R430-90-13. CHILD SAFETY AND INJURY PREVENTION.

This section introduces the rules and information about preventing physical injury and other harm to children. These rules apply to both the indoor and outdoor areas of the facility including vehicles when they are accessible to the children.

To keep children safe, the provider is responsible to 1) ensure that the child care environment is free of hazards and/or that hazards are inaccessible to children, and 2) provide necessary supervision in preventing harm to children.

Refer to 90-2(27) for the definition of inaccessible and approved ways of making hazards inaccessible.

(1) The provider shall ensure that the building, outdoor area, toys, and equipment are used in a safe manner and as intended by the manufacturer to prevent injury to children.

Rationale/Explanation

The provider has a duty to protect everyone in their facility by complying with manufacturer safety guidelines. Manufacturer instructions contain important safety information that helps avoid injury and property damage. Additionally, not using a product according to manufacturer instructions can be used against the provider if an accident occurred and legal action was taken.

Ultimately, carefully planned environments; staffing that supports nurturing, individualized, and engaged caregiving; and well-planned, responsive care routines support active supervision in environments. CFOC 4th ed. Standard 2.2.0.1 p.p. 69.

Compliance Guidelines

This rule will be considered out of compliance when a child or adult is allowed to use the building, a toy, equipment, or another item in an unsafe way (for example, a child goes down the slide head first and a caregiver does not immediately address the situation, or children are near an adult who is using equipment, such as a chain saw or lawn edger, that requires safety protection).

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning

(2) The provider shall ensure that poisonous and harmful plants are inaccessible to children.

Rationale/Explanation

Plants are among the most common household substances that children ingest. Determining the toxicity of every commercially available household plant is difficult. A more reasonable approach is to keep any unknown plant out of the environment that children use. All outdoor plants and their leaves, fruit, and stems should be considered potentially toxic. CFOC 4th ed. Standard 5.2.9.10 p.p. 249.

Compliance Guidelines

Poisonous and harmful plants must be made inaccessible to children both in the indoor play environment and in the outdoor play area.

For a list of poisonous and harmful plants, refer to the Utah Poison Control Center

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning

(3) The provider shall ensure that sharp objects, edges, corners, or points that could cut or puncture skin are inaccessible to children.

Rationale/Explanation

Equipment, materials, furnishings, and play areas should be sturdy, safe, and in good repair and should meet the recommendations of the U.S. Consumer Product Safety Commission (CPSC) for control of safety hazards including sharp points or corners. CFOC 4th ed. Standards 5.3.1.1 - 5.3.1.2 p.p. 253-254.

Compliance Guidelines

• With active supervision, children may use woodworking tools, but sharp woodworking tools must be inaccessible when not in use.
• With active supervision, school-age children may use sewing needles, but they must be inaccessible when not in use.

Consider an object to be sharp if:
• It is has an edge or point that is made for the purpose of cutting, slicing, piercing, or puncturing another object, such as a pair of adult scissors, a knife, razor (including electric

with exposed blades), staple gun, thumb tack, sewing needle (including for a sewing machine), antler, quill, etc.
• It has an edge or point that could cut, slice, pierce, or puncture because it is broken, in disrepair, or improperly installed, such as toys or other objects with jagged or sharp edges, nails or screws with protruding points, etc.
• It has a rigid edge or point that is likely to cut or puncture when coming into contact with bare skin, such as a plugged-in fan or paper shredder without a finger guard that prevents a child's fingers from reaching the blades.
• Puncture weeds and thistles that are accessible in the outdoor play area are considered sharp objects.

The following objects will not be considered sharp objects:
• Furniture edges (unless they are broken)
• Hammers and screwdrivers
• Cheese graters, apple corers, and vegetable peelers
• Tape dispenser and staple removers
• Icicles
• Scissors with blunt or round blade ends

Risk Level
Moderate
Corrective Action for 1st Instance
Citation Warning

(4) The provider shall ensure that choking hazards are inaccessible to children younger than three years old.

Rationale/Explanation
Choking occurs when food or other object blocks the airway making it difficult or impossible to breathe. A blocked airway can quickly lead to severe complications, including brain damage and death. According to the American Academy of Pediatrics (AAP), young children are at higher risk of choking because they tend to put objects in their mouths and because their windpipes (tracheas) are narrow (about the size of a drinking straw's diameter). A child chokes to death approximately every five days; and 75% of choking deaths occur in children under the age of 3 years, making choking a leading cause of death in infants and toddlers.

Injury and fatality from aspiration of small parts is well documented. Eliminating small parts from children's environments will greatly reduce the risk. Objects should not be small enough to fit entirely into a child's mouth. According to the federal government's small parts standard on a safe-size toy for children under three years of age, a small part should be at least one and

one-quarter inches in diameter and between one inch and two and one-quarter inches long; any part smaller than this has a potential choking hazard. CFOC 4th ed. Standard 6.4.1.2 p.p. 303-304.

In 2010, the American Academy of Pediatrics released guidelines for choking prevention for parents and health care providers. Knowing which objects most often cause choking can reduce risk, so common choking hazards (other than food) are listed below:

- Coins
- Buttons
- Toys with small parts
- Objects that can fit entirely in a child's mouth (blocks, small balls, marbles, small stones, etc.)
- Balloons
- Small hair bows, barrettes, rubber bands, jewelry
- Art and craft supplies (pen or marker caps, macaroni, beans, beads, craft eyes, chalk, etc.)
- Small magnets, game board pieces, etc.
- Pet food

First Aid for Families (PedFACTs) (Copyright © 2012 American Academy of Pediatrics)

Compliance Guidelines

- An object is considered a choking hazard if it fits completely in a choke tube without altering its natural shape.
- A choking hazard in any room or area of the facility (including bathrooms and outdoor areas) must be inaccessible if the area is being used or can be accessed by children younger than 3 years old.

Allow the following exceptions to rule:

- Children younger than 3 years old may use materials smaller than the approved size (e.g., game pieces or art materials such as crayons, uncooked pasta, etc.) only in a carefully supervised activity. This means a caregiver is within arm's reach of the children and providing constant, active supervision; and the caregiver does not leave until the materials are made inaccessible.
- If a crayon or other object breaks and becomes a choking hazard while in use, it will not be a rule violation if the caregiver immediately removes the hazard, or stays within arms reach and provides constant, active supervision.
- Food will not be considered a choking hazard if:
    - The food quickly melts, dissolves or crumbles in the mouth without chewing,
    - The children are eating the food at a supervised meal, or
    - For infants and toddlers, the food is cut into the appropriate size. Refer to "Section 24: Infant and Toddler Care."

• Attached caps (such as marker and bottle caps), attached lids (such as glue stick and chapstick lids), and attached paper clips will not be considered choking hazards.
• Small items (such as uncooked pasta) that are in the unopened original packaging will not be considered choking hazards.
• Elements of nature (items that are not man made, such as rocks, shells, pine cones, acorns, sticks, etc.) and parts of protective cushioning (such as bark) that are smaller than the allowed size may be accessible to children in the outdoor area.
• Chalk will not be considered a choking hazard.
• An object smaller than ½ by ½ inch will not be considered a choking hazard.

Risk Level
Moderate
Corrective Action for 1st Instance
Citation Warning

(5) The provider shall ensure that strangulation hazards such as ropes, cords, chains, and wires attached to a structure and long enough to encircle a child's neck are inaccessible to children.

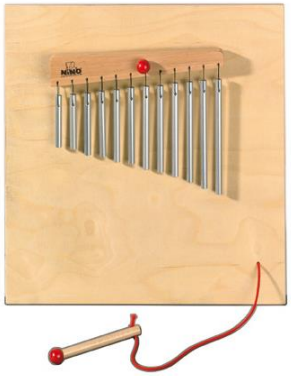
Rationale/Explanation
Strings and cords (such as those found on window coverings) long enough to encircle a child's neck should not be accessible to children in child care. CFOC 4th ed. Standard 3.4.6.1 p.p. 138.

The Food and Drug Administration (FDA) has alerted parents, caregivers, and health care professionals that necklaces, bracelets, and other jewelry marketed for relieving teething pain or for providing sensory stimulation should not be used. Such use could lead to strangulation, choking, serious injuries, or death. For more information, refer to the Food and Drug Administration.

Compliance Guidelines
Examples of noncompliance include:
• Window covering cords or chains that are accessible to children (hanging within 36 inches of the floor).
• Ropes, cords, chains, or wires that are attached to structures, such as railings, fences, and decks, and are hanging within 36 inches of the floor or ground.
• Ropes, cords, chains, or wires that are longer than 12 inches and can make a loop 5 inches or greater in diameter and are attached to secure objects.

It is not out of compliance if:
• Children play with lacing cards, stringing beads, yarn, ribbon, boondoggle, scarves, string, shoelaces, jump ropes, dress-up clothing with ties, purses with straps, and hanging jewelry.

• Children are properly strapped into feeding tables or highchairs with nylon safety straps.
• Lanyards and necklaces are used.
• There are accessible loose jump ropes.
• An electrical cord is plugged in (even when the cord is longer than 12 inches).
• Cords or strings that are attached to a structure with an item designed for play such as tether ball, or mallets attached to a wall of musical instruments attached to the other end, may be any length. Caregivers must maintain active supervision at all times.



Risk Level
Moderate
Corrective Action for 1st Instance
Citation Warning

(6) The provider shall ensure that tripping hazards such as unsecured flooring, rugs with curled edges, or cords in walkways are inaccessible to children.

Rationale/Explanation
Inside and outside stairs, ramps, porches, and other walkways to the structure should be constructed for safe use as required by the local building code and should be kept in sound condition, well-lighted, and in good repair. Prevention of slipping and tripping hazards is key to preventing injuries from falls. CFOC 4th ed. Standard 5.1.6.2 p.p. 223.

Compliance Guidelines
• Compliance will be assessed in all areas used by children.
• Tripping hazards include:
- Defective flooring with uneven edges coming up more than 1/4 inch from the floor level.
- Rugs with curled edges of more than 1/4 inch above the rug level.
- Electrical and other cords that are in or across indoor and outdoor walkways.

Risk Level
Moderate
Corrective Action for 1st Instance
Citation Warning

(7) The provider shall ensure that empty plastic bags large enough for a child's head to fit inside, latex gloves, and balloons are inaccessible to children younger than five years old.

Rationale/Explanation
Plastic bags, whether intended for storage, trash, diaper disposal, or any other purpose, should be stored out of reach of children. Plastic bags have been recognized for many years as a cause of suffocation. Warnings regarding this risk are printed on diaper-pail bags, dry-cleaning bags, and so forth. The U.S. Consumer Product Safety Commission (CPSC) has received average annual reports of twenty-five deaths per year to children due to suffocation from plastic bags. Nearly 90% of the reported deaths were to children under the age of one. CFOC 4th ed. Standard 5.5.0.7 p.p. 274.

Compliance Guidelines
- This rule applies to:
  - Any empty plastic bag that is 9 inches in diameter or bigger (including gallon-size storage bags).
  - Plastic bags in a roll that are in accessible drawers, cupboards, containers, open boxes, or dispensers.
  - Balloons and punch balls whether or not inflated.

- This rule does not apply to:
  - Bags smaller than 9 inches in diameter.
  - Plastic trash can liners inside of a trash can.
  - Plastic grocery bags being used in activities (such as making kites) with constant, active supervision.
  - A plastic bag that is tied in a knot.
  - Plastic bags, latex gloves, or balloons in a sealed box that has not yet been opened.
  - Latex gloves or empty bags on a changing table, if they are only within reach of the child on the changing table.
  - Multiple-use rubber gloves.
  - Mylar balloons.
  - Balloons encased in a non latex material (such as nylon or tulle), but the rule does apply to a balloon encased in a second balloon.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning

(8) The provider shall ensure that standing water that measures two inches or deeper and five by five inches or greater in diameter is inaccessible to children

Rationale/Explanation

Small children can drown within thirty seconds, in as little as two inches of liquid. Drowning is the second leading cause of unintentional injury-related death for children ages one to fourteen. In 2006, approximately 1,100 children under the age of twenty in the U.S. died from drowning.

Thirty children under five years of age died from drowning in buckets, pails, and containers from 2003-2005. Of all buckets, the five-gallon size presents the greatest hazard to young children because of its tall straight sides and its weight with even just a small amount of liquid. It is nearly impossible for top-heavy (their heads) infants and toddlers to free themselves when they fall into a five-gallon bucket head first. CFOC 4th ed. Standard 2.2.0.4 p.p. 71-72.

Compliance Guidelines

The following is a list of common places standing water may be found:

- Buckets (including mop buckets) and other containers
- Coolers and ice chests
- Water features such as fountains, birdbaths, etc.
- Garbage cans or other similar containers
- Wheelbarrows
- Bathtubs

The following is not considered to be standing water:

- Water being used as part of a supervised project such as painting on the sidewalk with water
- Water in a water table
- Temporary puddles on the ground caused by weather or sprinklers
- Animal water bowls or enclosed water dispensers, unless the water is served in a bucket
- Toilets
- Fish bowls, fish tanks, and aquariums (except for fish ponds and similar water features)

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning

(9) The provider shall ensure that toxic or hazardous chemicals such as cleaners, insecticides, lawn products, and flammable, corrosive, and reactive materials are:

- **(a) inaccessible to children;**
- **(b) used according to manufacturer instructions;**
- **(c) stored in containers labeled with the contents of the container; and**
- **(d) disposed of properly.**

Rationale/Explanation

Inaccessible

There are over two million human poison exposures reported to poison centers every year. Children under six years of age account for over half of those potential poisonings. The substances most commonly involved in poison exposures of children are cosmetics and personal care products, cleaning substances, and medications. CFOC 4th ed. Standard 5.2.9.1 p.p. 243.

Flammable materials such as chemicals and cleaners account for the majority of burns to the head and face of children. These materials are also involved in unintentional ingestion by children. CFOC 4th ed. Standard 5.5.0.5 p.p. 274.

Used According to Instructions

Children must be protected from exposure to pesticides. To prevent contamination and poisoning, child care staff must be sure that these chemicals are applied by individuals who are licensed and certified to do so. Exposure to pesticides has been linked to learning and developmental disorders. Direct observation of pesticide application by child care staff is essential to guide the pest management professional away from surfaces that children can touch or mouth and to monitor for drifting of pesticides into these areas. CFOC 4th ed. Standard 5.2.8.1 p.p. 242.

Stored in Labeled Containers

Staff should always read the label prior to use to determine safety in use. CFOC 4th ed. Standard 5.2.9.3. pp. 244. Rubbing alcohol looks like water. Even small amounts are poisonous to children. Rubbing alcohol can also be toxic when inhaled. It should be used in a well-ventilated area. In addition, because it is flammable, it should always be kept away from open flame. www.poison.org.

Disposed of Properly

Infectious and toxic wastes should be stored separately from other wastes, and should be disposed of in a manner approved by the regulatory health authority. This practice provides for safe storage and disposal of infectious and toxic wastes. CFOC 4th ed. Standard 5.2.7.7 p.p. 241

Compliance Guidelines

• Toiletries (products used to clean and/or groom one's body, including hair dye) are not required to be inaccessible. This includes hand sanitizers, even those containing alcohol.
•Aerosol cans containing toiletries and air fresheners will not be assessed as toxic or hazardous chemicals. All other aerosol cans are considered flammable and must be inaccessible.
• Nail polish remover, and contact lens cleaner solutions will be considered chemicals and have to be made inaccessible to children.
• Cleaners such as dish soap and laundry detergent, that are not intended to be used on one's body, must be inaccessible to children. However, dish soap and borax may be used for educational purposes only in a carefully supervised activity. This means a caregiver is within arm's reach of the children and providing constant, active supervision; and the caregiver does not leave until the materials are made inaccessible.
• A cleaning bucket that contains a chemical and is in use does not need to be labeled with its contents.
• A bucket does not need to be labeled if used to carry or store labeled containers of chemicals.
• Disinfecting wipes or another sanitizing solution on a changing table will not be considered out of compliance as long as the changing table meets the definition of inaccessible.
• Gasoline and other similar products enclosed in a vehicle or equipment, such as a lawnmower, are not considered accessible.
• Paint and other substances in a sealed can are considered inaccessible if the lid is securely attached and can only be opened with a tool.
• A cleaner that is attached to the inside of a toilet bowl is not considered accessible.
• Batteries are corrosive. Loose batteries or batteries not currently in a battery powered device, must be inaccessible to children.

Risk Level
Moderate
Corrective Action for 1st Instance
Citation Warning

(10) The provider shall ensure that the following items are inaccessible to children:
(a) matches or cigarette lighters;
(b) open flames;
(c) hot wax or other hot substances; and
(d) when in use, portable space heaters, wood burning stoves, and fireplaces.

Rationale/Explanation
The U.S. Consumer Product Safety Commission (CPSC) estimates that 150 deaths occur each year from fires started by children playing with lighters. Children under five-years old account for most of these fatalities. A child playing with candles or near candles is one of the biggest contributors to candle fires. Matches have also been the source of some fire-related deaths.

Children may hide in a closet or under a bed when faced with fire, leading to fatalities . CFOC 4th ed. Standard 5.5.0.6 p.p. 274.

The most common burn suffered by young children is scalding from hot liquids tipped over in the kitchen. The skin of young children is much thinner than that of adults and can burn at temperatures that adults find comfortable. In a recent study, 90.4% of scald injuries to children under age five were related to hot cooking or drinking liquids. CFOC 4th ed. Standard 4.5.0.9 p.p. 192.

Portable electric space heaters are a common cause of fires and burns resulting from very hot heating elements being too close to flammable objects and people. Fireplaces provide access to surfaces hot enough to cause burns. Children should be kept away from fire because their clothing can easily ignite. Children should be kept away from a hot surface because they can be burned simply by touching it. A mechanical barrier separating the child from the source of heat can reduce the likelihood of burns, CFOC 4th ed. Standards 5.2.1.11- 5.2.1.13 p.p. 228-230.

Compliance Guidelines

• Candles on a birthday cake or cupcake may be used as long as an adult is in constant arm's reach of the lit candles until the candles are blown out.
• A fireplace pilot light will not be considered a violation.
• A space heater is any heater that can be moved and is not permanently installed into the wall. This includes convection heaters, infrared heaters, patio heaters, and space heaters that are manufactured to look like fireplaces. This rule applies to all types of fireplaces including electric, gas, and infrared fireplaces.
• Space heaters, wood burning stoves, and fireplaces of any type are allowed when:
  - They are not used while children are in care.
  - They are inaccessible to children if used while children are in care. (A child safety gate may make a piece of heating equipment inaccessible if the gate is attached to the wall on both sides and is at least 36 inches away from all sides of the heating equipment.)
  - The provider has documentation from the manufacturer that a specific piece of heating equipment is safe for children to touch, and therefore may be accessible and used while children are in care.

If accessible to children, items considered out of compliance include:
• A cigarette lighter, whether or not the lighter contains fluid.
• Plug-in warmers that contain melted wax or hot oil.
• Hot glue guns, irons, and hair styling irons that are plugged in.
• Hot liquids, foods, and substances in an appliance (such as a crock pot or coffee pot).
• Electrical cords from an appliance containing a hot substance that children could pull down.

Risk Level
High
Corrective Action for 1st Instance
Citation and CMP Warning when:
Open flames are accessible to children.

Risk Level
Moderate
Corrective Action for 1st Instance
Citation Warning otherwise

(11) The provider shall ensure that the following items are inaccessible to children:
(a) live electrical wires; and
(b) for children younger than five years old, electrical outlets and surge protectors without protective caps or safety devices when not in use.

Rationale/Explanation
Tamper-resistant electrical outlets or securely attached safety covers prevent children from placing fingers or sticking objects into exposed electrical outlets and reduce the risk of electrical shock, electrical burns, and potential fires. GFCIs provide protection from electrocution when an electric outlet or electric product may come into contact with water. Approximately 2,400 children are injured annually by inserting objects into the slots of electrical outlets. The majority of these injuries involve children under the age of six. CFOC 4th ed. Standard 5.2.4.2 p.p. 233.

Compliance Guidelines
• Exposed electrical wires (the metal is exposed) will be considered live. They will be treated as if electrical current is running through them and will not be tested to determine compliance.
• In areas used by children younger than 5 years old, electrical outlets and surge protectors must be inaccessible or have protective caps or safety devices when not in use. This includes areas within 36 inches from:
- Any sleeping surface used by infants, including in rooms that are only used for napping.
- Any surface in a bathroom where a child could climb or stand, such as a bathtub, toilet or counter.

Refer to the following information about outlets and surge protectors that must be inaccessible to children younger than 5 years old.
• GFCI Protected outlets have “Test” and “Reset” buttons built into the outlets.
• A grounded outlet is one that has holes for three prongs and must be inaccessible or have a protective cover unless it is tamper resistant. However, the bottom grounding hole is not required to be covered or protected.

• All unused plugs in surge protectors must be covered. Some surge protectors pose a fire hazard if covered with individual safety caps. There are covers that encase the entire surge protector that may be safer to use.

Acceptable ways to protect or cover outlets (receptacles) include:
• Install tamper-resistant receptacles. They appear to have the slots filled in and are labeled "TR" between the two slots or with the words "tamper-resistant."
• Use individual outlet caps to cover all openings in the outlet or surge protector.
• Install an electrical outlet cover (or safe plate) that sits on top of the existing outlet.
• Replace existing outlet covers with safe plate slide covers that have spring-loaded shutters that cover the outlet openings.
• Cover receptacle openings by using an item, such as a doorbell box or deodorizer, that plugs into one plug and covers the entire outlet.

Risk Level
High
Corrective Action for 1st Instance
Citation and CMP Warning when:
An exposed live electrical wire is accessible.

Risk Level
Moderate
Corrective Action for 1st Instance
Citation Warning when:
An electrical outlet or surge protector is without a protective cap or safety device when not in use and is accessible to children younger than 5 years old.

(12) Unless used and stored in compliance with the Utah Concealed Weapons Act or as otherwise allowed by law, the provider shall ensure that firearms such as guns, muzzleloaders, rifles, shotguns, hand guns, pistols, and automatic guns are:
(a) locked in a cabinet or area using a key, combination lock, or fingerprint lock; and
(b) stored unloaded and separate from ammunition.

Rationale/Explanation
Approximately 20,000 children are taken to emergency departments for firearm-related injuries every year and the majority of these injuries are accidental. Younger children are more likely to be unintentionally injured, and the majority of these accidental shootings occur in homes. It is critical that firearms be properly locked. "Pediatric Firearm-Related Injuries in the United States" (Parikh K, et al. Hosp Pediatr. May 23, 2017).

Compliance Guidelines

• Guns that are dismantled and do not contain a trigger mechanism are not considered a firearm.
• Firearms must be stored unloaded. Ammunition may be stored in the same area as the firearm as long as the area is locked according to rule.
• When a gun that cannot be fired is used as decoration, the provider can apply for a variance that includes documentation from a gunsmith that the specific gun cannot be fired.
• Firearms must be locked according to rule. Using an alternate type of lock, such as a trigger lock or a lock that is controlled by swiping an app on a cell phone, is out of compliance.
• CCL staff will observe where each firearm on the property is stored, including firearms stored in outbuildings and vehicles.
• If a firearm is stored in a vehicle that is not used to transport children, the vehicle must be locked with a key or keypad.
• If a firearm is stored in a vehicle that is used to transport children, the firearm must be locked with a key, combination lock, or fingerprint lock within the vehicle.

Risk Level

Extreme

Corrective Action for 1st Instance

Citation and CMP when:
A firearm is accessible to children.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning otherwise.
A firearm is inaccessible but not locked with a key, combination lock, or fingerprint lock.

(13) The provider shall ensure that weapons such as paintball guns, BB guns, airsoft guns, sling shots, arrows, and mace are inaccessible to children.

Rationale/Explanation

The potential for injury to and death of young children due to firearms is apparent. These items should not be accessible to children in a facility CFOC 4th ed. Standard 9.2.3.16 p.p. 392.

Compliance Guidelines

• A weapon is defined as an item for which the intended use can cause harm or death to people or animals.
• CCL staff will observe where each weapon on the property is stored, including weapons stored in outbuildings and vehicles.

• Bows (if arrows are inaccessible) can be accessible.
• Crossbows (with or without arrows) must be inaccessible.
• Arrows must be inaccessible.

Risk Level
High
Corrective Action for 1st Instance
Citation and CMP Warning

(14) The provider shall ensure that alcohol, illegal substances, and sexually explicit material are inaccessible, and not used on the premises, during offsite activities, or in vehicles any time a child is in care.

Rationale/Explanation
Alcohol, illegal substances, and sexually explicit material must be inaccessible to prevent potential ingestion or exposure. The age, defenselessness, and dependence upon the judgment of caregivers/teachers of the children under care make this prohibition an absolute requirement. CFOC 4th ed. Standard 3.4.1.1 p.p. 127.

Compliance Guidelines
• In addition to making sexually explicit materials inaccessible to children, the facility must be free of any depiction of nudity in a lascivious manner through pictures, posters, media, etc., while children are in care.
• The facility must be free of any illegal substances. Illegal substances are any items that by law are not allowed to be produced, consumed, sold, or present in the facility.
• Alcohol in a container that can only be opened with a tool (such as a corkscrew) is considered inaccessible.
• Open bottles of alcohol, and alcohol or illegal substances that are being served or consumed are considered in use and are prohibited when a child is in care.

Risk Level
High
Corrective Action for 1st Instance
Citation and CMP Warning

(15) The provider shall ensure that an outdoor source of drinking water, such as individually labeled water bottles, a pitcher of water and individual cups, or a working water fountain is available to each child when the outside temperature is 75 degrees or higher.

Rationale/Explanation

Clean, sanitary drinking water should be readily available, in indoor and outdoor areas, throughout the day. When children are thirsty between meals and snacks, water is the best choice. Drinking water helps maintain a child's hydration and overall health. CFOC 4th ed. Standard 4.2.0.6 p.p. 167.

Compliance Guidelines

• The outdoor temperature can be measured by any available electronic means including a cell phone.
• Drinking water may come from a hose as long as the hose is attached to a source of culinary water (the same water that is used inside), and not a secondary water source (such as water used to irrigate or water gardens and lawns).
• Water must be accessible to the children in their play area. If a drinking fountain is behind a closed gate, it is not considered available and is a rule violation.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning when:
Children do not have an outdoor source of drinking water and the temperature is 90 degrees or higher.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning otherwise.

(16) The provider shall ensure that areas accessible to children are free of heavy or unstable objects that children could pull down on themselves, such as furniture, unsecured televisions, and standing ladders.

Rationale/Explanation

Children have suffered serious injuries and death due to unstable heavy equipment falling on them. The Consumer Product Safety Commission estimates that:
• Every 30 minutes a child in the U.S. is injured as a result of a TV or furniture tip-over incident.
• Two-thirds of TV and furniture tip-over fatalities involve toddlers.
• On average, one child dies every two weeks from being crushed by a television set.

CPSC recommends the following to help prevent tip-over accidents:
• Anchor furniture (including entertainment units, TV stands, bookcases, shelving, and bureaus) to the floor or wall using appropriate hardware, such as brackets, screws, or toggle bolts.

• Place televisions on low, sturdy furniture or a base manufactured for that purpose.
• Place televisions on other furniture only if the furniture is anchored to the wall or floor, the TV is pushed as far back on the furniture as possible, and the TV is anchored to the wall or the anchored furniture.
• Keep remote controls, toys, and other items that might attract children off TV stands or furniture.
• Keep TV and/or cable cords out of reach of children.
• Make sure freestanding kitchen ranges and stoves are installed with anti-tip brackets.
• Never leave children alone in rooms where these safety tips have not been followed.

For more information, refer to:
• Anchor It
•Anchor for Safety: TV and Furniture Tip-Over-Related Deaths and Injuries Not Slowing Down

Compliance Guidelines

• Heavy furniture or other objects that are higher than 3 feet must be stable, secured, or anchored. This includes:

- Freestanding kitchen ranges and stoves, entertainment units, TV stands, bookcases, shelving, and bureaus that are higher than 3 feet.
- Vehicles on jack stands or blocks, piles of wood, bales of straw, stacked cinder blocks or other solid objects that are stacked.

• This rule is out of compliance when there is furniture or a heavy object that is noticeably unstable.

- Unstable furniture means that the furniture is compromised in some way (e.g missing or loose legs, leaning, etc.). A dresser with more than one fully open drawer will be considered unstable.

• If the stability of furniture or a heavy object is in question and cannot be verified solely through observation, the provider must be able to demonstrate that the object is stable. Otherwise, it will be considered unstable and a rule violation.
• The rule is out of compliance if there is a heavy object (such as a TV) on unstable furniture of any height.
• Only screens that are larger than 19 inches and accessible to children will be assessed.

- Accessible means that the screen and/or attached cords are lower than 36 inches.
- If necessary to determine the size of the screen, measure the screen diagonally from corner to corner on the inside of the frame. For more information, visit: www.wikihow.com/Measure-a-TV.
- Even if the equipment screen is inaccessible, if the equipment cords are accessible so children could pull the screen down, the screen must be anchored.

• If the screen is larger than 19 inches and accessible, it must be securely anchored, mounted, or tied to a stable structure to be in compliance with rule. A television that is built into a stable

cabinet or similar piece of furniture is considered anchored.
• A 19-inch or smaller screen or TV is not required to be anchored.
• A laptop screen is not required to be anchored.
• Any accessible stepstool or ladder that is taller than 5 feet and is leaning against a structure (such as a wall, shed, or tree) is considered unstable.
• Ladders permanently attached to a structure, stepstools and ladders measuring 5 feet or less, "Inverted V" ladders standing in an open position, and ladders lying down are not out of compliance.

Risk Level
Moderate
Corrective Action for 1st Instance
Citation Warning

(17) The provider shall ensure that hot water accessible to children does not exceed 120 degrees Fahrenheit.

Rationale/Explanation
Tap water burns are a common source of scald injuries in young children. Children under six years of age are the most frequent victims of non-fatal burns. Water heated to temperatures greater than 120°F takes less than thirty seconds to burn the skin. If the water is heated to 120°F it takes two minutes to burn the skin. That extra two minutes could provide enough time to remove the child from the hot water source and avoid a burn. CFOC 4th ed. Standard 5.2.1.14 p.p. 230.

Compliance Guidelines
• Water will be assessed at the sink used by children.
• Hot water will be measured by holding a thermometer in the running water until the temperature stops rising.
• In an effort to conserve water, there is no need to continue measuring once the temperature reaches 128 degrees Fahrenheit.
• Water temperature will be measured at each portable sink and each sink with a mixing valve that is used by children.
• If a hot water tank indicates the water temperature on a digital gauge, this measurement will be used as the assessment. In this case, there is no need to assess the water temperature at a handwashing sink connected to the water heater.
• Water faucets with motion detector shut-offs do not ensure compliance with this rule.
• Due to the variable accuracy of hot water thermometers, this rule is not considered out of compliance unless the temperature measures 123 degrees Fahrenheit or hotter.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning when:

The water temperature is 128 degree Fahrenheit or higher.

Risk Level

Low

Corrective Action for 1st Instance

Warning when:

The water temperature is between 123 and 127.9 degrees Fahrenheit.

(18) The provider shall ensure that highchairs that are used by children have T-shaped safety straps or safety devices that are used when a child is in the chair.

Rationale/Explanation

High chairs, if used, should have a wide base and a securely locking tray, along with a crotch bar/guard to prevent a child from slipping down and becoming entrapped between the tray and the seat. High chairs should also be equipped with a safety strap to prevent a child from climbing out of the chair. The safety strap should be fastened with every use. CFOC 4th ed. Standard 5.3.1.8. pp. 258.

Compliance Guidelines

- Booster seats are considered highchairs.
- If the chair is on or low to the floor so the child's feet touch the ground while sitting in the chair, a T-shaped strap or device is not required.
- Safety straps must be used in addition to a passive crotch restraint.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning when:

- The highchair does not have a T-shaped safety strap or device and is used by infants or toddlers.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning when:

- The highchair does not have a T-shaped safety strap or device and is used by older children.

(19) The provider shall ensure that infant walkers with wheels are inaccessible to children.

Rationale/Explanation

Infant walkers are dangerous because they move children around too fast and to hazardous areas, such as stairs. The upright position also can cause children in walkers to "tip over" or can bring children close to objects that they can pull down onto themselves. In addition, walkers can run over or run into others, causing pain or injury. Many injuries, some fatal, have been associated with infant walkers. CFOC 4th ed. Standard 5.3.1.10 p.p. 259.

Compliance Guidelines

- A walker is a piece of equipment that is designed for a child to sit in and use their legs to move from one place to another. A device that has a seat that rotates, but does not have wheels that move the child around the room is not considered an infant walker.
- The rule is not out of compliance when a piece of adaptive equipment is used by a child with a disability.
- A push toy with wheels is allowed and is not considered an infant walker.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning

(20) The provider shall ensure that tobacco, e-cigarettes, ejuice, e-liquids, and similar products are inaccessible and, in compliance with the Utah Indoor Clean Air Act, not used:

- **(a) in the facility or any other building when a child is in care;**
- **(b) in any vehicle that is being used to transport a child in care;**
- **(c) within 25 feet of any entrance to the facility or other building occupied by a child in care; or**
- **(d) in any outdoor area or within 25 feet of any outdoor area occupied by a child in care.**

Rationale/Explanation

Scientific evidence has linked respiratory health risks to secondhand smoke. No children, especially those with respiratory problems, should be exposed to additional risk from the air they breathe. Infants and young children exposed to secondhand smoke are at risk of severe asthma; developing bronchitis, pneumonia, and middle ear infections when they experience common respiratory infections; and Sudden Infant Death Syndrome (SIDS) CFOC 4th ed. Standard 3.4.1.1 p.p. 127.

This rule is in accordance with the Utah Indoor Clean Air Act.

Compliance Guidelines

Tobacco and similar products such as the following must be inaccessible and not used on the premises, in vehicles, or in the presence of any child in care:

- Ashtrays with cigarettes and cigarette butts
- Chewing tobacco
- Cigars
- Cigarettes and cigarette butts
- E-cigarettes and E-liquid (E-juice)
- Pipes
- Vaporizers (not to be mistaken for a humidifier or steam vaporizer)

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning when:

Tobacco or a similar product is used any place indoors, in a vehicle, or within 25 feet of the entrance or exit of the building, a window, the outdoor play area, or a child.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning when:

Tobacco or a similar product is accessible to any child in care.