 or www.ciwmb.ca.gov/playgrounds/.



Child care providers who are California Department of Education contractors may qualify for funding from the Child Care Facilities Revolving Fund; those funds can be used toward the work-related costs of installing a new playground (such as site, grading, paving, fencing, and shade structures). Equipment is not an allowable cost under this grant program. For more information, contact CDE’s Child Development Division at (916) 322-6233 or www.cde.ca.gov/cyfsbranch/child_development.

Question #14. Wasn't there recent legislation regarding special provisions for playgrounds at child care centers?

A. Yes. SB 1619 (Alpert) (Chapter 550, Statutes of 2000) requires the California Department of Social Services (DSS) to convene a working group to develop recommendations for minimum safety requirements for playgrounds at child care centers. The working group shall include, but not be limited to, child care center operators, including representatives of the Professional Association for Childhood Education, the California Child Care Health Program, the Children's Advocacy Institute, the California Department of Health Services, and certified playground inspectors. The working group shall use the national guidelines published by the CPSC and the regulations adopted by DHS as a reference in developing its recommendations. The new law requires DSS to determine minimum safety requirements that are protective of child health on playgrounds at child care centers. The working group is required to submit its playground safety recommendations to DSS by September 1, 2001, and to the Legislature by November 1, 2001. At that point, the Legislature will determine if new regulations for child care centers should be promulgated.

Question #15. How can I obtain a copy of the DHS regulations and related materials?

A. The regulations are available online at www.dhs.ca.gov/epic/html/playgrnd.htm. Alternatively, the Children's Advocacy Institute will mail you a copy free of charge if you send a self-addressed, stamped envelope to the Children's Advocacy Institute, Attn: Playground Safety Project, 5998 Alcalá Park, San Diego, CA 92110. However, to obtain the two major documents incorporated by reference, you must contact the original source:

(1) "Guidelines for Public Playground Safety," U.S. Consumer Product Safety Commission (CPSC), publication #325 (date code: 009711). Contact the regional office of the Commission nearest you: for Northern California, call (510) 637-4050; for Southern California, call (949) 829-8249. There is no charge. You may also download the Guidelines from the CPSC web site at www.cpsc.gov.

(2) "Performance Specification for Playground Equipment for Public Use, ASTM, Designation: F 1487-98." This American Society for Testing and Materials (ASTM) document is protected by copyright and must be purchased. The cost is approximately \$45. To order, mail or fax a purchase order to: ASTM, 100 Barr Harbor Drive, West Conshohocken, PA 19428. For more information, contact ASTM Customer Service at (610) 832-9585 or www.astm.org.

PLAYGROUND SAFETY RESOURCES

American Society for Testing and Materials (ASTM)
100 Barr Harbor Drive — West Conshohocken, PA 19428
(610) 832-9585 — www.astm.org

California Center for Childhood Injury Prevention
San Diego State University — Graduate School of Public Health
6505 Alvarado Road, Suite 208 — San Diego, CA 92120 — www.cccip.org

California Department of Education, Child Development Division
560 J Street, Room 220 — Sacramento, CA 95814
(916) 322-6233 — (916) 323-6853 — www.cde.ca.gov/cyfsbranch/child_development/

California Department of Health Services
(916) 445-4171 — www.dhs.ca.gov

**California Department of Health Services
Epidemiology and Prevention for Injury Control Branch (EPIC)**
Mail Station 39A — P.O. Box 942732
Sacramento CA 94234-7320 — www.dhs.ca.gov/epic



California Integrated Waste Management Board
Playground Safety and Recycling Program
Grants Hotline: (916) 341-6441 — www.ciwmb.ca.gov/playgrounds

California Parks and Recreation Society
7971 Freeport Blvd — Sacramento, CA 95832-9701
(916) 665-2777 — (916) 665-9149 (fax) — www.cprs.org

Children's Advocacy Institute
University of San Diego School of Law — 5998 Alcalá Park — San Diego, CA 92110
(619) 260-4806 — (619) 260-4753 (fax) — www.acusd.edu/childreissues

Consumer Federation of America
1424 16th Street, Suite 604 — Washington, D.C. 20036
(202) 387-6121 — www.consumerfed.org

National Playground Safety Institute
c/o National Recreation and Park Association
22377 Belmont Ridge Road — Ashburn, VA 20148
(703) 858-2148 — www.nrpa.org

National Program for Playground Safety
School for Health, Physical Education and Leisure Services WRC 205
University of Northern Iowa — Cedar Falls, Iowa 50614-0618
(800) 554-PLAY — (319) 273-7308 (fax) — www.uni.edu/playground

U.S. Consumer Product Safety Commission (CPSC)
Northern California Regional Office: (510) 637-4050
Southern California Regional Office: (949) 829-8249 — www.cpsc.gov

U.S. Public Interest Research Group
218 D Street, SE — Washington, DC 20003
202-546-9707 — 202-546-2461 (fax) — www.uspirg.org



This guide on California's playground safety regulations was prepared by the Children's Advocacy Institute (CAI) at the University of San Diego School of Law. CAI is an academic and advocacy center dedicated to promoting the health, safety, and welfare of children. CAI's program includes academic courses and clinical training of law students in child advocacy; policy advocacy on behalf of children in the legislature, state agencies, and the courts; and legal and budget research on issues relevant to children's health and well-being. CAI has offices in San Diego and Sacramento. For more information, call CAI at (619) 260-4806 or visit our website at www.acusd.edu/childreissues.

Funding for creating and distributing this guide was provided by the California Kids' Plates Program. Proceeds from the sales of Kids' Plates license plates fund programs that benefit California's child injury prevention efforts; child abuse prevention; and child care health and safety training. For more information on Kids' Plates, including information on how to order a Kids' Plate, call 800-HEY-KIDS or visit the Kids' Plates website at www.kidsplates.org.

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