



U.S. CONSUMER PRODUCT SAFETY COMMISSION
5 RESEARCH PL
ROCKVILLE, MD 20850

Khalisa H. Phillips, Ph.D., CPSI
Psychologist
Division of Human Factors
Directorate for Engineering Sciences

Tel: 301-987-2592
Email: kphillips@cpsc.gov

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Dear [REDACTED]:

Thank you for contacting the U.S. Consumer Product Safety Commission (CPSC) regarding the [Public Playground Safety Handbook](#) (the *Handbook*). With more than 200,000 people visiting hospital emergency rooms each year due to playground related injuries, we are pleased to hear that you are taking the playground safety seriously in your community. Your inquiry was forwarded to me for response. Please note that unless otherwise indicated, the views expressed in this letter have not been reviewed or approved by, and may not reflect the views of, the Commission. Additionally, the *Handbook* is a set of recommendations, but it is not a federal regulation. State or local jurisdictions are free to use the guidance in the *Handbook* as they wish, and local codes and regulations should always be followed. CPSC technical staff is providing the following opinion based solely on the information in the e-mail you sent. Staff has not visited your facility, inspected your site, or reviewed any photos. The technical staff can neither approve, nor disapprove, any specific installation or piece of playground equipment.

On April 7, 2014, you wrote:

Hi, I am a member at a community swimming pool and I am in charge of redoing our playground located there at the pool. I have been having a hard time finding a clear answer to whether or not we are considered a public facility or private. We are a members only club but open our doors to the public during swimming events. My question is, if we are considered public, do we have to follow the safety guidelines for playgrounds? And, do we also need to purchase commercial playground equipment or could we purchase residential? Any advice you can give me would be great.

As stated above, the *Handbook* is a set of recommendations for public playgrounds. The *Handbook* does not establish any mandatory requirements. Therefore, even if your playground is public, you are not required to follow the guidelines that are stated in the *Handbook*.

You should look to the *Handbook* to determine the appropriateness of following the guidance provided there. Section 1.3 of the *Handbook* titled, "*What is a Public Playground,*" states that

public playground facilities include “resorts and other recreational developments” and “other areas of public use.” In addition, we note that the playground you describe is not a backyard playset at a private residential home, which is the type of playground covered by the *Outdoor Home Playground Safety Handbook* and is often referred to as “residential.” You should also consider the definition of “public use playground equipment” in the voluntary standard ASTM F1487, *Standard Performance Specification for Public Playground Equipment*:

Section 3.1.32 public use playground equipment — play structure for use in play areas of schools, parks, child-care facilities, institutions, multiple-family dwellings, private resorts and recreation developments, restaurants, and other areas of public use.

Therefore, even though your facility is privately owned and operated, under the guidance stated in the *Handbook* and the definition provided in ASTM F1487, your facility could reasonably be considered a public use facility. Staff encourages you to review the guidance for public playgrounds contained in the *Handbook*. In particular, see Section 1.4.1 for a list of voluntary standards for your consideration.

From the information you provided, it is unclear how close the playground equipment will be installed near your pool. Playground equipment that is attached to a pool and involves “water play,” as defined above, is not covered by the public playground *Handbook*. If any of the playground equipment will be installed on the pool itself, such that the equipment leads to “purposeful immersion of the patron’s body partially or totally in the water and involve more than incidental patron contact (for example, pools, water slides, lazy rivers, interactive aquatic play devices)”, CPSC staff recommends that you consult ASTM 1159, *Standard Practice for Design and Manufacture of Patron Directed, Artificial Climbing Walls, Dry Slide, Coin Operated and Purposeful Water Immersion Amusement Rides and Devices and Air Supported Structures*, Section 3.1.

Regarding your questions about the type of equipment to purchase, CPSC staff does not endorse or recommend specific equipment so long as it is compliant with all applicable voluntary standards. Although “commercial” equipment is generally designed to meet the recommendations in the *Handbook*, you may also find other equipment that follows the recommendations. “Residential” equipment is typically not designed for use by large numbers of children, and although it may meet many of the recommendations in the *Handbook*, staff recommends that you consider the use scenarios. A playground installed at a facility that numerous children use daily, a likely scenario at a private swimming club, is likely to see much higher use than a typical backyard play set.

I hope this information answers your inquiry. Please let me know if you have any additional questions.

Sincerely,

Khalisa Phillips, Ph.D., CPSI
Psychologist
Division of Human Factors