

## Fiscal Note for Readoption of 15A NCAC 18A .2801-.2836

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Agency: North Carolina Commission for Public Health  
Department of Health and Human Services  
Division of Public Health  
Environmental Health Section  
Children's Environmental Health Program

Rule Citation(s): 15A NCAC 18A .2801 Definitions  
15A NCAC 18A .2802 Approval of Construction and Renovation Plans  
15A NCAC 18A .2803 Handwashing  
15A NCAC 18A .2804 Food Supplies  
15A NCAC 18A .2806 Food Storage and Protection  
15A NCAC 18A .2807 Food Preparation  
15A NCAC 18A .2808 Food Service  
15A NCAC 18A .2809 Food Service Equipment and Utensils  
15A NCAC 18A .2810 Specifications for Kitchens, Food Preparation  
Areas and Food Service Areas  
15A NCAC 18A .2812 Cleaning and Sanitizing Equipment and Utensils  
15A NCAC 18A .2814 Food Service Equipment and Utensil Storage  
15A NCAC 18A .2815 Water Supply  
15A NCAC 18A .2816 Lead Poisoning Hazards in Child Care Centers  
15A NCAC 18A .2817 Toilets  
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15A NCAC 18A .2820 Storage  
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15A NCAC 18A .2825 Walls and Ceilings  
15A NCAC 18A .2826 Lighting and Thermal Environment  
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15A NCAC 18A .2834 Compliance, Inspections and Reports  
15A NCAC 18A .2835 Appeals Procedure  
15A NCAC 18A .2836 Mildly Sick Children

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Rulemaking Authority: N.C.G.S. 110-91, 130A-131.5

Impact Summary: State Government: Yes  
Local Government: Yes  
Private Sector: Yes  
Substantial Impact: No

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## **Introduction and Purpose**

The North Carolina Department of Health and Human Services (DHHS), Division of Public Health (DPH), Environmental Health Section, Children’s Environmental Health Program is responsible for the administration and enforcement of sanitation requirements in child care centers. These requirements are set forth in the rules at 15A NCAC 18A .2800, all of which are proposed for readoption in accordance with G.S. 150B-21.3A. As part of the readoption process, we are also proposing to amend the rules to clarify existing language and, where applicable, align the rules with current practices. The proposed changes to the rules were made following consultation with industry stakeholders and staff in the DHHS, Division of Child Development and Early Education (DCDEE), which is the agency that licenses the child care centers that are subject to sanitation inspections under these rules.

## **Description of Proposed Rules**

A brief description of the proposed rules is provided below. The text of the proposed rules has also been included in the appendix.

### **15A NCAC 18A .2801, “Definitions”**

The terms “chain or franchise child care center,” “child care administrator,” “child care center,” “child care operator,” “clean,” “detergent solution,” “disinfect,” “food contact surface,” “garbage,” “good repair,” “handwash lavatory,” “local health department,” “milk products,” “outdoor learning environment,” and “sanitize” are used throughout the existing rules but had not previously been defined in this rule. These terms have been added to this definitions rule for the purpose of clarifying existing language. These changes are not expected to result in an economic impact.

The existing definitions for the terms “adequate,” “communicable condition,” “communicable disease,” “Department,” “designated emergency medicine,” “food preparation,” “food service,” “sanitizing solution,” “school age,” “tempered water,” and “work surfaces” have been changed to clarify existing rule requirements, updated outdated terminology, update cross-citations, and reflect current practices. The term “utensils” has also been replaced with “utensil” and “hermetically sealed” was changed to “hermetically sealed container.” The term “disinfecting solution” has been replaced with the term “approved disinfectant” and “Division of Child Development” has been replaced with the term “licensing agency,” which now correctly refers to the Division of Child Development and Early Education. These changes serve to update outdated terminology and clarify existing rule language. These changes are not expected to result in an economic impact.

The terms “approved,” “household bleach,” “lavatory,” “putrescible materials,” and “sanitary sewage system” were removed from the rules because it is no longer necessary to define them.

There are also four new terms in Rule .2801: “hand antiseptic,” “hazard,” “licensing agency,” and “pest.” These terms have been introduced and used throughout the amended rules and are defined here for clarity. The addition of these new terms and definitions is not expected to result in an economic impact.

### **15A NCAC 18A .2802, “Approval of Construction Plans”**

Paragraph (a) has been revised to clarify the process for submitting construction plans to either a local health department or the NC DHHS, Division of Public Health for review and approval. Paragraphs (b) and (c) have been amended to clarify existing requirements and standards for approval of construction plans. Throughout the rule, outdated references to “DENR” and the “Division of Environmental Health” have been updated to reference NC DHHS and the Division of Public Health. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2803, “Handwashing”

The requirement in Paragraph (a) that child care operators instruct employees that handwashing is the single most important line of defense in preventing disease transmission has been removed, as it is no longer necessary. The existing requirements for employee handwashing procedures have been reorganized to align with current rulemaking standards and to make Paragraph (a) easier for the regulated public to understand. A new Paragraph (b) has been created and the existing language has been revised for clarity. In the new Paragraph (b), the term “hand sanitizing products” has been replaced with “hand antiseptic,” which is the terminology currently used by the industry. Paragraph (c) has been revised to clarify that the responsibility for ensuring that children wash their hands resides with employees rather than the children themselves and has been reorganized to align with current rulemaking standards and to make Paragraph (c) easier for the regulated public to understand. The language of the new Paragraphs (d) and (e) has been revised to clarify existing requirements, including the requirement to use tempered water when washing hands. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2804, “Food Supplies”

Paragraphs (a), (b), (c), and (j) have been revised to clarify existing requirements and update cross-citations to rules and statutes. Paragraph (d) has been revised to clarify the requirements for the labeling and storage of human milk, baby food, and other beverages. Paragraph (e) extends the period of time that frozen human milk can be stored at a child care center from 7 days to 3 months and clarifies the labeling and thawing requirements for human milk that is stored frozen at a child care center. This change is expected to have only a minor impact, as the majority of human milk that is sent with a child from home is consumed and the leftovers returned home with the child, rather than being stored for extended periods of time at a child care center. The new Paragraphs (f), (g), and (h) reiterate and clarify the requirements for formula, jars of baby food, and the storage of leftover beverages, which had previously all been included in Paragraph (d). Paragraph (i) includes new language that clarifies and reflects existing practices around the storage of children’s water bottles, which are not subject to the same storage requirements as bottles used for feeding formula or human milk. Paragraph (k) is amended to clarify the storage and labeling requirements for food that a child brings from home and has also been updated to reflect existing practices around the storage of hot foods in insulated thermos containers. Finally, Paragraph (l) has been updated to clarify that food and vegetables that are provided by a child care center’s garden must still meet the requirements of the Rules of this Section. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2806, “Food Storage and Protection”

Paragraphs (a), (b), (e), (f), (h), (i), (j), (k), and (l) have been revised to clarify existing rule language and requirements for the safe storage of food supplies. Paragraphs (c) and (d) include new language that clarifies how bulk dry food items and food stored in freezers must be stored and labeled and also includes a new allowance for storing bulk dry food items or food stored in freezers in rooms that are not equipped with a food preparation area (as long as the food preparation is done in a kitchen or approved food preparation area). This new allowance regarding storage of bulk food items may allow for a small cost savings for child care facilities by enabling them to purchase items in bulk. The old Paragraph (d), which addressed food storage, has been struck and its requirements folded into Paragraph (g), which also addresses food storage and protection. In Paragraph (k), the upper end of the storage range for hot food items has been changed from 140 degrees Fahrenheit to 135 degrees Fahrenheit, which reflects current science and standards in food safety as set out in the 2017 FDA Food Code. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2807, “Food Preparation”

Paragraphs (a), (c), (e), (g), (h), and (i) have been revised to clarify and elaborate upon existing requirements and to align standards with the current science and industry best practices, where applicable. This included changing requirements that hot food be kept at 140 degrees Fahrenheit to 135 degrees Fahrenheit during food service and, in Paragraph (e), updating the temperature requirements for potentially hazardous foods from 140 to 145 degrees Fahrenheit, which reflects current science and standards in food safety as set out in the 2017 FDA Food Code. A new Paragraph (b) was added and includes existing language that has been struck from Rule .2808, which addresses food service, and moved to this Rule to make it easier for the regulated public to find food preparation requirements in one place. The old Paragraph (c), which addressed the cleaning of surfaces and utensils, has been removed because the requirements that were previously included in that paragraph have been moved into the new Paragraph (c). These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2808, “Food Service”

Paragraph (a) has been revised to elaborate upon and clarify the existing requirements for serving milk and milk products and discarding milk or milk products that have been served. Paragraphs (b), (c), (d), (e), and (f) have been revised to clarify existing requirements. As noted in the section above, the language that was previously included in Paragraph (c) was struck because it was moved into Rule .2807. In Paragraph (d), the upper end of the storage range for hot food items has been changed from 140 degrees Fahrenheit to 135 degrees Fahrenheit, which reflects current science and standards in food safety as set out in the 2017 FDA Food Code. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2809, “Food Service Equipment and Utensils”

The items listed in this Rule has been revised to clarify existing requirements. The old items (4) and (11) were removed because they are no longer necessary. Similarly, the old item (5) was struck because the language permitting the use of hard maple or a nonabsorbent wood for certain food contact surfaces has been moved into item (2). The old item (12) has been struck because the design requirements of thermometers has been included in each rule in this Section that requires use of a thermometer to confirm the internal temperature of food. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2810, “Specifications for Kitchens, Food Preparation Areas and Food Service Areas”

Paragraph (a) has been revised to clarify existing requirements, including the requirement that child care centers that are solely equipped with a two-compartment sink only use the sinks to wash multi-use articles. This had been implied in the following sentence in the Rule but is now being spelled out more clearly for the purpose of clarifying the requirements for the regulated public. Paragraph (a) has also been revised to clarify that highchair feeding trays, which are so large that they must usually be washed by hand, are not of the type of multi-service articles that trigger the requirement to have a dishwasher and two compartment sink or a three-compartment sink. The language of Paragraphs (b), (c), and (d) has been amended for clarity. Paragraph (e) is revised and updated with a cross-citation to the statute that addresses stove hoods in child care centers. Paragraph (f) has been revised for clarity, including elaboration on the existing standards for the use of bottles and bottle warming technology. The old subparagraphs (f)(3) and (f)(4) have been struck because they referenced and repeated other rules in this Section and it is not necessary to include these cross-references. These changes are not expected to result in an impact.

#### 15A NCAC 18A .2812, “Cleaning and Sanitizing Equipment and Utensils”

The language of Paragraphs (a), (b), (c), (d), (e), and (f) have been revised to clarify existing requirements. In Subparagraph (b)(5)(E), language has been added to clarify which types of sanitizing products, procedures, or equipment that are different from those described earlier in the Rule will be permitted to be used. In Paragraph (d), the requirement that spray or wipe on sanitizers be prepared daily and kept on hand for use has been removed because these requirements are addressed elsewhere in the Rules. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2814, “Food Service Equipment and Utensil Storage”

Paragraphs (a) and (b) of this Rule have been revised for clarity. Requirements in both paragraphs for the handling and storage of specific equipment and utensils has been struck because those requirements are now addressed by the requirement that these items be kept clean when stored. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2815, “Water Supply”

The language of this Rule has been revised to clarify existing requirements and, in Paragraphs (a) and (c), to update cross-references to other rules as necessary. In Paragraph (f), the requirement that drinking fountains comply with the North Carolina Plumbing Code has been removed because the individuals who conduct sanitation inspections in child care centers are not trained and qualify to confirm compliance with the North Carolina Plumbing Code. Compliance with the Plumbing Code is assessed separately as part of the licensing process. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2816, “Lead Poisoning Hazards in Child Care Centers”

Minor revisions have been made to in Paragraph (b) of this Rule to clarify existing language, update a web address that has changed since the Rule was last amended, and remove a definition for “Department,” which has now been updated in Rule .2801 of this Section. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2817, “Toilets”

The language of this Rule has been revised for clarity. In Paragraph (b), the description of a disinfecting solution has been removed because these required characteristics of a disinfecting solution are now addressed in the definition of “approved disinfectant” in Rule .2801 of this Section. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2818, “Lavatories”

Paragraphs (a), (c), and (e) of this Rule have been revised to clarify existing language. Paragraph (c) has also been revised to elaborate on the meaning of “change of use,” which is currently used in the Rule and informs how often a lavatory must be cleaned and disinfected. In Paragraph (d), the description of a disinfecting solution has been removed because these required characteristics of a disinfecting solution are now addressed in the definition of “approved disinfectant” in Rule .2801 of this Section. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2819, “Diapering and Diaper Changing Facilities”

Paragraphs (a), (d), (e), (f), (h), and (g) have been revised to clarify existing requirements. Paragraph (b) has been updated to clarify that toilet room floors, when used as a diapering surface, must still meet the requirement that a smooth, intact, nonabsorbent barrier that is clean and in good repair be used. In Paragraph (c), the description of a disinfecting solution has been removed because these required characteristics of a disinfecting solution are now addressed in the definition of “approved disinfectant” in Rule .2801 of this Section. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2820, “Storage”

Paragraph (a) has been revised to more concisely set out the requirements for storage space and the storage of laundry that is not clean. Paragraph (b) has been updated to clarify existing requirements and to include other types of commonly used locks, like a combination or keypad lock, which may be used to securely store toxic substances. The language of Paragraphs (c) and (d) have been revised to clarify existing language. Paragraph (e) includes new language that speaks to when locked kitchens can be used to meet the secure storage requirements set forth in this Rule and is added to resolve confusion among the regulated public about how the existing language of the rule had applied in kitchen spaces. Paragraph (f) is amended to more clearly state that children’s personal items, such as coats, hats, bags, and accessories, must be stored in a manner that prevents the items from coming into contact with one another and also clarifies permitted methods of distributing toothpaste for use by children to prevent cross-contamination.

Finally, Paragraph (e) clarifies the existing requirement that employees' purses and personal belongings must be stored in accordance with the requirements of this Rule and thereby be made inaccessible to children. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2821, "Beds, Cots, Mats, and Linens"

Paragraphs (a), (b), (c), (d), (e), and (f) of this Rule are revised to clarify existing language and requirements. Paragraph (g) of this Rule, which requires that wash cloths, bibs, and burping cloths be laundered after a single use has also been amended to clarify that these items can only be used for one child at a time before needing to be laundered. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2822, "Toys, Equipment and Furniture"

The language of Paragraphs (a), (b), and (c) has been revised to clarify existing requirements and Paragraph (a) was reorganized to align with current rule formatting requirements. In Paragraph (a), the requirements pertaining to use of a sanitizing solution have been removed because those requirements are now set out in the definition of "sanitizing solution" in Rule .2801. In Paragraph (d), language has been added to clarify that potable water should be used in children's water play centers, to require that water be emptied from a water play center at least each morning and afternoon, and to update the cross-citation language that refers to the public swimming pool rules at 15A NCAC 18A .2500. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2823, "Personnel"

Paragraphs (a) and (c) of this Rule have been revised to clarify the existing language. In Paragraph (b), the language that describes exceptions to the prohibition against smoking in child care centers has been struck, as prohibitions on smoking in these spaces is now governed by statute. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2824, "Floors"

Paragraphs (a), (b), (c), and (d) of this Rule have been revised to clarify the existing rule language. Paragraph (e) of this Rule was struck because it is no longer necessary since Paragraphs (a), (b), and (c) now require that floors be kept clean and in good repair. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2825, "Walls and Ceilings"

In Paragraph (a), the phrase "easily cleanable" was struck because it is not necessary given the requirement that walls and ceilings also be kept clean and in good repair. Paragraph (b) has been revised to clarify existing requirements. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2826, "Lighting and Thermal Environment"

Paragraphs (a), (b), and (c) of this Rule have been amended to clarify the existing language. In Paragraph (a), the list of surfaces that must be illuminated has been struck because these surfaces are all now included in the definition of "work surfaces" in Rule .2801. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2827, "Communicable Disease and Conditions"

Paragraph (a) of this Rule has been amended to clarify the existing language and to add a cross-citation to the Child Care Commission rule that governs the separation of ill children from the child care center licensure perspective. Paragraph (b) is amended to clarify existing language and requirements, including the requirement that vomitus receptacles be cleaned and disinfected between uses. Paragraphs (c) and (e) are also revised to clarify existing requirements and, in Paragraph (e), to add a cross-reference to the Rules at 10A NCAC 41A .0200 that would inform the implementation of control measures for certain communicable diseases and conditions. These changes are not expected to result in an economic impact.

Finally, Paragraph (d) is amended to include a requirement that child care centers have written procedures and clean up kits on-site for responding to vomiting or diarrheal events. This new requirement is expected to result in an economic impact and is discussed in further detail in the section of this fiscal note titled “Impact Analysis.”

#### 15A NCAC 18A .2829, “Wastewater”

The language of this Rule has been revised for clarity and to align the existing language with current standards for rule formatting and the inclusion of cross-references in rules. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2830, “Solid Wastes”

Paragraphs (a), (c), and (d) of this Rule have been revised to clarify existing requirements and, in Paragraph (c), to add a cross-citation to Rule .2829, which governs wastewater. In Paragraph (c), the requirement that dumpsters and other containerized systems be kept clean and covered has been retained, while the second sentence that described options for having solid waste facilities cleaned has been removed because it is no longer necessary. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2831, “Animal and Vermin Control”

Paragraph (a) of this Rule has been revised to clarify existing requirements that pertain to the presence of certain animals at a child care center. While vaccination records must still be available for review under Paragraph (a), the reference to the state laws and local ordinances that may establish specific vaccine requirements has been struck, as those requirements are separately enforced by other state and local government agencies and are not part of the sanitation inspection. Paragraphs (b), (c), and (d) have been revised to clarify existing language and replace the titles of the state and federal agencies that regulate pesticides with cross-citations to those agencies’ statutes and regulations. Paragraph (e) has been revised to reflect current practices around the use of chromated copper arsenate product labels, which now include information about permitted uses authorized by the United States Environmental Protection Agency. Paragraphs (g), (h), (i), and (j) have been revised to clarify existing language. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2823, “Outdoor Learning Environment and Premises”

Paragraphs (a), (b), and (c) of this Rule have been revised to clarify existing requirements. This includes the addition of the word “toys” in Paragraph (c) to clarify for the regulated public that toys, which have historically been understood to be a type of “play equipment” under this Rule, are also subject to the requirements of Paragraph (c). In Paragraph (d), language was added to align with current rulemaking requirements for incorporation by reference and to aid the regulated public in finding information about air quality forecasts. Paragraphs (e), (f), and (i) were revised to clarify existing requirements and align the language with current rulemaking standards. In Paragraph (g), language was also added to clarify existing requirements pertaining to lighting and the secure storage of hazardous and toxic substances. The reference to specific methods of lighting, such as opening doors, windows, skylights, or using battery or electronically operated lighting was removed to allow for the use of any lighting method that provides sufficient lighting as set out in the Rules of this Section. In Paragraph (h), the requirements for flow through water play systems and handwashing before and after water play were removed because these requirements are already established elsewhere in the Rules of this Section. These changes are not expected to result in an economic impact.

#### 15A NCAC 18A .2833, “Swimming and Wading Pools”

Paragraph (a) of this Rule has been revised to reflect the current rulemaking requirements for incorporation by reference. Paragraph (b) of this Rule has been revised to clarify the existing requirement that unfiltered, non-potable water not be used for children’s recreation activities. These changes are not expected to result in an economic impact.

### 15A NCAC 18A .2834, “Compliance, Inspections and Reports”

The language of Paragraph (a) has been updated to clarify the existing process for requesting a sanitation inspection by the local health department. Paragraph (b) has been revised to clarify existing language and references to the forms used to document inspections has been struck, as it is no longer necessary to include in the Rule. In Paragraph (c), which describes the methodology for assessing demerits based on violations of the Rules of this Section, the descriptions of the various violations have been updated to reflect reorganization of the contents of rules, such as creation or reorganization of paragraphs or lists within a rule. The total possible number of demerits and the demerits assessed for each specific violation have not been changed.

Paragraph (d) has been revised to clarify the existing rule language and reflect current requirements for rulemaking language. Paragraph (d) has also been updated to include a cross-citation to Rule .2815 of this Section, which governs water supplies in child care centers. Paragraph (e) has been amended to clarify the existing standards for earning various sanitation classifications and the existing processes for remedying certain violations identified during the sanitation inspection. The language of Paragraph (f) has been struck in order to better align with the intent of the rule to assess the sanitation of the center. The new Paragraphs (f), (g), and (h) have been revised to clarify existing requirements, including the existing processes set out in Paragraph (f) for conducting following up inspections upon receipt of complaints about conditions in certain child care facilities or upon issuance of certain sanitation classifications. These changes are not expected to result in an economic impact.

### 15A NCAC 18A .2835, “Appeals Procedure”

The language of this Rule has been updated to align with current requirements for rulemaking language that cites to North Carolina statutes. These changes are not expected to result in an economic impact.

### 15A NCAC 18A .2836, “Mildly Sick Children”

The introductory language of this Rule and Item (1) have been revised to clarify existing requirements. Items (2), (3), (11), and (12) have been revised to clarify the existing language. Item (13) has also been revised to clarify that other forms of self-serve food service, and not just family-style food service, are prohibited in these types of licensed child care centers. These changes are not expected to result in an economic impact.

## **Impact Analysis**

### State Government Impact

The impact on state government is expected to consist of costs associated with providing training on the updated rules to registered environmental health specialists (REHSs) at local health departments and child care center operators. Under G.S. 130A-4, REHSs employed by local health departments (“local REHSs”) are delegated authority to operate as authorized agents of DHHS in administering and enforcing certain environmental health laws. One area in which local REHSs carry out this work is conducting sanitation inspections of child care centers in accordance with the rules at 15A NCAC 18A .2800. There are approximately 945 local REHSs who are currently authorized to administer and enforce sanitation requirements in child care centers under G.S. 130A-4. Training for these local REHSs will be conducted by REHSs who are employed by DPH (“state REHSs”). The state REHSs provide oversight, technical assistance, and training on a regular basis to the local REHSs. A child care center operator, as defined at G.S. 110-86(7), is the owner, director or other person having primary responsibility for operation of a child care center. There are approximately 4,400 child care centers in North Carolina. Following the readoption of these rules, state REHS staff will develop and provide training on the updated rules to local REHSs and to child care center operators.



The average salary for the state REHS staff members who will be involved in the development and delivery of training is \$65,000.<sup>1</sup> Using this figure, as well as an estimate of the value of fringe benefits, we have calculated the hourly rate of a state REHS staff member at \$43.18. The time spent by state REHSs will be an opportunity cost, as the State does not intend to hire any additional staff to help do this work.

<b>Table 1: Average Hourly Pay Rate for State REHS</b>		
<b>Salary and Fringe Benefits<sup>2</sup></b>		
Salary/Benefit	% of Salary	Total Value
Salary	100	\$65,000.00
OASI/DI	7.65	\$4,972.50
Retirement, Death, and Disability Benefit	19.70	\$12,805.00
Health Insurance	10.81	\$7,026.50
<b>Hourly Rate Calculation</b>		
Total Salary + Fringe	Hours Worked / Year	Hourly REHS Rate
\$89,804.00	2080	\$43.18

For the trainings of local REHSs, we expect that state REHSs will provide three, five-hour trainings on the updated rules. Based on our familiarity with the subject matter and experience with similar trainings, we expect that one state REHS will spend approximately 20 hours developing training materials on the updated rules. Similarly, we anticipate that state REHSs will provide two, five-hour trainings on the updated rules for child care center operators. This training will also take one state REHS approximately 20 hours to develop. We therefore project that delivering training on the updated rules to both stakeholder audiences will require 40 hours for training development and 25 hours for training delivery, or a total of 65 hours of state REHS staff time. The five trainings are expected to be held virtually and will therefore not require travel or overnight accommodations for state employees. The state will not take in any new fees as a result of the changes to the rules or the trainings that are offered.

<b>Table 2: Impact on State Government (Opportunity Costs)</b>		
<b>State REHS Staff Time Spent on Training Development (one time)</b>		
Number of Hours to Complete	REHS Hourly Rate	Cost to State Government
40	\$43.18	\$1,727.20
<b>State REHS Staff Time Spent Delivering Training</b>		
Number of Hours to Complete	REHS Hourly Rate	Cost to State Government
25 (5 meetings x 5 hours)	\$43.18	\$1079.50
<b>TOTAL STATE GOVERNMENT IMPACT.....</b>		<b>\$2,806.70</b>

<sup>1</sup> This value was provided by the Division of Public Health, Environmental Health Section and was calculated using information available as of July 2022.

<sup>2</sup> The benefits listed were identified using the North Carolina Office of State Human Resources "Total Compensation Calculator," which is available at <https://oshr.nc.gov/state-employee-resources/classification-compensation/total-compensation-calculator>. Some components of compensation, such as paid sick leave or paid vacation leave, will be variable amongst employees and based upon years of service as a state employee.

### Local Government Impact

Local health departments will be responsible for ensuring that their REHS staff who are authorized to administer and enforce sanitation rules in child care centers receive training on the updated rules by attending the trainings offered by the state REHSs. The average salary for a local REHS in North Carolina is \$48,877.<sup>3</sup> Using this figure, as well as an estimate of the value of fringe benefits, we have calculated the hourly pay rate of a local REHS at \$32.45. We anticipate that the time spent by local REHS staff to attend training will likely be an opportunity cost, as we do not expect that local health departments will hire additional staff to help do this work.

**Table 3: Average Hourly Pay Rate for Local REHS**

<b>Salary and Fringe Benefits</b>		
Salary/Benefit	% of Salary	Total Value
Salary	100	\$48,877.00
All Benefits <sup>4</sup>	38.1	\$18,622.14
<b>Hourly Rate Calculation</b>		
Total Salary + Fringe	Hours Worked / Year	Hourly REHS Rate
\$67,499.14	2080	\$32.45

As noted in the previous section, we anticipate that one training session on the updated rules will last 5 hours. A local REHS will only need to attend a single 5-hour training, although trainings will be offered three different times to accommodate different schedules. By attending the trainings, local REHS staff will receive continuing education credits toward their yearly requirement for REHS credentialing. The North Carolina Board of REHSs requires local health department environmental health staff members to maintain a minimum number of continuing education training hours per year to maintain their status as REHSs. The trainings are expected to be approved by the Board and will count toward local REHS staffs' educational requirements. Mileage is not included as a cost because travel is expected to be unnecessary, as trainings will be held virtually. Similarly, costs for printed materials are not included because the new rules will be made available online at no cost. There are approximately 945 REHSs employed by North Carolina's 87 local health departments who are authorized to administer and enforce these child care center rules, and each of them will need to receive the 5 hours of training.

As demonstrated by our calculations in Table 4 below, the total cost for this one-time training to local REHS staff will amount to a total cost of \$153,326.25 to local government. We expect that these costs will be opportunity costs, as participating in training is a regular part of local REHS staff responsibilities and it is unlikely that local health departments will hire additional staff to do this work. It is challenging to know how this total cost to local government will translate to costs for each of North Carolina's 86 local health departments, which employ varying numbers of REHS staff.

<sup>3</sup> The average REHS salary was estimated using the UNC School of Government's County Salary Survey, for which 2020 data is the most recently available information, and which is available at: <https://www.sog.unc.edu/publications/reports/county-salaries-north-carolina-2021>.

<sup>4</sup> The value of benefits was identified using the U.S. Bureau of Labor Statistics' latest available figures from March 2022 on employer costs for employee compensation for state and local government workers, which is available at: <https://www.bls.gov/news.release/eccc.t03.htm>. Some components of compensation, such as paid sick leave or paid vacation leave, will be variable amongst employees and based upon years of service as a local government employee.

**Table 4: Impact on Local Government (Opportunity Costs)**

<b>Training for Local REHSs</b>			
Number of Hours to Complete Training	REHS Hourly Rate	Number of REHS to Receive Training	Cost to Local Government
5	\$32.45	945	\$153,326.25
<b>TOTAL LOCAL GOVERNMENT IMPACT .....</b>			<b>\$153,326.25</b>

Private Sector Impact

There may be an impact to child care center operators who elect to attend the free training on the updated rules that is offered by state REHSs. Attendance at these trainings is voluntary but can help operators ensure compliance with the child care center sanitation rules. There are approximately 4,400 child care centers in North Carolina, but it is possible that one person may serve as the operator for multiple centers, particularly if the child care center is part of a franchise or chain. For those operators who do choose to participate in the training, the impact would arise from time spent attending a single five-hour training and would not be expected to involve any costs related to travel or accommodations, as the trainings will be held virtually. We would also expect that attendance at a training would be an opportunity cost, as it is unlikely that a child care center would hire additional staff for the purpose of participating in a training on the updated rules. We are not aware of any organizations or government agencies that collect data on the salaries of child care center operators. Without this information, and given that participation in these trainings is voluntary, it is challenging to quantify the impact to the private sector related to attendance at state REHS-led trainings on the updated rules.

Rule .2827(d) has been amended to include a new requirement that child care centers have certain cleaning supplies on-site and written procedures that direct employees on how to respond to vomiting or diarrheal events. Based on our experience and conversations with the industry, many child care centers already have the required cleaning supplies on-site, as those supplies have always been required by other rules in 15A NCAC 18A .2800 to be kept on-site for other cleaning purposes. We expect that many corporate-owned child care centers will already have written procedures in place for responding to vomit or diarrheal events, whereas smaller operations may be less likely to have written procedures. For those child care centers that do not already have written procedures established, compliance with this new requirement will involve a small amount of time spent either writing the written procedures or printing a copy of sample written procedures which are available online and free of charge from the DHHS, DPH, Environmental Health Section website.<sup>5</sup> It is challenging to know how much time would be required to author or download and print written procedures and which staff at a child care center would be tasked with this work; however, we would estimate that authoring new written procedures would require one hour of staff time, whereas downloading and printing the sample written procedures would take approximately 10 minutes. Expenditure of child care center staff time would likely be an opportunity cost.

Child care centers that do not already have cleaning supplies on-site for vomiting or diarrheal events will also be required to purchase the supplies, which include disposable personal protective equipment (gloves, apron, mask, shoe covers, hair restraint), disposable plastic bags, paper towels, a scoop or scraper, a mop, a bucket, and an approved disinfectant (as defined at Rule .2801(2)). We expect that the total cost of these supplies will range from \$12.00 to \$23.00. These figures were reported by stakeholders in the restaurant and food establishment industry who provided feedback on a similar requirement that

<sup>5</sup> The sample Vomit and Diarrhea Clean-Up Plan developed by DHHS, DPH, Environmental Health Section is available at: <https://ehs.dph.ncdhhs.gov/faf/docs/foodprot/Vomit&DiarrheaClean-up-Plan-FINAL.pdf>.

was added to the North Carolina Food Code when the rules at 15A NCAC 18A .2600 were readopted in 2021 and who already had similar cleaning kits in their establishments. Again, we anticipate that the majority of child care centers will already have all of the required supplies on-site in compliance with other rules in 15A NCAC 18A .2800 and will therefore not incur any new costs as a result of this addition to Rule .2827. The benefit of codifying this requirement is that the risk of certain communicable diseases and conditions, such as Norovirus, will be reduced because child care centers will be required to have written procedures in place and appropriate cleaning supplies on hand for responding to contamination events that could allow such illnesses to spread.

## **Summary**

The proposed changes to the rules in 15A NCAC 18A .2800 serve to clarify existing language and update the rules to align with current practices, as well as to add new requirements for cleaning supplies and written procedures for responding to vomiting and diarrheal incidents. The changes to the rules will help ensure the continued protection of the health and safety of children attending child care centers and child care center employees. For state and local government, the impact of the proposed changes to the rules will arise from one-time opportunity costs associated with training on the updated rules and are estimated to total \$2,437.50 and \$153,326.25, respectively. The impacts to the private sector are expected to arise from time spent by child care center operators attending a voluntary, free training on the updated rules, which is expected to be an opportunity cost; staff time spent ensuring compliance with the requirement to have written procedures for responding to vomiting and diarrheal events, which is expected to be a one-time opportunity cost for child care centers that do not already have written procedures; and the cost of acquiring cleaning supplies, which are expected to range in price from \$12.00 to \$23.00 for child care centers that do not already have cleaning supplies on-site.

## **Appendix: Proposed Rule Text**

### **SECTION .2800 - SANITATION OF CHILD CARE CENTERS**

#### **15A NCAC 18A .2801 DEFINITIONS**

The following definitions shall apply ~~in regards to child care centers~~ throughout this Section:

- (1) "Adequate" means ~~determined by the Department to be of sufficient~~ the size, volume, or technical specifications, specifications necessary to effectively accommodate and support the planned, current, or projected workloads for a specified operational area, the technology or constructed space.
- (2) ~~"Approved" means determined by the Department to be in compliance with this Section.~~ "Approved Disinfectant" means a chlorine solution containing 500 to 800 parts per million (ppm) of chlorine or a disinfectant as defined at 40 C.F.R. 158.2203 that is registered with the United States Environmental Protection Agency (EPA) in accordance with 40 C.F.R. 152. When an approved disinfectant is used in a child care center, the manufacturer's Safety Data Sheets for the disinfectant product shall kept on file at the child care center and the instructions for use of the disinfectant product shall be followed. When a chlorine solution is prepared by a child care center employee for use as an approved disinfectant, then the solution shall be prepared for use within 24 hours and a testing method shall be used to ensure compliance with the prescribed chlorine concentration. To achieve the maximum germ reduction with a chlorine disinfecting solution, the surface being disinfected shall be made wet with the chlorine disinfecting solution and allowed to air dry or be

dried only after the surface has been in contact with the chlorine disinfecting solution for a minimum of two minutes.

- (3) “Chain or Franchise Child Care Center” means a child care center that operates under the same business name and prototype design concept, with common ownership or management, as nine or more other child care centers pursuant to a franchise agreement under the same franchisor as nine or more other child care centers. If a child care center operates in another state or states and is opening a location in North Carolina with the same business name and prototype design concept, with common ownership or management, as nine or more other child care centers pursuant to a franchise agreement under the same franchisor as nine or more other child care centers, the child care center in North Carolina shall be considered a chain or franchise child care center for the purpose of plan review as set forth at Rule .2802 of this Section.
- (4) “Child Care Administrator” means as defined at G.S. 110-86(2a).
- (5) “Child Care Center” means as defined at 10A NCAC 09 .0102(6).
- (6) “Child Care Operator” or “Operator” means as an operator as defined at G.S. 110-86(7).
- (7) “Clean” means that an object or surface has been made free of garbage, soil, dust, hair, dander, food, bodily fluids and secretions, and feces.
- ~~(3)~~(8) "Communicable Condition" means as defined at G.S. 130A-2(1b). ~~the state of being infected with a communicable agent but without symptoms.~~
- ~~(4)~~(9) "Communicable Disease" means as defined at G.S. 130A-2(1c). ~~any disease that can be transmitted from one person to another directly, by contact with excrement, other body fluids, or discharges from the body; or indirectly, via substances or inanimate objects, such as contaminated food, drinking glasses, toys or water; or via vectors, such as flies, mosquitoes, ticks, or other insects.~~
- ~~(5)~~(10) "Department" or "DENR" "DHHS" means the North Carolina Department of ~~Environment Health and Natural Resources. Human Services or~~ The term also means the Department's authorized representative of the Department. ~~agent pursuant to G.S. 130A-4.~~
- ~~(6)~~(11) "Designated Emergency Medication" means ~~any a~~ a medication used or needed to treat for the immediate recovery from a potentially life-threatening medical event. ~~event that is administered in accordance with 10A NCAC 09 .0803(10) and G.S. 110-102.1A.~~
- (12) “Detergent Solution” means a solution comprised of water and soap.
- (13) “Disinfect” means a non-sporicidal process of using an approved disinfectant on inanimate surfaces to destroy or irreversibly inactivate fungi, viruses, and bacteria.
- (7) "Disinfecting Solution" means ~~a solution containing 500 to 800 parts per million (ppm) of chlorine. A disinfecting solution can be made by mixing a solution of one quarter cup (2 fluid ounces) household liquid chlorine bleach with one gallon of tap water (or one tablespoon of liquid household bleach in one quart of water) and prepared fresh daily. In addition, products registered with the U.S. Environmental Protection Agency as hospital grade germicides or disinfectants or as disinfectants for safe use in schools, child care centers, institutions or restaurants are also approved disinfectants, provided the manufacturer's Material Safety Data Sheets are kept on file at the child care center and the instructions for use are followed.~~

- (8) ~~"Division of Child Development" means the child care licensing agency in the N.C. Department of Health and Human Services.~~
- ~~(9)~~(14) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
- ~~(10)~~(15) "Food Contact Surface" means as defined at 15A NCAC 18A .2600.
- (16) "Food Preparation" means the handling of foods or utensils in the preparation of meals, including opening and closing of baby bottles, baby food jars jars, and cereal boxes, as well as the opening and closing of any other food items during intended for the assembly of ingredients. ~~ingredients for human consumption.~~
- ~~(11)~~(17) "Food Service" means the distribution of ~~prepared~~ foods for consumption, including ~~those food items prepared at the child care center; received by the center from approved food establishments;~~ milk placed in a pitcher or other serving ~~container;~~ container, ice that is transported, stored and ~~dispensed;~~ dispensed, the distribution of children's bagged lunches and snacks sent from ~~home;~~ home, and the use of utensils to ~~minimize~~ prevent direct food contact.
- ~~(12)~~(18) "Frying" means to cook over direct heat in hot oil or fat. This includes the oil or fat that is generated by the food or added to the cooking utensil.
- (19) "Garbage" means as defined at G.S. 130A-290(7).
- (20) "Good Repair" means as defined at 15A NCAC 18A .2651(8). Items that are in good repair shall be free of substrate damage, deterioration, peeling surfaces, and broken or missing parts and shall operate in accordance with the manufacturer's or builder's instructions.
- (21) "Hand Antiseptic" means as defined at 15A NCAC 18A .2600.
- (22) "Handwash Lavatory" means a sink that is equipped with hot and cold water under pressure and is used primarily for handwashing.
- (23) "Hazard" means as defined at 15A NCAC 18A .2600, except that "consumer" shall be replaced with "child."
- ~~(13)~~(24) "Hermetically Sealed" Sealed Container" means as defined at 15A NCAC 18A .2600. a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.
- ~~(14)~~ "Household bleach" means bleach sold in concentrations that are intended for household use, and not industrial applications. Household bleach is sold in retail stores at strengths of 5.25 percent hypochlorite (regular strength bleach) solution and 6.00 percent hypochlorite (ultra strength bleach) solution.
- ~~(15)~~ "Lavatory" means a sink that is equipped with hot and cold water under pressure for the primary purpose of handwashing.
- (25) "Licensing Agency" means the DHHS, Division of Child Development and Early Education.
- (26) "Local Health Department" means as defined at G.S. 130A-2(5).
- (27) "Milk Products" means as defined at 02 NCAC 09G .2001.
- ~~(16)~~(28) "Multi-Service Articles" means tableware, including flatware and hollowware that are designed, fabricated, and intended by the manufacturer to be washed, rinsed, sanitized, and re-used.

- ~~(17)~~(29) "Multi-Use Articles" means bulk food containers and utensils designed, fabricated, and intended by the manufacturer to be washed, rinsed, sanitized, and re-used. The term includes food storage containers, beverage pitchers, serving spoons and bowls, tongs, and spatulas. The term does not include multi-service articles as defined in this Rule.
- (30) "Outdoor Learning Environment" means as set forth at 10A NCAC 09 .0605.
- (31) "Pest" means as defined at G.S. 143-460(26a).
- ~~(18)~~(32) "Potable Water" means water from ~~an approved source which is suitable for drinking.~~ a potable water supply as defined at 15A NCAC 18C .0102(c)(18).
- ~~(19)~~(33) "Potentially Hazardous Food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including Clostridium botulinum. This term includes raw or heat-treated food of animal origin, raw seed sprouts, and heat-treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity value of 0.85 or less.
- ~~(20)~~ "Putrescible Materials" means ~~materials likely to rot or putrefy, such as fruit, vegetables, meats and dairy products.~~
- ~~(21)~~ "Sanitary Sewage System" means ~~a complete system of sewage collection, treatment, and disposal and includes septic tank systems, connection to a public or community sewage system, sewage reuse or recycle systems, or mechanical or biological treatment systems.~~
- (34) "Sanitize" means a process of using a sanitizing solution on inanimate surfaces to destroy or irreversibly inactivate bacteria.
- ~~(22)~~(35) "Sanitizing Solution" means a solution containing 50 to 200 parts per million (ppm) of chlorine or a sanitizer as defined at 40 C.F.R. 158.2203 that is registered with the EPA in accordance with 40 C.F.R. 152 that is approved by the EPA for use on food contact surfaces, does not require a final rinse step, and has a testing method that can be used by child care center employees to confirm that the prescribed chemical concentrations are met. When a sanitizing solution is used in a child care center, the manufacturer's Safety Data Sheet shall be kept on file at the child care center and the instructions for use of the sanitizing solution shall be followed. When a chlorine solution is used in a child care center it shall be prepared for use within 24 hours and a testing method or kit shall be used to ensure compliance with the prescribed chlorine concentration. To achieve the maximum germ reduction with a chlorine solution, the cleaned surfaces shall be left wet with the chlorine solution and allowed to air dry or be dried only after a minimum contact time of at least two minutes. chlorine. A sanitizing solution can be made by mixing a tablespoon of liquid household chlorine bleach with one gallon of water and prepared fresh daily.
- ~~(23)~~(36) "School Age" means a school-aged any child as defined at 10A NCAC 09 .0102(42). who is at least five years old on or before October 16 of the current school year and who is attending, or has attended, a public or private grade school or kindergarten; or any child who is not five years old and will not be five years old on or before October 16 of that school year, but has been attending school during that school year in another state in accordance with the laws or rules of that state before moving to and becoming a resident of North Carolina; or any child who is at least five years old on

or before April 16 of the current school year, is determined by the principal of a school to be gifted and mature enough to justify admission to the school and is enrolled no later than the end of the first month of the school year.

~~(24)~~(37) "Single-Service Articles" means tableware, including flatware and hollowware, carry-out utensils and other items such as bags, containers, stirrers, straws, toothpicks, and wrappers that are designed, fabricated and intended by the manufacturer for one-time use.

~~(25)~~(38) "Single-Use Articles" means bulk food containers and utensils intended by the manufacturer to be used once and discarded. The term includes formed buckets, bread wrappers, pickle barrels, and No. 10 cans. The term does not include single-service articles as defined in this Rule.

~~(26)~~(39) "Tempered Water" means water that is between ~~80°F~~ 80 and ~~110°F~~ 110 degrees Fahrenheit.

(27) ~~"Utensils"~~ "Utensil" means any kitchenware, tableware, glassware, cutlery, containers or other equipment that food or drink comes in contact with during storage, preparation or serving.

(28) "Work Surfaces" means ~~the following locations in the kitchen:~~ surfaces used for food service, service areas; stove tops, top surfaces; food contact preparation surfaces; utensil and dishwashing areas; sinks, surfaces used for air drying; drying, drain boards; boards, surfaces used for diaper changing, and counter top surfaces. In child care rooms, work surfaces include food preparation areas, diaper changing surfaces, counter top surfaces, and children children's work tables, desks desks, and easels.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. March 1, 1995;*

*Temporary Amendment Eff. April 15, 1998;*

*Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.*

## **15A NCAC 18A .2802 APPROVAL OF CONSTRUCTION AND RENOVATION PLANS**

(a) Construction Plans plans drawn to scale and specifications for a new child care centers center that is not a chain or franchise child care center shall be submitted by the operator or the operator's designee to the local health department that serves the county in which the child care center is located for review and approval prior to initiating construction. Plans drawn to scale and specifications for changes to building dimensions, kitchen specifications, or other modifications to existing child care centers shall also be submitted to the local health department for review and approval prior to initiating construction. Construction Plans plans drawn to scale and specifications for prototype "franchise" chain or franchise "chain" child care centers shall be submitted to ~~DENR, DHHS, Division of Environmental Public Health, Environmental Health Section Services Section, Children's Environmental Health Branch~~ by mail at 5605 Six Forks Road, 1632 Mail Service Center, Raleigh, North Carolina 27699-1632. When requested by an operator of a child care center or by the Secretary of the Department, Department of Health and Human Services, the local health department shall visit or inspect an existing or proposed center, within 30 days of the request, to determine compliance with this Section.



(b) ~~Review of the plans by the~~ The local health department or the DHHS, Division of Public Health, Environmental Health Services Section ~~Section, as applicable, shall approve plans described in Paragraph (a) of this Rule when the plans meet~~ be based on the requirements of the Rules of this Section.

(c) Construction and modifications shall comply with the plans approved ~~plans~~ pursuant to this Rule.

*History Note: Authority G.S. 110-91;  
Eff. July 1, 1991;  
Temporary Amendment Eff. April 15, 1998;  
Amended Eff. April 1, 1999;  
Temporary Amendment Eff. December 1, 1999;  
Amended Eff. January 1, 2006; April 1, 2001.*

### **15A NCAC 18A .2803 HANDWASHING**

(a) ~~Child Care operators shall instruct employees that handwashing is the single most important line of defense in preventing the transmission of disease causing organisms. Employees care center employees shall wash their hands upon reporting for work as follows when at work in a child care center:~~

- (1) upon reporting for work; ~~work at the child care center;~~
- (2) before and after handling or preparing food;
- (3) before bottle feeding or serving to other children; a child;
- (4) before providing food service;
- (5) before handling clean utensils; or equipment;
- (6) after toileting or handling of body fluids, (e.g., including but not limited to saliva, nasal secretions, vomitus, feces, urine, blood, secretions from sores, and pustulant discharge); discharge;
- (7) after diaper changing;
- (8) after handling soiled items such as garbage, mops, cloths and clothing; that are not clean;
- (9) after being outdoors;
- (10) after handling animals or animal cages; and
- (11) after removing disposable gloves.

(b) ~~The use of a hand sanitizing products antiseptic does not replace the requirement requirements for handwashing, handwashing in Paragraph (a) However, except for diapering, food preparation, and food service, hand sanitizing products may be used that an employee who is supervising a child or children outdoors may use a hand antiseptic while outdoors in lieu of handwashing, while an employee is supervising children outdoors if provided that the employee's hands are washed in accordance with Paragraph (c) of this Rule upon returning when the employee returns indoors. This shall not apply when the employee's action that necessitates handwashing is diapering, food preparation, or food service.~~

~~(b)(c) Children~~ Child care center employees shall ensure that children shall wash their hands as follows:

- (1) upon arrival at the child care center;
- (2) after each diaper change or visit to the toilet;
- (3) before eating meals or snacks;

- (4) \_\_\_\_\_ before and after water play;
- (5) \_\_\_\_\_ after ~~outdoor activity~~ being outdoors; and
- (6) \_\_\_\_\_ after handling animals or animal cages.

(d) ~~Except for diapering and before eating meals or snacks, when the action that necessitates handwashing is diapering and before eating meals or snacks, hand sanitizing products~~ antiseptics may be used in lieu of handwashing while ~~children are~~ a child is outdoors, ~~if provided that the child's hands are washed upon returning~~ when the child returns indoors.

~~(e)~~(e) Handwashing procedures shall ~~include:~~ include the following steps:

- (1) using liquid soap and tempered water;
- (2) rubbing hands vigorously with soap and tempered water for 15 seconds;
- (3) washing all surfaces of the hands, to include the backs of hands, palms, wrists, under ~~finger~~ finger ~~nails~~ nails, and between fingers;
- (4) rinsing the hands well under tempered water for ~~ten~~ 10 seconds;
- (5) drying the hands with a paper towel or other hand-drying device; and
- (6) turning off faucet with a paper towel or other method without recontaminating hands.

~~Note: Refer to Rule .2828 of this Section for history.~~

*History Note: Authority G.S. 110-91;  
 Eff. July 1, 1991;  
 Amended Eff. February 1, 1995;  
 Temporary Amendment Eff. April 15, 1998;  
 Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.*

**15A NCAC 18A .2804 FOOD SUPPLIES**

(a) In child care centers, food shall be kept free from spoilage, filth, or other contamination and shall be safe for human consumption. Potentially hazardous foods, including foods packaged in hermetically sealed containers, shall be obtained only from sources that are permitted or inspected by a local health department, the North Carolina Department of Agriculture and Consumer ~~Services~~ Services, or other government ~~regulatory~~ agency. The use of food packaged in hermetically sealed containers that was not prepared in a commercial food processing establishment is prohibited. Food prepared at home and sent ~~from home~~ to a child care center to be shared with other children shall be limited to ~~non-potentially hazardous baked goods.~~ goods that are not potentially hazardous foods.

(b) Milk products that are used shall be Grade "A" pasteurized fluid milk and fluid milk products or evaporated ~~milk.~~ milk as set forth at 02 NCAC 09G .2001. ~~The term "milk products" means those products as defined in 15A NCAC 18A .1200. Copies of 15A NCAC 18A .1200 may be obtained from the Environmental Health Services Section, Division of Environmental Health.~~ Unless prescribed by a ~~physician,~~ health care provider, dry milk and dry milk products shall be used only for cooking purposes, including cooked pudding desserts and flavored hot beverages.

(c) ~~Steamed and uncooked shellfish, raw eggs, and products containing raw eggs including raw cookie dough, cake batter, brownie mix, milkshakes~~ milkshakes, and ice cream shall not be consumed by children. ~~A~~ This requirement shall not apply when a pasteurized egg product is ~~may be~~ used as a substitute for raw eggs.

(d) ~~Breast Human~~ Human milk, formula, and other bottled beverages, including beverages in sippy cups, that are sent from home shall be fully prepared, prepared dated, and labeled with the date received at the child care center and the name of identified for the appropriate child to whom the milk, formula, or beverage belongs before being brought to the child care center, at the child's home. All breast human milk, formula, and other bottled beverages shall be ~~returned to the child's~~ sent home with the child whose name is on the label or discarded at the end of each day. ~~Frozen breast milk shall be stored frozen for up to seven days. Frozen breast milk shall be labeled with the date received and date thawed for use. Previously frozen breast milk shall be refrigerated and may be stored for no more than 24 hours. Microwaves shall not be used to thaw or warm breast milk, baby food, formula or other bottled beverages. Bottle warming equipment shall be inaccessible to children when in use and shall be emptied, cleaned and sanitized daily. Previously frozen breast milk shall not be refrozen for storage. Formula provided by the child care center shall be commercially pre-packaged, ready to feed, fully prepared, and packaged in single use containers. However, breast milk or formula that does not meet these requirements may be provided by the child care center as prescribed by the child's physician or instructed by parent or guardian in writing. Bottles and other drinking utensils provided by the child care center shall be sanitized in accordance with this Section. Formula and other beverages which that require refrigeration, baby food after opening, that has been opened, and breast human milk shall be identified for the appropriate~~ labeled with the name of the child to whom the beverage, baby food, or milk belongs and shall be refrigerated at 45°F (7°C) 45 degrees Fahrenheit or below. ~~Upon opening, jars of baby food shall be covered, dated, refrigerated, and used within two days. Baby food may be served directly from the jar to one child if unused portions of the food are discarded after each feeding; otherwise, commercially prepared baby foods shall be served from a serving dish rather than the food jar. After the completion of each feeding, leftover formula, breast milk, and other bottled beverages shall be discarded or returned to the child's home at the end of each day.~~

(e) Frozen human milk may be stored frozen for 3 months. Any frozen human milk stored beyond 7 days shall be stored in the freezer compartment of a full-size refrigerator that has a separate door to the freezer, in a chest freezer, or in an upright deep freezer. Frozen human milk shall be thawed and prepared in the child care center's kitchen or food preparation area. Frozen human milk shall be labeled with the date received at the child care center and the date that it is thawed for use. Human milk that was previously frozen and has been thawed shall be refrigerated and stored for no more than 24 hours from when it was thawed. Human milk that was previously frozen and has been thawed shall not be refrozen for storage at the child care center.

(f) Formula provided by the child care center shall be commercial ready-to-feed formula that is pre-packaged in single-use containers. Formula that does not meet these requirements and human milk may be provided to a child by child care center employees as prescribed by the child's health care provider or as instructed, in writing, by the child's parent or guardian. Bottles and other drinking utensils provided by the child care center shall be sanitized in accordance with this Section.

(g) After opening, jars of baby food shall be covered, labeled with the date on which they were opened, refrigerated and used within two days of opening, provided that the baby food is not served directly from the jar. Baby food may

be served directly from the jar to one child if unused portions of the food are discarded after each feeding; otherwise, commercially prepared baby foods shall be served from a serving dish rather than the food jar.

(h) After the completion of each feeding, any leftover formula, human milk, or other bottled beverages used during the feeding shall be discarded or sent home with the child whose name is on the label for the formula, human milk, or bottled beverage at the end of each day. Feeding is complete when the child care center employee has stopped feeding the child and the child has been removed from the feeding area in the child care center and returned to other activities. Bottles previously used for feeding shall not be returned to communal mechanical refrigeration. Nothing in these Rules shall prohibit human milk from being sent home at the end of the day with the child whose name is on the label for the human milk instead of being discarded when the child's parent or guardian has given the child care center written permission to send the human milk home.

(i) A water bottle that a child brings to the child care center from home and that is used only for water consumption by that child shall be exempt from the requirements of Paragraph (h) of this Rule. Instead, the water bottle shall be labeled with the name of the child to whom the water bottle belongs, individually stored in the child's cubby, and sent home with the child at the end of the day.

~~(e)(j)~~ Child care centers that receive and provide children with prepared meals or snacks from outside sources outside the child care centers, but not including meals or snacks sent from home, shall use meals and snacks obtained from food handling establishments that are permitted by a local health department, organizations that only serve prepared meals to child care centers, or another child care center inspected by a local health department. Child care centers may also receive and provide children with prepared meals from organizations not licensed as child care centers only when these organizations are providing prepared meals to licensed child care centers and are centers. These organizations shall be inspected as child care centers by the local health department in the county where the meal is prepared, prepared in accordance with G.S. 110-91(1). The inspection of these organizations shall be made by the local health department at the same time the inspection of the licensed child care center receiving these prepared meals is done. The inspection report of the organization providing these meals shall be a part of the inspection of the licensed child care center receiving the prepared meals, unless the organization is a permitted food handling establishment. During transportation, Food food shall be transported to the child care center that is receiving the prepared meals in a manner that meet meets the requirements of the Rules of this Section relating to hazards, food protection protection, and storage.

~~(f)(k)~~ Lunches Lunches, snacks, and other meals that a child brings brought from home to the child care center shall be labeled with the date on which the food is brought to the child care center and the name of the dated and identified for the appropriate child to whom the food belongs at the child's home and shall be returned to the child's home or discarded at the end of each day. Meals Lunches, snacks, and other meals containing potentially hazardous foods shall be refrigerated at 45°F (7°C) 45 degrees Fahrenheit or below. below and stored in the child care center kitchen or approved food preparation area. Hot foods that a child brings from home to the child care center in double-walled, insulated thermos containers may be stored outside of refrigeration at the child care center with the written permission of the child's parent or guardian.

~~(g)(l)~~ Nothing in the Rules of this Section shall prohibit the use of fresh garden fruits and vegetables, including those grown at the child care center, so long as they the fruits and vegetables meet the requirements of the Rules of this Section and are washed before being served.

*History Note: Authority G.S. 110-91;  
Eff. July 1, 1991;  
Amended Eff. February 1, 1995; January 1, 1992;  
Temporary Amendment Eff. April 15, 1998;  
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.*

#### **15A NCAC 18A .2806 FOOD STORAGE AND PROTECTION**

- (a) ~~In child care centers, Once pre-packaged food has been opened, the food shall be stored in approved, clean, tightly covered, storage resealable bags or containers made of plastic or glass that are tightly covered and manufactured for the purpose of food storage. once the original package is opened. Approved containers include resealable bags and other containers made of plastic or glass. Reusable containers that come in direct contact with food must be easy to clean, in good repair and intended for food storage.~~
- (b) Food items, that are is stored in child care center classrooms or other rooms intended for child care use, shall be limited to ~~those food items which~~ foods that are individually packaged unless the classroom is equipped with a food preparation area. ~~Provisions shall be made to store and protect these food items from all potential sources of contamination and other nonfood items stored in the classroom.~~
- (c) Notwithstanding Paragraph (b) of this Rule, bulk dry goods or food stored in freezers may be stored in rooms in a child care centers that are not equipped with a food preparation area when all food preparation involving the bulk dry goods or frozen food is done in the kitchen or an approved food preparation area.
- (d) Bulk food stored in a refrigerator shall be stored at 45 degrees Fahrenheit or below and stored in the child care center's kitchen or in an approved food preparation area equipped with a full-size refrigerator. Specialty bulk milk that is sent from home for consumption by a child while at the child care center may be stored as set forth in this Paragraph when the child's parent or guardian provides written permission and the specialty bulk milk is sent to the child care center at the beginning of each week unopened, labeled with the date received by the child care center, and labeled with the name of the child to whom the bulk specialty milk belongs. When bulk specialty milk packaging is opened, any remaining bulk specialty milk shall be sent home at the end of the week with the child to whom the bulk specialty milk belongs.
- (e) Dry foods goods that are not readily identifiable and are stored in containers shall be labeled.
- (d) ~~Food shall be stored above the floor in a manner that protects the food from splash and other contamination and that permits easy cleaning of the storage area.~~
- (~~e~~)(f) Food and containers of food shall not be stored under exposed sewer lines. Food shall not be stored in toilet or laundry rooms. Child rooms, except that child care centers licensed for fewer than 13 children and located in a residence may store food in laundry rooms if the food is stored and protected as required in Paragraph (~~f~~) (g) of this Rule.
- (~~f~~)(g) All food Food shall be stored above the floor and in a manner to protect it from dust, rodents, insects, pests, drip, splash splash, and other contamination.
- (h) Raw meats, poultry, fish, shellfish and eggs shall be stored in a refrigerator or freezer on shelving beneath and separate from other foods. The temperature of potentially hazardous food provided by the child care center for

consumption by children shall be ~~45°F (7°C)~~ 45 degrees Fahrenheit or below, or ~~140°F (60°C)~~ at 135 degrees Fahrenheit or above at all times, including field trips, catering events, and outdoor service, except during necessary periods of preparation and service immediately prior to consumption. ~~service, and as otherwise provided in the Rules of this Section.~~

~~(g)(i) Packaged Sealed, commercially pre-packaged~~ food ~~such as milk or other fluid containers~~ may be stored in undrained ice as long as ~~the food is any individual units~~ are not fully submerged in ice or water. Wrapped sandwiches and other foods shall not be stored in direct contact with ice.

~~(h)(j) Refrigerated storage:~~(a) The following shall apply to refrigerated storage of food:

- (1) Refrigeration equipment shall be provided in such number and of such capacity to ~~assure~~ ensure the maintenance of potentially hazardous food at the required temperatures during storage. Each refrigerator shall be provided with a numerically scaled indicating ~~thermometer,~~ thermometer that is accurate to  $\pm 3^{\circ}\text{F}$  ( $\pm 1.5^{\circ}\text{C}$ )  $\pm 3$  degrees Fahrenheit and located to measure the air temperature in the warmest part of the ~~refrigerator.~~ refrigerator and located to be easily readable. Recording ~~thermometers,~~ thermometers that are accurate to  $\pm 3^{\circ}\text{F}$  ( $\pm 1.5^{\circ}\text{C}$ ),  $\pm 3$  degrees Fahrenheit may be used in lieu of indicating thermometers.
- (2) Potentially hazardous food requiring refrigeration after preparation shall be cooled to an internal temperature of ~~45°F (7°C),~~ 45 degrees Fahrenheit or below. Cooling of potentially hazardous foods shall be initiated upon completion of the food preparation or hot storage. Methods such as pouring into pans, agitation, and chilling with ice or water circulation external to the food containers shall be used to cool potentially hazardous food. Potentially hazardous food ~~to~~ that will be transported cold shall be prechilled and held at a temperature of ~~45°F (7°C),~~ 45 degrees Fahrenheit or below.
- (3) Ice used for cooling stored food and food containers shall not be used for human consumption.

~~(i)(k) The following shall apply to the hot storage of food:~~ Hot storage:

- (1) Hot food storage equipment shall be provided in sufficient number and capacity to ~~assure~~ ensure the maintenance of food at the required temperature during storage. Each hot food unit shall be provided with a numerically scaled indicating ~~thermometer,~~ thermometer that is accurate to  $\pm 3^{\circ}\text{F}$  ( $\pm 1.5^{\circ}\text{C}$ )  $\pm 3$  degrees Fahrenheit and located to measure the air temperature in the coolest part of the ~~unit.~~ unit and located to be easily readable. Recording ~~thermometer,~~ thermometers that are accurate to  $\pm 3^{\circ}\text{F}$  ( $\pm 1.5^{\circ}\text{C}$ )  $\pm 3$  degrees Fahrenheit may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a metal ~~stem-type~~ stem-type, thin probe, numerically scaled indicating product thermometer that is accurate to  $\pm 3$  degrees Fahrenheit shall be ~~available and~~ used to check internal food temperature.
- (2) The internal temperature of potentially hazardous foods requiring hot storage shall be ~~140°F (60°C)~~ 135 degrees Fahrenheit or above except during necessary periods of preparation and service. Potentially hazardous food ~~to~~ that will be transported hot shall be held at a temperature of ~~140°F (60°C)~~ 135 degrees Fahrenheit or ~~above.~~ above during transportation.

~~(j)(l) In the event of a fire, flood, water supply interruption, power outage, or similar other event that might result~~ results in the contamination of food, or that might prevent potentially hazardous food from being held at required

temperatures, the person in charge shall either discard the food in question or contact the local health department ~~department~~. for information on food safety.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991.*

*Amended Eff. February 1, 1995;*

*Temporary Amendment Eff. December 1, 1999;*

*Amended Eff. July 1, 2006; January 1, 2006; April 1, 2001.*

## **15A NCAC 18A .2807 FOOD PREPARATION**

(a) In child care centers, the preparation of food shall take place only in the ~~approved facilities~~ kitchen or space equipped as required in Rule .2810 of this Section.

(b) Employees engaged in food preparation in the kitchen shall wear clean clothes and hair restraints and shall keep their fingernails trimmed. Hair spray is not a hair restraint for the purpose of this Rule. Employees engaged in food preparation who are wearing nail polish or artificial nails on their fingers shall wear intact gloves during food preparation.

(c) Food shall be prepared with the least possible manual contact, using with utensils, deli paper, or disposable gloves to prevent exposed, ready-to-eat-food from coming into direct contact with an employee's bare hands or exposed skin. Food shall be prepared and on food contact surfaces that have been cleaned, rinsed, and sanitized prior to use. use in order to prevent cross-contamination. Food contact surfaces and utensils that are exposed to bacterial, viral, fungal, or hazard contaminants during use shall be made clean, free from hazards, and sanitized before continued use.

~~(c) Food shall be prepared with the least possible manual contact, using with utensils, deli paper, or disposable gloves to prevent exposed, ready-to-eat-food from coming into direct contact with an employee's bare hands or exposed skin. Food shall be prepared and on food contact surfaces that have been cleaned, rinsed, and sanitized prior to use. use in order to prevent cross-contamination. Food contact surfaces and utensils that are exposed to bacterial, viral, fungal, or hazard contaminants during use shall be made clean, free from hazards, and sanitized before continued use.~~

(e) ~~Food contact surfaces and utensils shall be cleaned and sanitized after preparing raw foods, prior to preparing ready to eat foods and after any interruption of operations in which contamination may have occurred.~~

(d) Raw fruits and raw vegetables shall be washed with potable water before being cooked or served.

(e) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140°F (60°C), 145 degrees Fahrenheit, except that:

(1) poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165°F (74°C) 165 degrees Fahrenheit with no interruption of the cooking process;

(2) ~~pork and any food containing pork shall be cooked to heat all parts of the food to at least 150°F (66°C) with no interruption in the cooking process;~~

(3)(2) ground beef, beef and foods containing other ground or comminuted meat or fish, and eggs pooled and cooked for hot storage beef shall be cooked to an internal temperature of at least 155°F (68°C) 155 degrees Fahrenheit with no interruption in the cooking process; and

(4)(3) roast beef shall be cooked to an internal temperature of at least 130°F (54°C) 130 degrees Fahrenheit with no interruption in the cooking process.

(f) Potentially hazardous foods that requiring require cooking prior to consumption and cooked in a microwave oven shall be ~~rotated during cooking to compensate for uneven heat distribution and shall be heated to an internal temperature of at least 165 degrees Fahrenheit, additional 25°F (13.9°C) to compensate for shorter cooking times.~~

(g) Potentially hazardous foods that have been cooked and then refrigerated, if served above 45°F (7°C), 45 degrees Fahrenheit, shall be reheated to an internal temperature of 165°F (74°C) 165 degrees Fahrenheit or higher before being served or before being placed in a hot food storage unit except ~~that, that commercially packaged~~ food in intact packages may initially be reheated to 140°F (60°C), 135 degrees Fahrenheit. ~~Steam tables, warmers, and similar hot food holding units are prohibited~~ Hot storage equipment shall not be used for reheating of potentially hazardous foods. Potentially hazardous foods reheated in a microwave oven shall be heated to an internal temperature of at least 165 degrees Fahrenheit, additional 25°F (13.9°C).

(h) Metal ~~stem-type~~ stem-type, thin probe, numerically scaled indicating product thermometers, accurate to ± 3 degrees Fahrenheit 2°F (1°C), shall be ~~provided and~~ used to ~~assure~~ ensure the ~~attainment and~~ maintenance of ~~proper~~ the internal cooking, holding, or refrigeration temperatures of all potentially hazardous ~~foods~~, foods required under this Rule.

(i) Potentially hazardous foods that are frozen shall be ~~thawed~~; thawed using one of the following methods:

- (1) in refrigerated units at a temperature not to exceed 45°F (7°C); 45 degrees Fahrenheit;
- (2) submerged under potable water of a temperature of 70°F (21°C) 70 degrees Fahrenheit or below, with sufficient water velocity to agitate and float off loose food particles into the overflow;
- (3) in a microwave oven only when the food will be immediately transferred to conventional cooking equipment as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
- (4) as part of the ~~conventional~~ uninterrupted cooking process.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. January 1, 2006; February 1, 1995; October 1, 1993.*

#### **15A NCAC 18A .2808 FOOD SERVICE**

(a) In child care centers, milk and milk products used for drinking purposes shall be stored in the original commercially filled ~~container~~, container until the milk or milk product is served for drinking. Unused milk and milk products that are transferred from the original commercially filled container into a separate container, such as a pitcher, for serving shall be discarded and shall not be put back into the original commercial filled container or stored in the container that was used for serving. Serving containers may be used for food service provided the unused milk is discarded.

(b) Ice shall be ~~made, handled, transported, stored and dispensed in such a manner as to be~~ protected against physical, chemical, and biological contamination, contamination and shall be kept clean. Ice shall be dispensed with scoops, tongs, or other ice-dispensing utensils or through automatic ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles shall be ~~stored to protect them from dust, drip, splash and other contamination~~, kept clean. Ice storage bins shall be drained through an air gap.

(c) ~~Employees preparing or serving food shall wash their hands in accordance with the procedures in Rule .2803(e) of this Section. Employees shall either use antibacterial soap, dips, or hand sanitizers immediately prior to food~~



preparation or service or use clean, disposable gloves during food preparation or service. Employees engaged in food preparation in the kitchen shall wear effective hair restraints, keep their fingernails trimmed, clean and shall not wear fingernail polish or artificial fingernails unless wearing intact gloves. Hair spray is not an effective hair restraint.

~~(d)~~ Once served, portions of Food that is leftover after serving ~~food~~ shall not be served again unless the original package is intact unopened and the food is not a potentially ~~hazardous~~ hazardous food. ~~Foods, including milk, placed~~ Foods that have been placed on the table for family style or self-serve food service are considered served.

~~(e)~~(d) Between uses during service, ~~dispensing~~ utensils that are used to serve food shall be stored in the food with the ~~dispensing~~ utensil handle extended out of the food, in a container of water if the water is maintained at a temperature of at least ~~140°F (60°C)~~, 135 degrees Fahrenheit, or stored clean and dry.

~~(f)~~(e) Children ~~attending child care centers~~ shall not be in the kitchen except when participating in a supervised activity.

~~(g)~~(f) Nothing in this Section shall be construed as prohibiting family style or self-serve food service at child care centers ~~so long as~~ provided that ~~supervision of the children are supervised by child care center employees for the duration of the meal. is maintained throughout each meal except that~~ Notwithstanding the foregoing sentence, family style or self-serve food service shall be prohibited during the outbreak and investigation of a communicable diseases disease or condition at the child care center.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff January 1, 2006; April 1, 1999; February 1, 1995.*

## **15A NCAC 18A .2809 FOOD SERVICE EQUIPMENT AND UTENSILS**

In child care centers, material, ~~and~~ construction, and use of food service equipment and utensils shall meet the following requirements:

- (1) ~~Materials used in the construction of utensils and equipment~~ Utensils shall be ~~durable; corrosion resistant; made of nonabsorbent; non-toxic; nonabsorbent material that is free from hazards,~~ finished to have a smooth ~~smooth, easily cleanable surface; and resistant to pitting, chipping, cracking, scratching, distortion, and decomposition.~~ surface, and shall be kept clean and in good repair.
- (2) ~~Food contact~~ Food contact surfaces shall be ~~smooth; smooth, non-absorbent, free of breaks, open seams, cracks, chips, pits and other imperfections; free of sharp internal angles, corners, and crevices; and accessible for cleaning and inspection without being disassembled or by easy disassembly,~~ and kept clean and in good repair. Hard maple or a nonabsorbent wood may be used for cutting boards, cutting blocks, or bakers' tables.
- (3) ~~Nonfood contact~~ Other surfaces that do not come into contact with food shall be made of nonabsorbent material with no obstructions to cleaning, and shall be kept clean and in good repair.
- (4) ~~Solder shall be comprised of approved, non-toxic; corrosion resistant materials.~~
- (5) ~~Wood and wicker shall not be used as food contact surfaces, except hard maple or an equivalent nonabsorbent wood may be used for cutting boards, cutting blocks or bakers' tables.~~

- (6)(4) Galvanized metal shall not be used for utensils, food contact utensils, or food contact equipment. surfaces, or cooking equipment that comes into contact with food.
- (7)(5) Linens shall not be used as ~~food contact~~ food contact surfaces, except that clean linen may be used in contact with bread and rolls.
- (8)(6) Single-use and single-service articles shall be kept clean.
- (9)(7) Reuse of single-service articles is prohibited.
- (10)(8) Single-use articles ~~such as formed buckets, bread wrappers, aluminum pie plates plates, and cans~~ shall be used only ~~once~~ once, except that containers made of plastic, glass or other material intended for food storage, with smooth sides ~~and constructed to be easily cleaned~~ may be reused.
- (11) ~~Equipment and utensils that impart odors, color or taste, or contribute to the contamination of food shall not be used.~~
- (12) ~~Product thermometers and thermometer probes shall be of metal stem type construction.~~
- (13)(9) Water filters or any other water conditioning devices shall be ~~cleaned~~ kept clean and in good repair and shall be maintained in accordance with the manufacturer's instructions.
- (14)(10) Filters and other grease extracting equipment shall be ~~cleaned~~ kept clean and in good repair and shall be maintained in accordance with the manufacturer's ~~specifications.~~ instructions.

*History Note: Authority G.S. 110-91;  
 Eff. July 1, 1991;  
 Amended Eff. January 1, 2006; February 1, 1995.*

**15A NCAC 18A .2810 SPECIFICATIONS FOR KITCHENS, FOOD PREPARATION AREAS AND FOOD SERVICE AREAS**

(a) Each child care center shall have at least a two-compartment sink, drainboards or countertop space of adequate size, adequate refrigeration equipment and, when needed, adequate cooking equipment, except that this requirement shall not apply to ~~for~~ child care centers located in a school that receives all food supplies that are pre-prepared ~~prepared~~ and ready to serve from a food service establishment permitted by a local health department, which is located at the same school campus and provides food during all hours of the child care center's operation. ~~Domestic or commercial kitchen equipment may be used.~~ Child care centers shall be permitted to use domestic kitchen equipment. When a child care center is equipped solely with a two-compartment sink, only multi-use articles may be washed using the two-compartment sink. Child care centers using multi-service articles other than highchair feeding trays shall be equipped with either:

- (1) also provide a dishwasher. ~~In lieu of a dishwasher and two-compartment sink, sink, or~~
- (2) a three-compartment sink of sufficient size and depth to submerge, wash, rinse and sanitize utensils. ~~utensils may be used.~~

(b) A separate lavatory for handwashing is required in food preparation ~~areas.~~ areas and kitchens. If the dishwashing area is separate from the food preparation area, an additional handwashing lavatory shall be ~~required.~~ required in the dishwashing area.

(c) A separate food preparation sink with drainboards or countertop space of adequate size shall be required when a ~~plan~~ review of construction plans, modifications, or change in child care procedures indicates that separate facilities are needed based on volume and preparation frequency.

(d) Except in child care centers licensed for fewer than 13 children and located in a residence, when~~When~~ domestic refrigeration equipment is used ~~used, except in child care centers licensed for fewer than 13 children and located in a residence,~~ the following ~~provisions~~ shall apply:

- (1) ~~except for thawing under refrigerated conditions, in a refrigerator,~~ potentially hazardous foods shall not be prepared prior to the day that such foods are to be served;
- (2) potentially hazardous foods that have been heated shall not be reheated or placed in refrigeration to be used in whole or in part on another day; and
- (3) salads containing potentially hazardous food shall not be prepared on site. Prohibited salads include chicken, egg, tuna, crab, and other salads containing meat.

(e) A commercial hood shall be installed in accordance with G.S. 110-91 when frying is used for food preparation ~~on-site at the child care center. on site. The hood shall be installed in accordance with the North Carolina Building Code and approved by the local building code enforcement agent.~~

(f) If food is prepared in a child care center classroom, then the classroom shall be equipped with a food preparation area. ~~area shall be provided.~~ Water from a handwash lavatory shall not be used for bottle warming or to prepare formula, mix dry cereals, or other foods. Toy cleaning and sanitizing may ~~also~~ be conducted in ~~this~~ the food preparation area. This food preparation area shall contain a ~~an easily cleanable~~ countertop that is kept clean and in good repair, and a lavatory ~~lavatory, and and, when needed, adequate refrigeration. refrigeration when items are stored that require refrigeration in accordance with Rules .2804 and .2806 of this Section.~~ The food preparation counters, ~~bottle warming equipment if used, food~~ food, and food contact surfaces shall be out of reach of children and the following shall ~~apply:~~ apply to food preparation counters, food, food contact surfaces, and equipment used in food preparation:

- (1) all equipment shall be ~~cleaned at least daily.~~ kept clean. ~~Bottle warming~~ Warming equipment shall be cleaned and sanitized as required in Rule .2812 of this ~~Section;~~ Section; and the manufacturer's instructions;
- (2) bottles shall be warmed in the child care center's kitchen or food preparation area. Bottle warming equipment shall be kept out of reach of children. Microwaves and slow cookers shall not be used to thaw or warm human milk, baby food, formula, or other bottled beverages meant for consumption by children. Bottles shall be warmed by placing bottles under running potable water or in containers of potable water or by using bottle warming equipment that is used in accordance with the manufacturer's instructions. Temperature restrictions listed in Rule .2815(e) do not apply to equipment manufactured specifically for bottle warming. If other bottle warming methods are used in food preparation areas, compliance with temperature restrictions listed in Rule .2815(e) is required; and
- ~~(2)~~(3) after each use, ~~all~~ multi-service articles provided by the child care center shall be cleaned and sanitized in the child care center ~~kitchen;~~ kitchen.
- ~~(3)~~ single service articles shall be handled as required in Rule .2814 of this Section; and

~~(4) counter, shelf or cabinet space shall be provided for food storage. Food supplies shall be stored in accordance with Rule .2806 of this Section.~~

*History Note: Authority G.S. 110-91;  
Eff. July 1, 1991;  
Amended Eff. March 1, 1995;  
Temporary Amendment Eff. April 15, 1998;  
Amended Eff. April 1, 1999;  
Temporary Amendment Eff. December 1, 1999;  
Amended Eff. July 1, 2006; January 1, 2006; April 1, 2001.*

### **15A NCAC 18A .2812 CLEANING AND SANITIZING EQUIPMENT AND UTENSILS**

~~(a) Each child care center shall be equipped with adequate drainboards or countertop space for handling used utensils and air drying clean and sanitized utensils. In child care centers, drainboards or countertop space of adequate size shall be provided for handling of soiled utensils prior to washing and cleaned utensils following sanitizing. For child care centers originally licensed on or after April 15, 1998, drainboards or countertop space shall be no less than 8 square feet. A domestic dishwasher may be used to provide the equivalent of 4 square feet of drainboard space. space and other designated areas not contiguous with the sink may be utilized to meet drainboard or countertop space requirements. Drainboards or countertop space designated for clean equipment and utensils shall be on the opposite end of the sink from drainboards or countertop space designated for soiled equipment and utensils that are not clean, unless these areas are otherwise separated and protected from cross-contamination. cross-contamination. Child care centers originally licensed before April 15, 1998 shall comply with this Paragraph upon Upon change of ownership, or the closing of the operation child care center and the issuance of a new license, or the remodeling of an existing kitchen in kitchen, a child care center. center shall also comply with this Paragraph.~~

(b) Except for fixed equipment and utensils too large to be cleaned in sink compartments, equipment and utensils that are cleaned manually instead of in a dishwasher shall be washed, rinsed, and sanitized ~~manual washing, rinsing, and sanitizing shall be conducted in the following sequence: as follows, in the order of the steps presented herein:~~

- (1) ~~when necessary,~~ equipment and utensils shall be scraped, flushed, flushed with water, or soaked with water to remove food particles;
- (2) sinks shall be cleaned and sanitized prior to use;
- (3) equipment and utensils shall be washed in the first compartment of the sink with a hot detergent solution that is changed once visibly soiled;
- (4) equipment and utensils shall be rinsed free of detergent solution and abrasives with clean water in the second ~~compartment;~~ compartment of the sink; and
- (5) the food-contact surfaces of equipment and utensils shall be sanitized in the third compartment of the sink in the following manner:
  - (A) immersion for at least one minute in clean, hot water at a temperature of at least 170°F (77°C) 170 degrees Fahrenheit; in dish baskets of such size and design to permit complete immersion of the tableware, kitchenware and equipment in the hot water;

- (B) immersion for at least two minutes in a ~~clean~~ solution containing 50 to 200 parts per million (ppm) of chlorine at a temperature of at least ~~75°F (24°C); 75 degrees Fahrenheit;~~
- (C) immersion for at least two minutes in a ~~clean~~ solution containing at least 12.5 ppm of iodine and having a pH not higher than 5.0 and at a temperature of at least ~~75°F (24°C); 75 degrees Fahrenheit;~~
- (D) immersion for at least two minutes in a ~~clean~~ solution containing 200 to 400 ppm of quaternary ammonium products and having a temperature of at least ~~75°F (24°C); 75 degrees Fahrenheit,~~ provided that the quaternary ammonium product is labeled to show label indicates that it is effective in water ~~having that has~~ a hardness value at least equal to that of the water being used; or
- (E) other sanitizing products, procedures, or equipment that are equally as or more effective than as those described above in Subparagraph (b)(5)(A)-(D) may be used if these products are nontoxic to children, used according to the manufacturer's instructions, instructions and approved by the Department. are safe for use on food contact surfaces, do not require a final rinse step, and have a testing method.

(c) When utensils and equipment are washed mechanically using a dishwasher, For ~~mechanical cleaning and sanitizing,~~ food-contact surfaces of equipment and utensils shall be sanitized according to the dishwasher manufacturer's instructions. When a domestic dishwashing machine with a sanitizing cycle is used according to manufacturer's instructions, additional sanitizing is not required. When commercial dishwashing equipment is used, the dishwasher shall be equipped with a temperature indicating device, device that is accurate to 2 degrees Fahrenheit. ~~2°F (1°C), shall be provided.~~

(d) For fixed equipment and utensils and equipment ~~which that~~ are ~~either too large or impractical~~ to sanitize in a dishwashing machine or dishwashing sink, a spray-on or wipe-on sanitizer of sufficient chemical strength as indicated in Paragraph ~~(b)~~ (b)(5) of this Rule shall be used. ~~Spray on or wipe on sanitizers shall be prepared daily and kept on hand for bactericidal treatment.~~

(e) Multi-service articles, including highchair feeding trays, shall be washed, rinsed and sanitized in the child care center kitchen after each use.

(f) ~~Nonfood contact~~ Kitchen surfaces that are not food contact surfaces shall be kept clean, cleaned to keep equipment free of accumulation of dust, dirt, food particles and other debris.

(g) A testing method or ~~equipment,~~ equipment shall be used in accordance with the product manufacturer's instructions ~~instructions, shall be made available, convenient, and regularly used~~ to test the strengths of ~~these chemical~~ sanitizing solutions to ensure the prescribed concentrations are met.

(h) After sanitizing, all equipment and utensils shall be air dried.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. February 1, 1995; July 1, 1993;*

*Temporary Amendment Eff. December 1, 1999; April 15, 1998;*

*Amended Eff. July 1, 2006; January 1, 2006; April 1, 2001.*

#### 15A NCAC 18A .2814 FOOD SERVICE EQUIPMENT AND UTENSIL STORAGE

(a) In child care centers, food contact surfaces, equipment, utensils, and single service articles shall be protected from contamination. ~~cleaned and sanitized equipment and utensils, including single service articles, shall be handled in a way that protects the food contact surfaces from contamination. Spoons, knives, and forks shall be handled with the least amount of contact necessary. Cups, glasses, bowls, plates, and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.~~

(b) Cleaned and sanitized utensils and equipment shall be stored above the floor in a clean, dry location and shall be kept clean while stored. ~~in a way that protects them from dust, insects, drip, splash and other contamination and facilitates floor cleaning.~~ The ~~food contact~~ food contact surfaces of fixed equipment shall ~~also be protected from contamination.~~ kept clean while stored or otherwise not in use. Equipment and utensils shall not be ~~placed~~ stored under exposed sewer lines.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. January 1, 2006; February 1, 1995.*

#### 15A NCAC 18A .2815 WATER SUPPLY

(a) ~~In A child care centers, the center's~~ A child care center's water supply shall meet the requirements of 15A NCAC 18C or 15A NCAC 18A .1700, as applicable. ~~.1700 Protection of Water Supplies. In addition, any~~ The operator of a child care center using a groundwater supply that serves 25 or more people shall provide the local health department serving the county in which the child care center is located with documentation from the Department of Environmental Quality, Division of Water Resources, Public Water Supply Section that the well meets the requirements of 15A NCAC 18C. In child care centers that use a non-community water supply, A ~~a~~ water sample shall be collected by the Department once a year and submitted to the North Carolina State Laboratory of Public Health or other laboratory certified by the North Carolina State Laboratory of Public Health under 10A NCAC 42C.0102 to perform a state certified laboratory for bacteriological examinations. ~~analysis annually if the child care center is not served by a community water supply.~~ The Department may collect additional samples for ~~Other~~ tests of water quality, as indicated by possible additional sources of contamination. ~~contamination, may be collected by the Department.~~

(b) Water under pressure shall be provided to meet the child care center's needs of cooking, cleaning, drinking, toilets, and outside uses. ~~uses in accordance with the North Carolina Plumbing Code.~~

(c) A child care center's water supply plumbing shall not include cross-connections as set out in 15A NCAC 18C .0102(c)(8). ~~No cross connections with an unapproved water supply shall exist.~~ If the potential for back siphonage or backflow conditions exist, an approved atmospheric vacuum breaker or backflow prevention device shall be installed. ~~installed in accordance with the North Carolina Plumbing Code.~~

(d) Water heating equipment shall be provided to meet the ~~maximum~~ hot water requirements set forth in this Rule. ~~of the child care center.~~ The capacity and recovery rates of water heating equipment shall be based on number and size of sinks, capacity of dishwashing machines, capacity of laundering machines, diaper changing facilities, and other food service and cleaning needs for child care centers not located in a residence. Child care centers licensed for fewer

than 13 children and located in a residence ~~may~~ shall be allowed to use an existing water heater, or the equivalent replacement, if all required temperatures are maintained. the water temperature requirements set forth in this Rule are met. Hot and cold water under pressure shall be provided in all rooms where food is prepared, rooms in which utensils or equipment are washed, and other areas where water is required for cleaning and sanitizing, including diaper changing areas.

(e) Hot water used for cleaning and sanitizing ~~food~~ utensils and laundry shall be provided at a minimum temperature of ~~120°F (49°C)~~ 120 degrees Fahrenheit at the point of use. Water in areas accessible to children shall be tempered between ~~80°F (27°C) and 110°F (43°C)~~ 80 degrees Fahrenheit and 110 degrees Fahrenheit. Hot water that exceeds 120 degrees Fahrenheit is a burn hazard and shall not be provided in areas accessible to children. For handwash lavatories used exclusively by school-age children, the ~~80°F (27°C)~~ 80 degrees Fahrenheit minimum temperature requirement shall not apply. ~~Hot water in an area accessible to any child, which is in excess of 120°F (49°C), shall be considered a burn hazard.~~ Child care centers serving only school-age children ~~are~~ shall not be required to provide hot water in areas accessible to children. In the event of the loss of hot ~~water,~~ water at the child care center, the person in charge operator shall immediately contact notify the local health ~~department.~~ department that serves the county in which the child care center is located.

(f) Drinking fountains, if provided, shall ~~comply with the North Carolina Plumbing Code,~~ be separate from handwash ~~lavatories,~~ lavatories and kept clean. The water pressure of a drinking fountain shall be regulated so that an individual's mouth does not come in contact with the nozzle and so that water does not splash on the floor. Other ~~approved dispensing~~ devices ~~may be used and~~ to dispense drinking water shall be kept clean.

(g) Outdoor drinking fountains shall be constructed to protect the spout from contamination by hazards and shall be kept clean.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. February 1, 1995;*

*Temporary Amendment Eff. April 15, 1998;*

*Amended Eff. April 1, 1999;*

*Temporary Amendment Eff. December 1, 1999;*

*Amended Eff. July 1, 2006; January 1, 2006; April 1, 2001.*

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

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

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

- (1) Child care operators, as defined under G.S. 110-86(7), shall test, once every three years, all water outlets used for drinking or food preparation. Samples shall also be collected and tested within 30 calendar days of completion of any 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. The operator shall provide documentation of testing results for review by the Department during each unannounced routine sanitation inspection under Rule .2834(b) of this Section. ~~Notwithstanding Rule .2801(5) of this Section, "Department" means North Carolina Department of Health and Human Services for purposes of this Rule.~~

- (2) For child care centers that submit an application for licensure in accordance with 10A NCAC 09 .0302 after the effective date of this Rule, initial samples shall be collected by the child care operator and tested in accordance with Subparagraph (b)(4) of this Rule during the license application process.
- (3) For all other centers, initial samples shall be collected by the child care operator and tested in accordance with Subparagraph (b)(4) of this Rule within one year of the effective date of this Rule.
- (4) The child care operator shall collect samples and submit them for testing in accordance with guidance specified by the United States Environmental Protection Agency in its publication, 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, which is incorporated by reference with subsequent changes or amendments and available free of charge at <https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water>. ~~<https://www.epa.gov/dwreginfo/3ts-reducing-lead-drinking-water-schools-and-child-care-facilities>.~~ Notwithstanding the guidance, samples may be collected with a stagnation period of up to 72 hours. Samples shall be analyzed by a laboratory certified by the North Carolina State Laboratory of Public Health to analyze for lead in drinking water.
- (5) When a water sample is analyzed for lead content by a laboratory under this Rule, the laboratory shall notify the Department of the test results by electronic submission in accordance with G.S. 130A-131.8.
- (6) When a child care center receives test results from a laboratory indicating that a water sample collected by the child care operator contains a lead concentration at or above the lead poisoning hazard level defined in G.S. 130A-131.7(7)(g), the child care operator shall:
  - (A) restrict access to any water outlet(s) used for drinking or food preparation that have lead concentrations at or above the lead poisoning hazard level; and
  - (B) ensure that all children and staff have access to water free of cost that does not contain lead concentrations at or above the lead poisoning hazard level for drinking and food preparation.
- (7) When notified of a water lead level at or above the lead poisoning hazard level, the Department shall conduct sampling at the water outlet identified to have a water lead level at or above the lead poisoning hazard level within 10 business days of notification.
- (8) If a water sample collected by the Department reveals a water lead level at or above the lead poisoning hazard level, the child care operator shall continue to follow Subparagraph (b)(6) of this Rule until the Department determines the water outlet(s) are not producing water lead levels at or above the lead poisoning hazard level and notifies the child care operator and the Division of Child Development and Early Education in writing of this determination.



- (9) Failure to comply with Paragraph (a) of this Rule or any Subparagraph of this Paragraph, shall be deemed a violation of this Rule subject to demerits under Rule .2834(c)(20) of this Section.
- (10) Within five business days of receiving the test results of the Department's water analysis that shows a water lead level at or above the lead poisoning hazard level, the child care center operator shall provide written notification of the test results to the parents or legal guardians of the children attending the child care center and the staff of the child care center, in accordance with the United States Environmental Protection Agency guidance specified in Subparagraph (b)(4) of this Rule.
- (11) Within five business days of receiving the test results of the Department's water analysis that shows a water lead level at or above the lead poisoning hazard level, the child care center operator shall make the test results available to the public, free of charge. The child care center operator may post test results to the child care center's website to satisfy the requirement to make the test results available to the public.

*History Note:* Authority G.S. 110-91; 130A-131.5; 130A-131.7(7); 130A-131.8;  
Eff. July 1, 1991;  
Amended Eff. October 1, 2019; January 1, 2006; February 1, 1995.

#### **15A NCAC 18A .2817 TOILETS**

- (a) In child care centers, toilet tissue paper shall be provided in each toilet room and stored in a clean, dry place. The toilet room shall include or be adjacent to a handwash lavatory. Storage in toilet rooms shall be limited to toileting and diapering supplies. All toilet fixtures shall be ~~easily cleanable,~~ kept clean and in good repair. Toilet fixtures shall be child-sized, ~~adapted adult~~ adult-sized toilets that are adapted to accommodate children, or potty chairs.
- (b) Toilet fixtures shall be cleaned and disinfected at least daily and when visibly soiled. ~~A disinfecting solution as set out in 15A NCAC 18A .2801(7) shall be used for this purpose. A testing method shall be made available to ensure compliance with the prescribed bleach solution concentration. To achieve the maximum germ reduction with bleach, the cleaned surfaces shall be left glistening wet with the bleach solution and allowed to air dry or be dried only after a minimum contact time of at least two minutes. Products registered with the U.S. Environmental Protection Agency as hospital grade germicides or disinfectants or as disinfectants for safe use in schools, child care centers, institutions or restaurants are also approved disinfectants, provided the manufacturer's Material Safety Data Sheets are kept on file at the child care center and the instructions for use are followed.~~
- (c) If potty chairs are used, they shall be located and stored in a toilet room equipped with a spray-rinse toilet or utility sink. Potty chairs shall be emptied, rinsed, cleaned and disinfected after each use. ~~use with a disinfecting solution as described in Paragraph (b) of this Rule.~~
- (d) When cloth diapers are used and emptied, the diaper changing area shall be located next to a toilet room.

*History Note:* Authority G.S. 110-91;  
Eff. July 1, 1991;  
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999; February 1, 1995.

### 15A NCAC 18A .2818 LAVATORIES

(a) In child care centers, lavatories shall be ~~easily cleanable, kept clean and~~ in good ~~repair, repair~~ and ~~kept free of~~ shall not be used for storage. Lavatories shall be mounted at an appropriate height to accommodate ~~the children,~~ children or otherwise made ~~accessible.~~ accessible to children. Water from a handwash lavatory shall not be used for consumption. ~~Lavatories with~~ Any lavatory may be used for handwashing as specified in 15A NCAC 18A .2803, ~~except for~~ flush-rimmed sinks ~~and those~~ or with an attached operable drinking ~~fountain.~~ shall not be used for handwashing.

(b) Lavatories shall be equipped with hot and cold water or tempered water provided through mixing faucets or pre-mixing devices which provide water in the temperature range specified in Rule .2815(e) of this Section.

(c) Lavatories shall be cleaned and disinfected with each change of use, ~~as needed~~ when visibly soiled, and at least daily. Change of use occurs when a handwash lavatory is used outside of its original intent. Change of use includes, but is not limited to, a classroom handwash lavatory used for rinsing toothbrushes, a food preparation handwash lavatory used for toy cleaning or a classroom handwash lavatory used for diaper changing handwashing. A disinfecting solution as set out in 15A NCAC 18A .2801(7) shall be used for this purpose. ~~A testing method shall be made available to ensure compliance with the prescribed bleach solution concentration. To achieve the maximum germ reduction with bleach, the cleaned surfaces shall be left glistening wet with the bleach solution and allowed to air dry or be dried only after a minimum contact time of at least two minutes. Products registered with the U.S. Environmental Protection Agency as hospital grade germicides or disinfectants or as disinfectants for safe use in schools, child care centers, institutions and restaurants are also approved disinfectants, provided the manufacturer's Material Safety Data Sheets are kept on file at the child care center and the instructions for use are followed.~~

(d) Liquid soap and disposable towels or other hand-drying devices shall be provided at every handwash lavatory area.

(e) Handwash signs shall be posted at every handwash lavatory ~~area.~~ area. The signs shall instruct children and child care center employees to wash their hands in accordance with Rule .2803 of this Section.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. July 1, 2006; January 1, 2006; February 1, 1995.*

### 15A NCAC 18A .2819 DIAPERING AND DIAPER CHANGING FACILITIES

(a) In child care centers, children in diapers shall be changed at stations designated for diapering or toileting. Each diaper changing station shall include a handwash lavatory. For child care centers licensed for fewer than 13 children and located in a ~~residence~~ residence, and for diaper changing areas designated for school age children, a handwash lavatory shall be in or next to a the diaper changing area.

(b) Diapering surfaces shall be made of smooth, intact, ~~nonabsorbent,~~ nonabsorbent material and shall be kept clean and in good repair. ~~easily cleanable and shall be approved by the Department.~~ Nothing shall be placed on the diapering surface except for those items required for ~~diapering.~~ diapering and the child whose diaper will be changed. If

diapering is performed on the floor in a toilet room, then a smooth, intact, nonabsorbent barrier that is clean and in good repair shall be placed on the floor to minimize cross-contamination.

~~(c) A disinfecting solution as set out in 15A NCAC 18A .2801(7) shall be used to disinfect diapering surfaces. Diapering surfaces shall be disinfected using an approved disinfectant. A testing method shall be made available to ensure compliance with the prescribed bleach solution concentration. To achieve the maximum germ reduction with bleach, the cleaned surfaces shall be left glistening wet with the bleach solution and allowed to air dry or be dried only after a minimum contact time of at least two minutes. Products registered with the U.S. Environmental Protection Agency as hospital grade germicides or disinfectants or as disinfectants for safe use in schools, child care centers, institutions or restaurants are also approved disinfectants, provided the manufacturer's Material Safety Data Sheets are kept on file at the child care center and the instructions for use are followed. Cleaning and disinfecting solutions~~  
Approved disinfectants and detergent solution shall be kept in separate and labeled bottles at each diaper changing station. Approved disinfectants that are Bleach chlorine disinfecting solutions shall be stored in hand pump spray bottles. No cloths or sponges shall be used on diapering surfaces.

~~(d) Diaper changing procedures shall include:~~ Child care center employees shall change a child's diaper as follows:

- (1) gathering supplies before placing child on diapering surface;
- (2) donning disposable gloves (if needed);
- (3) using disposable towelette or moistened paper towel to clean child, wiping front to back;
- (4) disposing of gloves if used, soiled towelettes and diaper in a plastic-lined, covered receptacle;
- (5) wiping hands with a disposable towelette or moistened paper towel;
- (6) sliding a clean diaper under the child, applying diapering products ~~(if needed)~~ if needed, using facial or toilet tissue, and discarding the tissue in a plastic-lined, covered receptacle;
- (7) fastening the diaper and placing clothing on child;
- (8) washing child's hands in accordance with Rule .2803 of this Section, or, if child is unable to support ~~her or his~~ the child's head, cleaning the child's hands with a disposable towelette or moistened paper towel, then drying the child's hands and returning the child to a supervised area;
- (9) spraying entire diapering surface with detergent solution and wipe clean, using disposable paper towels;
- (10) spraying entire diapering surface with an approved disinfectant ~~disinfecting solution~~ and allowing to remain on the surface for two minutes or as specified by the manufacturer, or air dry; and
- (11) washing hands in accordance with Rule .2803 of this Section even if disposable gloves are used by ~~the caregiver.~~ child care center employee.

~~(e) Vinyl or latex disposable gloves shall be used by caregivers~~ child care center employees during the diaper changing process if ~~she or he~~ the employee's hands have ~~has cuts or sores on her or his hands~~ cuts, sores, or has chapped skin.  
~~hands.~~

~~(f) Caregivers~~ Child care center employees may dispose of feces ~~in~~ from diapers in the toilet, but shall not rinse soiled cloth diapers, ~~or training pants~~ pants, or clothes. Soiled cloth diapers, training ~~pants~~ pants, or clothes shall be sent to a diaper service or placed in a ~~tightly closed~~ sealed plastic bag or other ~~equivalent~~ sealed container, ~~container approved by the Department,~~ stored out of reach of children, and sent ~~daily to the child's home~~ with the child on the same day to be laundered.

- (g) Receptacles containing soiled disposable diapers shall be emptied in ~~an exterior~~ garbage area ~~at least~~ located outside the child care center building daily.
- (h) ~~Instructions~~ Signs that instruct for caregivers child care center employees on proper methods of diaper changing and handwashing as set forth in the Rules of this Section shall be posted in each diaper changing area.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. February 1, 1995;*

*Temporary Amendment Eff. April 15, 1998;*

*Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.*

### **15A NCAC 18A .2820 STORAGE**

- (a) In child care centers, adequate space shall be provided for the storage of equipment, furniture, toys, clothes, linens, backpacks, book bags, diaper bags, beds, cots, mats, and ~~supplies~~ supplies. Storage areas ~~and~~ shall be kept clean. ~~Shelving or other storage areas shall be provided and constructed in a manner to facilitate cleaning.~~ Soiled laundry Laundry that is not clean shall be handled and stored separately from clean laundry using separate ~~cleanable containers.~~ containers that are made clean in between uses and kept in good repair.
- (b) ~~All~~ Toxic substances, which include corrosive agents, pesticides, bleaches, detergents, cleansers, polishes, any product which is under pressure in an aerosol dispenser, and any substance which may be hazardous to a child if ingested, inhaled, or handled shall be kept in ~~its~~ the original container or in another labeled container, used according to the manufacturer's ~~instructions~~ instructions, and stored in a locked storage room or cabinet when not in use. Locked storage rooms and cabinets shall include those which are unlocked with a ~~combination,~~ combination lock, electronic or magnetic device, keypad, key, or equivalent locking device. ~~These~~ Keys and electronic or magnetic unlocking devices shall be kept out of the reach of a child and shall not be stored in the lock. Toxic substances shall be stored below or separate from medications and food. Any other product ~~not listed above, which that~~ is labeled "keep out of reach of children" and does not have any ~~without any other warnings,~~ warnings on the label shall be kept inaccessible to children when not in use, but is not required to be kept in locked storage. For the purpose of Paragraphs (b), (c), and (d) of this Rule, a ~~The~~ product shall be considered inaccessible to children when stored on a shelf or in an unlocked cabinet that is mounted a minimum vertical distance of five feet above the finished floor.
- (c) Non-aerosol ~~sanitizing, disinfecting,~~ sanitizing solutions, approved disinfectants, ~~and~~ detergent solutions, hand ~~sanitizers,~~ antiseptics, and hand lotions shall be kept ~~out of reach of~~ inaccessible to children when not in use, but are not required to be in locked storage. These solutions shall be labeled as sanitizing, disinfecting, or detergent (~~soapy water~~) solutions. Hand soap other than that which is in bulk containers is not required to be kept ~~out of reach of~~ inaccessible to children or in locked storage. Bulk soaps shall be kept inaccessible to children.
- (d) Medications including prescription and non-prescription items shall be stored in a locked cabinet or other locked container and shall not be stored above food. Designated emergency medications shall be ~~kept stored out of reach of~~ inaccessible to children, but are not required to be in locked storage. Non-prescription diaper creams and sunscreen shall be kept ~~out of reach of~~ inaccessible to children when not in use, but are not required to be in locked storage.

(e) A locked kitchen is not considered to be a locked storage room or cabinet for the purposes of this Rule; however, for child care centers that are located within a school and that use the school cafeteria's kitchen to meet the kitchen requirements of the rules of this Section, it shall not be a violation of this Rule to store products described in Paragraphs (a)-(d) of this Rule unlocked in the cafeteria's kitchen, provided that the kitchen is kept locked and a restriction is placed on the child care center's license by the licensing agency that prohibits children from being in the kitchen for any purpose.

(f) Individual cubicles, lockers, or coat hooks shall be provided for storage of coats, hats, ~~bags, or similar items, other items and accessories.~~ Coat hooks not in individual cubicles or lockers, shall be spaced at least 12 horizontal inches apart. A child's coats, hats, bags, and other items or accessories belonging to a child that are stored using cubicles, lockers, or coat hooks shall not come into contact with stored items belonging to other children. Combs shall be labeled with the name of the child to whom the comb belongs and stored separately from combs or other items that belong to a different child, individually. Toothbrushes shall be ~~individually identified,~~ labeled with the name of the child to whom the toothbrush belongs, allowed to air dry after use, and ~~protected from contamination.~~ kept clean. When a container of toothpaste is used for multiple children, the toothpaste shall be dispensed onto an intermediate surface such as waxed ~~paper,~~ paper and shall not be dispensed directly onto each child's toothbrush.

~~(f)(g)~~ Employee purses Purses and other personal effects belonging to child care center employees shall be kept ~~out of reach of~~ inaccessible to children, children and shall be stored in accordance with this Rule, as applicable.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999; February 1, 1995.*

#### **15A NCAC 18A .2821 BEDS, COTS, MATS, AND LINENS**

(a) In child care centers, ~~all~~ beds, cribs, cots, and mats shall be kept clean and in good repair, stored to prevent contamination, and cleaned and sanitized between users.

(b) Cribs and play pens used for sleeping shall be ~~easily cleanable,~~ kept clean and equipped with a firm, tight-fitting mattress made of waterproof, washable material at least two inches thick.

(c) ~~All beds, Beds, cots or cots, and~~ mats shall be assigned and labeled for use by an each individual ~~child,~~ child and equipped with individual linens.

(d) Mats shall be of a waterproof, washable material at least two inches thick and shall be stored so that the side of the mats that makes contact with the floor side does not touch the sleeping side of a mat that any child sleeps on, ~~or by an equivalent method approved by the Department.~~

(e) When in use, cribs, cots, mats and ~~playpens~~ play pens shall be placed at least 18 inches apart or separated by partitions ~~which that~~ prevent physical ~~contact.~~ contact between children.

(f) ~~Linens~~ Linens shall be kept clean, in good repair, and stored with the ~~individual~~ mat or cot that the linens are assigned to or stored apart from the mattress or cot in a manner that keeps the linens used for each child separate from the linens belonging to other children, individually for each child in a designated area. Linens Linens shall be laundered between users, when soiled, and otherwise at least once per week. ~~Linens~~ Linens used in rooms where the children in

care are less than 12 months old shall be changed and laundered when soiled and otherwise at least daily. Linens shall be large enough to cover the bed, cot, or mat's sleeping surface.

(g) Wash cloths, bibs, and burping cloths shall ~~not be used more than once until~~ laundered after each use. Each time a wash cloth, bib, or burping cloth is used, it shall be used for only one child. and shall be laundered when soiled and at least daily.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. July 1, 2006; January 1, 2006; February 1, 1995.*

#### **15A NCAC 18A .2822 TOYS, EQUIPMENT AND FURNITURE**

(a) Toys, ~~equipment~~ equipment, and furniture provided by a child care center shall be kept clean and in good repair. In rooms designated for children who are not toilet trained, toys and other mouth-contact surfaces that are used by children shall be cleaned and then sanitized after each use at least daily when used and when more frequently if visibly dirty. ~~dirty.~~ Toys and other mouth-contact surfaces shall be cleaned and sanitized by the following methods: as follows:

- (1) the items shall be scrubbed in warm, soapy water ~~water~~, using a brush to reach into any crevices;
- (2) the items shall be rinsed in clean water;
- (3) the items shall be submerged in a sanitizing solution as set out in 15A NCAC 18A .2801(22) for at least two minutes or in accordance with the instructions on the label of the sanitizing solution; sanitized with another approved sanitizing solution; and
- (4) the items shall be air dried.

~~A testing method or kit shall be available to ensure compliance with the prescribed concentration. To achieve the maximum germ reduction with bleach, the cleaned surfaces shall be left glistening wet with the bleach solution and allowed to air dry or be dried only after a minimum contact time of at least two minutes. Other sanitizing solutions that have been determined to be at least as effective as the chlorine bleach solution are acceptable as long as these products are nontoxic to children, used according to the manufacturer's instructions and approved by the Department.~~

~~(b) Toys, items~~ Toys and other mouth-contact surfaces that are not designed to be submerged in liquid shall be washed and rinsed in place, sprayed with a sanitizing solution ~~solution~~, and allowed to air dry. Hard plastic toys may be washed and rinsed in a dishwasher and cloth toys may be laundered and mechanically dried without requiring sanitizing.

~~(b)(c)~~ Toys, furniture, cribs, or other items accessible to children, children shall be free of peeling, flaking, or chalking paint.

~~(c)(d)~~ Water play centers shall be filled with potable water immediately just prior before children begin a to each water play session. Water shall be emptied after each play session and at a minimum each morning and afternoon, or more often if no longer clean, visibly soiled. The water play ~~centers~~ centers, including toys, shall be cleaned and sanitized at least daily or more often if no longer clean, visibly soiled. Water play is prohibited during the outbreak and investigation of a communicable ~~diseases~~ disease or condition at the child care center, site. Wading pools are not considered water play centers and are regulated under the Rules in Section .2500 of this Subchapter. 15A NCAC 18A .2500.

*History Note: Authority G.S. 110-91;*  
*Eff. July 1, 1991;*  
*Amended Eff. February 1, 1995; July 23, 1992;*  
*Temporary Amendment Eff. April 15, 1998;*  
*Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.*

#### **15A NCAC 18A .2823 PERSONNEL**

- (a) In child care centers, employees ~~and their~~ shall wear clean, clean clothing while at work. shall be clean. Employees shall keep their fingernails clean.
- (b) Tobacco use in any form is prohibited in any part of a child care center. ~~center except in a designated area either outdoors, separate from the outdoor learning environment, or indoors in a room with a separate ventilation system approved by the building inspector.~~
- (c) Volunteer personnel shall adhere to the same requirements as child care center employees, as specified in the rules of this Section.

*History Note: Authority G.S. 110-91;*  
*Eff. July 1, 1991;*  
*Amended Eff. February 1, 1995;*  
*Temporary Amendment Eff. April 15, 1998;*  
*Amended Eff. January 1, 2006; April 1, 1999.*

#### **15A NCAC 18A .2824 FLOORS**

- (a) In child care centers, floors and floor coverings ~~in of all~~ food preparation, food storage, utensil washing, ~~utensil washing areas,~~ toilet rooms, and laundry areas shall be constructed of nonabsorbent material and shall be kept clean and in good repair. ~~nonabsorbent, easily cleanable material.~~
- (b) Floors and floor coverings ~~in of all~~ sleeping and play areas shall be ~~constructed of easily cleanable materials.~~ kept clean and in good repair.
- (c) Carpeting used as a floor covering shall be of closely woven ~~construction, properly installed, and easily cleanable.~~ construction and shall be kept clean and in good repair. Carpeted floors shall be vacuumed daily when children are not present in the room, except to clean up spills. Instead of waiting for children to leave the room, a High Efficiency Particulate Air (HEPA) filter vacuum cleaner may be used. If used for this purpose, a HEPA vacuum cleaner shall include a HEPA filter individually tested and rated as 99.97% efficient at 0.3 micron dust particle size and sealed to prevent leakage around connecting points. Vacuum bags shall be changed and vacuums shall be emptied when children are not present in the room. The vacuum cleaner shall be in good repair. Wall to wall carpets shall be cleaned using extraction methods at least once each six months. Cleaning materials including surfactants, ~~solvents~~ solvents, and water used for extraction shall be removed from the carpet before the space is reoccupied. When hot water extraction is used, the carpet shall be completely dry within 12 hours of cleaning.

(d) Floors in areas accessible to children, shall be kept free of peeling, ~~flaking~~ flaking, chalking, or otherwise deteriorating paint.

~~(e) All floors and floor coverings shall be kept clean and maintained in good repair.~~

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. January 1, 2006; April 1, 1999; February 1, 1995; July 23, 1992.*

#### **15A NCAC 18A .2825 WALLS AND CEILINGS**

(a) In child care centers, the walls and ceilings, including doors and windows, of all rooms and areas shall be kept clean, free of visible fungal growth, and in good repair. All walls and ceilings shall be ~~easily cleanable and~~ free of peeling, flaking, chalking, or otherwise deteriorating paint.

(b) Walls and ceilings in rooms in which food is stored, ~~handled~~ handled, or prepared, utensil-washing rooms, and toilet rooms shall be nonabsorbent. Acoustic and other ceiling material may be used where ventilation in the room precludes the possibility of grease and moisture ~~absorption.~~ absorption by the acoustic or other material. For child care centers licensed for fewer than 13 children and located in a residence, ceilings of residential construction are acceptable if kept clean and in good repair.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. April 1, 1999; July 23, 1992;*

*Temporary Amendment Eff. December 1, 1999;*

*Amended Eff. January 1, 2006; April 1, 2001.*

#### **15A NCAC 18A .2826 LIGHTING AND THERMAL ENVIRONMENT**

(a) In child care centers, all rooms and enclosed areas shall be lighted by natural or artificial light. ~~means.~~ Lighting shall be capable of illumination to at least 50 foot-candles at work surfaces. ~~surfaces in kitchens and diaper changing areas and at children's work tables, desks and easels.~~ Lighting shall be capable of illumination to at least 10 foot-candles of light, at 30 inches above the floor, in all other areas, including storage rooms. Light fixtures in all areas shall be kept clean and in good repair. Shielded or shatterproof bulbs shall be used in food preparation, storage, and serving areas and in all rooms used by children.

(b) All rooms used by children shall be heated, cooled, and ventilated to maintain a an ambient temperature between ~~65°F (19°C) 65 degrees Fahrenheit and 85°F (30°C).~~ 85 degrees Fahrenheit. Ventilation may be in the form of ~~operable~~ openable windows ~~which are screened~~ with screens or by means of mechanical ventilation to the ~~outside.~~ outside of the building. Windows and window treatments shall be kept clean and in good repair. All ventilation equipment, including air supply diffusers, ~~diffusers (heating and cooling vents) and~~ return grilles, and fans, ~~and all other ventilation equipment fans~~ shall be kept clean and in good repair.

(c) Nothing in the rules of this Section ~~requires~~ shall require that outdoor storage buildings be wired with electricity or provided with heating and air conditioning.



*History Note: Authority G.S. 110-91;  
Eff. July 1, 1991;  
Amended Eff. January 1, 2006; February 1, 1995.*

#### **15A NCAC 18A .2827 COMMUNICABLE DISEASES AND CONDITIONS**

(a) In child care centers, ~~children~~ a child who ~~become~~ becomes ill to the extent that ~~they~~ the child can no longer participate in routine group activities shall be separated from the other children until the child leaves the ~~center~~. child care center and in accordance with 10A NCAC 09 .1718(a)(6).

(b) Each child care center shall include a designated area for a child who becomes ill to the extent that she or he can no longer participate in the routine group activities. When in use, such area shall be equipped with a bed, ~~cot~~ cot, or mat and a vomitus ~~receptacle~~. receptacle and shall be cleaned and disinfected after each use. Thermometers and all materials used in the designated ~~area~~ area, including ~~mouthable toys~~ toys, shall be cleaned and sanitized after each use. Linens ~~and disposables~~ shall be changed after each use.

(c) If the designated area required under Paragraph (b) of this Rule is not a separate room, then it shall be separated from space used by other children by a partition, screen partition or screen. ~~other means~~. The designated area shall be located so that health and sanitation measures can be carried out without interrupting activities of other children and staff.

(d) The child care center shall have written procedures that employees shall follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the center. The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, children, food, and surfaces to vomitus or fecal matter. The written procedures shall include the following information:

- (1) Child care center employees who are part of the designated clean up response team;
- (2) A supply list for vomit and diarrhea cleanup kit items that shall be kept on-site at the child care center, including:
  - (A) disposable personal protective equipment (gloves, apron, mask, shoe covers, and hair restraint);
  - (B) two disposable plastic bags;
  - (C) paper towels;
  - (D) a scoop or scraper;
  - (E) a mop and bucket; and
  - (F) an approved disinfectant;
- (3) The location of the supplies described in Subparagraph (d)(2);
- (4) A procedure for preventing access to the contaminated area;
- (5) The steps used to clean and disinfect the contaminated area, which shall include the following:
  - (A) for hard surfaces, remove the vomit or diarrhea, wash the contaminated surface, and use an approved disinfectant.

- (B) for carpet or upholstery, remove the vomit or diarrhea without use of vacuum, wash all surfaces, and steam clean using an approved disinfectant.
- (6) The steps for after clean up, which shall including the following:
  - (A) throw away all items that came into contact with the vomit or diarrhea;
  - (B) remove all personal protective equipment (PPE);
  - (C) discard all cleaning items and PPE in a secured trash area;
  - (D) disinfect non disposable cleaning items such as scoops, scrapers, mop heads, mop handles, and buckets and discard of disposable cleaning items; and
  - (E) wash hands in accordance with the procedures in Rule .2803(e) of this Section.
- (7) Identify steps for properly storing contaminated articles of clothing and cloth diapers that came into contact with the vomit or diarrhea in accordance with the procedures in Rule .2819(f) of this Section.

(e) Employees with a communicable disease or a communicable condition shall be excluded from work or subject to restrictions to prevent ~~from situations in which transmission can be expected to occur,~~ in accordance with ~~Communicable Disease Control Measures~~ the Rules ~~under~~ at 10A NCAC 41A .0200. Any employee with boils, sores, burns, infected ~~wounds~~ wounds, or other ~~potentially~~ draining lesions on exposed skin shall bandage the affected area to ~~eliminate~~ avoid exposure ~~exposing others~~ to drainage. If such bandaging obstructs handwashing as set out in Rule .2803 of this Section, ~~or if the exposure to drainage cannot be eliminated,~~ prevented, or if otherwise required under the Rules at 10A NCAC 41A .0200, then the employee shall be excluded from food preparation and ~~caregiving work~~ activities that involve contact with other employees or children while risk of transmission of the communicable disease or ~~the~~ condition exists.

*History Note: Authority G.S. 110-91;*  
*Eff. July 1, 1991;*  
*Amended Eff. February 1, 1995;*  
*Temporary Amendment Eff. April 15, 1998;*  
*Amended Eff. January 1, 2006; April 1, 1999.*

**15A NCAC 18A .2829 WASTEWATER**

In child care centers, all wastewater originating from the child care center shall be disposed of ~~in~~ using a publicly-owned publicly-operated sewage wastewater treatment system or ~~by an approved properly operating on-site wastewater individual sewage disposal system that meets the requirements of under 15A NCAC 18A .1900.~~ the Rules at Section .1900 of this Subchapter. Septic systems shall be ~~sized~~ of adequate size to accommodate the wastewater needs of the anticipated number of children and staff for all shifts.

*History Note: Authority G.S. 110-91;*  
*Eff. July 1, 1991;*  
*Amended Eff. January 1, 2006; April 1, 1999; February 1, 1995.*

## 15A NCAC 18A .2830 SOLID WASTES

- (a) In child care centers, food scraps and other putrescible materials shall be placed in a plastic-lined, cleanable, covered container and removed to an exterior garbage area ~~at least~~ daily. Scrap paper, cardboard ~~boxes~~ boxes, and ~~similar other recyclable~~ items shall be stored in containers or designated recycling areas.
- (b) ~~Garbage~~ Solid waste containers, ~~mops~~ mops, and other cleaning equipment shall be kept ~~clean~~. clean when not in use. Facilities shall be provided at the child care center for the washing and storage of ~~garbage~~ solid waste containers and ~~mops~~, ~~mops for child care centers~~, except that such facilities shall not be required for child care centers licensed for fewer than 13 children and located in a residence. ~~Cleaning facilities~~ Washing facilities required under this paragraph shall include a faucet with a threaded nozzle and that delivers water of at least ~~80°F (27°C)~~ 80 degrees Fahrenheit. The faucet shall be located in either a designated utility sink or above a curbed impervious pad that is sloped to drain into a publicly owned wastewater treatment system that meets the requirements of Rule .2829 of this Section. or by an approved properly operating on-site wastewater system in accordance with 15A NCAC 18A .1900. ~~Can cleaning~~ Washing facilities used for solid waste containers that were installed at the child care center ~~approved~~ prior to July 1, 1991 shall be ~~approved~~ permitted to be used if the facilities are in good repair.
- (c) Dumpsters and other containerized systems shall be kept clean and covered. ~~Facilities shall be provided for cleaning either on-site, or off-site through a contractual agreement.~~
- (d) Solid wastes shall be disposed of to prevent ~~insect breeding~~ conditions that attract and harbor pests and other public health nuisances.

*History Note: Authority G.S. 110-91;  
Eff. July 1, 1991;  
Amended Eff. February 1, 1995;  
Temporary Amendment Eff. April 15, 1998;  
Amended Eff. January 1, 2006; April 1, 1999.*

## 15A NCAC 18A .2831 ANIMAL AND VERMIN CONTROL

- (a) ~~Unrestrained animals~~, Animals that are not contained in a cage or restrained on a leash, except those used in supervised activities or pet therapy programs, shall not be allowed in a child care center, including the outdoor learning environment. When animals are on the child care center premises, copies of each animal's vaccination records ~~required by North Carolina law and local ordinances~~ shall be available for ~~review~~. review upon request during a sanitation inspection of the child care center. Any animals kept at the child care center as pets shall be examined by a veterinarian to determine that they are free from ~~pests vermin, such as mites, lice, fleas, and ticks~~, and pathogens that could adversely affect human health. Turtles, iguanas, frogs, salamanders, and other reptiles or amphibians ~~are~~ shall not allowed to be kept as pets on the child care center premises. Animals shall not be allowed in or kept at the entrances to food preparation areas. Animal cages shall be kept clean and animal waste materials shall be bagged, sealed, and immediately disposed of in the child care center's exterior garbage area in a covered container. Animals belonging to child care center owners, employees, volunteers, visitors, and children shall not be allowed in child care centers or on the premises unless the ~~above~~ requirements set forth in this paragraph are met.

- (b) Pests shall be excluded from the child care center. ~~Effective measures shall be taken to keep uncontained insects, rodents, and other vermin out of the child care centers and to prevent their breeding or presence on the premises. Traps set for pests shall only be placed in areas that are inaccessible to children.~~
- (c) All openings to the area outside of the child care center ~~outer air~~ shall be protected against the entrance of flying pests, insects. In food preparation areas, only fly traps, pyrethrin-based ~~insecticides~~ insecticides, or a fly swatter shall be used for extermination of flying pests, insects. Products shall be used only in accordance with directions and cautions appearing on their labels. Insecticides shall not come in contact with raw or cooked food, utensils, or equipment used in food preparation and serving, or with any other food-contact surface.
- (d) Only those pesticides which have been registered in accordance with ~~the U.S. Environmental Protection Agency 40 C.F.R. 152 and the North Carolina Department of Agriculture and Consumer Services G.S. 143-442~~ shall be ~~used.~~ used to control pests at a child care center. Pesticides shall be used in accordance with the directions on the label and shall be stored in a locked storage room or cabinet separate from foods and medications. Pesticides shall not be applied or used when children are present in the area.
- (e) Decks, fences, playground equipment, and other products constructed or installed after September 1, 2006 shall not be made from chromated copper arsenate (CCA) pressure-treated wood unless the use of CCA-treated wood is for an approved use listed on the CCA product label. ~~label and allowed under the US EPA Supplemental Guidance on Interpretation of Revised Chromated Copper Arsenate (CCA) Wood Preservative Label, as amended.~~
- (f) In areas accessible to children, CCA-treated wood decks, playground and recreational equipment, and structures installed or constructed:
- (1) prior to January 1, 2005; or
  - (2) where EPA allows the use of CCA-treated wood,
- shall be sealed using an oil-based, semi-transparent sealant; oil-based clear stain; or a water-based clear stain applied at least once every two years.
- (g) At the time of the initial sealant or stain application and whenever more than two years has passed since the previous sealant application, soil under ~~such~~ CCA-treated wood shall be:
- (1) removed and replaced with similar material;
  - (2) covered with at least four inches of soil, gravel, sand, sod, or other vegetation; or
  - (3) otherwise made ~~inaccessible.~~ inaccessible to children.
- (h) Any composting areas shall be covered and maintained to prevent attracting pests, rodents or vermin. ~~Worm bins shall be kept covered.~~
- (i) Grass, fruit and vegetable gardens, vines on fences, and other vegetation shall be maintained to prevent the harboring and breeding of pests. ~~in a manner which does not encourage the harborage of vermin.~~
- (j) Pets kept outdoors at a child care center shall be in a designated area that is maintained and separate from the outdoor area used by the children.

*History Note: Authority G.S. 110-91;  
Eff. July 1, 1991;  
Temporary Amendment Eff. April 15, 1998;  
Amended Eff. August 2, 2007; January 1, 2006; April 1, 1999.*

## 15A NCAC 18A .2832 OUTDOOR LEARNING ENVIRONMENT AND PREMISES

(a) At child care centers, the premises, including the outdoor learning environment, shall be kept clean, drained to minimize standing water, free of litter and ~~hazardous materials, hazards,~~ and maintained in a manner which does not ~~encourage the harborage of vermin.~~ create conditions that attract or harbor pests. ~~All debris,~~ Debris, glass, dilapidated ~~structures~~ structures, and broken play equipment shall be removed. Wells, grease traps, ~~eisterns~~ cisterns, and utility equipment shall be made inaccessible to children.

(b) Sand toys, water ~~tables~~ tables, and other items that can collect standing water in the outdoor learning environment shall be emptied and stored to prevent the collection of standing water.

(c) For outdoor toys and play equipment, including all structures accessible to children, the following shall apply:

- (1) Equipment and toys shall be kept clean, in good repair, and free of peeling, flaking, or chalking paint, paint and free of rust rust, and corrosion; and
- (2) ~~The~~ A sandbox used in outdoor play shall be constructed to allow for drainage of water and shall be covered when not in use and kept clean.

(d) Children's outdoor activities shall be restricted as set forth in this paragraph based on ~~If~~ a daily air quality forecast is made by the North Carolina Department of Environmental Quality, Division of Air Quality ~~or the regional air quality agency~~ for the county where a center is located and published on the Division of Air Quality's Air Quality Portal, which is hereby incorporated by reference, including any subsequent amendments or editions, and available free of charge at: <https://airquality.climate.ncsu.edu/air-guide/aq-datasets/>. ~~located, outdoor activity for children shall be restricted as follows.~~ On days with a code orange (unhealthy for sensitive groups) forecast, children shall not be outside participating in physical activity between noon and 8:00 p.m. for more than one hour. On days with a code red (unhealthy) forecast, children shall not be outside participating in physical activity between noon and 8:00 p.m. for more than 15 minutes. On days with a code purple (very unhealthy) forecast, children shall not be outside participating in physical activity between noon and 8:00 p.m. Provisions shall be made to allow children with diagnosed asthma or with coughing or wheezing symptoms to participate in physical activity indoors on days with a code orange, red or purple air quality forecast.

(e) When food service is provided in the outdoor learning environment, food shall be protected, stored, ~~prepared~~ prepared, and served in accordance with ~~15A NCAC 18A Rules .2806, .2807 and .2808.~~ .2808 of this Section. Employees and children shall wash their hands in accordance with ~~15A NCAC 18A Rule .2803 of this Section~~ Rule .2803 of this Section prior to food service in the outdoor learning environment and food service tables shall be cleaned or covered prior to use.

(f) When diapering and toileting facilities are provided in the outdoor learning environment, they shall be maintained in accordance with Rules ~~15A NCAC 18A .2817 and .2819~~ of this Section and employees and children shall wash their hands in accordance with ~~15A NCAC 18A .2803, Rule .2803 of this Section.~~

(g) Storage provided in the outdoors outdoor learning environment for children's toys shall be kept ~~clean,~~ clean and in good repair. Storage areas that are accessible to children shall be kept free of ~~hazardous~~ equipment that is not intended by the manufacturer to be used by children and shall meet the requirements of Rule .2820 of this Section. ~~and substances in accordance with 15A NCAC 18A .2820.~~ Storage areas shall meet requirements for lighting in accordance with ~~15A NCAC 18A Rule .2826 of this Section.~~ by means of opening doors, windows, sky lights, battery

~~operated light, flashlight or electric lighting.~~ Spare batteries shall be ~~available~~ kept on-site at the child care center for battery operated light fixtures and flashlights, used to light storage areas in accordance with this paragraph.

(h) Outdoor water ~~activity~~ play centers shall be maintained in accordance with ~~15A NCAC 18A .2822.~~ .2822 of this Section. ~~Flow through water play systems shall be designed to minimize standing water. Employees and children shall wash hands in accordance with 15A NCAC 18A .2803 before and after water play.~~

(i) Central vacuums that exhaust to the outdoors and away from where children use the outdoor learning environment may be used in lieu of HEPA vacuum cleaners to meet the daily vacuuming requirements in Rule ~~.2824(e).~~ .2824(c) of this Section.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999; July 23, 1992.*

### **15A NCAC 18A .2833 SWIMMING AND WADING POOLS**

(a) At child care centers, swimming and wading pools shall be designed, constructed, ~~operated~~ operated, and maintained in accordance with the ~~Rules Governing Public Swimming Pools, 15A NCAC 18A .2500.~~ rules in Section .2500 of this Subchapter. ~~Copies of these Rules may be obtained from DENR, Division of Environmental Health, Environmental Health Services Section.~~

(b) Portable wading pools, natural bodies of water, and other unfiltered ~~unfiltered, nondisinfected containments~~ of water that is not potable shall not be utilized for children's recreation activities.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. February 1, 1995; January 1, 1992;*

*Temporary Amendment Eff. April 15, 1998;*

*Amended Eff. January 1, 2006; April 1, 1999.*

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

(a) Upon receipt of a request from ~~When requested by~~ a child care center operator or the ~~Division of Child Development, licensing agency,~~ a sanitation inspection shall be conducted by the local health department that serves the county in which the child care center is located within 30 calendar days of receipt of the request. ~~days.~~

(b) Unannounced inspections of a child care center shall be made by the Department at least once each six-month period. ~~The evaluation shall be completed on the Sanitation Standards Evaluation Form for Child Care Centers provided by the Department. Other versions of the form, including electronic, are allowed but shall be duplicates of the Sanitation Standards Evaluation Form for Child Care Centers.~~ An original and two copies of the form used to document the inspection shall be completed by the Department. The original shall be submitted by the Department to the licensing agency ~~Division of Child Development.~~ ~~The and the~~ child care center operator and the Department shall each retain a copy.

(c) The Department shall inspect each child care program that has been designated as a child care center by the ~~Division of Child Development, licensing agency.~~ Demerits taken during the sanitation inspection shall be assigned for ~~each occurrence of violations within these requirements:~~ of the Rules of this Section as follows:

- (1) violation of Rules ~~.2803~~ .2803(a)-(d) or ~~.2836~~ .2836(15) of this Section related to handwashing when required shall be assessed five demerits;
- (2) violation of Rule ~~.2803~~ .2803(e) of this Section related to proper handwashing procedures shall be assessed five demerits;
- (3) violation of Rule .2804 of this Section related to food from approved sources, hazards, no spoilage, or adulteration shall be assessed six demerits;
- (4) violation of Rules .2804, .2806, or .2807 of this Section related to potentially hazardous food ~~meeting~~ storage and holding requirements ~~temperatures;~~ and requirements regarding the refrigeration of bottles and lunches at ~~45° F~~ 45 degrees Fahrenheit or below shall be assessed six demerits;
- (5) violation of Rules .2804, .2806, .2807, .2808, or .2836 of this Section related to food being properly stored, thawed, prepared, cooked, cooled, handled, served, transported, packaged, and identified, and only permitting supervised children in the kitchen shall be assessed five demerits;
- (6) violation of Rule ~~.2808~~ .2808(c) of this Section related to food not re-served shall be assessed three demerits;
- (7) violation of Rule .2806 or .2807 of this Section related to the use of food thermometers ~~provided~~ and food thermometer accuracy ~~accurate~~ shall be assessed two demerits;
- (8) violation of Rules .2809 or .2810 of this Section related to food service equipment and utensils and ~~meeting~~ specifications for refrigeration, sinks, ~~lavatories~~ lavatories, and dishwashing equipment shall be assessed six demerits;
- (9) violation of Rules .2806, .2809, ~~.2809~~ or .2810 of this Section related to food service equipment and utensils and ~~meeting~~ specifications for other equipment and utensils, approved ~~material~~ material, and construction shall be assessed four demerits;
- (10) violation of Rules .2809 or .2812 of this Section related to food contact surfaces being properly washed, rinsed, ~~sanitized~~ sanitized, and air ~~dried~~ dried; and single-service articles not being re-used shall be assessed five demerits;
- (11) violation of Rule .2812 of this Section related to sanitizer being provided and a test kit being available shall be assessed two demerits;
- (12) violation of Rule .2809, .2810, or .2812 of this Section related to keeping equipment and non-food contact surfaces clean and in good repair shall be assessed four demerits;
- (13) violation of Rule .2814 of this Section related to proper storage and handling of clean equipment, utensils, and single-service articles shall be assessed three demerits;
- (14) violation of Rule .2815 of this Section related to water supply and drinking water facilities ~~meets~~ 15A NCAC 18A .1700 or 15A NCAC 18C, whichever is applicable, and documentation that water supplies and facilities satisfy the applicable regulatory requirements ~~provided~~ shall be assessed six demerits;

- (15) violation of Rule .2815 of this Section related to hot water supplied and maintained in the kitchen shall be assessed six demerits;
- (16) violation of Rule .2815 of this Section related to hot water supplied and tempered water maintained as required in all other areas shall be assessed four demerits;
- (17) violation of Rule ~~.2815~~ .2815(e) of this Section related to hot water in excess of ~~120° F~~ 120 degrees Fahrenheit not allowed in areas accessible to children shall be assessed six demerits;
- (18) violation of Rule ~~.2815~~ .2815(c) of this Section related to backflow prevention ~~provided, no~~ and cross connections shall be assessed three demerits;
- (19) violation of Rules ~~.2815~~ .2815(c) or .2836 of this Section related to drinking fountain construction and location, fountains of approved type, water pressure regulation, regulated, and drinking fountains being kept clean shall be assessed two demerits;
- (20) violation of Rule .2816 of this Section related to identified lead poisoning hazards ~~as defined under G.S. 130A-131.7(7)~~ shall be assessed six demerits;
- (21) violation of Rules .2817, ~~.2818~~ .2818, or .2836 of this Section related to toilet and lavatory facilities being properly sized, ~~located~~ located, ~~and~~ accessible, and in good ~~repair~~; repair, and sinks, ~~toilets~~ toilets, and potty chairs being cleaned and disinfected shall be assessed four demerits;
- (22) violation of Rules .2817 or .2818 of this Section related to the provision of soap, disposable towels, approved hand drying devices, and toilet tissue paper available shall be assessed three demerits;
- (23) violation of Rules .2817 or .2818 of this Section related to ~~approved~~ storage in toilet rooms, lavatories being kept free of ~~storage~~; storage, and handwash signs being posted shall be assessed two demerits;
- (24) violation of Rules .2817, ~~.2819~~ .2819, or .2836 of this Section related to ~~approved~~ diaper changing facilities shall be assessed six demerits;
- (25) violation of Rule .2819 of this Section related to diapering surfaces being cleaned and disinfected after each use shall be assessed six demerits;
- (26) violation of Rule .2819 of this Section related to cleaning and disinfecting solutions being provided and a test kit being available when required shall be assessed two demerits;
- (27) violation of Rules .2818, ~~.2819~~ .2819, or .2820 of this Section related to diaper changing facilities being kept free of storage and in good ~~repair~~; repair, cleaning and disinfecting detergent solutions and approved disinfectants being labeled, labeled; approved required diapering methods being used, used; and diaper changing and handwash signs being posted shall be assessed four demerits;
- (28) violation of Rule ~~.2820~~ .2820(d) and (g) of this Section related to medications being properly stored shall be assessed six demerits;
- (29) violation of Rule ~~.2820~~ .2820(b) and (e) of this Section related to hazardous products being properly stored and locked shall be assessed six demerits;
- (30) violation of Rule ~~.2820~~ .2820(c) of this Section related to non-hazardous products being properly stored shall be assessed three demerits;
- (31) violation of Rule .2820 of this Section related to facilities being provided for proper storage, storage being used in accordance with the Rule, and storage being kept clean shall be assessed two demerits;



- (32) violation of Rules .2821 or .2836 of this Section related to individual linen ~~provided~~; and adequate beds, cots, or mats being provided, kept in good repair, properly stored, labeled, and spaced during use shall be assessed three demerits;
- (33) violation of Rule .2821 of this Section related to linen, ~~bedding~~, wash cloths, ~~bibs~~ bibs, and burping cloths being laundered and kept in good repair shall be assessed three demerits;
- (34) violation of Rules .2822 or .2836 of this Section related to toys, ~~equipment~~ equipment, and furniture being kept clean and in good ~~repair~~; repair and the cleaning, sanitization, and maintenance of water play centers ~~cleaned, sanitized and maintained~~ shall be assessed four demerits;
- (35) violation of Rules .2822 or .2836 of this Section related to mouth-contact surfaces being cleaned and sanitized in rooms where children who are not toilet trained are cared for shall be assessed four demerits;
- (36) violation of Rules ~~.2807 .2808~~ or .2823 of this Section related to ~~personnel using approved hygienic practices~~, child care center employees wearing gloves, clean ~~clothes~~ clothes, and hair restraints where required, and ~~evidence of tobacco use in the outdoor learning environment or in any part of a child care center without a separate ventilation system~~ shall be assessed two demerits;
- (37) violation of Rules .2824, ~~.2825~~ .2825, or .2836 of this Section related to floors, walls and ceilings ~~easily cleanable~~, being kept clean and in in good repair, ~~clean~~, repair and the vacuuming and extraction cleaning of carpets ~~vacuumed and extraction cleaned as required~~ shall be assessed four demerits;
- (38) violation of Rule .2826 of this Section related to the lighting and thermal environment and room temperature being kept between 65°F 65 degrees Fahrenheit and 85°F 85 degrees Fahrenheit shall be assessed three demerits;
- (39) violation of Rule .2826 of this Section related to equipment being kept clean and in good repair and being maintained as required shall be assessed two demerits;
- (40) violation of Rule ~~.2827~~ .2827(e) of this Section related to persons with a communicable disease or a condition ~~excluded in accordance with 15A NCAC 19A .0200~~ shall be assessed six demerits;
- (41) violation of Rules .2827 or .2836 of this Section related to persons caring for mildly sick children or ~~mildly~~ ill children being excluded from situations in which transmission of communicable disease can be expected to occur and proper cleanup procedures being followed for vomiting or diarrheal events shall be assessed four demerits;
- (42) violation of Rule .2827 of this Section related to the designated area for sick children maintained as required and written procedures for responding to vomiting or diarrheal events shall be assessed two demerits;
- (43) violation of Rule .2829 of this Section related to ~~wastewater sewage disposal disposed of by approved methods in accordance with 15A NCAC 18A .1900~~ shall be assessed six demerits;
- (44) violation of Rules .2830 or .2836 of this Section related to solid waste being properly handled; handled, solid waste containers and cleaning equipment kept clean, and the provision of adequate solid waste can washing cleaning facilities adequate shall be assessed two demerits;

- (45) violation of Rule .2831 of this Section related to ~~approved~~ pesticides being properly used and new ~~Chromated Copper Arsenate (CCA)~~ CCA pressure-treated wood shall be assessed six demerits;
- (46) violation of Rule .2831 of this Section related to ~~Chromated Copper Arsenate~~ CCA pressure-treated wood being sealed and soil being covered or made inaccessible as required shall be assessed two demerits;
- (47) violation of Rule .2831 of this Section related to animals in food preparation areas and restrictions on ~~no~~ unrestrained or prohibited animals ~~except as noted~~ shall be assessed three demerits;
- (48) violation of Rules .2831 or .2832 of this Section related to effective pest control of rodents, insects and the child care center other vermin; premises being free of conditions that harbor or attract pests vermin harborage and breeding areas shall be assessed three demerits;
- (49) violation of Rule .2832 of this Section related to premises being kept clean and drained, wells, grease traps, cisterns, and other utility equipment being kept inaccessible to children, equipment and toys being kept clean and in good repair, sandboxes being properly constructed and kept clean, and adherence to air quality forecast outdoor activity restrictions shall be assessed two demerits; and
- (50) violation of Rule .2833 of this Section related to swimming and wading pools being designed, constructed, ~~operated~~ operated, and maintained in accordance with the Rules at Section 15A NCAC 18A .2500 of this Subchapter shall be assessed six demerits.

(d) The Department shall indicate on the ~~Child Care Inspection Sanitation Form~~ sanitation inspection form whether the child care center is classified as superior, approved, provisional, "superior," "approved," "provisional," or disapproved. "disapproved" based on the sanitation inspection and the resulting score based on demerits taken in accordance with Paragraph (e) of this Rule. A ~~Sanitation Classification~~ sanitation classification placard that lists the child care center's score and classification shall be posted in the child care center in a location conspicuous place designated by the ~~Department.~~ Department and where the placard can be seen by the public upon entry to the child care center. The classification of a child care center is based on the center's compliance with the Rules of this Section. A summary classification of ~~disapproved~~ "disapproved" shall be issued by the Department and forwarded to the ~~Division of Child Development~~ licensing agency when the Department's right-of-entry to inspect the child care center is denied or when an inspection is discontinued at the request of the operator or child care center administrator, administrator unless the decision to discontinue the inspection is ~~mutual.~~ mutually made by the child care center operator or administrator and the Department. A summary classification of ~~disapproved~~ "disapproved" shall also be issued by the Department and forwarded to the ~~Division of Child Development~~ licensing agency when a water sample that is collected pursuant to Rule .2815 of this Section is confirmed positive for fecal coliform, total ~~coliform~~ coliform, or other chemical constituents in accordance with Rule .1725 of this Subchapter. ~~15A NCAC 18A .1725.~~

(e) ~~The~~ A child care center's level of compliance with the Rules of this Section is indicated by the number of demerits listed on the ~~Child Care Sanitation Inspection Form.~~ sanitation inspection form and the following shall apply for a child care center's classification:

- (1) When an inspection is requested and conducted for the purpose of issuing a license to a new operator, a ~~Child Care Sanitation Inspection Form~~ completed sanitation inspection shall be forwarded by the Department to the ~~Division of Child Development~~ licensing agency only when the child care center can be is granted a ~~superior~~ "superior" classification.

- (2) If the child care center is not yet ~~open~~ in operation and children are not in attendance when the initial sanitation inspection is conducted, a sanitation inspection form ~~Child Care Sanitation Inspection Form~~ shall be completed by the Department and forwarded to the Division of Child Development, licensing agency but the ~~Sanitation Classification~~ placard listing the child care center's sanitation classification shall not be ~~posted~~. posted in the child care center. Another sanitation inspection shall be conducted by the Department when children are in attendance at the child care center and within 30 days of the child care center opening. The placard listing the sanitation classification earned by the child care center during the most recent inspection shall be posted following this second sanitation inspection and in accordance with Paragraph (d) of this Rule. ~~opening and the Sanitation Classification placard shall then be posted~~. When a temporary license is issued by the licensing agency to a child care center as a result of a change of ownership in a child care center ~~that~~ and the child care center continues to operate, the operator shall request an inspection from the Department within ~~fourteen~~ 14 days of the issuance of the temporary license. ~~days~~. After the sanitation inspection is completed, a placard listing the child care center's sanitation classification ~~placard~~ shall be ~~posted~~. posted after each inspection of a center operating under a temporary license.
- (2)(3) A child care center shall be classified as ~~superior~~ "superior" if the demerit score does not exceed 15 and no 6-point demerit item is violated.
- (3)(4) A child care center shall be classified as ~~approved~~ "approved" if the demerit score is more than 15 and does not exceed 30, and no 6-point demerit item is violated.
- (4)(5) A child care center shall be classified as ~~provisional~~ "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. At the end of the provisional classification period, a follow-up inspection shall be conducted by the Department and a new demerit score and classification shall be issued.
- (5)(6) A child care center shall be classified as ~~disapproved~~ "disapproved" if the demerit score is more than 45, or if conditions and violations which resulted in a ~~provisional~~ "provisional" classification have not been corrected in the time period specified by the ~~Department~~. Department in accordance with Subparagraph (e)(5) of this Rule.
- (6)(7) If the child care center receives a ~~disapproved~~ "disapproved" classification, the Department shall immediately notify the ~~Division of Child Development~~ licensing agency of the classification, ~~by faxing a copy of the inspection form~~.
- (7)(8) The ~~Sanitation Classification~~ placard listing the child care center's sanitation classification shall not be removed from the location designated by the Department under Paragraph (d) of this Rule except by or upon the instruction of the Department.

~~(f) If the Department determines that conditions found at the child care center at the time of any inspection or visit are dangerous to the health of the children, the Department shall immediately notify the Division of Child Development by verbal contact. The original inspection report or other documentation of the dangerous conditions shall be sent to the Division of Child Development within two working days following the inspection.~~

~~(e)~~(f) The Department may conduct an additional inspection of any child care center that is issued a “provisional,” “disapproved,” or summary “disapproved” classification or upon receipt of a complaint about the sanitation of a child care facility that is made to the Department as frequently as necessary in order to ensure compliance with the Rules in this Section.

~~(h)~~(g) The Department shall ~~use the Child Care Sanitation Inspection Form to~~ document demerits for violations of the ~~rules~~. Rules of this Section on an inspection form and A a written explanation and corrective action for each violation shall be documented on a comment addendum to the form.

~~(i)~~(h) ~~In filling out the inspection form, demerits~~ Demerits may be assessed only once for a single occurrence or condition existing within or outside the child care center. Demerits shall be assessed based on actual violations of the Rules of this Section observed during the inspection.

*History Note:* Authority G.S. 110-88; 110-91;  
Eff. July 1, 1991;  
Amended Eff. February 1, 1995;  
Temporary Amendment Eff. April 15, 1998;  
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.

#### **15A NCAC 18A .2835 APPEALS PROCEDURE**

Appeals concerning the enforcement of the Child Care Sanitation Rules in this Section as adopted by the Commission for Public Health shall be governed by ~~Section~~ G.S. 110-94 and G.S. 150B. ~~Chapter 150B of the North Carolina General Statutes.~~

*History Note:* Authority G.S. 110-91;  
Eff. July 1, 1991;  
Amended Eff. January 1, 2006.

#### **15A NCAC 18A .2836 MILDLY SICK ~~ILL~~ CHILDREN**

Child care centers that are licensed by the licensing agency to offer care to mildly sick children pursuant to 10A NCAC 09 ~~.2400, .2404~~ shall comply with all ~~rules~~ Rules in this Section except as follows:

- (1) Prior to operating ~~starting~~ a program for mildly sick ~~ill~~ children, the child care center operator shall undergo ~~request an~~ a sanitation inspection of the child care center by ~~from the~~ Department. ~~local health department.~~
- (2) Drinking fountains shall not be used ~~used~~ by mildly sick children.
- (3) Toilet fixtures, potty chairs, utility sinks, ~~tubs~~ tubs, and showers shall be cleaned and disinfected after each use.
- (4) Lavatories shall be of a hands-free design or equipped with single-lever faucets.
- (5) Cloth diapers shall not be used.
- (6) Individually labeled moist towelette containers shall be provided for each child in diapers.
- (7) Caregivers shall wear clean disposable gloves when changing each diaper.

- (8) Moist towelettes shall not be used in lieu of handwashing for children who cannot support their heads.
- (9) A 36-inch separation shall be maintained or partitions shall be placed between beds, cots and mats to minimize contact among children.
- (10) Furniture shall be nonabsorbent.
- (11) Thermometers and mouthable toys shall be cleaned and sanitized between uses by different children. Soft, cloth material toys may be brought from home if labeled with the name of the child to whom the toy belongs and used only by that ~~for use by an individual~~ child. If soft toys are provided by the child care center, they shall be sanitized between uses by different children.
- (12) ~~Caregivers~~ Employees caring for mildly sick ~~in~~ children shall not prepare food in ~~a~~ the kitchen used to prepare food for one or more children who are not mildly sick or serve food to children who are not mildly sick. ~~well children.~~
- (13) Family style and other self-serve food service is prohibited.
- (14) Carpeted floors are prohibited. Throw rugs may be used if laundered when contaminated and at least weekly. Floors contaminated by body fluids shall be cleaned and disinfected immediately.
- (15) Caregivers shall wash hands in accordance with the procedures in Rule .2803(c) before leaving the area designated for mildly sick ~~in~~ children.
- (16) All waste shall be disposed of in a plastic-lined, covered receptacle.

*History Note: Authority G.S. 110-91;  
Eff. January 1, 2006.*