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DRINKING WATER IN CHILD CARE CENTERS & SCHOOLS

MARYLAND State Policy Profile

Access to safe and appealing drinking water in child care and schools is a key strategy to build healthy habits that children will use for life to maintain a healthy body weight and to support overall health.

RESEARCH METHODS: This issue brief summarizes state-level policies that govern drinking water access and quality in licensed child care centers and public school buildings. Findings reflect laws and regulations in effect as of June 2017. The following state-level policies were reviewed for relevant provisions:

- Child care licensing regulations
- School building standards
- School nutrition standards
- School sanitation standards
- School facilities inventory requirements
- School joint purchasing provisions
- Food safety codes
- Plumbing codes
- Childhood lead poisoning prevention program regulations

CHILD CARE CENTERS

Access to Drinking Water

Is there a general state policy requiring that children be provided drinking water?

Yes. As a condition of child care center licensing, drinking water shall be supplied by:

(1) An angle-jet drinking fountain with mouthguard;

(2) Licensed bottled water in the original container;
(3) Running water supply with individual single service drinking cups; or
(4) Another method or source approved by the [Office of Child Care, Division of Early Childhood Development, in the State Department of Education].[1]

During meals and snacks, water may be served family-style from a pitcher if the water is poured into the pitcher directly from one of the supply sources listed above.[2]

How many drinking fountains are required?

One child-accessible drinking fountain per 40 children. As a condition of licensing, all child care centers must provide at least one drinking water source, safely reachable by children 2 and older without assistance from an adult, for every 40 children.[3]

Are there specific requirements for drinking fountain maintenance and cleanliness?

No. In general, child care centers must be in buildings that are "maintained in good repair," and are required to comply with all applicable State and local codes, including plumbing, drinking water, environment and health.[4]

Water Quality

Is routine water quality testing of taps and fountains used to supply drinking water required?

No

How is the child care center water supply addressed?

As a condition of licensing, child care centers must comply with all applicable State and local laws governing drinking water, environment and health.[5] In the event that a center is notified by its supplier of water that its drinking water is contaminated, the center must notify in writing the parent of each enrolled child that : "(1) Identifies the contaminants and their levels; and (2) Describes the

plan for dealing with the water contamination problem until the water is determined by the appropriate authority to be safe for consumption."[6]

How is water quality from a private water supply, e.g. a well, monitored?

As a condition of licensing, child care centers must comply with all applicable State and local laws governing drinking water, environment and health.[7] This would encompass licensing and oversight of private wells.

Does the Lead Poisoning Prevention Program address potential exposure to lead in drinking water at child care centers?

No

SCHOOLS

Access to Drinking Water

Does state school nutrition policy address access to drinking water at no cost to students?

No

Are cups for drinking water required in food service areas?

No

What are the requirements for drinking fountains in schools?

A minimum of one drinking water facility per 100 occupants. Maryland does not have a statewide plumbing code but has adopted the 2015 National Standard Plumbing Code (NSPC) for minimum standards for use by local governments.[8] The NSPC requires one drinking water facility per 100 occupants.[9] Drinking water facilities include drinking fountains, water coolers and water bottle filling stations.[10] In buildings with multiple floors, access to drinking fountains shall not exceed one vertical story.[11]

Water Quality

Is routine water quality testing of taps and fountains that convey drinking water required?

Yes, water sampling for lead is to be completed by July 2018, and at, as yet to be determined, intervals thereafter. In May of 2017, legislation was enacted to require public and nonpublic schools to test "each drinking water outlet located" in an occupied school building.[12] Drinking water outlets are defined as fixtures used for drinking or food preparation and include fountains, faucets, ice-making and hot drink machines.[13] The law directs the Department of the Environment to adopt regulations to require initial testing be completed by July 1, 2018, and testing is to begin with school buildings constructed prior to 1988 and those serving children from pre-k to grade five. Schools with their own water supplies that are classified as public water system are exempt. Schools may be granted waivers from testing in certain circumstances, e.g. the school only uses bottled water for drinking and food preparation, or the school has already implemented a comprehensive testing and monitoring program.

The action level for lead in drinking water is 15 ppb as set by the U.S. EPA. The law specifies that if elevated levels of lead are detected in a drinking water outlet:

> (i) The results of the analysis be reported to the Department, the State Department of Education, the Department of Health and Mental Hygiene, and the appropriate local health department;
> (ii) Access to the drinking water outlet be closed;
> (iii) An adequate supply of safe drinking water be provided to school occupants;
> (iv) The school take appropriate remedial measures, including:
> 1. Permanently shutting or closing off access to the drinking water outlet;
> 2. Manual or automatic flushing of the drinking water outlet;
> 3. Installing and maintaining a filter at the drinking water outlet; or
> 4. Repairing or replacing the drinking water outlet, plumbing, or service line contributing to the elevated level of lead;
> (v) The school conduct follow-up testing; and
> (vi) Notice of the elevated level of lead be:
> 1. Provided to the parent or legal guardian of each student attending the school; and

2. Posted on the Web site [sic.] of the school.[14]

The law also has the following reporting requirements:

> On or before December 1, 2018, and on or before December 1 each year thereafter, the Department [of the Environment] and the State Department of Education jointly shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the findings of the testing required under this section, including:
>
> (1) The name and address of each school found to have elevated levels of lead in its drinking water; and
>
> (2) The type, location in the building, and use of each drinking water outlet with an elevated level of lead.[15]

Detailed regulations to implement the law had yet to be adopted as of July 2017.

Is plumbing system maintenance in general regulated?

Yes, in food service areas. The Maryland food code requires that plumbing used for food service is maintained in compliance with applicable "state and local plumbing laws, ordinances, and regulations."[16]

How is the school water supply addressed?

Schools that prepare and serve food are subject to the Maryland food code must provide "hot and cold potable water."[17]

How is water quality from a private water supply, e.g. a well, monitored?

The Maryland food code requires that potable water obtained from private water supply must comply with Maryland water quality regulations for private well construction and monitoring.[18]

Are there any provisions relevant to water filters?

No

Does the Lead Poisoning Prevention Program address potential exposure to lead in drinking water at schools?

No

Information Gathering Systems

Does Maryland conduct a statewide school facilities inventory?

Schools submit annual maintenance surveys to the Maryland Board of Public Works. Local boards of education are required to submit a comprehensive maintenance plan each year to the Board of Public Works.[19] The state then annually surveys the maintenance conditions, including the plumbing system, at selected schools in each local education authority.[20] This information is summarized in an annual report.[21]

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December 2017

Acknowledgements: This work was supported by Healthy Eating Research, a national program of the Robert Wood Johnson Foundation

For additional information please visit www.phaionline.org for the summary report: **Developing State Policy Recommendations for Safe Drinking Water Procurement in Child Care Centers and Schools**

[1] Md. Code Regs. 13A.16.05.07 (2017).
[2] Id.
[3] Id.
[4] Md. Code Regs. 13A.16.05.01 (2017).
[5] Id.
[6] Md. Code Regs. 13A.16.03.06 (2017).
[7] Md. Code Regs. 13A.16.05.01 (2017).
[8] Md. Code Regs. 09.20.01.01 (2017); Md. Dept. of Housing and Community Devel., MARYLAND BUILDING PERFORMANCE STANDARDS , LIST OF APPLICABLE CODES AND STANDARDS (Effective January 1, 2016), http://dhcd.maryland.gov/Codes/Pages/BuildingCodes.aspx (last accessed July 19, 2017).
[9] Md. Code Regs. 09.20.01.01 (2017); Md. Dept. of Housing and Community Devel., Maryland Building Performance Standards, List of Applicable Codes and Standards (eff. Jan. 1, 2016), http://dhcd.maryland.gov/Codes/Pages/BuildingCodes.aspx (last accessed July 19, 2017).
[10] 2015 Nat'l Standard Plumbing Code § 7.12 (2015).
[11] 2015 Nat'l Standard Plumbing Code, Table 7.21.1 (2015).
[12] Md. Code Ann., Env't § 6-1502 (2017).
[13] Md. Code Ann., Env't § 6-1501 (2017).
[14] Md. Code Ann., Env't § 6-1502 (2017).
[15] Id.
[16] Md. Code Regs. 10.15.03.18(H) (2017).
[17] Md. Code Regs. 10.15.03.02 (2017).
[18] Md. Code Regs. 10.15.03.18(A) (2017).

[19] Md. Code Regs. 23.03.02.18 (2017)
[20] Id.
[21] Md. Public School Construction Program (2017), http://www.pscp.state.md.us/index.cfm (last accessed July 19, 2017).