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FACT SHEET

Playground safety regulations for California

..... *FACTS YOU NEED TO KNOW*

As of January 1, 2000, California legislation SB 2733 and AB 1055 (Playground Safety Regulations) is the law regarding children's playgrounds. The law requires that all playground equipment areas accessible to the public (such as at schools, in parks or childcare/ commercial facilities) be audited/inspected for safety. The legislation contains a list of required areas in its introduction. A copy of the legislation, made available by the State of California, can be obtained from:

? Barclays West Law Publishers (800/888-3600)

Also available for purchase is a Statement of Reasons (rationale) from the Department of Health Services, Office of Regulations, regulation@dhs.ca.gov

This legislation requires an initial inspection of all public playgrounds by an NPSI certified CPSI, (Certified Playground Safety Inspector). The standards for the inspections are the Consumer Product Safety Commission (CPSC) Handbook for Public Playgrounds #325 and the American Society for Testing and Materials (ASTM) F1487-98 playground guidelines and are noted in the legislation. These inspections should be in writing to protect the equipment owner and auditor (inspector). If an outside CPSI is employed, it is recommended that the CPSI's certification, experience and errors and omission (E & O) insurance is checked to protect the play equipment provider.

For resources and a list of Certified Playground Safety Inspectors, visit the California Park & Recreation Society website at www.cprs.org and select "training" and then "state mandates." Under state mandates, peruse playground safety and select more for additional information.

Only the initial inspection is required for the safety and placement of the equipment, access, surfacing, etc. Supplemental inspections are required only if play equipment is added, altered, changed, damaged, etc. However, per the CPSC guidelines, after the inspection, both routine and periodic inspections are required to assure that the playgrounds are safe for play.

The guidelines also indicate that IPEMA-certified playground equipment meets the ASTM playground equipment safety standards (for structural and user safety, etc.) Other equipment, including custom designed new and existing equipment, needs to be very carefully inspected for safety. **Be sure to notice the CA law states that ASTM F1487-98 is the version to use for CA public playgrounds. ASTM now has the F1487-01 version available and the 03 version is expected shortly.**

Where do I get help with funding playground repairs?

The California Integrated Waste Management Board conducted a small grants program, the Playground Safety and Recycling Act of 1999 to assist

local agencies with upgrading their playgrounds to satisfy the new playground safety regulations. The first grants cycle commenced July, 2000. This program is now over but check occasionally for other recycling efforts. For more information email playgrnd@ciwmb.ca.gov or visit the CIWMB website at www.ciwmb.ca.gov. Other funding sources are limited, especially for non-government

How often should I inspect our playgrounds?

It is up to the agency or business to set the timetable for the routine and periodic inspection, depending on the items and circumstances that will keep the play areas safe. While the required routine and periodic safety inspections do not have to be conducted by a CPSI, it would be judicious to have those making the inspections trained by an experienced CPSI. For example, things that can become unsafe on a daily basis, such as the landing surface, may be inspected as frequently as every morning before use for displacement, unsafe or unhealthy materials, (broken glass, refuse, hypodermic needles, animal droppings), etc. Items less likely to become unsafe such as loose bolts are checked routinely. For example, a heavily used theme park may check these weekly, a school or park may check these on a regular schedule. Span of time depends on the playground provider, the use, meteorological factors, site conditions and security, the neighborhood users and the likelihood of vandalism to equipment. Per the CPSC guidelines, items that are less subject to wear and damage, e.g. swing chains and devices, or structural items (footings) will be inspected on a periodic basis.

Below are examples of when various administrators or managers of parks, schools or business' may have playground equipment checked:

? weekly; monthly, bimonthly or quarterly; the beginning of each semester or heavy use season
The bottom line is that each play equipment provider must have a safety inspection program that keeps a play area safe.

How will this be enforced in CA?

At the minimum, by litigation and the desire to reduce liability exposure. That is, if a child is injured or someone feels his or her child can't access the play equipment because it does not meet the guidelines, they can file suit. If it is shown that there was an injury and the provider was shown to be negligent in the claimed regard, resulting in the damages claimed, an award might be made to the plaintiff.

What do I need to know about the Playground Certification Course?

Public Playground owners have a choice to:

- ? Certify an employee that can perform the initial inspection and maintain equipment and the surrounding play area OR
- ? Outsource either of these responsibilities

A benefit to sending an employee through the Playground Safety course sponsored by NRPA's National Playground Safety Institute (NPSI) is that the employee will become familiar with CPSC and ASTM guidelines, as well as understand the importance of a routine maintenance program. This will also allow the agency to maintain compliance when regulations change.

California Park and Recreation Society (CPRS) offers the National Playground Safety Institute (NPSI) Playground Safety Inspector Certification course throughout the year. Dates of the course can be found under "playground safety," "NPSI Training," on the CPRS website at www.cprs.org.

Playground owners are strongly encouraged to have at least one employee attend the NPSI Playground Safety Certification Course to assist the agency with achieving and maintaining

compliance and to keep the agency up to date with compliance regulations. Once certified, the CPSI is certified for three years with the National Playground Safety Institute. At that time, the CPSI must re-sit for the exam to renew their certification within 90 days. NPSI will send you a renewal reminder with instructions.

Resources

The following resource are available to explain the recent process used by the State of California to create the regulations. However, please remember these resources cannot interpret SB 2733, AB 1055 or Regulations R-39-97:

? State and Local Injury Control (SLIC) Section, California Department of Health Services
P.O. Box 942732 **MS 39A**, Sacramento, CA 94234-7320
(916) 323-3486 Fax: (916) 323-3682.

For questions and advice regarding the interpretation and application of the regulations, you should seek appropriate legal counsel. For a Statement of Reasons from the CA Department of Health Services, Office of Regulations email regulation@dhs.ca.gov.

For resources to assist persons in obtaining and maintaining the Certified Playground Safety Inspector credential or a list of inspectors contact:

? California Park & Recreation Society, 916/665-2777 (the CA Host for the CPSI program)
(contact training@cprs.org or call 916/665-2777)

? National Recreation & Park Assoc., National Playground Safety Institute, 703/858-2148
(NRPA requires intent of use for the inspector list and a rental fee payable to NRPA)

? Check with your local park and recreation department for other resources and information regarding playground safety regulations.

Updated May, 2003