R430-90-13: CHILD SAFETY AND INJURY PREVENTION

This section introduces the rules and information about preventing physical injury and other harm to children. These rules apply to both the indoor and outdoor areas of the facility including vehicles when they are accessible to the children.

To keep children safe, the provider is responsible to 1) ensure that the child care environment is free of hazards and/or that hazards are inaccessible to children, and 2) provide necessary supervision in preventing harm to children.

Refer to 90-2(28) for the definition of inaccessible and approved ways of making hazards inaccessible. For the rules and guidance regarding the supervision of children, refer to "Section 11: Child Supervision and Security."

(1) The building, outdoor area, toys, and equipment shall be used in a safe manner and as intended by the manufacturer to prevent injury to children.

Rationale / Explanation

The provider has a duty to protect everyone in their facility by complying with manufacturer safety guidelines. Manufacturer instructions contain important safety information that helps avoid injury and property damage. Additionally, not using a product according to manufacturer instructions can be used against the provider if an accident occurred and legal action was taken.

The intent of this rule is not to impede children from healthy risk-taking. Children's natural curiosity and predisposition for challenging activities is part of their normal development. Positive guidance and safe environments can minimize injury while encouraging safe exploration and decision-making. Offering well-planned or impromptu appropriate risk-taking activities can help minimize dangerous risk-taking behaviors. Caregivers should help children learn the difference between using toys and equipment safely and as intended by the manufacturer, and activities that may cause serious injury to themselves and others.

Constant active supervision is needed in order to ensure that children do not use toys, equipment, and other materials in unsafe ways. *CFOC 3rd ed. Standard 2.2.0.1. pp. 64-66.*

Compliance Guidelines

- This rule will be considered out of compliance when a child or adult is allowed to use the building, a toy, equipment, or another item in an unsafe way (for example, a child goes down the slide head first and a caregiver does not immediately address the situation; or children are near an adult who is using equipment, such as a chain saw or lawn edger, that requires safety protection).

Moderate Risk Rule Violation
Corrective Action for 1st Instance

Citation Warning

(2) Poisonous and harmful plants shall be inaccessible to children.

Rationale / Explanation

Plants are among the most common household substances that children ingest. Some plants are poisonous when eaten and others are harmful even when touched. For some plants, all parts of the plant are poisonous. For others, only certain parts of the plant are harmful. The danger can range from mild irritation to severe illness or death. Determining the toxicity of every commercially available household plant is difficult. A more reasonable approach is to keep any unknown plant out of the environment that children use. *CFOC 3rd ed. Standard 5.2.9.10. p. 234.*

For more information about safe and harmful plants, see:
CFOC 3rd ed. Appendix Y. pp. 470-471.

For an illustrated list of poisonous plants, refer to:
www.poison.org/articles/plant#poisonousplants

For a list of poisonous plants native to Utah, refer to the Utah Poison Control Center at:
https://poisoncontrol.utah.edu/plants/listNativePlants.html

Compliance Guidelines

Although there are other poisonous and harmful plants that must be made inaccessible to children, CCL only inspects for the following plants:

- castor bean
- jimson weed
- mushrooms
- oleander
- poison ivy
- poison oak
- puncture weeds
- stinging nettle
- thistles
- toadstools

Without leaving children unsupervised for more than 5 minutes, the provider must ensure that any toadstools (or mushrooms) that may have grown overnight in the outdoor area are removed before children play outside.

Moderate Risk Rule Violation
Corrective Action for 1st Instance

Citation Warning

(3) Sharp objects, edges, corners, or points that could cut or puncture skin shall be inaccessible to children.

Rationale / Explanation

The purpose of this rule is to prevent children from being cut or having their skin punctured by sharp objects. *CFOC 3rd ed. Standards 5.3.1.1. - 5.3.1.2. pp 237-238.*

Compliance Guidelines

- With active supervision, children may use woodworking tools, but all sharp tools must be inaccessible when not in use.
- With active supervision, school-age children may use adult scissors and sewing needles, but all sharp tools must be inaccessible when not in use.

Consider an object to be sharp if:

- It has an edge or point that is made for the purpose of cutting, slicing, piercing, or puncturing another object, such as a pair of adult scissors, a knife, razor (including electric with exposed blades), staple gun, thumb tack, sewing needle (including for a sewing machine), antler, quill, etc.
- It has an edge or point that could cut, slice, pierce, or puncture because it is broken, in disrepair, or improperly installed, such as toys or other objects with jagged or sharp edges, nails or screws with protruding points, etc.
- It has a rigid edge or point that is likely to cut or puncture when coming into contact with bare skin, such as a plugged-in fan or paper shredder without a finger guard that prevents a child's fingers from reaching the blades.

The following objects will not be considered sharp objects:

- Furniture edges (unless they are broken)
- Hammers and screw drivers
- Cheese graters, apple corers, and vegetable peelers
- Tape dispenser and staple removers
- Icicles
- Scissors with blunt or round blade ends

Moderate Risk Rule Violation
Corrective Action for 1st Instance
Citation Warning

(4) Choking hazards shall be inaccessible to children younger than 3 years of age.

Rationale / Explanation

Choking occurs when food or other object blocks the airway making it difficult or impossible to breathe. A blocked airway can quickly lead to severe complications, including brain damage and death. According to the American Academy of Pediatrics (AAP), young children are at higher risk of choking because they tend to put objects in their mouths and because their windpipes (tracheas) are narrow (about the size of a drinking straw's diameter). A child chokes to death approximately every five days; and 75% of choking deaths occur in children under the age of 3 years, making choking a leading cause of death in infants and toddlers.

According to federal standards, a choking hazard is a small object with a diameter of less than 1-1/4 inch and a length of less than 2-1/4 inches. Injury or fatality from breathing in or swallowing small objects is well-documented. Eliminating these small items from a child care facility greatly reduces the risk of a child choking. *CFOC 3rd ed. Standard 6.4.1.2. pp. 284-285.*

In 2010, the American Academy of Pediatrics released guidelines for choking prevention for parents and health care providers. Knowing which objects most often cause choking can reduce risk, so common choking hazards (other than food) are listed below:

- Coins
- Buttons
- Toys with small parts
- Objects that can fit entirely in a child's mouth (blocks, small balls, marbles, small stones, etc.)
- Balloons
- Small hair bows, barrettes, rubber bands, jewelry
- Art and craft supplies (pen or marker caps, macaroni, beans, beads, craft eyes, chalk, etc.)
- Small batteries, magnets, etc.
- Pet food

First Aid for Families (PedFACTs) (Copyright © 2012 American Academy of Pediatrics)

Compliance Guidelines

- An object is considered a choking hazard if it fits completely in a choke tube without altering its natural shape.
- A choking hazard in any room or area of the facility (including bathrooms and outdoor areas) must be inaccessible if the area is being used or can be accessed by children younger than 3 years old.

Allow the following exceptions to rule:

- Children younger than 3 years old may use materials smaller than the approved size (e.g., game pieces or art materials such as crayons, uncooked pasta, etc.) only in a carefully supervised activity. This means a caregiver is within arm's reach of the children and providing constant, active supervision; and the caregiver does not leave until the materials are made inaccessible.
- If a crayon or other object breaks and becomes a choking hazard while in use, it will not be a rule violation if the caregiver immediately removes the hazard.
- Food that is smaller than the approved size will not be considered a choking hazard if:
  - The food quickly dissolves or crumbles in the mouth without chewing,
  - The children are eating the food at a supervised meal, or
  - For infants and toddlers, the food is cut into the appropriate size. Refer to "Section 24: Infant and Toddler Care."
- Attached caps (such as marker and bottle caps) and attached paper clips will not be considered choking hazards.
- Small items (such as pasta noodles) that are in the unopened original packaging will not be considered choking hazards.
- Elements of nature (items that are not manmade, such as rocks, shells, pine cones, acorns, sticks, etc.) and parts of protective cushioning (such as bark) that are smaller than the allowed size may be accessible to children in the outdoor area.
- Chalk will not be considered a choking hazard.
- An object smaller than ½ by ½ inch will not be considered a choking hazard.

Moderate Risk Rule Violation
Corrective Action for 1st Instance

Citation Warning

(5) Strangulation hazards such as ropes, cords, chains, and wires attached to a structure and long enough to encircle a child's neck shall be inaccessible to children.

Rationale / Explanation

Strings and cords (such as those that are parts of toys and those found on window coverings) that are long enough to encircle a child's neck should not be accessible to children in child care. Cords on window blinds and curtains are frequently associated with strangulation of children under five years of age. Cords and ribbons tied to pacifiers can become tightly twisted, or can catch on crib corner posts or other protrusions and cause strangulation. *CFOC 3rd ed. Standard 3.4.6.1. p. 129.*

The Food and Drug Administration (FDA) has alerted parents, caregivers, and health care professionals that necklaces, bracelets, and other jewelry marketed for relieving teething pain or for providing sensory stimulation should not be used. Such use could lead to strangulation, choking, serious injuries, or death. For more information, refer to: www.fda.gov/MedicalDevices/Safety/AlertsandNotices/ucm628900.htm.

The Consumer Product Safety Commission (CPSC) has reported deaths and injuries caused from strings on children's clothing, necklaces, and scarves that catch on playground equipment and strangle children. It is advisable that children avoid wearing necklaces and clothing with drawstrings that could cause entanglement on play equipment. Children's outerwear that has alternative closures (e.g., snaps, buttons, hook and loop, and elastic) is recommended. *CFOC 3rd ed. Standard 3.4.6.1. p. 129.*

Compliance Guidelines

Examples of noncompliance include:

- Window covering cords or chains that are accessible to children (hanging within 36 inches of the floor).
- Pacifier cords longer than 8 inches (not including the pacifier holder or clip).
- Ropes, cords, chains, or wires that are attached to structures, such as railings, fences, and decks, and are hanging within 36 inches of the floor or ground.
- Ropes, cords, chains, or wires that are longer than 12 inches and can make a loop 5 inches or greater in diameter and are attached to secure objects.

It is not out of compliance if:

- Children play with lacing cards, stringing beads, yarn, ribbon, boondoggle, scarves, string, shoelaces, jump ropes, dress-up clothing with ties, purses with straps, and hanging jewelry.
- Children are properly strapped into feeding tables or highchairs with nylon safety straps.
- Lanyards and necklaces are used.
- There are accessible loose jump ropes.
- An electrical cord is plugged in (even when the cord is longer than 12 inches).

Moderate Risk Rule Violation
Corrective Action for 1st Instance

Citation Warning

(6) Tripping hazards such as unsecured flooring, rugs with curled edges, or cords in walkways shall be inaccessible to children.

Rationale / Explanation

Tripping hazards are found by CPSC to be some of the most common causes of injury. Prevention of slipping and tripping hazards is key to preventing injuries from falls. *CFOC 3rd ed. Standard 5.1.6.2. pp. 209-210; Standard 5.3.1.1. pp. 237-238.*

Compliance Guidelines

- Tripping hazards include:
  - Defective flooring with uneven edges coming up more than 1/4 inch from the floor level.
  - Rugs with curled edges of more than 1/4 inch above the rug level.
  - Electrical and other cords that are in or across indoor and outdoor walkways.

Moderate Risk Rule Violation
Corrective Action for 1st Instance

Citation Warning

(7) For children younger than 5 years of age, empty plastic bags large enough for a child's head to fit inside, latex gloves, and balloons shall be inaccessible to children.

Rationale / Explanation

Plastic bags pose a risk of suffocation for children. Of all children's products, balloons are the leading cause of suffocation deaths according to the Consumer Product Safety Commission. Balloons and latex gloves can cause choking if a piece is accidentally breathed in or swallowed. Exposure to latex can trigger an allergic reaction in some children and adults. *CFOC 3rd ed. Standard 5.5.0.7. p. 257; Standard 6.4.1.5. p. 285.*

Compliance Guidelines

- This rule applies to:
  - Any empty plastic bag that is 9 inches in diameter or bigger (including gallon-size storage bags).
  - Plastic bags in a roll that are in accessible drawers, cupboards, containers, open boxes, or dispensers.
  - Balloons and punch balls whether or not inflated.

- This rule does not apply to:
  - Bags smaller than 9 inches in diameter.
  - Plastic trash can liners inside of a trash can.
  - Plastic grocery bags being used in activities (such as making kites) with constant, active supervision.
  - A plastic bag that is tied in a knot.
  - Plastic bags, latex gloves, or balloons in a sealed box that has not yet been opened.
  - Latex gloves or empty bags on a changing table, if they are only within reach of the child on the changing table.
  - Multiple-use rubber gloves.
  - Mylar balloons.
  - Balloons encased in a nonlatex material (such as nylon or tulle), but the rule does apply to a balloon encased in a second balloon.

Moderate Risk Rule Violation
Corrective Action for 1st Instance

Citation Warning

(8) Standing water that is 2 inches or deeper and 5 by 5 inches or greater in diameter shall be inaccessible to children.

Rationale / Explanation

Drowning can happen in unlikely places, even when no swimming pool or natural body of water is nearby. According to statistics from the Centers for Disease Control, drowning occurs in various sources of standing water, such as bathtubs, water play tables, dog bowls, toilet bowls, simple buckets for cleaning, and coolers. Small children can drown within 30 seconds in as little as 2 inches of water. In addition, standing water is breeding ground for mosquitoes, which can spread disease. *CFOC 3rd ed. Standard 2.2.0.4. pp. 68-69. Standard 5.2.8.2. p. 228.*

Compliance Guidelines

The following is a list of common places standing water may be found:

- Buckets (including mop buckets) and other containers
- Coolers and ice chests
- Water features such as fountains, birdbaths, etc.
- Garbage cans or other similar containers
- Wheelbarrows
- Bathtubs

The following is not considered to be standing water:

- Water being used as part of a supervised project such as painting on the sidewalk with water
- Water in a water table
- Temporary puddles on the ground caused by weather or sprinklers
- Animal water bowls or enclosed water dispensers, unless the water is served in a bucket
- Toilets
- Fish bowls, fish tanks, and aquariums (except for fish ponds and similar water features)

High Risk Rule Violation

Corrective Action for 1st Instance

Citation and CMP Warning

(9) Toxic or hazardous chemicals such as cleaners, insecticides, lawn products, and flammable materials shall be:
(a) inaccessible to children,
(b) used according to manufacturer instructions, and
(c) stored in containers labeled with their contents.

Rationale / Explanation

Inaccessible

There are more than 2 million poison exposures reported to poison control centers every year. Young children account for over half of those potential poisonings. The substances most commonly involved in poison exposures of children are cosmetics and personal care products, cleaning substances, and medications. Chemical products must be inaccessible to children. *CFOC 3rd ed. Standard 5.2.9.1. pp. 228-229.*

Flammable materials such as chemicals and cleaners should be stored in an area inaccessible to children. They account for the majority of burns to the head and face of children, and are also involved in unintentional ingestion by children. *CFOC 3rd ed. Standard 5.5.0.5. p. 256.*

Used According to Instructions

Children must be protected from exposure to toxic products including insecticides and pesticides. To prevent contamination and poisoning, child care staff must be sure that chemicals are used and applied by individuals who fully understand how to avoid risk to children. These substances should be used only in a manner that will not contaminate play surfaces, food, or food preparation areas. *CFOC 3rd ed. Standard 5.2.8.1 pp. 226-227.*

Stored in Labeled Containers

Toxic or hazardous chemicals should be stored in the original containers or if transferred to a container such as a spray bottle, must be labeled with the contents. This practice is to avoid mistaking a toxic chemical for a harmless one. For example, an unlabeled bottle of bleach water used for sanitizing could be mistaken for plain water. *CFOC 3rd ed. Standard 5.2.9.1. pp. 228-229.*

Rubbing alcohol looks like water. Even small amounts are poisonous to children. It is also poisonous to adults, who sometimes substitute rubbing alcohol for drinking alcohol. Rubbing alcohol can also be toxic when inhaled. It should be used in a well-ventilated area. In addition, because it is flammable, it should always be kept away from open flame. *www.poison.org*.

Compliance Guidelines

- Toiletries (products used to clean and/or groom one's body, including hair dye) will not be considered chemicals or cleaners. This includes hand sanitizers, even those containing alcohol.
- Aerosol cans that contain flammable substances must be inaccessible.
- Nail polish remover, and contact lens cleaner solutions will be considered chemicals and have to be made inaccessible to children.
- Dish soap and laundry detergent are cleaners and must be inaccessible to children. However, dish soap and borax may be used for educational purposes only in a carefully supervised activity. This means a caregiver is within arm's reach of the children and providing constant, active supervision; and the caregiver does not leave until the materials are made inaccessible.
- A cleaning bucket that contains a chemical and is in use does not need to be labeled with its contents.
- A bucket does not need to be labeled if used to carry or store labeled containers of chemicals.
- Disinfecting wipes or another sanitizing solution that is accessible to a child on a changing table will not be considered out of compliance as long as it is inaccessible to all children who are not being changed.
- Gasoline and other similar products enclosed in a vehicle or equipment, such as a lawn mower, are not considered accessible.
- Paint or another substance in a sealed can is considered inaccessible if the lid is securely attached and can only be opened with a tool.
- A cleaner that is attached to the inside of a toilet bowl is not considered accessible.

Moderate Risk Rule Violation
Corrective Action for 1st Instance

Citation Warning

(10) Items and substances that could burn a child or start a fire shall be inaccessible, such as:
(a) matches or cigarette lighters;
(b) open flames;
(c) hot wax or other substances; and
(d) when in use, portable space heaters, wood burning stoves, and fireplaces of all types.

Rationale / Explanation

The CPSC estimates that 150 deaths occur each year from fires started by children playing with lighters. Children younger than 5 years old account for most of these fatalities. Matches have also been the source of fire-related deaths. Children may hide in a closet or under a bed when faced with fire, leading to fatalities. *CFOC 3rd ed. Standard 5.5.0.6. p. 257.*

Because they could burn a child or start a fire, all types of lighters should be inaccessible to children, including long-reach lighters that are used to light fireplaces, grills, etc.

Children are at risk of burns from open flames. Fires may also be accidentally started by open flames, such as a burning candle, flare, or lantern. *CFOC 3rd ed. Standard 5.5.0.6. p. 257.*

Hot liquids and substances such as hot wax and glue can burn children. The most common burn suffered by young children is scalding from hot liquids tipped over in the kitchen. The skin of young children is much thinner than that of adults and can burn at temperatures that adults find comfortable. In a recent study, 90.4% of scald injuries to children under age five were related to hot cooking or drinking hot liquids. *CFOC 3rd ed. Standard 4.5.0.9. p. 181.*

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. Standards 5.2.1.11.- 5.2.1.13. pp. 215-216.*

Compliance Guidelines

- Candles on a birthday cake or cupcake may be used as long as an adult is in constant arm's reach of the lit candles until the candles are blown out.
- A fireplace pilot light will not be considered a violation.
- A space heater is any heater that can be moved and is not permanently installed into the wall. This includes convection heaters, infrared heaters, patio heaters, and space heaters that are manufactured to look like fireplaces. This rule applies to all types of fireplaces including electric, gas, and infrared fireplaces.
- Space heaters, wood burning stoves, and fireplaces of any type are allowed when:
  - They are not used while children are in care.
  - They are inaccessible to children if used while children are in care. (A baby gate may make a piece of heating equipment inaccessible if the gate is attached to the wall on both sides and is at least 36 inches away from all sides of the heating equipment.)
  - The provider has documentation from the manufacturer that a specific piece of heating equipment is safe for children to touch, and therefore may be accessible and used while children are in care.

If accessible to children, items considered out of compliance include:

- A cigarette lighter, whether or not the lighter contains fluid.
- Plug-in warmers that contain melted wax or hot oil.
- Hot glue guns, irons, and hair styling irons that are plugged in.
- Hot liquids, foods, and substances in an appliance (such as a crock pot or coffee pot).
- Electrical cords from an appliance containing a hot substance that children could pull down.

High Risk Rule Violation
Corrective Action for 1st Instance

Citation and CMP Warning when:

- Open flames are accessible to children.

Moderate Risk Rule Violation
Corrective Action for 1st Instance

Citation Warning otherwise.

(11) Children shall be protected from items that cause electrical shock such as:
(a) live electrical wires; and
(b) for children younger than 5 years of age, electrical outlets and surge protectors without protective caps or safety devices when not in use.

Rationale / Explanation

Preventing children from touching electrical wires or placing objects or fingers into exposed electrical outlets prevents electrical shock, electrical burns, and potential fires. Oral injuries can also occur when young children insert a metal object into an outlet and try to use their teeth to extract the object. The combination of electricity and mouth moisture closes the electrical circuit, and can lead to serious lifelong injuries. *CFOC 3rd ed. Standard 5.2.4.2. p. 219.*

Compliance Guidelines

- Exposed electrical wires (the metal is exposed) will be considered live. They will be treated as if electrical current is running through them and will not be tested to determine compliance.
- In areas used by children younger than 5 years old, electrical outlets and surge protectors must be inaccessible or have protective caps or safety devices when not in use. This includes areas within 36 inches from:
  - Any sleeping surface used by infants, toddlers, and preschoolers.
  - Any surface in a bathroom where a child could climb or stand, such as a bathtub, toilet or counter.

Refer to the following information about outlets and surge protectors that must be inaccessible to children younger than 5 years old:

- GFCI Protected outlets have “Test” and “Reset” buttons built into the outlets.
- A grounded outlet is one that has holes for three prongs and must be inaccessible or have a protective cover unless it is tamper resistant. However, the bottom grounding hole is not required to be covered or protected.
- All unused plugs in surge protectors must be covered. Some surge protectors pose a fire hazard if covered with individual safety caps. There are covers that encase the entire surge protector that may be safer to use.

Acceptable ways to protect or cover outlets (receptacles) include:

- Have tamper-resistant receptacles installed. They appear to have the slots filled in and are labeled “TR” between the two slots or with the words “tamper-resistant.”
- Use individual outlet caps to cover all openings in the outlet or surge protector.
- Install an electrical outlet cover (or safe plate) that sits on top of the existing outlet.
- Replace existing outlet covers with safe plate slide covers that have spring-loaded shutters that cover the outlet openings.
- Cover receptacle openings by using an item, such as a doorbell box or deodorizer, that plugs into one plug and covers the entire outlet.

High Risk Rule Violation
Corrective Action for 1st Instance

Citation and CMP Warning when:

- An exposed live electrical wire is accessible.

Moderate Risk Rule Violation
Corrective Action for 1st Instance

Citation Warning when:

- An electrical outlet or surge protector is without a protective cap or safety device when not in use and is accessible to children younger than 5 years old.

(12) Unless used and stored in compliance with the Utah Concealed Weapons Act or as otherwise allowed by law, firearms such as guns, muzzles loaders, rifles, shotguns, hand guns, pistols, and automatic guns shall:
(a) be locked in a cabinet or area with a key, combination lock, or fingerprint lock; and
(b) stored unloaded and separate from ammunition.

Rationale / Explanation

Approximately 20,000 children are taken to emergency departments for firearm-related injuries every year and the majority of these injuries are accidental. Younger children are more likely to be unintentionally injured, and the majority of these accidental shootings occur in the home. It is critical that firearms be properly locked. "Pediatric Firearm-Related Injuries in the United States" (Parikh K, et al. Hosp Pediatr. May 23, 2017).

An informational news report about guns and gun safety can be found at:
http://abc.go.com/shows/2020/episode-guide/2014-01/31-2020-131-young-guns-a-diane-sawyer-special

Compliance Guidelines

- Guns that are dismantled and do not contain a trigger mechanism are not considered a firearm.
- Firearms must be stored unloaded. Ammunition may be stored in the same area as the firearm as long as the area is locked according to rule.
- When a gun that cannot be fired is used as decoration, the provider will need to apply for a variance that includes documentation from a gunsmith that the specific gun cannot be fired.
- Firearms must be locked according to rule. Using an alternate type of lock, such as a trigger lock or a lock that is controlled by swiping an app on a cell phone, is out of compliance.
- CCL staff will observe where each firearm on the property is stored, including firearms stored in outbuildings and vehicles.
- If a firearm is stored in a vehicle that is <u>not</u> used to transport children, the vehicle must be locked with a key or keypad.
- If a firearm is stored in a vehicle that is used to transport children, the firearm must be locked with a key, combination lock, or fingerprint lock within the vehicle.

Extreme Risk Rule Violation
Corrective Action for 1st Instance

Citation and CMP when:

- A firearm is accessible to children.

High Risk Rule Violation
Corrective Action for 1st Instance

Citation and CMP Warning otherwise.

(13) Weapons such as paintball guns, BB guns, airsoft guns, sling shots, arrows, and mace shall be inaccessible to children.

Rationale / Explanation

The potential for injury to and death of children due to firearms and weapons is apparent. Children have a natural curiosity about firearms and other weapons, and they have seen their use glamorized on television. These items should not be accessible to children in a child care facility. *CFOC 3rd ed. Standard 5.5.0.8. p. 257; Standard 9.2.3.16. p .363.*

Compliance Guidelines

- 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, sling shots, arrows, and mace are some examples of weapons, and must be inaccessible to children in care.
- CCL staff will observe where each weapon on the property is stored, including weapons stored in outbuildings and vehicles.
- Bows (if arrows are inaccessible) can be accessible.
- Crossbows (with or without arrows) must be inaccessible.
- Arrows must be inaccessible.

High Risk Rule Violation
Corrective Action for 1st Instance

Citation and CMP Warning

(14) Alcohol, illegal substances, and sexually explicit material shall be inaccessible, and shall not be used on the premises, during offsite activities, or in program vehicles any time a child is in care.

Rationale / Explanation

Alcohol, illegal substances, and sexually explicit material must be inaccessible to prevent potential ingestion or exposure. The age, defenselessness, and lack of mature judgement of children in care make the prohibition of alcohol, illegal substances, and sexually explicit material an absolute requirement in child care programs. *CFOC 3rd ed. Standard 3.4.1.1. pp. 118-119; Standard 9.2.3.15. p. 363.*

Compliance Guidelines

- In addition to making sexually explicit materials inaccessible to children, the facility must be free of any depiction of nudity in a lascivious manner through pictures, posters, media, etc., while children are in care.
- The facility must be free of any illegal substances. Illegal substances are any items that by law are not allowed to be produced, consumed, sold, or present in the facility.
- Alcohol in a container that can only be opened with a tool (such as a cork screw) is considered inaccessible.
- Open bottles of alcohol, and alcohol or illegal substances that are being served or consumed are considered in use and are prohibited when a child is in care.

High Risk Rule Violation
Corrective Action for 1st Instance

Citation and CMP Warning

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

Rationale / Explanation

To prevent dehydration, clean, sanitary drinking water should be readily available in indoor and outdoor areas throughout the day. Children need additional water as physical activity and/or hot temperatures cause their needs to increase. Water needs vary among young children and increase during times in which dehydration is a risk (e.g., hot summer days, during exercise, and in dry days in winter). *CFOC 3rd ed. Standard 4.2.0.6. p. 157.*

Compliance Guidelines

- The outdoor temperature can be measured by any available electronic means including a cell phone.
- When the outdoor source of drinking water is an outside drinking fountain, the fountain must be in working order.
- Drinking water may 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).
- Water must be accessible to the children in their play area. If a drinking fountain is behind a closed gate, it is not considered available and is a rule violation.

High Risk Rule Violation
Corrective Action for 1st Instance

Citation and CMP Warning when:

- Children do not have an outdoor source of drinking water and the temperature is 90 degrees or higher.

Moderate Risk Rule Violation
Corrective Action for 1st Instance

Citation Warning otherwise.

(16) Areas accessible to children shall be free of heavy or unstable objects that children could pull down on themselves, such as furniture, unsecured televisions, and standing ladders.

Rationale / Explanation

Children have suffered serious injuries and death due to unstable heavy equipment falling on them. The Consumer Product Safety Commission estimates that:

- Every 30 minutes a child in the U.S. is injured as a result of a TV or furniture tip-over incident.
- Two-thirds of TV and furniture tip-over fatalities involve toddlers.
- A TV can fall with the force of thousands of pounds. That is 10 times more powerful than being hit by an NFL lineman.
- On average, one child dies every two weeks from being crushed by a television set.

Even though televisions are heavy, they are not stable. Older, boxy TVs have most of their weight in front, which makes them easy to topple. New flat-screen TVs have their weight more evenly distributed but are often much larger, and can easily tip if not secured.

CPSC recommends the following to help prevent tip-over accidents:

- Anchor furniture (including entertainment units, TV stands, bookcases, shelving, and bureaus) to the floor or wall using appropriate hardware, such as brackets, screws, or toggle bolts.
- Place televisions on low, sturdy furniture or a base manufactured for that purpose.
- Place televisions on other furniture only if the furniture is anchored to the wall or floor, the TV is pushed as far back on the furniture as possible, and the TV is anchored to the wall or the anchored furniture.
- Keep remote controls, toys, and other items that might attract children off TV stands or furniture.
- Keep TV and/or cable cords out of reach of children.
- Make sure freestanding kitchen ranges and stoves are installed with anti-tip brackets.
- Never leave children alone in rooms where these safety tips have not been followed.

For more information, refer to:

- www.anchorit.gov/why-anchor-it/
- www.cpsc.gov/content/anchor-for-safety-tv-and-furniture-tip-over-related-deaths-and-injuries-not-slowing-down

Compliance Guidelines

- Heavy furniture or other objects that are higher than 3 feet must be stable, secured, or anchored. This includes:
  - Freestanding kitchen ranges and stoves, entertainment units, TV stands, bookcases, shelving, and bureaus.
  - Vehicles on jack stands or blocks, piles of wood, bales of straw, stacked cinder blocks or other solid objects that are stacked.
- Furniture or a heavy object that is noticeably unstable will be out of compliance.
  - Unstable furniture means that the furniture is compromised in some way (e.g., missing or loose legs, leaning, etc.). A dresser with more than one fully open drawer will be considered unstable.
- If the stability of furniture or a heavy object is in question and cannot be verified solely through observation, the provider must be able to demonstrate that the object is stable. Otherwise, it will be considered unstable and a rule violation.
- It is out of compliance if there is a heavy object (such as a TV) on unstable furniture of any height.
- Only screens that are larger than 19 inches and accessible to children will be assessed.
  - Accessible means that the screen and/or attached cords are lower than 36 inches.
  - If necessary to determine the size of the screen, measure the screen diagonally from corner to corner on the inside of the frame. For more information, visit: www.wikihow.com/Measure-a-TV.
  - Even if the equipment screen is inaccessible, if the equipment cords are accessible so children could pull the screen down, the screen must be anchored.
- If the screen is larger than 19 inches and accessible, it must be securely anchored, mounted, or tied to a stable structure to be in compliance with rule. A television that is built into a stable cabinet or similar piece of furniture is considered anchored.
- A 19-inch or smaller screen or TV is not required to be anchored.
- A laptop screen is not required to be anchored.
- Any accessible stepstool or ladder that is taller than 5 feet and is leaning against a structure (such as a wall, shed, or tree) is considered unstable.
- Ladders permanently attached to a structure, stepstools and ladders measuring 5 feet or less, “Inverted V” ladders standing in an open position, and ladders lying down are not out of compliance.

Moderate Risk Rule Violation
Corrective Action for 1st Instance

Citation Warning

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

Rationale / Explanation

Tap water that is too hot is a common cause of scald injuries in children. Children younger than 6 years old are the most frequent victims of non-fatal burns. Water heated to temperatures greater than 120 degrees Fahrenheit takes less than thirty seconds to burn the skin. If the water is heated to 120 degrees Fahrenheit, it takes two minutes to burn the skin. That extra two minutes could provide enough time to remove the child from the hot water source and avoid a burn. *CFOC 3rd ed. Standard 5.2.1.14. p. 216.*

Compliance Guidelines

- When there is only one hot water heater in the building, the water temperature will be measured at only one handwashing sink used by the children.
- When there is more than one hot water heater in the building, the water temperature must be assessed in one handwashing sink connected to each hot water heater.
- Hot water will be measured by holding a thermometer in the running water until the temperature stops rising.
- In an effort to conserve water, there is no need to continue measuring once the temperature reaches 128 degrees Fahrenheit.
- Water temperature will be measured at each portable sink and each sink with a mixing valve that is used by children.
- If a hot water tank indicates the water temperature on a digital gauge, this measurement will be used as the assessment. In this case, there is no need to assess the water temperature at a handwashing sink connected to the water heater.
- Water faucets with motion detector shut-offs do not ensure compliance with this rule. When assessing the temperature of water from faucets with motion detector shut-offs, the licensor will restart the water flow as often as necessary until the temperature on the thermometer stops rising.
- Due to the variable accuracy of hot water thermometers, this rule is not considered out of compliance unless the temperature measures 123 degrees Fahrenheit or hotter.

Moderate Risk Rule Violation
Corrective Action for 1st Instance

Citation Warning when:

- The water temperature is 128 degrees Fahrenheit or higher.

Low Risk Rule Violation
Corrective Action for 1st Instance

Warning when:

- The water temperature is between 123 and 127.9 degrees Fahrenheit.

(18) Highchairs shall have T-shaped safety straps or devices that are used whenever a child is in the chair.

Rationale / Explanation

Highchairs need a T-shaped safety strap or device to prevent children from sliding out of the highchair and falling to the ground, or sliding partway out and becoming entrapped and posing the risk of strangulation. *CFOC 3rd ed. Standard 5.3.1.8. pp. 241-242.*

Compliance Guidelines

- Booster seats are considered a highchair.
- If the chair is on or low to the floor so the child's feet touch the ground while sitting in the chair, a T-shaped strap or device is not required.

High Risk Rule Violation
Corrective Action for 1st Instance

Citation and CMP Warning when:

- The highchair does not have a T-shaped safety strap or device and is used by infants or toddlers.

Moderate Risk Rule Violation
Corrective Action for 1st Instance
Citation Warning when:

- The highchair does not have a T-shaped safety strap or device and is used by older children.

(19) Infant walkers with wheels shall be inaccessible to children.

Rationale / Explanation
Because many injuries, some fatal, have been associated with the use of walkers and because there is no clear developmental benefit from their use, the American Academy of Pediatrics has recommended that they not be used. Walkers are dangerous because they move children around too fast and to hazardous areas such as stairs. The upright position also brings children closer to objects that they can pull down on themselves. *CFOC 3rd ed. Standard 5.3.1.10. pp. 242-243.*

Compliance Guidelines

- A walker is a piece of equipment that is designed for a child to sit in and use their legs to move from one place to another. A device that has a seat that rotates, but does not have wheels that move the child around the room is not considered an infant walker.
- A walker with wheels used by a child with a disability is not out of compliance.

Moderate Risk Rule Violation
Corrective Action for 1st Instance
Citation Warning

(20) In compliance with the Utah Indoor Clean Air Act, tobacco, e-cigarettes, e-juice, e-liquids, and similar products shall be inaccessible and not used:
(a) in the facility or any other building when a child is in care,
(b) in any vehicle that is being used to transport a child in care,
(c) within 25 feet of any entrance to the facility or other building occupied by a child in care, or
(d) in any outdoor area or within 25 feet of any outdoor area occupied by a child in care.

Proposed Rule Change:
[~~In compliance with the Utah Indoor Clean Air Act, tobacco, e-cigarettes, e-juice, e-liquids, and similar products shall be inaccessible and not used:~~]Tobacco, e-cigarettes, e-juice, e-liquids, and similar products shall be inaccessible and, in compliance with the Utah Indoor Clean Air Act, not used:
(a) in the facility or any other building when a child is in care,
(b) in any vehicle that is being used to transport a child in care,
(c) within 25 feet of any entrance to the facility or other building occupied by a child in care, or
(d) in any outdoor area or within 25 feet of any outdoor area occupied by a child in care.

Rationale / Explanation
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. The age, defenselessness, and lack of mature judgment of children in care make the prohibition of tobacco and tobacco products an absolute requirement *CFOC 3rd ed. Standard 3.4.1.1. pp. 118-119. Standard 9.2.3.15. p. 363.*

This rule is in accordance with the Utah Indoor Clean Air Act, R392-510.

Compliance Guidelines

Tobacco and similar products such as the following must be inaccessible and not used on the premises, in vehicles, or in the presence of any child in care:

- Ashtrays with cigarettes and cigarette butts
- Chewing tobacco
- Cigars
- Cigarettes and cigarette butts
- E-cigarettes and E-liquid (E-juice)
- Pipes
- Vaporizers (not to be mistaken for a humidifier or steam vaporizer)

These products may not contain tobacco, but do contain harmful ingredients and are treated as a tobacco product.

High Risk Rule Violation
Corrective Action for 1st Instance

Citation and CMP Warning when:

- Tobacco or a similar product is used any place indoors, in a vehicle, or within 25 feet of the entrance or exit of the building, a window, the outdoor play area, or a child.

Moderate Risk Rule Violation
Corrective Action for 1st Instance

Citation Warning when:

- Tobacco or a similar product is accessible to any child in care.