

<b>OCFP</b> <b>Office</b> <b>of Child and</b> <b>Family</b> <b>Policy</b>	<b>Department of Children and Family Services</b>	
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	<b>Origin of Request: Central Office of Licensing</b>	
	<b>Distribution: Licensing Staff, Administrative Staff, Office of Child and Family Policy (A,L,P)</b>	
	<b>Key Words: 89 IAC 407, Licensing Standards for Day Care Centers, Outdoors Play Equipment, Entrapment Hazard, Openings.</b>	
	<b>Approved by:</b>	

### Interpretation

**Question:** Is playground equipment with openings that are greater than 3 ½ inches and less than 9 inches that present no entrapment hazard in violation of the intent of the Rule in Section 407.390?

**Applicable To:** Licensed Day Care Centers

**Policy Citation:** Section 407.390 Outdoor Play Area

(l)(9) All pieces of playground equipment used by children five years of age and younger shall be designed to guard against entrapment or situations that may cause strangulation.

A) Openings in exercise rings shall be smaller than 4½ inches or larger than nine inches in diameter.

B) There shall be no openings in a play structure with a dimension between 3½ inches and nine inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.

**Discussion:** The intent of the Rule in limiting the size of openings in play structures is to guard against head entrapment or situations that may cause strangulation.

The dimensions cited in 407.390(l)(9) are derived from recommendations by the U.S. Consumer Product Safety Commission (CPSC) which states in its Handbook for Public

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Safety, “An opening may present an entrapment hazard if the distance between any interior opposing surfaces is greater than 3 ½ inches or less than 9 inches; when one dimension of an opening is within this potentially hazardous range, all dimensions of the opening should be considered together to fully evaluate the possibility of entrapment.” The Commission goes on to describe the proper method of testing an opening to rule out entrapment risk.

Day care centers that have playground equipment with openings greater than 3 ½ inches and less than 9 inches and believe that the equipment does not present an entrapment hazard need to be evaluated individually. Evaluation is required even if the equipment meets the standards of the American Society for Testing and Materials (ASTM) or has the manufacturer’s certification that the product meets ASTM standards. Day care centers should seek a Declaratory Ruling from the Department for questionable playground equipment providing the manufacturer’s appropriate documentation or a certification from the manufacturer that it meets ASTM standards.

**Response:**

**Day care centers that have playground equipment with openings that are greater than 3 ½ inches and less than 9 inches that are believed to present no entrapment hazard should request a Declaratory Ruling from the Department. Documentation from the American Society for Testing and Materials (ASTM) or a manufacture’s certification that it meets ASTM standards should be attached to the Declaratory Ruling request.**