

R430-90-6 and R430-50-6: OUTDOOR ENVIRONMENT

Purpose

This section provides rules and information about the facilities outdoor play area and equipment.

General Information

Licensed Family Providers and Residential Certificate Providers who have a fenced outdoor play area, may let the children in care play in outside areas other than **their approved outdoor play** area if:

- the provider is with the children at all times.
- all rules are in compliance.

Residential Certificate Providers that do not have an approved outdoor play area, may not take the children in care outside to play on their premises.

Children benefit from being outside and it is important for them to have a safe play area in good repair. Having a well-designed, age-appropriate play area may lessen injuries. Although not required by rule, a monthly safety check of the outdoor play area and equipment is highly recommended.

Many measurements are required when assessing the outdoor play area. Even when noncompliance to a rule that includes measurements is obvious, the Licensing Specialist will measure and include the measurements in the finding.

Licensed Family 90-6:

(1) There shall be an outdoor play area for children that is safely accessible to children.

Residential Certificate 50-6:

If there is an outdoor play area used by children in care, the following rules apply:

(1) The outdoor play area shall be safely accessible to children.

Rationale / Explanation

The purpose of this rule is to prevent injury to children or a child escaping en route to the outdoor play area. A playground is considered safely accessible if it directly adjoins the home, if there is a sidewalk leading from the home to the outdoor play area, or another way to ensure that the route from the home to the outdoor play area is free of potential hazards. *CFOC 3rd Ed. pg. 265 Standard 6.1.0.1*

Enforcement

Always Level 2 Noncompliance.

Assessment

The purpose of this rule is to ensure that children cannot access streets, parking lots, ditches, etc. when going to the outdoor play area. A Licensee/Certificate Holder can be in compliance with this rule by:

- having a playground that is directly adjacent to the home or property
- having a fenced walkway from the building to the outdoor play area.
- having the entire area that holds both the home and the outdoor play area fenced.
- having a playground that can be accessed via a sidewalk, if the sidewalk does not pass through a parking lot, or near a busy street or water hazard.
- blocking off a portion of a parking lot with traffic cones to create a walkway to the outdoor play area.

The outdoor play is not considered safety accessible if children must walk across an unsafe deck (such as one with broken boards/holes in it) to access the outdoor play area.

If the outdoor play area is surrounded by half walls, such as a deck area, with open air from the top of the wall to the roof, it can be considered an outdoor play area with a capacity based on the square footage.

Common areas in multi-home complexes cannot be considered outdoor play areas.

Licensed Family 90-6:

- (2) The outdoor play area shall have at least 40 square feet of space for each child using the space at one time.

Residential Certificate 50-6:

If there is an outdoor play area used by children in care, the following rules apply:

- (2) For certificate holders who receive an initial certificate after 1 September 2008, the outdoor play area shall have at least 40 square feet of space for each child using the space at one time.

Rationale / Explanation

The purpose of this rule is to allow children safe freedom of movement during active outdoor play. *CFOC, 3rd Ed. pg. 265 Standard 6.1.0.1*

Enforcement

Always Level 3 Noncompliance.

Assessment

These measurements are taken, and capacity determined, at the time of initial licensure. The area is not re-measured on subsequent licensing inspections, unless the outdoor play area appears overly crowded during the inspection.

Because accessible open air is vital for children, indoor space cannot replace outdoor space.

This includes all children using the outdoor child care space at one time including the caregivers' related children ages 4-12.

Licensed Family 90-6:

- (3) The outdoor play area shall be enclosed within a 4 foot high fence or wall, or within a solid natural barrier that is at least 4 feet high if:
- (a) the licensee's home is located on a street with a speed limit higher than 25 miles per hour, or within half a mile of a street with a speed limit higher than 25 miles per hour; or
 - (b) the licensee's home is located on a street with more than two lanes of traffic, or within half a mile of a street with more than two lanes of traffic.

Residential Certificate 50-6

If there is an outdoor play area used by children in care, the following rules apply:

- (3) The outdoor play area shall be enclosed within a 4 foot high fence or wall, or within a solid natural barrier that is at least 4 feet high if:
- (a) the certificate holder's home is located on a street with a speed limit higher than 25 miles per hour, or within half a mile of a street with a speed limit higher than 25 miles per hour; or
 - (b) the certificate holder's home is located on a street with more than two lanes of traffic, or within half a mile of a street with more than two lanes of traffic.

Licensed Family 90-6(4):

- (4) If any of the following hazards exist, they must be located behind a 4 foot high fence, wall, or solid barrier that separates the hazard from the children's outdoor play area:

- (a) livestock on the licensee's property or within 50 yards of the licensee's property line;
- (b) a water hazard, such as a swimming pool, pond, ditch, lake, reservoir, river, stream, creek, or animal watering trough, on the licensee's property or within 100 yards of the licensee's property line;
- (c) dangerous machinery, such as farm equipment, on the licensee's property or within 50 yards of the licensee's property line;
- (d) a drop-off of more than five feet on the licensee's property or within 50 yards of the licensee's property line; or
- (e) barbed wire within 30 feet of the children's play area.

Residential Certificate 50-6

If there is an outdoor play area used by children in care, the following rules apply:

(4) If any of the following hazards exist, they must be located behind a 4 foot high fence, wall, or solid barrier that separates the hazard from the children's outdoor play area:

- (a) livestock on the certificate holder's property or within 50 yards of the certificate holder's property line;
- (b) a water hazard, such as a swimming pool, pond, ditch, lake, reservoir, river, stream, creek, or animal watering trough, on the certificate holder's property or within 100 yards of the certificate holder's property line;
- (c) dangerous machinery, such as farm equipment, on the certificate holder's property or within 50 yards of the certificate holder's property line;
- (d) a drop-off of more than 5 feet on the certificate holder's property or within 50 yards of the certificate holder's property line; or
- (e) barbed wire within 30 feet of the children's play area.

Rationale / Explanation

The purpose of this rule is to prevent children from leaving the outdoor play area and to prevent their access to streets and other hazards. *CFOC 3rd Ed. pg. 268 Standard 6.1.0.8*

It also serves to keep unwanted people and animals out of the outdoor play area.

The purpose of this rule is to prevent children from leaving the outdoor play area and to prevent their access to streets and other hazards. *CFOC 3rd Ed. pg. 268 Standard 6.1.0.8*

It also serves to keep unwanted people and animals out of the playground.

Enforcement

Level 1 Noncompliance if there is no fence or barrier or the fence or barrier is less than 3 feet high.

Level 3 Noncompliance otherwise.

Assessment

For the purposes of this rule, roads include railroads.

The four foot fence or barrier requirement is to prevent children from escaping the outdoor play area. When there is a perimeter fence which meets the four foot requirement the rule is in compliance. Interior only fences, or fences outside a play area already enclosed by a four foot fence, are not required to meet the four foot measurement.

Fences are to be measured as follows:

Each side of the fence is to be measured at its lowest point (include a gate), and then the average of these measurements is calculated. However, when calculating the average, when any side of the fence measures higher than 4 feet, a measurement of 4 feet (rather than the actual height of the fence) is used for the measurement of that side of the fence. The height of the fence will be measured from the side the children play.

Fences will be measured on the side the children are cared for.

Bushes can count as a solid natural barrier as long as there are no open air gaps greater than 5 inches.

A drop off can be assessed by determining that if a person was at the top of the drop off and could fall five feet or more.

Unless specified in the rule, an interior fence at least 36 inches high can be used to make items, including trampolines, inaccessible to the children.

Licensed Family 90-6:

- (5) The outdoor play area shall be free of poisonous plants, harmful objects, toxic or hazardous substances, and standing water.

Residential Certificate 50-6

If there is an outdoor play area used by children in care, the following rules apply:

- (5) The outdoor play area shall be free of poisonous plants, harmful objects, toxic or hazardous substances, and standing water.

Rationale / Explanation

The purpose of this rule is to prevent injury to children and the spread of disease.

Proper maintenance of outdoor play areas and outdoor play equipment is a key factor in ensuring a safe play environment for children. Each outdoor play area is unique and requires a routine maintenance check program developed specifically for that outdoor play area. *CFOC, 3rd Ed. pg. 259 Standard 5.7.0.1*

Standing water is a drowning hazard. Small children can drown within 30 seconds in as little as 2 inches of water. In addition, standing water is breeding grounds for mosquitoes, which can spread disease. *CFOC, 3rd Ed.pg. 68 Standard 2.2.0.4; pg. 228 Standard 5.2.8.2*

Enforcement

Level 1 Noncompliance if there are:

- unanchored swings.
- unanchored large metal slides.
- raised decks or balconies 5' or higher or open basement stairwells 5' or deeper with no protective barrier, or with protective barriers with gaps greater than 5' x 5".
- pieces of asbestos.
- empty refrigerators or freezers.
- welding torches.
- motor vehicles up on blocks.
- exposed live electrical wires.
- unattended running vehicles or farm equipment.
- *rebar or metal rods sticking up from the ground or out of walls*
- metal animal swings.

Level 2 Noncompliance otherwise.

Assessment

Standing Water

Standing water includes two inches or more of standing water and a diameter of 5 inches by 5 inches or more. Below is a list of common places standing water is found:

Buckets or other containers of water	Wading pools when not being supervised
Fountains, birdbaths, etc.	Wading pools when the pool is not in use
Garbage cans or other similar containers	Wheelbarrows

Standing water does not include:

- Water being used as part of a supervised project such as painting on the sidewalk with water.
- Water in a water table.
- Temporary puddle **on the ground** caused by rain or sprinklers.

Harmful Objects Include:

Animal swings	Re-bar or metal rods sticking out of the ground less than 48'
Asbestos	Re-bar or metal rods sticking out of a wall or fence
Car batteries	Rope, cord, wire, or chain attached to a structure
Dead animals	Rotting garbage not in a container with a lid.
Empty refrigerators or freezers	Standing ladders
Exposed live electrical wire	Un-anchored swings
Filled milk or slop buckets.	Un-anchored large metal slides
Fence post stirrups	Unattended running vehicles or farm equipment.
Motor vehicles up on blocks.	Unstably stacked wood piles bales of hay or straw.
Open basement stairwells 5' or deeper without a protective barrier at least 3 feet in height	Welding torches.
Raised decks or balconies 5' or higher without a protective barrier at least 3 feet in height	

Ropes used to suspend a swing **or tether-ball** are considered to be in compliance with this rule.

Ladders permanently attached to a structure and ladders lying down are not considered findings under this rule.

Empty ice chests, or coolers are not a finding.

Staple guns are not a violation for this rule.

Licensed Family 90-6:

(6) When in use by children, the outdoor play area shall be free of animal excrement.

and Residential Certificate 50-6

If there is an outdoor play area used by children in care, the following rules apply:

(6) When in use by children, the outdoor play area shall be free of animal excrement.

Rationale / Explanation

The purpose of this rule is to prevent injury to children and the spread of disease.

Proper maintenance of outdoor play areas and outdoor play equipment is a key factor in ensuring a safe play environment for children. Each outdoor play area is unique and requires a routine maintenance check program developed specifically for that outdoor play area. *CFOC, pgs. 262-263 Standard 5.194*

Enforcement

Always Level 2 Noncompliance.

Assessment

For the purposes of this rule animal excrement does not include isolated bird droppings.

Licensed Family 90-6:

- (7) If a fence is required in Subsections (3), (4) or in Subsections 12(10)(c)(i) or 12(11)(b) below, there shall be no gap greater than five inches in the fence, nor shall any gap between the bottom of the fence and the ground be greater than five inches.

Residential Certificate 50-6

If there is an outdoor play area used by children in care, the following rules apply:

- (7) If a fence or barrier is required in Subsections (3) or (4) above, or in Subsections 12(9)(c)(i) or 12(10)(b) below, there shall be no gap greater than five inches in the fence or barrier, nor shall any gap between the bottom of the fence or barrier and the ground be greater than five inches.

Rationale / Explanation

The purpose of this rule is to prevent children from escaping through gaps in a fence, thus defeating the purposes of the fence as explained in subsection (3) above. *CFOC 3rd Ed. pg. 268 Standard 6.1.0.8*

The 5" measurement is based on the diameter of a small toddler's head.

Enforcement

Level 2 Noncompliance if the gap in a fence is higher than 36".

Level 1 Noncompliance otherwise.

Assessment

This rule applies to exterior fences only.

The Licensing Specialist will walk the entire perimeter of the fence to assess for fence gaps. To be a finding, the fence gap must be 5 inches x 5 inches or greater in size, or circular with a diameter greater than 5 inches. The bottom of fences will not be pushed to see if a gap can be created.

Even when children are not in the outdoor play area, there can be no gaps larger than 5 x 5 inches in the fence. *If there is a gap 3 feet or greater, a finding will be issued for not having a fence (90-6(4) or 50-6(3)).*

Licensed Family 90-6:

- (8) The outdoor play area shall have a shaded area to protect each child from excessive sun and heat whenever there are children in the outdoor play area.

Residential Certificate 50-6

If there is an outdoor play area used by children in care, the following rules apply:

- (8) The outdoor play area shall have a shaded area to protect each child from excessive sun and heat whenever there are children in the outdoor play area.

Rationale / Explanation

The purpose of this rule is to prevent both sunburn and heat exhaustion.

It can take less than 10 minutes for a child's skin to burn, and it is estimated that 80% of a person's lifetime sun damage occurs before the age of 18. Individuals who suffer severe childhood sunburns are an increased risk for skin cancer. *CFOC, 3rd Ed. pg. 267 Standard 6.1.0.7*

Children do not adapt to extremes in temperature as effectively as adults. Children produce more metabolic heat per mass unit than adults when walking or running. They also have a lower sweating capacity and cannot dissipate heat by evaporation as quickly. *CFOC, 3rd Ed. pg. 93, Standard 3.1.3.2*

Enforcement

Level 2 Noncompliance except in cold weather when children are mostly covered by cold weather clothing.

Level 3 Noncompliance in cold weather when children are mostly covered by cold weather clothing.

Assessment

There must be shade in the outdoor play area whenever the children are playing outdoors including during the winter months. Shade can come from trees, awnings, patio roofs or other structures, or the side of the home or other structure such as a garage or shed or another home. Umbrellas may also be used for shade if they can be set up so they do not have to be held by a person.

Licensed Family 90-6:

- (9) An outdoor source of drinking water, such as individually labeled water bottles or a pitcher of water and individual cups that are taken outside, shall be available to each child whenever the outside temperature is 75 degrees or higher.

Residential Certificate 50-6

If there is an outdoor play area used by children in care, the following rules apply:

- (9) An outdoor source of drinking water, such as individually labeled water bottles, or a pitcher of water and individual cups that are taken outside, shall be available to each child whenever the outside temperature is 75 degrees or higher.

Rationale / Explanation

The purpose of this rule is to prevent dehydration and heat exhaustion. Children do not adapt to extremes in temperature as effectively as adults. Children produce more metabolic heat per mass unit than adults when walking or running. They also have a lower sweating capacity and cannot dissipate heat by evaporation as quickly. *CFOC, 3rd Ed. pg. 93, Standard 3.1.3.2*

The purpose of the requirement for individually labeled water bottles or individual drinking cups is to prevent the spread of disease.

Enforcement

Level 1 Noncompliance if children do not have an outdoor source of drinking water and the temperature is 90 degrees or higher.

Level 3 Noncompliance otherwise.

Assessment

The outdoor temperature will be determined by any available electronic means.

Although it is not recommended, drinking water can come from a hose as long as the hose is attached to a source of culinary water (the same water that is used inside) and not a secondary water source (such as water used to irrigate or water gardens and lawns).

When the outdoor temperature is 75 degrees or higher and the source of drinking water is an outside fountain, the drinking fountain must be in working order.

Water must be accessible to the children in their play area. If a drinking fountain is on the playground, but behind a closed gate, it is not available to the children so it will be a rule violation.

Licensed Family 90-6:

(10) Stationary play equipment used by any child in care shall not be located over hard surfaces such as cement, asphalt, or packed dirt, and shall have a 3' use zone that is free of hard surfaces. The licensee shall have until 1 September 2013 to meet the 3' use zone requirement.

Residential Certificate 50-6:

If there is an outdoor play area used by children in care, the following rules apply:

(10) Outdoor stationary play equipment used by any child in care shall not be located over hard surfaces such as cement, asphalt, or packed dirt.

Rationale / Explanation

These rules are based on guidelines from the Consumer Product Safety Commission, which are designed to prevent serious head injuries or other life threatening injuries to children. Injuries from falls are more likely to occur when equipment spacing is inadequate. *CFOC, 3rd Ed. pg. 272 Standard 6.2.2.1; pg. 273 Standard 6.2.2.4*

Protective cushioning is material that is placed in the use zones under and around stationary play equipment in order to cushion a child's fall from the equipment. Acceptable cushioning materials include the following: sand, gravel, shredded tires, shredded wood products, and unitary cushioning material.

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 playgrounds are from children falling. Hard surfaces such as concrete, blacktop, or packed earth are not acceptable under most

play equipment. A fall onto one of these hard surfaces could be life threatening. *CFOC, 3rd Ed. pg. 237- 238 Standard 5.3.1.1; pg. 273-274 Standard 6.2.3.1*

Enforcement

Always Level 1 Noncompliance.

Assessment

Hard surfaces will be assessed for play equipment over 6 inches high.

To assess packed dirt in grass the Licensing Specialist will check for worn spots in the grass. When there are one or more worn spots more than 5"x 5" in the grass, it will be considered out of compliance.

Frames where the wood extends beyond the platform and is within the three foot use zone, need to be covered with cushioning.

Providers may place mats used for cushioning under playground equipment before children in care use the equipment.

Packed sand is considered packed dirt.

The 3' use zone extends all the way up the height of the equipment, and on the top of the equipment. This means there cannot be tree branches a child could climb onto in the use zone above the equipment.

By September 1, 2013, currently Licensees will need to bury frames or borders in the play area that are under, or in the use zone of, the play equipment (except frames that are directly under platforms). If the cushioning material is grass, frames and borders need to be buried below ground level. If the cushioning material is other than grass, Licensees have the choice of burying the frame or border below ground level, or adding cushioning within the use zone so the frame or border is buried and all cushioning is level.

If swing sets do not have a horizontal bar on the outside of the supporting pole or beam, the side use zone will be measured from the swing seat, not from the supporting side pole or beam.

Side supporting poles or beams from two swing sets may be placed right next to each other. They do not have to share a supporting pole or beam.

If wood chips or other cushioning materials are frozen due to extreme weather conditions they will be considered a hard surface.

If the material cannot be loosened due to extreme weather conditions, children are not to play on the equipment until the material can be loosened to the required depth.

Inflatable bounce houses used by children in care are considered stationary play equipment and all applicable rules must be in compliance, including use zones.

A play house with an attached slide is a piece of stationary play equipment. If the slide is blocked so that the children cannot use it, then it will be considered a play house.

Tunnels that have handles a child could hold on to climb will be assessed as stationary play equipment so all applicable rules apply including, use zones and cushioning apply.

Play equipment with a height less than 18 inches high does not need a use zone.

Licensed Family 90-6:

(11) The licensee shall ensure that children using outdoor play equipment use it safely and in the manner intended by the manufacturer.

Residential Certificate 90-6

If there is an outdoor play area used by children in care, the following rules apply:

(11) The certificate holder shall ensure that children using outdoor play equipment use it safely and in the manner intended by the manufacturer.

Rationale / Explanation

Children like to test their skills and abilities. This is particularly true in outdoor play with playground equipment. Even if the highest safety standards for playground layout, equipment, and surfacing are met, serious injuries can still happen if children are left unsupervised. *CFOC, 3rd Ed. pg. 65 Standard 2.2.0.1*

Supervisors should look for posted signs indicating the appropriate age of the users and direct children to equipment appropriate for their age. *Public Playground Safety Handbook, U.S. Consumer Product Safety Commission, pg. 6, Standard 2.2.6*

Enforcement

Always Level 2 Noncompliance.

Assessment

Unsafe use includes activities such as: walking or climbing up a slide, going down a slide head first, walking across the top of a swing set, climbing up the outside of covered slides, playing on the roof of a composite structure, swinging while standing, twisting while swinging, and a child swinging on his/her stomach.

Licensed Family 90-6:

- (12) There shall be no openings of a size greater than 3-1/2 by 6-1/4 inches and less than 9 inches in diameter on or within the use zone of any piece of stationary play equipment where the feet of any child in care whose head is entrapped in the opening cannot touch the ground.

and Residential Certificate 50-6

If there is an outdoor play area used by children in care, the following rules apply:

- (12) There shall be no openings of a size greater than 3-1/2 by 6-1/4 inches and less than 9 inches in diameter on any piece of stationary play equipment where the feet of any child in care whose head is entrapped in the opening cannot touch the ground.

Rationale / Explanation

Openings that fit these dimensions are called "entrapment hazards". An entrapment hazard is an opening that a child's body could fit through, but not his/her head. Children often enter openings feet first and attempt to slide through the opening. If the opening is not large enough, it may allow the body to pass through the opening and entrap the head. When the ground forms the lower boundary of an opening, it is not considered to be an entrapment hazard. This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent injury to children. *CFOC, 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274 Standard 6.2.3.1*

Enforcement

Always Level 2 Noncompliance.

Assessment

This rule does not include openings where one of the edges of the opening is on the ground. It only includes openings where a child's feet cannot touch the ground. The following measurements, taken from the ground up to the bottom of the entrapment hazard, will be used to determine if the opening is in a place where a child's feet could not touch the ground.

- If the Licensee/Certificate Holder accepts infants and toddlers: more than 23 1/4 inches above the ground
- If the Licensee/Certificate Holder accepts two-year-olds through pre-school: more than 25 1/4 inches above the ground
- If the Licensee/Certificate Holder only accepts school age children: more than 33 inches above the ground

Entrapment hazards directly under a platform and higher than 48 inches from any surface a child could climb on, will not be assessed as an entrapment hazard.

Licensed Family 90-6:

- (13) There shall be no strangulation hazard on, within the use zone of, or adjacent to the use zone of any piece of stationary play equipment.

Residential Certificate 50-6

- (13) There shall be no strangulation hazard on, within the use zone of, or adjacent to the use zone of any piece of stationary play equipment.

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent injury to children.

A strangulation hazard is something on which a child's clothes or something around a child's neck could become caught on a component of playground equipment.

Examples of strangulation hazards include bolt ends that extend more than two threads beyond the face of the nut, hardware configurations that form a hook or leave a gap or space between components, and open "S" type hooks. Special attention should be paid to the area at the top of slides and sliding devices. Ropes should be anchored securely at both ends, and should not be capable of forming a loop or a noose. If they do not meet these criteria, they are strangulation hazards. *CFOC, 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274 Standard 6.2.3.1*

Enforcement

Always Level 2 Noncompliance.

Licensing Specialists will follow new instructions from ASTM and no longer assess for gaps at the top of slide chutes. Strangulation hazards are only a finding when a child who becomes entangled cannot touch the ground with his/her feet. Licensing Specialists will measure from the ground to the strangulation hazard. If the measurement is greater than the following measurement, a finding will be issued.

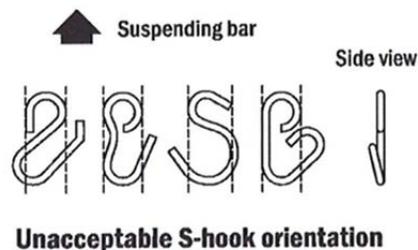
- 23 1/4 inches for infant and toddler
- 25 1/4 inches for two-year-old and preschool
- 33 inches for school age

Specific strangulation hazards include:

- A bolt, screw, or other protrusion which increases in size or diameter as it moves away from the surface. (For example, a bolt with a washer on the outside of a nut, where the washer is greater in diameter than the nut or a bolt with a large bolt head, where the bolt head is not flush with the surface.)
- A protrusion at an angle that is above the horizontal plane.
- Bolt ends that extend more than two threads beyond the face of the surface.
- On "S" or "C" hooks: a gap in an "S" or "C" hook that a dime could fit into. "S" or "C" hooks at the top of swings, where the swing connects to the top crossbar, are not assessed.
- Hanging ropes, cords, wires, or chains longer than 12" that can make a loop 5" in diameter, **except** ropes, cords, wires, or chains with swings attached to the bottom of them.
- Ropes or cords that hang into the use zone of a piece of playground equipment and are attached to something solid will be assessed as strangulation hazards. Twine, of any type, is considered to be a rope or cord.

Connectors such as "S" hooks, no matter where they are located on a piece of equipment, must be inspected as a strangulation hazard. If the connector has an opening greater than .04 (dime) and the opening does not face downward, a finding will be issued. The only connectors that will not be inspected are;

1. If at the top of a free standing swing greater than 8 feet in height.
2. If at the top of a swing with a cross bar but the cross bar is greater than 8 feet high.



These images are from CPSC and can be found at www.cpsc.gov/PagesFiles/63943/324.pdf.

The 3' use zone extends all the way up the height of the equipment and on the top of the equipment. This means there cannot be tree branches or anything else that creates a strangulation hazard in the use zone above the equipment.

Directly adjacent to the use zone of a piece of stationary play equipment means within 6 inches of the perimeter of the use zone.

Strangulation hazards will not be assessed on the top crossbar of free standing swing sets without side crossbars.

Ropes or cords attached to a tether-ball, will not be considered a strangulation hazard.

Licensed Family 90-6:

(14) There shall be no crush, shearing, or sharp edge hazards on, in the use zone of, or adjacent to the use zone of any piece of stationary play equipment.

Residential Certificate 50-6

If there is an outdoor play area used by children in care, the following rules apply:

(14) There shall be no crush, shearing, or sharp edge hazards on, within the use zone of, or adjacent to the use zone of any piece of stationary play equipment.

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent injury to children.

ASTM defines a crush hazard as a juncture at which the user could suffer contusion, laceration, abrasion, amputation, or fracture during use of the playground equipment.

A shearing hazard is created when two parts of a piece of play equipment move against each other in such a way that they could sever a child's fingers or other body parts. A sharp edge hazard is created when there is a sharp point or edge on a piece of play equipment that could cut or puncture a child's skin. *CFOC, 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274 Standard 6.2.3.1*

Enforcement

Always Level 2 Noncompliance.

Assessment

Directly adjacent to the use zone of a piece of stationary play equipment means within 6 inches of the perimeter of the use zone.

The 3' use zone extends all the way up the height of the equipment and on the top of the equipment. This means there cannot be tree branches or anything else that creates a crush, shearing, or sharp edge hazard in the use zone above the equipment.

Molded plastic steering wheels that are a part of piece of stationary play equipment will not be assessed as a crush hazard.

Disc swing hanging from a tree is a crush hazard when it can touch the trunk of the tree or the frame of a piece of equipment.

Shearing hazards is when two pieces of equipment or two parts of a piece of equipment move against each other in such a way that they could sever a child's fingers, toes, or other body parts.

Sharp edges, such as broken plastic, are considered sharp edges when there is a sharp point or edge that could cut or puncture child's skin.

Licensed Family 90-6:

- (15) There shall be no tripping hazards, such as concrete footings, tree stumps, exposed tree roots, or rocks within the use zone of any piece of stationary play equipment.

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent injury to children. *CFOC, 3rd Ed. pgs. 237-238 Standard 5.3.1.1*

Enforcement

Always Level 3 Noncompliance.

Assessment

If a provider adds something, like a tire to cushion a cement footing, the object is considered a tripping hazard unless it is flush to the ground.

If an animal is tethered, and the leash or rope that the animal is tethered with can reach into the use zone of a piece of playground equipment, it is a tripping hazard.

Licensed Family 90-6:

- (16) The licensee shall ensure that outdoor play areas and outdoor play equipment are maintained to protect each child's safety.

Residential Certificate 50-6:

If there is an outdoor play area used by children in care, the following rules apply:

- (15) The certificate holder shall ensure that outdoor play areas and outdoor play equipment are maintained to protect each child's safety.

Rationale / Explanation

Proper maintenance of outdoor play areas and outdoor play equipment is a key factor in ensuring a safe play environment for children. Each outdoor play area is unique and requires a routine maintenance check program developed specifically for that outdoor play area. *CFOC, 3rd Ed. pgs. 237-238 Standard 5.3.1.1; pgs. 259-260 Standard 5.7.0.2; pg. 277 Standard 6.2.5.1*

Enforcement

Level 1 Noncompliance if the lack of maintenance could cause equipment failure.

Level 3 Noncompliance otherwise.

Assessment

Adequate maintenance includes the following:

- Ensuring that there are no missing, bent, broken, or worn out components that could cause equipment to fail.
- Ensuring that all hardware is secure, and there are no missing nuts or bolts.
- Ensuring that equipment does not have excessive wear that could cause the equipment, or a component of it, to fail.
- Ensuring that metal is not rusted or corroded to the point that it could cause the structure to fail.
- Ensuring that all equipment and equipment parts are stable.