

1 15A NCAC 18A .2816 is proposed for amendment as follows:

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3 **15A NCAC 18A .2816 LEAD POISONING HAZARDS IN CHILD CARE CENTERS**

4 (a) In child care centers, areas accessible to children shall be free of identified lead poisoning hazards as defined  
5 under G.S. 130A-131.7(7).

6 (b) The following actions shall be taken to ensure that drinking water in child care centers is free of identified lead  
7 poisoning hazards as defined under G.S. 130A-131.7(7)(g).

8 (1) Child care operators, as defined under G.S. 110-86(7), shall test, at least once every three years, all  
9 water outlets used for drinking or food preparation. Samples shall also be collected and tested within  
10 30 calendar days of completion of any renovations or repairs that may impact the facility's drinking  
11 water infrastructure, such as repair or replacement of all or part of drinking water service lines or  
12 faucets. The operator shall provide documentation of testing results for review by the Department  
13 of Health and Human Services (Department) during each unannounced routine sanitation inspection  
14 under Rule .2834(b) of this Section.

15 (2) For centers that submit an application for licensure after the effective date of this Rule, initial  
16 samples shall be collected by the child care operator and tested in accordance with Subparagraph  
17 (b)(4) of this Rule during the license application process, in accordance with 10A NCAC 09  
18 .0302(b).

19 (3) For all other centers, initial samples shall be collected by the child care operator and tested in  
20 accordance with Subparagraph (b)(4) of this Rule within one year of the effective date of this Rule.

21 (4) Samples shall be collected and tested in accordance with guidance specified by the United States  
22 Environmental Protection Agency in its publication, 3Ts for Reducing Lead in Drinking Water in  
23 Schools and Child Care Facilities, which is incorporated by reference with subsequent changes or  
24 amendments and available free of charge at [https://www.epa.gov/dwreginfo/3ts-reducing-lead-](https://www.epa.gov/dwreginfo/3ts-reducing-lead-drinking-water-schools-and-child-care-facilities)  
25 drinking-water-schools-and-child-care-facilities. Notwithstanding the foregoing guidance, samples  
26 may be collected with a stagnation period of up to 72 hours. Samples shall be analyzed by a  
27 laboratory certified by the North Carolina State Laboratory of Public Health to analyze for lead in  
28 drinking water.

29 (5) When a water sample is analyzed for lead content by a laboratory under this Rule, the laboratory  
30 shall notify the Department of the test results by electronic submission in accordance with G.S.  
31 130A-131.8.

32 (6) When a child care center receives test results from a laboratory indicating that a water sample  
33 collected by the child care operator contains a lead concentration at or above the lead poisoning  
34 hazard level defined in G.S. 130A-131.7(7)(g), the child care operator shall immediately:

35 (A) restrict access to any water outlet(s) used for drinking or food preparation that have lead  
36 concentrations at or above the lead poisoning hazard level; and

1                   (B) ensure that all children and staff have access to water free of cost that does not contain lead  
2                   concentrations at or above the lead poisoning hazard level for drinking and food  
3                   preparation.

4                   (7) When notified of a water lead level at or above the lead poisoning hazard level, the Department shall  
5                   conduct sampling at the water outlet identified to have a water lead level at or above the lead  
6                   poisoning hazard level within seven calendar days of notification.

7                   (8) If a water sample collected by the Department reveals a water lead level at or above the lead  
8                   poisoning hazard level, the child care operator shall continue to restrict access to water outlet(s) and  
9                   provide alternate water as set out in Subparagraph (b)(6) of this Rule until the Department  
10                  determines the water outlet(s) are not producing water lead levels at or above the lead poisoning  
11                  hazard level and notifies the child care operator and the Division of Child Development and Early  
12                  Education in writing of this determination.

13                  (9) Failure to comply with Paragraph (a) of this Rule or any one or more components of this Paragraph  
14                  shall be deemed a violation of this Rule subject to demerits under Rule.2834(c)(20) of this Section.

15                  (10) Within three business days of receiving the test results of the Department's water analysis that  
16                  indicate a water lead level at or above the lead poisoning hazard level, the child care operator shall  
17                  provide written notification of the test results to the parents or legal guardians of the children  
18                  attending the child care center and the staff of the child care center, in accordance with the United  
19                  States Environmental Protection Agency guidance specified in Subparagraph (b)(4) of this Rule.

20                  (11) Within five business days of receiving the test results of the Department's water analysis that  
21                  indicate a water lead level at or above the lead poisoning hazard level, the child care operator shall  
22                  make the test results available to the public, free of charge. The child care operator may post test  
23                  results to the child care center's website to satisfy the requirement to make the test results available  
24                  to the public.

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26                  *History Note: Authority G.S. 110-91; 130A-131.5; 130A-131.7(7); 130A-131.8;*  
27                  *Eff. July 1, 1991;*  
28                  *Amended Eff. January 1, 2006; February 1, 1995.*