



Playground Safety

Healthy Children, Strong Families, Caring Communities

Handout #45

This handout discusses:

- Federal regulations regarding playground safety
- What are the law's requirements

Federal Law

The Department of Health Services Regulation 39-97 became law on January 1, 2000. This regulation requires that a Certified Playground Safety Inspector audit all existing playgrounds before October 1, 2000, and all new playgrounds thereafter, before they are opened to the public.

The federal law mandates that all states develop new regulations for playground safety. The State Department of Health Services, along with several other agencies, are to adopt regulations that govern playgrounds. These regulations will govern playgrounds operated by public agencies and by any entity where the playground is open to the public. These regulations will affect child care centers and other playground operators.

California Law

AB 1055 requires that all public playgrounds be inspected by an inspector certified by the National Playground Safety Institute. This applies to both public and private agencies operating playgrounds open to the public. There is one exception: any playground installed between January 1, 1994 and December 31, 1999 does not have to comply with the DHS playground safety regulations until 15 years after the date the playground was installed, if they comply with current federal regulations.

Playgrounds built during that period will have to be replaced

to meet criteria at least as protective as the guidelines in the Handbook for Public Playground Safety, Publication Number 325, United States Consumer Safety Products Commission, November 1994. In other words, operators who have attempted to comply with the new state regulations may not have to make additional changes during that period if they meet the federal guidelines.

Public operators of playgrounds open to the public, such as public schools, are only required to upgrade to the extent that state funds are made available for that purpose. Foster family homes, certified family homes, small family homes, group homes and family child care homes are exempt from these regulations. Instead, the California Department of Social Services will develop playground safety regulations for family child care homes.

Main Requirements

The main requirements of the new regulations are:

- The regulations cover the design, installation, maintenance and supervision (where appropriate) of playgrounds; and training for personnel involved in the design, installation and maintenance of playgrounds.
- The regulations require playground operators to have an initial inspection of their playgrounds by a Certified Playground Safety Inspector. The inspector will

give advice about what needs to be done to bring the playground into compliance.

- The regulations require playgrounds run by both public and private operators to comply with Consumer Product Safety Commission (CPSC) guidelines and American Society for Testing and Materials (ASTM) standards.

The law does not require the Department of Health Services or any other entity to enforce the playground safety regulations. However, the courts will use the regulations as the standard of care if a lawsuit is filed as the result of a child being injured on a playground. It is also possible that insurance carriers will require certification as a condition of coverage. Check with the agencies listed below for more information on playground safety and safety inspections. The focus of the inspection will include these elements:

- Protrusions
- Pinch points
- Head entrapment
- Safety zones

Resources

National Recreation and Park Association

22377 Belmont Ridge Road
Ashburn, VA 20148-4150
Phone: 703/858-0784
Fax: 703/858-0794
Website: www.nrpa.org
Certifies Playground Safety Inspectors and sells testing equipment and training materials. Maintains a roster of Certified Playground Safety Inspectors.

California Park and Recreation Society

7971 Freeport Boulevard
Sacramento, CA 95832
Phone: 916/665-2777
Fax: 916/665-9149
www.cprs.org
Sponsors Playground Safety Inspector Certification training in California.

American Society for Testing and Materials (ASTM)

100 Barr Harbor Drive
West Conshohocken, PA 19428-2959
Phone: 610/832-9585
Fax: 610/832-9555
www.astm.org
Publishes "Standard Consumer Safety Performance Specifications for Playground Equipment for Public Use" ASTM F 1487 and other standards related to playground safety. There is a charge for their publications.

U.S. Consumer Product Safety Commission (CPSC)

Washington, DC 20207-0001
Phone: 800/638-2772
Fax: 301/504-0124 or 504-0025
www.cpsc.gov
Publishes "Handbook for Public Playground Safety" publication 325, available at no cost on the internet.

Child Action, Inc.

9961 Horn Road
Sacramento, CA 95827
Phone: 916/369-0191
Fax: 916/369-0318
www.childaction.org
Child Action, Inc. has materials available on the regulations, as well as the list of certified playground inspectors for California.

David Spease, Landscape Architect

David Spease
9666 Sheldon Road
Elk Grove, CA 95624-9437
Phone & Fax: 916/689-8636
david@spease.com
www.spease.com

Kaplan Early Learning Company

Bryan Kilmer
Playground Specialist, CPSI
415 Ogle Circle
Costa Mesa, CA 92627
Phone & Fax: 949/548-2569
kilmer@kaplan.com
www.kaplanco.com
Christy Smith (assistant)
csmith@kaplanco.com

Play It Safe

J.C. Boush
14682 Long View Drive
Fontana, CA 92337
Phone: 909/355-7529
Fax: 909/355-7530
playitsafesigns@aol.com

Peaceful Playgrounds

Melinda Bossenmeyer, Ed.D
23181 Pretty Doe Drive
Canyon Lake, CA 92587
Phone: 877/444-9888
Fax: 951/244-1844
sales@peacefulplaygrounds.com
www.peacefulplaygrounds.com

ABC Playground Safety

Jeff Davis
2235 243rd Street
Lomita, CA 90717
Phone: 310/880-6126
Fax: 310/325-5028
info@abcplaygroundsafety.com
www.abcplayground-safety.com