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December 17, 2008

Mr Hugh M. McLaurin
Associate Executive Director
Directorate for Engineering Sciences
U. S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
Dear Sir:

On November 19, 2008 in St. Louis Missouri the ASTM F15.29 Subcommittee on Playground Equipment for Public Use held another lengthy discussion on the current 2008 Draft CPSC Handbook. All members present received copies of letters sent to U.S. CPSC on behalf of members of the International Play Equipment Manufacturers Association (IPEMA), National Recreation and Park Association's National Playground Safety Institute (NPSI), National Program on Playground Safety (NPPS), and the National Playground Contractors Association International (NPCAI). In addition, the Subcommittee reviewed the August 22nd response received from the CPSC and letters from others sent to CPSC.

I have been directed by our ASTM F15.29 Subcommittee to write this letter to the CPSC requesting written response to the specific issues identified in the October 3rd letter submitted by IPEMA President Tim Ahern. The intent of this letter is to clarify the CPSC's position on these areas of mutual concern. We are looking for a CPSC response that will provide the rationale supporting the need for the differences between the ASTM F1487-07ae¹ and the current 2008 CPSC Handbook referenced in the letter from Mr. Ahern.

Since quick resolution is of major concern to our members and as Chair of the ASTM F15.29 Subcommittee, I am offering to meet with the appropriate CPSC representatives to discuss CPSC's final response to the IPEMA October 3rd letter. I personally support the need for CPSC Handbook as the ASTM standard is a performance standard for the playground equipment and is therefore silent to issues such as; design, layout and supervision.

Compliance with the CPSC Handbook is fast becoming a requirement of many state laws on public playground safety. Most of these laws require childcare owner/operator to maintain complete compliance to the document leaving schools and municipalities to determine which document they will use. Some states, like California, specify both documents and sometimes specify which sections of each document shall be followed. Currently the differences between our two documents create considerable confusion in the marketplace and result in higher costs to owner/operators and manufacturers as they try to comply with the industry standard of care and avoid unnecessary and costly liability exposure. Vagueness and confusion with the differences between these two documents often leads to the reduction of play value by impacted parties eliminating acceptable risk or challenge in a child's learning environment. This confusion can lead to additional costs by all parties and ultimately reduce the number of children's play spaces. While this may never have been the intent of the CPSC it is the reality our public playground owner/operators must comply.

Realizing the current trend of States adopting the CPSC Handbook, I would once again reiterate my concern with the lack of more quantifiable and definitive requirements within some sections of the Handbook. CPSC technical recommendations that do not mirror the ASTM F1487 standard or other items that do not give a physical or quantifiable definition leave interpretation of the CPSC's intent on a specific item to the courts. Unfortunately, mandated legislation compromises the use of and need for terms and statements like; professional judgment, special consideration should be given, visual barriers should be minimized as much as possible, etc., etc.

The CPSC does not revise the Handbook as frequently as the ASTM F1487 Standard which also creates issues for manufactures and owner/operators as new products and injury data require more timely revisions. CPSC has historically worked closely with the ASTM with the goal of improving consumer safety. In my experience, CPSC has deferred to the ASTM industry standards whenever possible. There was a time in the 1980s when the CPSC was the leading advocate for public playground safety. The CPSC led the way for most of the organizations who now champion this cause. ASTM F15.29 Subcommittee, the group responsible for the content of the ASTM F1487 Standard, has come a long way in responding to the need for timely standard changes as injury trends are identified through the assistance of the CPSC. I pledge our Subcommittee's continual support and willingness to work closely with the CPSC to address future public playground safety concerns. That being said, we believe every effort should be made to follow the full content of the ASTM Standard when it comes to technical requirements of all play equipment. ASTM pledges to continue to work with CPSC to modify our Standard and refine the CPSC Handbook as necessary to address these concerns.

Ultimately our goal is for harmonization on all technical performance requirements of public play equipment found in ASTM F1487. CPSC should always address the issues the ASTM document is silent on and where we agree to disagree we should provide some written rationale for our positions and where CPSC's rationale is superior to that of the ASTM requirement ASTM should change the standard to harmonize.

I look forward to CPSC's response to the October 3rd letter at which time I would recommend a face to face meeting to review these items in an effort to better understand each others positions and hopefully we can find a common ground solution to each others concerns. I hope to hear from you in the near future so we might discuss the timing and location for such a meeting. Quick and thoughtful resolution to these issues if of utmost concern to all parties concerned.

Respectfully submitted,

Kenneth S. Kutska

Kenneth S. Kutska
ASTM F15.29 Subcommittee Chair

cc: Colin Church, US CPSC Voluntary Standards Coordinator
Kitty Pilarz, F15 Chair
Len Morrissey, F15 Manager

IPEMA™
INTERNATIONAL PLAY EQUIPMENT MANUFACTURERS ASSOCIATION

October 3, 2008

Consumer Product Safety Commission (CPSC)
Hugh McLaurin, Associate Executive Director
Directorate for Engineering Sciences
4330 East West Highway
Bethesda, MD 20814

Dear Mr. McLaurin –

This letter is in response to your letter dated August 22, 2008. In that correspondence you noted that, prior to a face-to-face meeting to discuss the discrepancies between the CPSC Handbook, it would be helpful if we provided the areas of conflict that we believe need to be addressed.

Following is a document that delineates some of the concerns that we have as an industry between the Handbook and the Standards. We have also outlined some discrepancies that exist within the Handbook, in case they have not yet been noticed by CPSC Staff or others who have read the document.

We appreciate the opportunity to put our specific thoughts and concerns in writing prior to a meeting for your review. Once you are ready to meet with our representatives, please let me know so that we can schedule a mutual time to conduct that meeting.

Thank you for this opportunity. We really do appreciate your willingness to listen to the industry's concerns.

Sincerely,

Tim Ahern
Tim Ahern
President

cc: William Foelsch, Chairman, National Playground Safety Institute
Donna Thompson, Executive Director, National Program for Playground Safety
Karen Spears, Chairman, National Playground Contractors Association
IPEMA Board of Directors

Review and Comparison Document
(CPSC Handbook for Public Safety 08/ASTM 07)

Accessibility

CPSC – 1.3 page 1 (These guidelines are not intended ...) Equipment components intended solely for the disabled and modified to accommodate such users also are not covered by these guidelines.

ASTM – 1.5 page 1, This specification does not address accessibility, except as it pertains to safety issues not covered in the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

Suggest - CPSC change this statement. The current statement infers that equipment intended solely for children with disabilities may be excepted from the equipment safety requirements as outlined in the CPSC #325 Handbook. ASTM clearly states F1487 does not address ADAAG requirements, but does require it to comply with requirements.

Age Overlap

CPSC - 1.6 Background, Page 2 – refers to toddlers as ages 6 months through 2 years which would include children 35 months of age.

ASTM - The Standard specifically addresses toddlers as those children who are under two years of age.

Suggest - The age range be re-considered and reworded to include children under two years of age. The overlap of 12 months presents a problem when testing play areas. The under two standard for barriers is based on the center of gravity of the 23 month old. With the overlap would we be required to raise the barriers to accommodate the 35 month old? This age range also contradicts statements elsewhere in the handbook such as Table 1 Age Appropriate Equipment, list equipment intended for children under two. The issue of overlap becomes a problem with equipment that is not recommended for a particular age group. If the equipment is not recommended for an age group and there is a one year overlap, can the overlap year child use the equipment? Track rides for example are not recommended for children 2-5. The ASTM standard says they are not recommended for children under the age of five. In States that have mandated compliance with CPSC this is a huge difference. The same is true for all equipment not recommended for the pre-school age child. Can a five year old play on this equipment?

Projection Definition

CPSC - 1.8, page 4 – Definitions – Projection – Hardware that extends outward from a surface of the playground equipment and must be tested to determine whether it is a protrusion or entanglement hazard, or both.

ASTM - 3, page 3 – Terminology – 3.1.26 projection —condition which, due to its physical nature, must be tested to the requirements of this standard to determine whether it is a protrusion or entanglement hazard, or both.

Suggest - Change this definition to be consistent with ASTM. CPSC relates only to hardware. ASTM applies to all physical parts configurations including hardware.

Toddler Definition

CPSC - 1.8, Page 4, Definitions – Toddlers – Children 6 months through 2 years of age

CPSC - 1.3, page 1, Indoor child care facilities should refer to ASTM F2373 for Children 6 months through 23 months.

ASTM - F2373 does not define a "toddler", but notes that the Standard covers children through 23 months of age.

Suggest - Change definition to be consistent with ASTM. F2373 covers both indoor and outdoor equipment for children 6 months through 23 months. CPSC should recognize this in the Handbook, as it provides more technical specification. Adding the Toddler definition in Handbook being 6 months through 2 years adds confusion for the intent of developing age appropriate equipment as outlined in ASTM F2373. Clearly the intent of F2373 was to define the user as under 24 months of age.

Protrusion, Projection and Entanglement Definitions

CPSC - Page 4 – definitions. Protrusions – A projection which, when tested, is found to be a hazard having the potential to cause bodily injury to a user who impacts it, or whose clothing becomes entangled on it. Projection — Hardware that extends outward from a surface of the playground equipment and must be tested to determine whether it is a protrusion or entanglement hazard, or both. Entanglement — A condition in which the user's clothes or something around the user's neck becomes caught or entwined on a component of playground equipment.

3.2, Page 13, Entanglement and Impalement – the CPSC Handbook groups these two distinct hazards together. The first three points in this section pertain specifically to entanglement. Each of these hazards should be identified separately and be consistent with ASTM.

ASTM - The ASTM definition relates to injury by impacting the projection. A protrusion hazard is a projection that fails the protrusion test method. Entanglement hazards are very different from protrusion hazards and the word entanglement should not be used in the definition of protrusion. It is a projection that has the potential to either impale or entangle. Refer to the definitions in ASTM F1487.

Suggest - The definitions be consistent with ASTM. The definitions in the Handbook are different than ASTM's definitions and are conflicting to consumers. For example, the use of the word "entangled" in the definition of protusion conflicts with the definition of entanglement. Which definition do consumers and industry leaders use?

Conflicting Activities

CPSC - 2.2.3 Conflicting Activities – The inclusion of use zones in this section is confusing. CPSC recommends that slide exits be in uncongested areas. "Uncongested" is not defined and this only adds to the interpretation issues of this section.

5.3.6.5, Page 35, Slide use zone – Slide exit use zone is not consistent with ASTM. CPSC slide use zones are based on free standing slides and have not change or updated with ASTM and composite structure use zones.
CPSC Injury Study states the current use zones (updated use zone for composite structures and independent use zone) are not a factor for injuries in their findings. With that there should be no conflict between CPSC and ASTM.

ASTM - There is a clear difference between independent equipment and composite play structures and the different use zones for each.

Suggest - Add to the 2nd paragraph the word "independent" so the Sentence would read – "Different types of independent equipment have different use zones….." This would assist in clarifying the difference between independent equipment and composite play structures.

Sight Lines

CPSC - 2.2.4, Page 6 Sight Lines - It is important for parents and caregiver to be able to track the children as they move through the play environment, it is difficult to define "minimize as much as possible" and "equipment should be as visible as possible" from park benches.
2.2.6 – This is the type of information CPSC Handbook should provide for good guidance for supervisor/caregivers and owner/operators.

ASTM - This area is not addressed in ASTM standards.

Suggest - Park Benches and attentive supervision are at odds with one another. Supervision and visibility work together, as the child moves the supervisor/caregiver moves with them for the most impact. We suggest the Handbook highlight attentive supervision and remove supervision from park benches.

Selecting Equipment

CPSC – 2.3, Page 7, Selecting Equipment – The wording of this section is somewhat confusing and a change from the 97 Handbook and CPSC draft 2007 to the current 08 Handbook. In the previous versions, a more comprehensive list of equipment not recommended for specific age groups was included.

Table 1 Age Appropriate Equipment Page 7, Toddler – Under 2

The age group Under 2 (6months To 23 months F2373) is in conflict with CPSC 1.8 Definition of Toddler – Children 6 months through 2 years of age. (35 months).

ASTM - F2373 defined the age groups based on child development and child-care age separation.

Suggest - It is recommended that CPSC consider using the information from the previous version of the Handbook as it relates to selecting equipment, or the information contained in the CPSC Handbook draft 2007, located on page 35.

Age Separation of Equipment

CPSC - #325 1997 Handbook 5.3 (Age Separation of Equipment) list of components were specific, such as " free standing arch climbers", "free standing climbing events with Flexible components" etc. The list of components in the new Handbook draft is not as specific as in the previous version.

This is a significant change and impacts a lot of equipment installed in the field and new playground designs. I believe we are all supportive of the 97 wording but not the 08 as it is restrictive and does not take into consideration Supervision and "playground should allow children to develop gradually and test their skills providing a series of graduated challenges", along with age appropriate playground designs accommodating these differences with respect to type, scale and layout. (CPSC 1.6)

Suggest - To resolve this conflict, we suggest using the 97 Handbook and the 07 CPSC Handbook draft wording by inserting the words "free standing" before arch climbers and climbing events with flexible components into Section 5.3.

Angles

CPSC - 3.3.2 – Angles – CPSC is not consistent with ASTM when it comes to addressing partially bounded openings. Angles should be greater than 55 degrees, unless one side is horizontal or below horizontal.

ASTM - F1487 specifies a test procedure to determine a partially bound opening and is more comprehensive than what is in the Handbook.

Suggest - At the end of this section, simply refer to ASTM Standards for more detailed information related to determining partially bound openings.

Suspended Hazards

CPSC - 3.5 – Page 15, Suspended Hazards – This entire section is inconsistent with ASTM. CPSC speaks to a single suspended component. CPSC does not have the exemption for multiple suspended components that is found in ASTM 6.6.2.

ASTM - In Section 6.6 of the ASTM Standard, suspended hazards are clearly defined and speak to multiple suspended components.

Suggest - Clearly defining multiple suspended components. This section is confusing as it suggests that it is OK to have a suspended component within 45 degrees from the horizontal if it is not located in a high traffic area, is brightly colored and is anchored at both ends. The 08 Handbook expanded this section from the 97 Handbook but failed to be consistent with ASTM.

Guardrails and Protective Barriers

CPSC - 5.1.3, Page 19, Guardrails and Protective Barriers – Within this section, the requirement of having one rail of a horizontal guardrail placed overhead if the opening is greater than 15 inches is missing. In addition, there are no exceptions for stairways or ramps.

ASTM - ASTM allows for the use of a single horizontal rail as an option for preventing an inadvertent fall. ASTM also includes exceptions to this requirement such as for upper body equipment because a user who is trying to land on a platform may not have the coordination or strength to pass their body through a 15 inch opening or small opening. The same exception applies to stairways, ramps and transfer systems. (See ASTM 7.5.5.2 for guardrails and ASTM 7.5.6.3 for protective barriers)

Suggest - This conflict between CPSC and ASTM is major as it affects all existing designs since 1998 ASTM F1487 publication. We recommend that the same exceptions be included in the Handbook as are included within the ASTM standard.

Stairways and Vertical Rise

CPSC - Table 6, Page 22 Stairways, Vertical rise – Pre-School – less than or equal to.

Suggest - Changing the sign. The table indicates "greater than or equal to" instead of "less than or equal to". All the signs in this table should be checked for accuracy.

Climbing and Upper Body Equipment

CPSC - 5.3.2, Page 24 – Climbing and Upper Body Equipment
Last sentence states for the first time playgrounds designed for children under 4 years should avoid arch climbers, flexible climbers, horizontal ladders, parallel bars and other upper body components. This conflicts with Table 5, Pre-school Arch Climbers/Flexible Climbers.

Suggest - Consistency between Table 5 and Section 5.3.2

Illustration Issue

CPSC - Fig. 11/13, page 26/27 does not illustrate the 15 inch max. opening requirements.

Suggest - We suggest adding an indicator showing the 15" opening and then adding the overhead rail to the illustration, or referencing readers back to the section that states "if greater than 15", one horizontal rail must be added."

Horizontal Ladders

CPSC – 5.3.2.4, page 27 Horizontal (overhead) ladders – States that the horizontal distance from the platform out to the first handhold should be at least 8 inches but no greater than 10 inches. The CPSC 1997 version stated the first handhold on either end of the upper body equipment should not be placed directly above the platform or climbing rung used for mount or dismount.

ASTM - F 1487-07 (8.3.2) states – The horizontal distance from the leading edge of the take-off or landing structure, or both, out to the first handhold of upper body equipment shall be no greater than 10 inches. In addition, where the take-off or landing point is provided by means of rungs, the horizontal distance to the first handhold shall be at least 8 inches but no greater than 10 inches.

Suggest - The Handbook be clear about the requirements for horizontal ladders. The 8-10 inch requirement (ASTM 8.3.2) is only when access to upper body equipment is with the use of rungs (as in vertical type rung ladder). This requirement has been in ASTM F1487 since first published in 1993. The 08 CPSC 5.3.2.4 first time requirement makes all existing equipment installed to ASTM F1487 non-compliant to CPSC 08 when using the less than 10 inch rule off a platform.. (This was not in the 07 CPSC draft.)

Overhead Rings

CPSC - 5.3.2.5, Page 28, Overhead rings – The horizontal distance to the first handhold should be at least 8 inches but no greater 10 inches.

Suggest - The Handbook be clear about the requirements for overhead rings. This is the same issue as 5.3.2.4, previous points. (This was not in the draft 07)

Log Rolls

CPSC – 5.3.3, page 29, Log Rolls - Use Zones

- the use zone may overlap with neighboring equipment if the other piece of equipment allows overlapping use zones and
- There is at least 6 feet between equipment when adjacent designated play surfaces are no more than 30 inches high; or
- There is at least 9 feet between equipment when adjacent designated play surfaces are more than 30 inches high.

Suggest - Log Roll use zones per clause 5.3.3 are for free standing log rolls and therefore should be stated as such. Fig. 14 illustrates a log roll can be a component attached to a composite structure but the text of 5.3.3 would restrict it. Please note: Log Rolls are permitted to be both free standing and part of a composite structure.

Tube Slides

CPSC - 5.3.6.3.5, page 34, Tube Slides
Recommendations for barriers or textured surfaces to prevent climbing and sliding on top of the tube is not well thought out. It is well documented that children can access equipment despite barriers being placed around and climb 7 foot barrier walls, e.g. soft contained play equipment. Also, textured surfaces on

plastic slides can have the opposite effect in preventing sliding and would provide less co-efficient friction and result in a slippier surface.

The last point in this section recommends transparent tube sections for observation/supervision. Transparent plastic sections have a shorter life cycle than solid colored plastic sections. Transparent plastic has a much higher maintenance requirement and when these sections fail, they can be very dangerous with sharp splinters.

Suggest: Removing second and fourth bullet points in 5.3.6.3.5.

Swings

CPSC - 5.3.8.1 Swings- Hardware requirements are only mentioned in this section of the Handbook.

Suggest - It would be more consistent with ASTM to have a section on hardware, requiring all hardware to meet these conditions, not just swing hardware.

CPSC - 5.3.8.3.2 – The recommendation that only the same style of seat such as "fully enclosed" be suspended from the same bay is fine when there is more than one bay, but a problem when there is only one bay.

Suggest - Consider allowing the use of an open seat with a bucket seat when a swing set has only one bay. This requirement, as currently written, places an undue burden on small child care centers that have limited space.

CPSC - 5.3.8.3.3 Swing use zones – CPSC recommendation is not fully consistent with ASTM as ASTM allows the use zone of the stationary supports to overlap other use zones with a min. overlap of 108". This overlap is included for other stationary components but has been omitted for swings. In addition, the requirements for multi-axis versus single-axis are different, as multi-axis allows for the overlap to be with "other playground equipment structures" where the single-axis requirement only allows overlap with "an adjacent swing structure".

ASTM – 9.4.1.5 Swing use zones – The use zone surrounding the support structure of a to-fro swing shall extend no less than 72" in all directions from the structure. (1) the support structure use zones for adjacent to-fro swings may overlap; (2) the use zone for a support structure of a to-fro swing in the use zone of other play equipment may overlap. The minimum overlap shall be 108".

Suggest - Single axis definition of use zone be consistent with multi-axis definition of use zone and add to the last sentence "or other playground equipment structure". CPSC does allow the stationary supports of tire swings to overlap other play events with a minimum of 108 inches which leads us to believe that the omission for to-fro swings was an error.

CPSC - 5.3.8.4 Tire Swings – CPSC has removed the 35 pound weight limit for tire swings.

Suggest - Put the 35 pound weight limit back into the handbook.

Functionally Linked Play Structures

CPSC - 5.3.9. Use Zones – There is no mention in the document of how to treat the use zone of a composite structure or of play functionally linked pieces. Without clarification play functionally linked components which were part of a composite structure linking one platform to another requires a nine foot minimum separation in between each component.

ASTM - Functionally linked play structure is defined as: Play structure that acts as a single unit in its physical form or sense of function as continuous play, even if the components are not physically attached.

Suggest - Allowing for functionally linked play structures. The nine-foot separation disallows play functionally linked pieces in a layout/design.

Head Entrapment

CPSC - B .2.5 Head entrapment – The recommendation that the torso probe has to be able to penetrate an opening to a depth of 4 inches has been eliminated. The 4" depth is illustrated in Figure B8, but not mentioned in any of the copy.

Suggest - It is recommended that CPSC add this back into the handbook to be consistent with ASTM and the prior CPSC documents. It is our understanding the reason for having the four inch depth of penetration was relating to a head first entry into an opening. 4 inches is the point at which the ear flaps could become caught, it had nothing to do with a feet first entry. The 4 inch depth penetration has been in the CPSC Handbook since the 91 Revision. Adding this back would maintain the consistency of CPSC rationale and Handbooks and would be consistent with ASTM.

Corners

CPSC - Section 3.4 - Remove "corners" from all references in the title and subsequent verbiage

ASTM - Corners are inherently covered as a sharp point or edge.

Suggest - Removing "corners" from all references to be consistent with ASTM.

Vertical Falls

CPSC - Section 5.3.2.1.5

Suggest - Clarify that this requirement refers to vertical falls greater than 18", as this clarifies the original intent of this requirement.

3-Dimensional Climbing Net Structures

CPSC - Section 5.3.2.3

ASTM - **8.2.5 3**-Dimensional Climbing Net Structure (See figure xx.xx).

8.2.5.1 The mesh structure shall be arranged in a manner so there is no clear opening between flexible members with a vertical dimension greater than 72" and a diameter of 18" (457mm) for climbing nets intended for 2 through 5 year olds, and a diameter of 20" (510mm) for climbing nets intended for 5 through 12 year olds. See Figure xx.xx.
8.2.5.2 The fall height for 3-dimensional matrix nets shall be the highest distance of either the interior or exterior fall height. The minimum fall height for structures greater than 72" (1829mm) shall be 72".
8.2.5.2.1 The exterior fall height shall be the highest point at which a rigid vertical member contacts the climbing net structure when moved around the perimeter. See Figure xx.xx.
8.2.5.2.2 The interior fall height shall be the distance between the protective surfacing and the highest member where there is a vertical clear opening 18" (457mm) in diameter for climbing nets intended for 2 through 5 year olds, and a 20" (510mm) in diameter for climbing nets intended for 5 through 12 year olds. See Figure xx.xx.

Suggest - Add specific sections pertaining to 3-dimensional matrix nets per the requirements as defined in ASTM F1487-07 section 8.2.5. This prevents excessive freefall heights onto a flexible member. The clear opening diameters in each of the age groups is conservatively based upon the following anthropometric dimensions: shoulder width (8.66"– 5% 2 year old, 9.72" – 5% 5 year old), the lateral grip reach (18.9"– 5% 2 year old, 20.67 – 5% 5 year old). The lateral grip reach is measured from the opposite shoulder to the extended reach of the hand. If you considered the total lateral grip from hand to hand it would measure 29.14" – 5% 2 year old, and 31.62" 5% 5year old. Typically users on nets of this style maintain three points of contact with the net at all times. If a fall to the interior occurred, the user would not fall directly through the net in such a manner that only shoulder width should be considered. Therefore the lateral and wide spread grip ranges were also factored into the size of the opening. Note: The diameter requirements are more restrictive than that being proposed by the CEN. The 72" vertical dimension is consistent with interior clearance requirements being proposed by the CEN. Because of the posture (leaning inward/forward) maintained by users on climbing net structures, it is reasonable to assume that the height of an external fall would occur at the highest point on the exterior of the structure where the vertical member makes contact.

<u>Trade Rides</u>
CPSC - Section 5.3.2.7 - Fifth bullet point states, "Nothing should ever be tied or attached to any part of a track ride".

Suggest - Changing verbiage to, "Nothing should ever be tied or attached to any part of a track ride trolley or handle". We do not want to allow the possible interpretation that track rides can not be attached or "tied to" a composite structure.

<u>Bucket Swing Seats</u>
CPSC - Section 5.3.8.3.2

Suggest - Remove the minimum and maximum pivot point heights for full bucket swing seats. Or at least change the maximum to 96". The current verbiage makes any 8' swing with full bucket seats existing in the field non-compliant.

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U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

August 22, 2008

Mr. Tim Ahern, President
International Play Equipment Manufacturers Association (IPEMA)
4305 North Sixth Street, Suite A
Harrisburg, PA 17110

Dear Mr. Ahern:

Thank you for the recent letter that you and your colleagues sent regarding the U.S. Consumer Product Safety Commission (CPSC) staff publication *Public Playground Safety Handbook* (Handbook).* As you noted in your letter, CPSC staff has worked closely with the national playground organizations to maintain current and accurate safety documents for the general public and playground industry. The revisions undertaken for the Handbook were no exception.

Your letter indicates that you feel there are "significant areas of conflicting information" between the ASTM standard and the Handbook. CPSC staff is not aware of significant differences or conflicts, and we are disappointed that the perception of such differences remains at this stage. For more than two years, staff worked closely with ASTM and its members to solicit comments in order to accurately update this Handbook. Members were given two 30-day comment periods in which to review the document and provide comment. All comments were reviewed and addressed to the best of staff's ability to harmonize the Handbook with ASTM standards without losing the unique intent of the CPSC staff document. As noted in the Handbook, it is "expected to promote greater safety awareness among those who purchase, install, and maintain public playground equipment." It is not intended to be identical to ASTM standards.

CPSC staff would welcome further dialogue to resolve any issues or discrepancies you feel exist in the Handbook. It is our intent to publish the most accurate and useful reference document possible. To begin this dialogue, prior to a face-to-face meeting, it would be helpful if you would provide in writing the areas of conflict that you believe need to be addressed. Please note that as a result of comments received at the ASTM meeting in Denver, Colorado in May 2008, staff has already noted the need to include a statement referring to ASTM F1487 *Standard Consumer*

* These comments are those of CPSC staff, have not been reviewed or approved by, and may not necessarily reflect the views of, the Commission.

Safety Performance Specification for Playground Equipment for Public Use for more technical guidance. In addition, staff has already corrected a technical error in Section 5.3.2.1.2 *Fall height related to climbing equipment.*

CPSC staff respectfully disagrees with your request to remove all technical information from the Handbook and rely on the ASTM standards. The Handbook is intended to provide as much useful guidance as possible, free of charge, to the general public. In providing this guidance, staff believes that the Handbook is the most beneficial to its intended audience in its current form.

Thank you again for your interest in reviewing and providing inputs on the Handbook. I look forward to continuing discussions that help resolve any remaining differences.

Sincerely,

Hugh M. McLaurin
Associate Executive Director
Directorate for Engineering Sciences