

### Requirements – Lead Testing in Drinking Water at Child Care Facilities

State or City	Facilities Covered	Sampling Locations and Protocol	Frequency	Standard <sup>1</sup>	Corrective Action	Parent Notification
<b>California</b> (September 2018)  <a href="#">Statute</a>	Licensed centers in buildings constructed before January 1, 2010 (home-based facilities not covered).	Sampling protocol TBD. Samples must be submitted to an accredited lab.	Existing licensed facilities by 2023, initial, and every five years thereafter.	Elevated lead levels (exact level TBD).	Stop use of affected fixtures and obtain a potable source of water.	The State Water Resources Control Board will post all test results online. The center must provide notification of the requirement to test and results.
<b>Connecticut</b> (1993)  <a href="#">Statutes and Rules</a>	Licensed child care centers (12 children outside their own homes on a regular basis) and group child care homes (7 to 12 children on a regular basis or is a family child care home that does not operate in a private family home).	Sample at a minimum of one outlet (typically a food preparation tap and, if available, one drinking water fountain). <sup>2</sup>	License application and every two years thereafter.	Greater than 15 ppb.	Provide bottled water until remediation is completed.	None.
<b>Illinois</b> (January 2017)  <a href="#">Licensing Standards</a>	Licensed facilities constructed before 2000 serving children under 6 years of age (centers and home-based).	Sample at all drinking water sources. Submit samples to IEPA approved laboratory.	For existing licensed facilities by 2019 and before initial licensing application. If lead detected, retest required six months followed by every year thereafter until two consecutive post-mitigation tests indicate no lead. Retesting also required after a change to water profile (e.g., new water source, replaced service line).	2 ppb.	Mitigation and implementation plan required.	Testing information, results, and mitigation efforts provided in enrollment materials. Results posted in building.

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<b>Maine</b> (July 2018)  <a href="#">Rules</a>	Family child care providers (centers not covered).	Sample using one-liter first draw at a single location using sampling container from Maine-certified lab.	One time testing prior to licensing.	15 ppb. <sup>2</sup>	Retest outlet. If standard is still exceeded after retesting, replace the fixture. If elevated levels continue, use bottled water. <sup>2</sup>	Notification of bottled water agreement must be posted in building.
<b>New Hampshire</b>  (February 2018)  <a href="#">Statute</a>	Licensed child care facilities (centers and home-based).	Sample at all drinking water locations available for consumption by children.	By July 2019 for existing facilities that haven't tested within 2 years and every 5 years thereafter. <sup>2</sup> Testing not required after 3 consecutive rounds of sampling below the standard.	Above applicable standard established by the EPA. If standard is changed, compare most recent results with the new standard.	Provide water that meets the standard as an interim measure. Implement a remediation plan as approved by NH DHHS.	Notify parents and guardians within 5 business days if samples are above standard.
<b>New Jersey</b> (March 2017)  <a href="#">Requirements</a>	Licensed child care facilities that are maintained for the care, development, or supervision of six or more children under 13 years of age for less than 24 hours a day (centers and home-based).	Sample at all faucets used for drinking water or food preparation and 50% of other indoor faucets used by facility. Test must be run by NJDEP certified lab.	Initial or renewal application, relocation of center, as requested by state.	Elevated level defined by NJDEP to pose risk of harm to children (currently 15 ppb).	Provide bottled water for drinking and food preparation and label taps with warning. Take remedial action.	Results posted in building. Notify parents and NJDCF if elevated level found.

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<b>Oregon</b> (March 2018)  <a href="#">Administrative Rules</a>  <a href="#">Child Care Rules</a>	Licensed and child care facilities (centers and home-based).	Sample at all locations accessible to children or used to obtain water for consumption purposes. Test must be run by ORELAP accredited laboratory.	By September 30, 2018 for existing facilities, prior to licensure, and every 6 years thereafter.	Equal to or greater than 15 ppb.	Provide bottled water or use taps with samples <15 ppb, submit mitigation plan to OROCC, and take corrective action identified in approved plan within 30 days of approval.	Results posted in building. Notify all parents and guardians of results.
<b>Rhode Island</b> (1998)  <a href="#">Child Care Regulations</a>  <a href="#">Lead Poisoning Prevention Regulations</a>	Licensed child care program.	Sample at all taps used for food preparation, cooking and/or drinking by collecting a flushed sample (at least one minute).	Prior to licensing and for license renewal if significant modifications made to plumbing system.	Equal to or greater than 15 ppb in a flushed sample.	Provide bottled water, label taps with warning, and replace lead containing plumbing materials or use certified filter, or submit specific remediation plan for approval.	None.
<b>Vermont</b> (June 2019)  <a href="#">Statute</a> <sup>3</sup>	Licensed or regulated child care facilities (centers and home-based).	<a href="#">Sample at all taps</a> used for drinking, cooking, food prep, making bottles, and brushing teeth, collecting both first draw and 30-second flushed samples. Testing coordinated by VTCDD.	By Dec. 31, 2020 for existing facilities and continued sampling schedule TBD by Department of Health.	Equal to or greater than 4 ppb.	Take immediate action (fixture removal, signage, or point-of-use filter installation) and develop and implement remediation plan <a href="#">using state guidance</a> .	Lead testing plans, results and relevant remediation plans provided to parents and guardians and available online.

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<b>Washington</b> (May 2017)  <a href="#">Quality Standards</a>	Licensed early learning providers (centers and home-based).	Sample at fixtures used to obtain water for preparing food or infant formula, drinking or cooking. Tests must be analyzed at state accredited water lab.	Existing facilities by November 2017, prior to licensing and every 6 years thereafter.	Above current EPA action level. <sup>4</sup>	Close the program or supply bottled water and consult with WADOH, notify state licensing agency.	Notify parents if above action level and again when levels are below action level.
<b>New York City, NY</b> (September 2016)  <a href="#">Health Code</a>	Permitted child care service (any program providing child care for 5 or more hours/week, for more than 30 days in a 12-month period, to 3 or more children under 6 years of age) (home-based not covered).	Sample at all drinking water faucets and fountains.	Existing facilities, within 60 days of opening and every 5 years thereafter.	Equal to or greater than 15 ppb.	Provide bottled water until remedial actions in corrective action plan completed.	Results posted by city at Child Care Connect.

### Definitions

<b>EPA</b>	Environmental Protection Agency
<b>IEPA</b>	Illinois Environmental Protection Agency
<b>NHDHHS</b>	New Hampshire Department of Health and Human Services
<b>NJDEP</b>	New Jersey Department of Environmental Protection
<b>NJDCF</b>	New Jersey Department of Children and Families
<b>OROCC</b>	Oregon Office of Child Care
<b>ORELAP</b>	Oregon Environmental Lab Accreditation Program

<b>PPB</b>	Parts Per Billion
<b>VTCCD</b>	Vermont Childhood Development Division
<b>WADOH</b>	Washington Department of Health

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<sup>1</sup> 15 ppb is often selected based on the Lead Action Level set by the 1991 Lead and Copper Rule. This standard is not based on health. As described by EPA, “The action level for lead is not a health-based standard and is based upon EPA’s evaluation of available data on the ability of corrosion control to reduce lead levels at the tap.”

<sup>2</sup> Based on verbal communications; detail is not specified in the rule.

<sup>3</sup> Vermont Department of Health is in the process of developing rules to implement the new statute; the rules are due by November 1, 2020. By December 31, 2020, VTCCD must also amend their [child care regulations](#) to reflect new statutory requirements and the rules adopted by the Department of Health. The current child care regulations, in place since 2016, require testing at center-based child care and preschool programs with the initial license application and remediation and retesting if levels above 15 ppb are detected in a first draw sample.

<sup>4</sup> The use of the term “EPA action level” is not clear in this requirement. [In practice](#), Washington State uses a standard of 20 ppb.