

The following information is from the New York State Office of Children and Family Services regarding playground equipment in family based child care programs.

Background

Regulation has included the requirement to install playground equipment according to the manufacturer's instructions since 2001. Family-based day care regulations contain the following citations concerning outdoor play equipment: 417.5 (n) and (o) & 416.5(n) and (o). (n) - Materials and play equipment used by the children must be sturdy and free from rough edges and sharp corners. (o) - Outdoor equipment such as swings, slides and climbing apparatus must be installed and used in accordance with the manufacturer's specifications and instructions, be in good repair, and be placed in a safe location. Such equipment and apparatus may be used only by the children for whom it is developmentally appropriate.

Manufacturer's specifications and instructions for swing sets, slides, climbing apparatus and other such equipment always include directions for protective surfacing. Protective surfacing is needed because a fall onto a hard surface can result in serious injury to a child. According to the Consumer Product Safety Commission one of the most important things we can do to reduce the likelihood of a serious head injury is to install shock absorbing protective surfacing under and around play equipment. A provider may ask why grass and dirt are not considered protective surfacing. The answer is that wear and environmental factors compress the dirt and grass and reduce their shock absorbing effectiveness.

Compliance

The Division of Child Care Services will accept as compliance any one of the following three options:

- A provider may follow the instructions for protective ground cover that came with his/her playground equipment.
- A provider may follow instructions for installation of protective ground cover written by another manufacturer that sells similar equipment to that owned by the provider.
- A provider may follow the instructions for protective ground cover listed in the booklet called Outdoor Home Playground Safety Handbook, produced by the Consumer Product Safety Commission. This handbook can be found at www.cpsc.gov.

The Division of Child Care Services researched the cost of compliance following the CPSC requirement for protective surfacing. A typical swing set measures eight feet in length, 6 feet in width and is 6 feet high. One suggestion for complying with this regulation, that is reasonable in cost, would be the use of mulch as a protective surface covering. Mulch would need to be distributed under the swing set, extended out six feet in all directions, and be 6 inches in depth. The cost of mulch can vary depending on the type and color selected. Typical brown mulch may be the least expensive. Our research showed that many area towns and cities will provide mulch free of charge to residents; a minimal charge is assessed for nonresidents. In both cases, pickup and delivery is the

user's responsibility. Commercial landscaping suppliers charge approximately \$31.00 a cubic yard for mulch that is picked up and hauled by the buyer, and \$45.00 a cubic yard for mulch delivered to the home. Using the calculations above, a typical swing set would require 7 cubic yards of mulch to meet the Consumer Product Safety Commission recommendation. If a provider is willing and able to pick up this mulch themselves, the cost would be about \$215.00 total. If it was delivered to the home the cost would be about \$315.00. Labor to install was not assessed. It is also important to note that purchasing bags of mulch from landscaping or hardware suppliers raises the price of mulch considerably.

In an effort to balance the need for providers to come quickly into compliance with this safety regulation and the expense and labor required to install the needed protective surfacing, the Division of Child Care Services will accept the following plans in support of providers who are working toward compliance:

- Providers who are using playground equipment that has been installed without a protective surface will be advised that they must come into compliance with regulation.
- Providers may be given up to three months to come into compliance.
- During the period of time needed to come into compliance, providers will not allow children to use the equipment. This can be accomplished through direct supervision. Ropes, ties, and other barriers are prohibited; their installation and use could cause a safety concern. If children are observed using the equipment before protective surfacing is installed, a violation will be cited.
- Providers who decide never again to use his/her playground equipment for the child care program will be asked to put this decision in writing and submit this to the DCCS. These providers will not be required to remove the equipment or to set up barriers. Any use of the equipment for child care after submitting this attestation will result in a violation.

[Click Here](#) for a copy of a Home Playground Safety Checklist from the New York State Consumer Protection Board based on the Consumer Product Safety Commission requirements. Make sure all guidelines are followed before you allow children to play on the equipment.