



Legislation Details (With Text)

**File #:** Res 1782-2009      **Version:** \*      **Name:** Playground equipment and the Department of Parks and Recreation to require a temperature test for all equipment installed in parks and playgrounds.

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**Title:** 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 the Department of Parks and Recreation to require a temperature test for all equipment installed in parks and playgrounds, including safety surfacing, and to prohibit such materials from being installed that pose a health or burn danger to exposed skin.

**Sponsors:** Melissa Mark-Viverito, Gale A. Brewer, Leroy G. Comrie, Jr., Letitia James, G. Oliver Koppell, James Sanders, Jr., Jessica S. Lappin

**Indexes:**

**Attachments:** 1. Committee Report 2/9/09, 2. Hearing Testimony 2/9/09, 3. Hearing Transcript 2/9/09

Date	Ver.	Action By	Action	Result
1/28/2009	*	City Council	Introduced by Council	
1/28/2009	*	City Council	Referred to Comm by Council	
2/9/2009	*	Committee on Parks and Recreation	Hearing Held by Committee	
2/9/2009	*	Committee on Parks and Recreation	Laid Over by Committee	
12/31/2009	*	City Council	Filed (End of Session)	

Res. No. 1782

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 the Department of Parks and Recreation to require a temperature test for all equipment installed in parks and playgrounds, including safety surfacing, and to prohibit such materials from being installed that pose a health or burn danger to exposed skin.

By Council Members Mark-Viverito, Brewer, Comrie, James, Koppel, Sanders Jr. and Lappin

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 home, at school and in parks; and

Whereas, According to the Consumer Product Safety Commission, 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 and equipment; and

Whereas, According to an article in The New York Times dated July 21, 2008, the Commissioner of the Department 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 safety 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, The Public Playground Safety Handbook, prepared by the United States Consumer Product Safety Commission, 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 New York State General Business Law section 399-dd, the authority for creating rules regarding playground equipment rests with the New York State Consumer Protection Board; and

Whereas, Nonetheless, the DPR Commissioner may mandate temperature testing consistent with New York State rules; 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 be it further

Resolved, That the Council of the City of New York calls upon the Department of Parks and Recreation to require a temperature test for all equipment installed in parks and playgrounds, including safety surfacing, and to prohibit such materials from being installed that pose a health or burn danger to exposed skin.

LS# 5818

PM

1/20/09