


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: November 27, 2018

SUBJECT: Fiscal Impact Statement – Safe Fields and Playgrounds Act of 2018

REFERENCE: Bill 22-946, Draft Committee Print as shared with the Office of Revenue Analysis on November 14, 2018

Conclusion

Funds are not sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The bill's implementation will have one-time costs of \$811,000 in fiscal year 2019.

Background

The bill requires the Department of General Services (DGS), the Department of Parks and Recreation (DPR), and the District of Columbia Public Schools (DCPS) to create a master list of all public recreational spaces¹ in the District by June 1, 2019. The list should include the addresses of each space; the owner agency; the materials, date of installation, and natural life of any improvements; and the results and testing schedule of any synthetic materials at the recreational space. DGS should update the master list within thirty days of the completion of any construction project or receipt of materials testing results.

The bill requires the Department of Energy and Environment (DOEE) and the Department of Health (DOH) to conduct a study on the safety of all synthetic materials used at recreational spaces and transmit that study to the Council within one year of the bill's effective date. The study should include whether the synthetic materials contain known carcinogens or toxins, pose a health risk, meet shock-absorption standards,² or can cause burns, dehydration, heat stroke, or heat exhaustion.

¹ These spaces include parks, dog parks, playgrounds, spray parks, athletic fields, or other spaces used for recreational activities.

² As established by the American Society for Testing and Materials International.

After the study is complete, DGS should publish on its website a list of all synthetic materials that are approved for use at District recreational spaces and a list of synthetic materials and products that are prohibited for use, including any materials testing results that led to the prohibition. DGS should prohibit any employees, contractors, or subcontractors from using any harmful or poor shock-absorbing materials and notify any potential contractors bidding on District construction projects about which materials are prohibited. DGS should also transmit a list to the Council of all recreational spaces that currently contain materials that would be deemed prohibited under the bill and outline a remediation plan for those spaces.

The bill requires DGS to conduct shock attenuation tests of all recreational spaces that have synthetic materials annually in June or July. All testing should be done according to American Society for Testing and Materials International standards and be done with minimal interruption to DPR, DCPS, or permitted activities. DGS must remediate any recreational spaces that fail testing within twenty-four hours or close the space to the public until remediation actions are completed. If a recreational space needs to be closed, DGS should notify DPR and DCPS within twenty-four hours and post on the DGS website within two days.

DGS is also required to conduct a study on the testing of recreational surfaces for unsafe surfaces and ambient temperatures and transmit the study to the Council within one year of the bill's effective date. The study should look at existing research on synthetic turf surfaces and when they pose health and safety risks given ambient temperatures and steps that the District would need to take to test all the District's recreational spaces for unsafe surfaces and ambient temperatures.

The bill requires DGS to minimize the use of sole source and emergency procurements to construct, replace, and maintain recreational spaces. These procurements should also not void any existing warranties on recreational surfaces or equipment.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The bill's implementation will have one-time costs of \$811,000 in fiscal year 2019.

DGS has an inventory of the District's recreational spaces, but it does not have comprehensive information on the surface and sub-surface material components. DGS will need to enhance its inventory at a cost of \$311,000 in fiscal year 2019.

DGS currently shock tests and performs any necessary remediation of synthetic surfaces on an annual basis. The bill codifies this practice and there are no costs associated with this provision.

The bill requires the District to complete two studies. The first, by DOEE and DOH, will identify all synthetic materials used on District recreational spaces and assess the health and safety impacts of those materials. DGS should prohibit any contractors or employees from using materials identified in the study that pose a health and safety risk and publish a list of approved and prohibited synthetic materials on its website. This study will cost \$100,000 in fiscal year 2019. DGS will be able to publish lists of approved and prohibited materials and keep contractors informed with existing budgeted resources.

The Honorable Phil Mendelson

FIS: Bill 22-946, "Safe Fields and Playgrounds Act of 2018," Draft Committee Print as shared with the Office of Revenue Analysis on November 14, 2018

The Mayor convened an interagency working group that looked at synthetic materials used on the District's synthetic fields and does not believe any materials currently used are unsafe.³ However, the DOEE and DOH study could reach a different conclusion for some materials that could significantly impact the District's recreational spaces if certain fields needed to be replaced. For example, construction and maintenance costs for a new natural turf field could cost \$1.2 million to \$1.3 million per field over a sixteen-year lifespan.

The second study required from DGS is a study on how synthetic surfaces can best be tested for ambient temperature, the health and safety risks of certain temperature thresholds, and steps and protocols that DGS would need to undertake to test the District's recreational spaces. This study and the establishment of a testing protocol would cost \$400,000 in fiscal year 2019.

³ There is currently a moratorium on the use of recycled crumb rubber on synthetic fields pursuant to the Crumb Rubber Artificial Turf Moratorium Act of 2017, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 10-168).