

## To The Point Playgrounds

Playgrounds are a common sight in most communities. Often, playgrounds and play areas are incorporated into the grounds of apartment complexes and condominiums as an added attraction for families with small children or residents with grandchildren. As with any athletic equipment, especially equipment for young children, it is important to ensure proper installation from the beginning, and regular maintenance and upkeep throughout the life of the equipment.

### Keeping Fun In and Danger Out

According to the Consumer Product Safety Commission (CPSC), over 200,000 emergency room visits each year are linked to playground-related injuries.<sup>1</sup> The National Safety Council (NSC) reports that nearly 80% of these injuries result from falls.<sup>2</sup>

The legal responsibility for maintaining playground equipment according to established standards falls on the owner of such equipment. This also includes the surfaces around the equipment, which must be shock-absorbent in the event of falls from the equipment. While there is an expectation that children will be monitored by a responsible adult when on a playground, and signage stating this requirement should be present, this fact does not relieve the owner of the playground of at least partial potential liability in the event of an injury. Consider the results of these incidents and subsequent lawsuits:

- A \$20 million settlement agreement was reached with a fast food restaurant and a playground installer in a lawsuit involving the brain injury of an eight-year-old boy who fell while playing on an indoor playground. He fell on the non-padded tile floor, hitting his head on the tile surface.
- A ten-year-old child fell eight feet onto the hard surface at an apartment complex playground. The life care of the child, which is on-going for constant supervision, medical care, and drugs to curb severe hyperactivity, is expected to reach \$15 million.
- A school district was required to pay a \$90,000 settlement when a child chased a ball into the road next to a playground. The child was struck and killed by a passing truck. The parents contended that the playground should have been fenced or better supervised.

It is important to note that if the maintenance of the playground is subcontracted, this still may not fully relieve the owner from liability. Still, a good risk management practice is to obtain certificates of insurance from the maintenance company and request that the owner be added as an additional insured on the maintenance company's insurance policy.

There are numerous standards in place concerning the safe design, installation, and maintenance of playground equipment and its surrounding surfaces. While many of these are voluntary standards, they have been generally accepted as the standards that should be followed for playground equipment. Some of these standards include:

- ASTM F1487 – Standard Consumer Safety Performance Specification for Playground Equipment for Public Use
- ASTM F1292 – Standard for Specification for Impact Attenuation of Surface Systems Within the Use Zone of Playground Equipment
- ASTM F2223 – Standard Guide for ASTM Standards on Playground Surfacing

Beyond these ASTM standards, the Consumer Product Safety Commission has extensive information available that discusses playground safety. One of the most comprehensive, the "Public Playground Safety Handbook", lists numerous references and provides numerous examples of how a playground should be designed and how playground equipment should be installed.

## Learn More & Connect

For more information on protecting your business, contact your local risk engineer, visit the [Chubb Risk Consulting Library](#), or check out [www.chubb.com/riskconsulting](http://www.chubb.com/riskconsulting).

While by no means a comprehensive list, below are some basic checklist items from the CPSC that illustrate the items to look for when reviewing the safety and quality of playgrounds on a property:

- Make sure surfaces around playground equipment have at least 12 inches of wood chips, mulch, sand, or pea gravel, or are mats made of safety-tested rubber or rubber-like materials.
- Check that protective surfacing extends at least six feet in all directions from play equipment. For swings, be sure the surfacing extends, in back and front, twice the height of the suspending bar.
- Make sure play structures more than 30 inches high are spaced at least nine feet apart.
- Check for dangerous hardware, like open “S” hooks or protruding bolt ends.
- Make sure spaces that could trap children, such as openings in guardrails or between ladder rungs, measure less than 3.5 inches or more than nine inches.
- Check for sharp points or edges in equipment.
- Look out for tripping hazards, like exposed concrete footings, tree stumps, and rocks.
- Make sure elevated surfaces, like platforms and ramps, have guardrails to prevent falls.
- Check playgrounds regularly to see that equipment and surfacing are in good condition.
- Carefully supervise children on playgrounds to make sure they’re safe.

## Resources

Consumer Product Safety Commission (CPSC) Playground Resources Public Playground Safety Handbook, [www.cpsc.gov/s3fs-public/325.pdf](http://www.cpsc.gov/s3fs-public/325.pdf)

ASTM Standards, [www.astm.org/Standard/standards-and-publications.html](http://www.astm.org/Standard/standards-and-publications.html)

1. Consumer Product Safety Commission (CPSC), [www.cpsc.gov/safety-education/safety-guides/playgrounds/public-playground-safety-checklist](http://www.cpsc.gov/safety-education/safety-guides/playgrounds/public-playground-safety-checklist)
2. National Safety Council (NSC), [www.nsc.org/community-safety/safety-topics/child-safety/playground-safety](http://www.nsc.org/community-safety/safety-topics/child-safety/playground-safety)

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