

R430-70-12: INJURY PREVENTION.

- (1) The provider shall ensure that the building, grounds, toys, and equipment are maintained and used in a safe manner to prevent injury to children.

Rationale / Explanation

Proper maintenance is a key factor in trying to ensure a safe environment for children. Regular inspections are critical to prevent breakdown of equipment and the accumulation of hazards in the environment, and to ensure that needed repairs are made quickly. Regular maintenance checks and appropriate corrective actions documented in writing can reduce the risk of potential injury and provide a mechanism for periodic monitoring and improvements. CFOC, 3rd Ed. pgs. 237-238 Standard 5.3.1.1, pgs. 259-260 Standard 5.7.0.2, pg. 260 Standard 5.7.0.4, pg. 277 Standard 6.2.5.1, pg. 375 Standard 9.2.6.3

The physical structure where children spend each day can present safety concerns if it is not kept in good repair and maintained in a safe condition. For example, peeling paint in older buildings may be ingested, floor surfaces in disrepair could cause falls and other injuries, broken windows could cause severe cuts. Children's environments must also be protected from exposure to moisture, dust, and excessive temperatures. CFOC, 3rd Ed. pg. 261 Standard 5.7.0.7

The American Academy of Pediatrics and the American Public Health Association recommend that windows in areas used by children under age 5 not open more than 3.5 inches, or else be protected with guards that prevent children from falling out of the window. CFOC, 3rd Ed. pgs. 204-205 Standard 5.1.3.2.

Constant direct supervision is also needed in order to ensure that even well-maintained equipment is not used in unsafe ways. CFOC, 3rd Ed. pgs. 64-66 Standard 2.2.0.1

Enforcement

This rule applies to both indoor and outdoor areas.

Level 2 Noncompliance if melting wax, such as in a candle warmer, is accessible to children.

Other than above, a finding to this rule is issued only when there is not another rule that specifically addresses an observed lack of safe maintenance or use of the building, grounds, toys, and equipment. The noncompliance level depends on what was observed.

- (2) The provider shall ensure that walkways are free of tripping hazards such as unsecured flooring or cords.

Rationale / Explanation

The purpose of this rule is to prevent injuries to children from tripping and falling. CFOC, 3rd Ed. pgs. 237-238 Standard 5.3.1.1

Enforcement

This rule does not prevent the use of throw rugs.

Always Level 2 Noncompliance.

- (3) Areas accessible to children shall be free of unstable heavy equipment, furniture, or other items that children could pull down on themselves.

Rationale / Explanation

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Children have suffered serious injuries and death due to unstable heavy equipment falling on them. The Consumer Product Safety Commission (CPSC) estimates that, between 2009 and 2011, 25,400 children had emergency department treated injuries from tip-overs and 44% of those tip-overs involved televisions and furniture. They also estimate that, between 2009 and 2011, there were 294 child fatalities from tip-overs and 62% of those involved televisions and furniture.

Enforcement

Always Level 2 Noncompliance.

- (4) **The following items shall be inaccessible to children:**
- (a) **firearms, ammunition, and other weapons on the premises. Firearms shall be stored separately from ammunition, in a locked cabinet or area, unless the use is in accordance with the Utah Concealed Weapons Act, or as otherwise allowed by law;**

Rationale / Explanation

The purpose of this rule is to prevent child injuries or deaths from firearms. Children have a natural curiosity about firearms and have often seen their use glamorized on television. Firearms pose a great potential for tragic accidents with children. CFOC, 3rd Ed. pg. 257 Standard 5.5.0.8, pg. 363 Standard 9.2.3.16.

Enforcement

This rule applies to both indoor and outdoor areas.

Firearms include guns, muzzle loaders, rifles, shotguns, hand guns, pistols, and automatic guns.

Firearms must be stored separately from ammunition, in a cabinet or area that is locked with a key or combination lock. Use of a trigger lock is not an acceptable alternative to storing firearms in a locked cabinet or area.

A weapon is defined as an item for which the intended use can cause harm or death to people or animals. Paintball guns, BB guns, Airsoft guns, stun guns, tasers, and mace are considered weapons, and must be inaccessible to children in care.

Level 2 Noncompliance if a firearm with a trigger lock is accessible.

Level 1 Noncompliance otherwise.

- (4) **The following items shall be inaccessible to children:**
- (b) **tobacco, alcohol, illegal substances, and sexually explicit material;**

Rationale / Explanation

The age, defenselessness, and lack of mature judgement of children in care make the prohibition of tobacco, alcohol, and illegal substances an absolute requirement in child care programs. CFOC, 3rd Ed. pg. 118-119 Standard 3.4.1.1, pg. 363 Standard 9.2.3.15

Scientific evidence has linked respiratory health risks to secondhand smoke. No children, especially those with respiratory problems, should be exposed to additional risk from the air they breathe. Infants and young children exposed to secondhand smoke are at risk of developing bronchitis, pneumonia, and middle ear infections when they experience common respiratory infections. CFOC, 3rd Ed. pg. 118-119 Standard 3.4.1.1, pg. 363 Standard 9.2.3.15

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Enforcement

This rule applies to both indoor and outdoor areas.

Unsmoked cigarettes, cigarette butts, electronic cigarettes and chewing tobacco must be inaccessible because they contain tobacco and harmful substances.

Level 1 Noncompliance if children have access to tobacco, alcohol, or illegal substances

Level 2 Noncompliance otherwise.

(4) The following items shall be inaccessible to children:

(c) when in use, portable space heaters, fireplaces, and wood burning stoves;

Rationale / Explanation

Portable space heaters, fireplaces, and wood burning stoves are all hot enough to burn children when in use. They can also start fires when heating elements, flames, or hot surfaces are too close to flammable materials, including children's clothing. In addition, fireplaces and wood burning stoves can be sources of toxic products of combustion. CFOC, 3rd Ed. pgs. 215-216 Standards 5.2.1.11, 5.2.1.12, 5.2.1.13

Enforcement

This rule applies to both indoor and outdoor areas.

Level 1 Noncompliance for accessible wood burning stoves or fireplaces.

Level 2 Noncompliance for accessible portable space heaters.

(4) The following items shall be inaccessible to children:

(d) toxic or hazardous chemicals such as insecticides, lawn products, and flammable materials;

Rationale / Explanation

All of these substances can cause illness or death through accidental ingestion. Flammable materials are also involved in many non-house fire flash burn admissions to burn units. CFOC, 3rd Ed. pgs. 226-229 Standards 5.2.8.1, 5.2.9.1, pgs. 234-235 Standard 5.2.9.11, pg. 256 Standard 5.5.0.5

Enforcement

This rule applies to both indoor and outdoor areas.

Sanitizers, including bleach water, are considered to be hazardous chemicals.

Level 2 Noncompliance if any of the following are accessible to children:

- *insecticide*
- *insect repellent*
- *pesticide*
- *weed killer*
- *gasoline*
- *kerosene*
- *paint thinner*
- *turpentine*
- *linseed oil*

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- jewelry cleaner
- bleach
- nail polish remover
- rubbing alcohol
- anti-freeze
- windshield washer fluid
- gunpowder
- WD-40
- super glue
- liquid correction fluids, such as White Out
- rubber cement
- spray paint
- gun solvent
- water sealant
- fertilizer with weed killer (such as Weed and Feed)
- iodine
- model glue
- drain cleaners
- ammonia
- florescent light bulbs not in lamps or other similar light fixtures

Level 3 Noncompliance if fish bowl/tank cleaners are accessible to children.

- (4) The following items shall be inaccessible to children:
(e) poisonous plants;

Rationale / Explanation

Plants are among the most common household substances that children ingest. Poisonous plants can also cause skin rashes. CFOC, 3rd Ed. pg. 234 Standard 5.2.9.10

See CFOC, 3rd Ed. pgs. 470-471, Appendix Y for a list of safe and poisonous plants.

Enforcement

Poisonous plants include poison ivy, poison oak, stinging nettle, oleander, jimson weed, castor bean, toadstools, and mushrooms.

Always Level 3 Noncompliance.

- (4) The following items shall be inaccessible to children:
(f) matches or cigarette lighters;

Rationale / Explanation

Accidental fires are often started by children playing with matches and cigarette lighters. CFOC, 3rd Ed. pg. 256 Standard 5.5.0.6

Enforcement

Always Level 2 Noncompliance.

- (4) The following items shall be inaccessible to children:

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(g) open flames; and

Rationale / Explanation

Children are at risk of burns from open flames. Fires may also be accidentally started by open flames, such as a burning candle. CFOC, 3rd Ed. pg. 256 Standard 5.5.0.6

Enforcement

This rule does not prevent a program from having a birthday cake or cupcakes with candles, provided there is constant direct supervision of the lit candles until they are blown out. However, local Fire Marshal rules must be followed.

Always Level 1 Noncompliance.

(4) The following items shall be inaccessible to children:

(h) razors or similarly sharp blades.

Rationale / Explanation

The purpose of this rule is to prevent children from being cut or having their skin punctured by sharp objects. CFOC, 3rd E. pgs. 237-238 Standard 5.3.1.2, pgs. 284-285 Standard 6.4.1.2

Enforcement

This rule does not include staples, staplers, adult scissors, thumb tacks, push pins, or staple removers.

This rule is not meant to prohibit children from engaging in supervised woodworking activities.

Always Level 2 Noncompliance.

(5) The provider shall store all toxic or hazardous chemicals in a container labeled with its contents.

Rationale / Explanation

The purpose of this rule is so that a toxic or hazardous chemical is not mistaken for a harmless material. For example, an unlabeled bottle of bleach water used for sanitizing could be mistaken for plain water. CFOC, 3rd Ed. pgs. 228-229 Standard 5.2.9.1

Enforcement

Toxic or hazardous chemicals include sanitizing solutions.

Always Level 2 Noncompliance.

(6) Hot water accessible to children shall not exceed 120 degrees Fahrenheit.

Rationale / Explanation

Tap water burns are the leading cause of nonfatal burns, and children under 5 years of age are the most frequent victims. Water heated to 130 degrees Fahrenheit takes only 30 seconds to burn the skin. Water heated to 120 degrees takes 2 minutes to burn the skin. CFOC, 3rd Ed. pg. 216 Standard 5.2.1.14

Enforcement

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This rule refers to water in sinks used by children.

Due to the variable accuracy of hot water thermometers, this rule is not considered out of compliance unless the temperature measures 123 degrees or hotter.

Level 2 Noncompliance if the hot water temperature is 128 degrees or higher.

Level 3 Noncompliance if the temperature is between 123 and 127.9 degrees.

- (7) Indoor stationary gross motor play equipment, such as slides and climbers, shall not have a designated play surface that exceeds 5-1/2 feet in height. If such equipment has an elevated designated play surface that is 3 feet or higher it shall be surrounded by cushioning that meets ASTM Standard F1292, in a six foot use zone.**

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on play equipment are from children falling. Hard surfaces are not acceptable under most play equipment. A fall onto a hard surface could be life threatening. CFOC, 3rd Ed. pgs. 237-238 Standard 5.3.1.1, pgs. 273-274 Standard 6.2.3.1, pgs. 277-278 Standard 6.2.5.2

There are several different types of ASTM compliant cushioning that can be used under indoor play equipment. These include certain mats, carpeting, and unitary cushioning materials. For examples of possible ASTM compliant indoor cushioning materials, see:

- <http://www.safelandings.com>
- <http://www.surfaceplay.com>
- <http://www.baplaysets.com/shopping/cfmodularmats.asp>
- http://www.daycaremall.com/softplay_3.html

Enforcement

This rule only applies to stationary gross motor play equipment, such as a climber, slide, swing, or merry-go-round. A rock wall is not considered a climber.

Slides in indoor swimming areas do not count as playground equipment.

Mats that are part of the equipment are considered cushioning and part of the use zone.

Level 1 Noncompliance if indoor play equipment exceeds the allowed height and does not have the required cushioning.

Level 2 Noncompliance if indoor play equipment exceeds the allowed height but has the required cushioning.

- (8) There shall be no trampolines on the premises that are accessible to children in care.**

Rationale / Explanation

Trampolines pose serious safety hazards. The Consumer Product Safety Commission estimates that in 1998 there were 95,000 hospital emergency room-treated injuries associated with trampolines. About 75% of the victims are under 15 years of age. The hazards that result in injuries and deaths are:

- *falling or jumping off the trampoline.*

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- falling on the trampoline springs or frame.
- colliding with another person on the trampoline.
- landing improperly while jumping or doing stunts on the trampoline.

Enforcement

This rule includes full size above-ground trampolines, built into the ground trampolines, and mini-trampolines.

Always Level 1 Noncompliance.

- (9) **If there is a swimming pool on the premises that is not emptied after each use:**
- (a) **the provider shall ensure that the pool is enclosed within a fence or other solid barrier at least six feet high that is kept locked whenever the pool is not in use;**

Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. CFOC, 3rd Ed. pg. 7 Standard 1.1.1.5, pg. 267 Standard 6.1.0.6, pg. 278 Standard 6.3.1.1, pg. 280 Standards 6.3.1.6, 6.3.1.7, 6.3.1.8, pgs. 281-282 Standards 6.3.2.1, 6.3.2.2, 6.3.2.3, 6.3.3.1, 6.3.3.2, 6.3.3.4

Enforcement

This rule applies to both indoor and outdoor areas.

For a swimming pool fence to be considered locked, it must have a key or combination lock.

Always Level 1 Noncompliance.

- (9) **If there is a swimming pool on the premises that is not emptied after each use:**
- (b) **the provider shall maintain the pool in a safe manner;**

Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. CFOC, 3rd Ed. pg. 7 Standard 1.1.1.5, pg. 267 Standard 6.1.0.6, pg. 278 Standard 6.3.1.1, pg. 280 Standards 6.3.1.6, 6.3.1.7, 6.3.1.8, pgs. 281-282 Standards 6.3.2.1, 6.3.2.2, 6.3.2.3, 6.3.3.1, 6.3.3.2, 6.3.3.4

Enforcement

This rule applies to both indoor and outdoor areas.

A finding to this rule is issued only when there is not another licensing rule that addresses a problem. The noncompliance level depends on the problem. Child Care Licensing staff will compare the seriousness of the problem with the noncompliance levels of the most similar child care licensing rules.

- (9) **If there is a swimming pool on the premises that is not emptied after each use:**
- (c) **the provider shall meet all applicable state and local laws and ordinances related to the operation of a swimming pool; and**

Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. CFOC, 3rd Ed.

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pg. 7 Standard 1.1.1.5, pg. 267 Standard 6.1.0.6, pg. 278 Standard 6.3.1.1, pg. 280 Standards 6.3.1.6, 6.3.1.7, 6.3.1.8, pgs. 281-282 Standards 6.3.2.1, 6.3.2.2, 6.3.2.3, 6.3.3.1, 6.3.3.2, 6.3.3.4

This rule is intended to address problems which are not already addressed in other child care licensing rules, but which involve the violation of a federal, state, or local law or administrative rule of another agency that applies to the operation of a child care facility.

Enforcement

This rule applies to both indoor and outdoor areas.

Always Level 3 Noncompliance.

- (9) **If there is a swimming pool on the premises that is not emptied after each use:**
- (d) **If the pool is over four feet deep, there shall be a Red Cross certified life guard on duty, or a lifeguard certified by another agency that the licensee can demonstrate to the Department to be equivalent to Red Cross certification, any time children have access to the pool.**

Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. CFOC, 3rd Ed. pg. 7 Standard 1.1.1.5, pg. 267 Standard 6.1.0.6, pg. 278 Standard 6.3.1.1, pg. 280 Standards 6.3.1.6, 6.3.1.7, 6.3.1.8, pgs. 281-282 Standards 6.3.2.1, 6.3.2.2, 6.3.2.3, 6.3.3.1, 6.3.3.2, 6.3.3.4

Enforcement

This rule applies to both indoor and outdoor areas.

Documentation of life guard certification must be available for review.

Level 1 Noncompliance when there is no certified life guard.

Level 3 Noncompliance when there is a certified life guard but documentation of the certification is not available for review.