

About Children's Environmental Health

**North Carolina
Department of Health
and Human Services**

Division of Public Health

Environmental Health Section:

Childhood Lead Poisoning Prevention

Child Care and School Sanitation

Children's Environmental Health is a state agency that provides direct services including clinical and environmental follow-up for lead-poisoned children as well as regional consultation, training and monitoring for child care and school sanitation.

State appropriations and Medicaid receipts support these programs. Surveillance and data management activities are funded by a federal grant from the Centers for Disease Control and Prevention.

**12 Regional Specialists (Lead Inspectors)
4 Public Health Epidemiologists
1 Manager**

2015 Flint, Michigan

Lead Contamination of a Public Water Supply System
Increased childhood exposure documented

2016-2017 NC Legislature

Failed effort to require water lead testing at schools and child care centers
Funding cut at the last legislative step

2018-2019 NC DHHS

Administrative rulemaking
Licensed Child Care Center focus
EPA WIIN Grant funding

Draft Child Care Sanitation Rule Language

- **15A NCAC 18A .2816 LEAD POISONING HAZARDS**

- In child care centers, areas accessible to children shall be free of identified childhood lead poisoning hazards as defined under G.S. 130A-131.7(7).
- The child care operator, as defined under G.S. 110-86(7), shall test, at least once every three years, all water outlets used for drinking or food preparation. The operator shall provide documentation of testing results for the Department of Health and Human Services' ("Department's") review during each unannounced inspection.
- (1) For new centers, initial samples shall be collected by the child care operator and tested in accordance with subsection (b) during the license application process in accordance with 10A NCAC 09 .0302(b)(2).
- (2) For existing centers, initial samples shall be collected by the child care operator and tested in accordance with subsection (b) within one year of the adoption of this rule, and no later than every three years thereafter. Samples shall also be collected and tested within 30 days of completion of any major renovations or repairs that may impact the facility's drinking water infrastructure, such as repair or replacement of all or part of drinking water service lines or faucets.
- Samples shall be collected in accordance with guidance provided by the Department's Division of Public Health. Samples shall be analyzed by a laboratory certified to analyze for lead in drinking water by the North Carolina State Laboratory of Public Health.

Draft Child Care Sanitation Rule Language

- **15A NCAC 18A .2816 LEAD POISONING HAZARDS (continued)**
- In the event that any individual water sample collected by the child care operator reveals a lead concentration at or above the lead hazard level defined in G.S. 130A-131.7(7)(g), the child care operator shall:
 - (1) Immediately restrict access to any water outlet(s) used for drinking or food preparation that have lead concentrations at or above the lead hazard level.
 - (2) Ensure that all children and staff have access to free, fresh, clean water for drinking and food preparation and do not ingest water with lead levels at or above the lead hazard level.
 - (3) Provide notification to the Department within one (1) business day of receipt of test results.
- When notified of a water lead level at or above the lead hazard level, the Department shall conduct sampling at any water outlet with a water lead level at or above the lead hazard level within seven (7) days.
- In the event that a water sample collected by the Department reveals a water lead level at or above the lead hazard level, the child care operator shall:
 - (1) Continue to provide free, fresh, clean alternate water for drinking and food preparation until (i) water from the affected outlet(s) is tested and shown, through subsequent analysis, to be below the lead hazard level as defined in G.S. 130A-131.7(7)(g); and (ii) the Department determines and provides written documentation to the child care operator and the Division of Child Development and Early Education that water lead levels at or above the lead hazard level have been mitigated and the water meets the requirements of this rule.
- Within three (3) business days of receiving the test results of the Department's water analysis that indicate a water lead level at or above the lead hazard level, the child care operator shall provide written notification of the test results to the parents or legal guardians of the children attending, as well as to the staff of, the center, in accordance with guidance provided by the Department's Division of Public Health. Additionally, the child care operator shall make the test results available to the public, free of charge. The child care operator may post test results to the child care center's website to satisfy this public notice requirement.

Draft Child Care Sanitation Rule Language

- **15A NCAC 18A .2834 COMPLIANCE, INSPECTIONS AND REPORTS**

- ...Unannounced inspections of child care centers shall be made by the Department at least once each six-month period...
- The Department shall inspect each child care program that has been designated as a child care center by the Division of Child Development. Demerits shall be assigned for each occurrence of violations within these requirements: ...
- (20) violation of Rule .2816 of this Section related to identified childhood lead poisoning hazards as defined under G.S. 130A-131.7(7) and periodic testing for lead in water shall be assessed six demerits; ...
- (d) The Department shall indicate on the Child Care Inspection Sanitation Form whether the center is superior, approved, provisional, or disapproved. A Sanitation Classification placard shall be posted in the center in a conspicuous place designated by the Department. The classification of a child care center is based on the center's compliance with the Rules of this Section...
- (e) The child care center's compliance is indicated by the number of demerits on the Child Care Sanitation Inspection Form...
- A child care center shall be classified as superior if the demerit score does not exceed 15 and no 6-point demerit item is violated.
- A child care center shall be classified as approved if the demerit score is more than 15 and does not exceed 30, and no 6-point demerit item is violated.
- A child care center shall be classified as provisional if any 6-point demerit item is violated or if the total demerit score is more than 30 but does not exceed 45. The provisional classification period shall not exceed seven days unless construction or renovation is necessary to correct any violation, in which case the Department may specify a longer provisional classification period.
- A child care center shall be classified as disapproved if the demerit score is more than 45, or if conditions which resulted in a provisional classification have not been corrected in the time period specified by the Department.
- If the child care center receives a disapproved classification, the Department shall immediately notify the Division of Child Development ...