

1 15A NCAC 18A .2816 is amended with changes as published in 33:23 NCR 2256–2258 as follows:

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

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

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

8 (1) Child care operators, as defined under G.S. 110-86(7), shall test, ~~at least~~ once every three years,
9 all water outlets used for drinking or food preparation. Samples shall also be collected and tested
10 within 30 calendar days of completion of any renovations or repairs that may impact the facility's
11 drinking water infrastructure, such as repair or replacement of all or part of drinking water service
12 lines or faucets. The operator shall provide documentation of testing results for review by the
13 Department ~~[of Health and Human Services (Department)]~~ during each unannounced routine
14 sanitation inspection under Rule .2834(b) of this Section. ~~Notwithstanding Rule .2801(5) of this~~
15 Section, "Department" means North Carolina Department of Health and Human Services for
16 purposes of this Rule.

17 (2) For centers that submit an application for licensure ~~in accordance with 10A NCAC 09.0302~~ after
18 the effective date of this Rule, initial samples shall be collected by the child care operator and tested
19 in accordance with Subparagraph (b)(4) of this Rule during the license application ~~process.~~ ~~[process,~~
20 ~~in accordance with 10A NCAC 09 .0302(b).~~

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

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

32 (5) When a water sample is analyzed for lead content by a laboratory under this Rule, the laboratory
33 shall notify the Department of the test results by electronic submission in accordance with G.S.
34 130A-131.8.

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

- (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 ~~seven-calendar~~ **ten 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 ~~restrict access to water outlet(s) and provide alternate water as set out in~~ **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 ~~one or more components~~ **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 ~~three~~ **five** business days of receiving the test results of the Department's water analysis that ~~indicate~~ **shows** a water lead level at or above the lead poisoning hazard level, the child care 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 ~~indicate~~ **shows** a water lead level at or above the lead poisoning hazard level, the child care operator shall make the test results available to the public, free of charge. The child care operator may post test results to the child care center's website to satisfy 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.