



Legislation Text

File #: Res 0011-2010, **Version:** *

Res. No. 11

Resolution calling upon the New York State Legislature to amend section 399-dd of the General Business Law to allow municipalities to enact local laws regarding playground equipment, and to specifically allow the City of New York to legislate standards for such equipment for playgrounds owned and maintained by the New York City Housing Authority and further, for any city agency, included but not limited to the Department of Parks and Recreation, as well as the New York City Housing Authority, to perform a temperature test for all equipment installed in parks and playgrounds, including safety equipment and materials, and to prohibit such materials from being installed that pose a health or burn danger to exposed skin.

By Council Members Mark-Viverito, James, Palma, Williams and Dromm

Whereas, The safety and well-being of children is a priority in New York City and ensuring this is a concern not just for parents, but for all New Yorkers; and

Whereas, The fall, spring and summer seasons bring an increase in children's outdoor activities, including the use of playgrounds at schools and in parks; and

Whereas, According to the United States Consumer Product Safety Commission (CPSC), a majority of playground-related injuries occur from April through June, with more than 200,000 children injured annually in the United States; and

Whereas, According to an article in the Daily News dated December 31, 2008, the black safety mats used in many City playgrounds can reach temperatures up to 165 degrees Fahrenheit in hot weather which, in only seconds, can cause severe burns to children's skin, such as bare feet; and

Whereas, The above-referenced article also reported that two City hospital burn units treat as many as 18 children a year who are burned on playground mats, slides and decks; and

Whereas, According to an article in The New York Times dated July 21, 2008, the Commissioner of Parks and Recreation (DPR), Adrian Benepe, stated that all of the City's parks have signs warning children and

other users to wear shoes at all times while using playgrounds in order to avoid the dangers of the hot summer temperatures and reduce the risk of injury; and

Whereas, Concerned parents and children’s advocacy groups have argued that the City needs to look into alternative materials to use in the City’s playgrounds and make certain that the warning signs posted in playground areas be of such size and in such locations as to be beneficial to parents and children in understanding the dangers of playground equipment exposed to high temperatures; and

Whereas, Local Law 28 of 2009 mandates signs at all DPR playgrounds to read, “Warning: Some surfaces may become hot. Please take precautions with exposed skin;” and

Whereas, The Public Playground Safety Handbook, prepared by the CPSC, states that dark colored surfacing materials exposed to intense sun and heat have caused blistering on bare feet and recommends using light colored materials or providing shading to reduce direct sun exposure; and

Whereas, Under the current provisions of the New York State General Business Law section 399-dd, the authority for creating rules regarding playground equipment rests solely with the New York State Consumer Protection Board; and

Whereas, Presently, New York State Law would also not allow the City of New York to legislate playground equipment standards as they relate to playgrounds owned and maintained by the New York City Housing Authority, pursuant to Public Housing Law Section 155; and

Whereas, Nonetheless, the DPR Commissioner may mandate temperature testing consistent with New York State law; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend section 399-dd of the General Business Law to allow municipalities to enact local laws regarding playground equipment, and to specifically allow the City of New York to legislate standards for such equipment for playgrounds owned and maintained by the New York City Housing Authority and further, for any city agency, included but not limited to the Department of Parks and Recreation, as well as the New York City

Housing Authority, to perform a temperature test for all equipment installed in parks and playgrounds, including safety equipment and materials, and to prohibit such materials from being installed that pose a health or burn danger to exposed skin.

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