



Pennsylvania Association for the  
Education of Young Children



## **Position Statement on House Bill 1443, Printer's Number 2810**

*Issued March 27, 2024*

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### **Position**

*The Pennsylvania Association for the Education of Young Children (PennAEYC), Trying Together and First Up support House Bill 1443, PN 2810 to establish a Statewide Advisory Council on playground safety. The bill establishes a council that will review and comment on regulations and standards that pertain to playground safety, to review and comment to legislative committees and Independent Regulatory Review Commission (IRRC) on proposed playground safety regulations and standards and assist and advise agencies on their efforts to improve playground safety. Playground safety is important in child care and pre-k programs so that playground environments are safe for all children and contribute to the reduction of playground-related deaths and injuries.*

### **Bill Summary**

House Bill 1443 as amended would establish the Statewide Advisory Council on Playground Safety, consisting of 25 members appointed by the Governor, with three-year terms, except for cabinet officers. Members of the council include the secretaries or their designees of the Departments of Community and Economic Development, Conservation and Natural Resources, Education, Environmental Protection, Health, Human Services, Labor and Industry, local municipalities and the PA Recreation and Park Society.

The council would review and comment on regulations and standards that pertain to playground safety, to review and comment to legislative committees and IRRC on any proposed regulations or standards and to assist and advise agencies in their efforts to improve playground safety, meeting at least four times per year. Assisting and advising agencies includes recommendations for the implementation and enforcement of regulations and standards, suggestions regarding sources of fiscal and other support recommendations regarding personnel training in playground safety and inspection, recommendations for improvement of playground safety and inspection procedures, recommendations for the development of a reporting mechanism and consideration of safety plan models. The act would take effect immediately.

### **Background**

The Consumer Product Safety Commission (CPSC) Public Playground Safety Handbook presents safety information for public playground equipment in the form of guidelines and applies to public playground equipment for use by children 6 months through 12 years in child care centers. The Pennsylvania child care center regulations references this handbook to ensure the safety of play equipment in child care centers.

Chapter 3270.102 (c), Chapter 3280.102 (c) and Chapter 3290.102 (c), condition of play equipment, requires that outdoor equipment that requires embedded mounting must be mounted over a loose-fill or unitary playground protective surface covering that meets the recommendations of the CPSC. The equipment must be anchored firmly and be in good repair. The regulation further outlines the requirements on playground surface coverings. Chapter 3270.102b, Chapter 3280.102b and Chapter 3290.102b, playground protective surface covering – statement of policy, requires that playground protective surface coverings in Chapter 3270.102(c), Chapter 3280.102 (c) and Chapter 3290.102 (c), (relating to condition of play equipment) be safe and shock absorbing for a fall from the highest designated play surface on a piece of equipment as specified in the CPSC's Public Playground Safety Handbook, Publication 325.

The Pennsylvania child care regulations in many instances mirrors Caring for Our Children, National Health and Safety Performance Standards Guidelines for Early Care and Education Programs, which is a collection of national standards that represent the best practices, based on evidence, expertise, and experience, for quality health and safety policies and practices for today's early care and education settings. These standards include best practices around play equipment and they recommend that play equipment and materials in the facility meet the recommendations of the CPSC and the American Society for Testing Materials International (ASTM) for public playground equipment.

### **Recommendations and Rationale**

*PennAEYC, Trying Together and First Up support House Bill 1443, PN 2810 to establish a Statewide Advisory Council on playground safety. Child care play equipment in Pennsylvania must meet the recommendations of the CPSC and the ASTM for public playground equipment in compliance with child care regulations.* Equipment and materials intended for gross-motor (active) play in child care programs already conforms to the recommendations in the CPSC Public Playground Safety Handbook and the provisions in the ASTM. All play equipment should be constructed, installed, and made available to the intended users in such a manner that meets CPSC guidelines and ASTM standards, as warranted by the manufacturers' recommendations.

The safety of play and playground equipment should be universal across the state, regardless of where it is located. As long as children have access to the play and playground equipment, they should be deemed safe. From a consumer perspective, parents and caregivers will make the assumption that play and playground equipment that are available and accessible are in fact safe. Parents and caregivers should not be considered experts in determining if play or playground equipment is safe for their children to exercise their bodies, brains and social skills.

Having the council review and comment on draft regulations and standards that pertain to playground safety, review and comment to legislative committee and IRRC on efforts to improve playground safety and assist and advise agencies in their efforts as members of the Statewide Advisory Council will ensure that regulations and standards on playground equipment are consistent. The council will assist and advise agencies in recommendations for the implementation and enforcement of regulations and standards, suggestions regarding sources of fiscal and other support recommendations regarding personnel training in playground safety and inspection, recommendations for improvement of playground safety and inspection procedures, recommendations for the development of a reporting mechanism and consideration of safety plan models.

### **Fiscal Impact to Child Care Provider Community**

As amended, there is no fiscal impact to the broader child care provider community. This bill would allow the Statewide Advisory Council to review and comment on regulations and standards that pertain to playground safety.