



UNDERWRITING PLAYGROUNDS MORE THAN JUST FUN AND GAMES

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When the weather is nice, everyone wants to get outside. Parks and playgrounds are a favorite destination for children of all ages. Many commercial and residential policyholders, including campgrounds, daycare centers, preschools, churches, mobile home parks and other residential complexes, have playgrounds. The Children's Safety Network reports that the most dangerous area at a daycare center is the playground. The Centers for Disease Control estimates that 200,000 children under the age of 14 are injured each year on playground equipment. In New York, more than 16 children up to the age of 14 are injured in falls from playground equipment each day, with one requiring hospitalization according to the New York State Department of Health.

Hazards range from improper construction and maintenance, to inadequate supervision, to the presence of hazardous plants and shrubs. Understanding the hazards playgrounds present and implementing appropriate underwriting standards can greatly improve a company's bottom line - and ultimately encourage greater safety at your policyholder's premises.

The National Recreation & Parks Association offers a program to certify playground safety inspectors with training on playground safety issues including hazard identification,

equipment specifications, surfacing requirements and risk management methods.

A commonly cited claim in lawsuits after someone is injured on a playground is failure to supervise. Although there is no way to prevent all injuries, risks that have written guidelines and properly trained employees can reduce their exposure to expensive lawsuits. Supervision of children under the age of five is always required, but older children must also be watched. Studies have found that a majority of playground injuries are due to falls.

The National Program for Playground Safety, created in 1995, provides checklists for safe playgrounds. The four key factors of their S.A.F.E. program are:

1. Provide proper **supervision** of children on playgrounds.
2. Design **age-appropriate** playgrounds.
3. Provide proper fall **surfacing** under and around playgrounds.
4. Properly maintain playground **equipment**.

Basic guidelines for the construction of safe playgrounds include a soft surface with 12 inches of material such as wood chips, mulch, sand, or pea gravel, or area mats made of





safety-tested rubber or rubber-like materials. The protective surfacing should extend at least six feet in all directions from play equipment. For swings, the surface should extend twice the height of the suspending bar from the front and back. Equipment should be safely anchored in the ground with no rust or sharp edges. And “S” hooks must be entirely enclosed.

The Consumer Products Safety Commission (CPSC) Handbook for Public Playground Safety includes a variety of important information related to creating play environments that limit dangers. One helpful aspect contained in the handbook for insurance companies is what constitutes public playground equipment. The handbook defines it as equipment used by children ages 6 months through 12 years in specific playground locations:

- Commercial (non-residential) child care facilities
- Institutions
- Multiple family dwellings, such as apartment and condominium buildings
- Parks, such as city, state, and community maintained parks
- Restaurants
- Resorts and recreational developments
- Schools
- Other areas of public use

There are many other cautions published by the Consumer Products Safety Commission (CPSC), in addition to the

handbook, that can prove helpful. The American Society for Testing and Materials (ASTM) is another resource and publishes standards for various types of playgrounds. Standards set by the CPSC and ATSM should be followed during design, construction and operation of any playground, including compliance with the Playground Safety Subcode specific to the entity’s area of operation. New York mandates that playground design and maintenance comply with the requirements of the CPSC. Once a compliant playground has been constructed, the job is only beginning. Ongoing vigilance is necessary. Playgrounds receive extensive use and scheduled inspection and maintenance must be performed. While the initial construction is important, even the most well designed and safest playgrounds at the outset can become unsafe. This is why, when evaluating playgrounds, not only should the type of equipment and compliance with standards be considered, but also how the playground is maintained.

Falls may be the most common cause of playground injuries, but other hazards, such as strangulation or thermal injury or burns, are also a concern. Metal is not the only surface in a playground that can become hot enough to cause an injury. Plastics and rubber can also burn skin. Prolonged exposure to sunlight, no matter what the ambient temperature is, can heat up these materials to an unsafe level. The use of heat reducing paints on metal surfaces can lower the thermal injury hazard. Strangulation hazards can be reduced by avoiding use of ropes



on the playground itself. Children should not wear anything that could become caught in the equipment, including strings on their clothing or bicycle helmets.

Sandboxes are a favorite destination for small children. Unfortunately, they are also a favorite of animals. Sandboxes should be covered when not in use to help prevent potential contamination, and cleaned regularly to maintain sanitary conditions. The sand should be sifted occasionally and replaced every year or two. There are concerns regarding the use of play sand carcinogens.

The Healthy Schools Networks is dedicated to issues related to children's environmental health at school and provides information on playgrounds and toxic threats. These include wood playground equipment with chromated copper arsenate (CCA), lead in painted equipment and surrounding soil, artificial turf toxins, safe play sand and sandbox safety.

Indoor and outdoor playgrounds, such as those at fast food restaurants, pose additional concerns. They are subject to the requirements of the CPSC and ATSM.



The addition of food service creates additional areas to consider with these play areas. Management must be scrupulous about cleanliness. The Minnesota Department of Health suggests that indoor play area surfaces be cleaned and sanitized daily or even more often. A surface that appears

to be clean may still be contaminated and should be cleaned.

Play equipment should be inspected regularly following manufacturers' specifications in addition to the CPSC and ATSM requirements. Staff should be properly trained in performing inspections,

monitoring equipment and performing corrective action if necessary in the play area. Signs and posters clearly indicating the rules, any height or weight restrictions and hand washing precautions should be posted. Children should not eat in the play area.

In 2011, Erin Carr-Jordan began a personal campaign regarding cleanliness in fast food restaurant playgrounds. She found bacterial contamination and unsafe conditions in many of these facilities. She founded Kids Play Safe to improve conditions and promote regulatory legislation. There is a bill in Illinois, HB 1372, related to cleanliness in these playgrounds currently pending in the state's House. The issue has received considerable publicity.

Adequate means of egress, illuminated exit signs and emergency lighting in accordance with National Fire Protection Association (NFPA) Standard 101 must be provided. There should be plans in place for emergencies and evacuation including specific safety plans detailing training and safety protocols related to equipment.

State requirements and related information are also good sources for establishing underwriting standards. In New York, the Office of Children and Family Services has established guidance. The agency has outlined the following for backyard

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play equipment for family and group daycare providers:

- Materials and play equipment used by the children must be sturdy, free from rough edges and sharp corners.
- Outdoor equipment such as swings, slides and climbing apparatus must be assembled in accordance with the manufacturer's specifications.
- There must be a cushioned surface under all outside play equipment that present a fall hazard. Surfacing may not include concrete, asphalt, grass or other hard compacted dirt.
- Equipment must be in good repair and be placed in a safe location.
- Residential outdoor play equipment manufactured for home use may be used by children in family-based programs and must be used specifically for its intended purpose.
- Equipment and apparatus may be used only by the children for whom it is developmentally appropriate.

The New York Office of Children and Family Services also provides videos to assist child care providers. The specific topics they cover on their website are Outdoor Activities, Playground Safety Tour, and Unsafe Playground Equipment and Sun Safety.

These resources can be shared with our customers who have a playground on their premises and/or operate a playground as part of their business. It's often easy to forget how dangerous a place that is meant to be fun can be. Safety is of course paramount related to any location or business, but child safety certainly resonates for all involved.

It's important to keep in mind that while playgrounds provide much enjoyment in various locales, they present unique liability hazards that can be properly controlled with the assistance of the available published information and insurance professionals.

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