



DRINKING WATER IN CHILD CARE CENTERS & SCHOOLS

NEW YORK

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 state child care center licensing, “[s]afe drinking water must be available to children at all times and must be offered at intervals that are responsive to the needs of the individual children.”¹

How many drinking fountains are required?

The current New York State Plumbing Code specifies that child day care centers provide 1 drinking fountain per 100 occupants.² Up to 50 percent of required drinking fountains can be substituted for with a water dispenser that dispenses potable drinking water through the plumbed water distribution system of a building or from a container, bottle or other reservoir.³

Water Quality

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

No. There is no statewide policy requiring child care centers that receive their drinking water from a public water supplier to test water quality at the tap.

How is the child care center water supply addressed?

Child care center licensing regulations state that all drinking water provided to children must be “safe.”⁴

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

As a condition of licensing, child care centers that use a private water supply must demonstrate “based on tests performed within the 12 months preceding the date of [the licensing] application,” that the water “meets standards for drinking water established by the New York State Department of Health.”⁵

How is water quality addressed in food safety provisions applicable to child care centers?

Licensed child care centers are subject to the New York State Retail Food Code when they prepare and serve food.⁶ The State Retail Food Code states that the water supply used for food preparation and service must be “adequate, safe, and of sanitary quality from an acceptable source that meets the requirements of Part 5 of this Title [regulating drinking water supplies] Use of water supply requires prior approval from the permit-issuing official.”⁷ New York State’s action level for lead is 15 ppb.⁸

The Retail Food Code also specifies that “[a]ll plumbing is to be constructed and maintained to prevent contamination of the potable water supply, food, equipment, utensils, the premises, contents, employees and patrons.”⁹

How does the Childhood Lead Poisoning Prevention Program address potential exposure to lead in drinking water?

Child care facilities serving children under six years of age can have their water tested for lead as part of an environmental lead hazard investigation. If a child under six years of age has an elevated blood lead level, Lead Poisoning Prevention Program services provided to the child can include an environmental investigation of high risk areas for lead poisoning including a child care facility where that child spends a significant amount of time.¹⁰ Water sampling and testing for lead content may be part of that investigations.¹¹

Child care providers are encouraged to take the following steps to keep lead out of tap water:

- Let tap water run for one minute before using it, if it hasn't been run for a few hours. Both town and well water could have lead from old plumbing.
- Only use cold tap water for drinking, cooking, and making baby formula. Boiling water does not get rid of lead.¹²

SCHOOLS

Access to Drinking Water

Does the 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

Can school food service purchase drinking water supplies like cups through a purchasing collaborative?

Yes. New York law permits school districts to conduct joint purchasing with other political subdivisions within New York, political subdivisions of other states, and the United States of America.¹³

What are the requirements for drinking fountains in school buildings?

The New York State Department of Education's Office of Facilities Planning oversees new school construction and major renovation and repair of school buildings. Its *Manual of Planning Standards for School Buildings* was last updated in 1998 and applies the State Uniform Building Code to school buildings. The Manual contains the following specific requirements for drinking fountains in school buildings:

-Water fountains are to be provided "at a ratio of one fountain to 150 pupils, with a minimum of one drinking fountain on each floor having pupil occupancy. Within this ratio of fountains, it is recommended that two fountains be located near the boys and girls adjacent toilet rooms."

-Fountains should "be located convenient to primary rooms, gymnasiums, cafeterias, all purpose rooms, playgrounds and shops."

-"It is not good practice to locate gymnasium drinking fountains and cuspidors within the gymnasium playing area. Water spilled on wood floors creates an unsightly, slippery, and hazardous condition and causes difficult maintenance problems. A better location is in adjacent alcoves or passage areas off the main floor."

-"Drinking fountains of the frost proof type should be located convenient to the playground area."¹⁴

The Office of Facilities Planning periodically applies newer versions of New York State building codes as they are updated and adopted.¹⁵

The current New York State Plumbing Code specifies that educational occupancies provide 1 drinking fountain per 100 occupants.¹⁶ Up to 50 percent of required drinking fountains can be substituted for with a water dispenser that

dispenses potable drinking water through the plumbed water distribution system of a building or from a container, bottle or other reservoir.¹⁷

Water Quality

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

Yes. All public schools were required to test all drinking water outlets for lead by the end of October 2016.¹⁸ Lead test results in excess of 15 ppb require notice to the local health department, staff and parents; immediate removal of affected outlets from service; provision of an adequate supply of drinking water; and development of a remediation plan. Schools that maintain their own private water supply also are required to conduct lead testing of all drinking water outlets. Schools are required to repeat sampling in 2020 and every five years thereafter.¹⁹

Is plumbing system maintenance in general regulated?

Yes. Sanitation standards for New York school facilities require that “[w]ater...shall be dispensed within a facility from sanitary drinking fountains.”²⁰

How is the school water supply addressed?

Schools are required to supply “safe and potable” water “from an approved source.”²¹ Existing school facilities regulated at the state-level must only use a water supply that has been approved by the appropriate agency of the State Department of Health or Department of Environmental Conservation.²²

The *Manual of Planning Standards for School Buildings*, states the following for school water supplies:

Water supplies for schools must be adequate, safe and palatable. There shall be an abundance of water available at all times for present and future expanded needs, at least 30 gallons per pupil per day for all purposes. The water must be safe for use as determined by state or local health authorities and must be maintained safe by protection of the source of supply by necessary treatment and by frequent analysis. For drinking purposes, water must be reasonably

free of sulfur, magnesium, or similar natural minerals which render the water unpalatable.²³

Schools also are subject to food safety oversight when preparing and serving food. The New York State Retail Food Sanitation Regulations (“Food Code”) require that the water supply used for food preparation and service must be “adequate, safe, and of sanitary quality from an acceptable source that meets the requirements of Part 5 of this Title [regulating drinking water supplies]. Use of water supply requires prior approval from the permit-issuing official.”²⁴ New York State’s action level for lead is 15 ppb.²⁵ The Food Code also specifies that “[a]ll plumbing is to be constructed and maintained to prevent contamination of the potable water supply, food, equipment, utensils, the premises, contents, employees and patrons.”²⁶

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

Schools with their own water supply must get approval from the appropriate agency of the State Department of Health or Department of Environmental Conservation.²⁷

Are there food safety provisions relevant to water filters?

No

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

Public or private schools attended by children six years of age or younger can have their water tested for lead as part of an environmental lead hazard investigation. When a child under age 6 has an elevated blood lead level, Lead Poisoning Prevention Program services provided to the child can include an environmental investigation of high risk areas for lead poisoning including a public or private schools attended by children six years of age or younger where that child spends a significant amount of time.²⁸ Water sampling and testing for lead content may be part of that investigations.²⁹

Information Gathering Systems

Does New York conduct a statewide school facilities inventory?

Yes. The New York State Education Department requires schools to conduct a Building Condition Survey of each occupied school building every five years.³⁰ The last surveys were conducted in 2015. The 2015 survey instrument required reporting of whether drinking water was provided from a public water supplier or an on-site well.³¹ Schools are required to report what types of pipes are used in the water distribution system (“lead” is a response option), the overall condition of the water distribution systems, and the overall condition of plumbing fixtures. For each of these categories, schools are asked the year of last major reconstruction or replacement, expected remaining useful life, and estimated cost of replacement. Individual school surveys are available but a summary report was not found.³²

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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 N.Y. Comp. Codes R. & Regs. tit. 18, § 418-1.12 (h) (2017).

² N.Y. State Plumbing Code, § 403.1.

³ N.Y. State Plumbing Code, §§ 202; 410.4.

⁴ N.Y. Comp. Codes R. & Regs. tit. 18, § 418-1.12 (h) (2017).

⁵ N.Y. Comp. Codes R. & Regs. tit. 18, § 418-1.12 (a)(5) (2017).

⁶ N.Y. Comp. Codes R. & Regs. tit. 18, § 418-1.12 (g) (2017).

⁷ N.Y. Comp. Codes R. & Regs. tit. 10, § 14-1.120 (2017).

⁸ N.Y. Comp. Codes R. & Regs. tit. 10, § 5-1.41 (2017).

⁹ N.Y. Comp. Codes R. & Regs. tit. 10, § 14-1.140(a) (2017).

¹⁰ N.Y. Comp. Codes R. & Regs. tit. 10, § 67-2.3 (2017).

¹¹ N.Y. Comp. Codes R. & Regs. tit. 10, § 67-2.4 (2017).

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- ¹² N.Y. State Dept. of Health, What Child Care Providers Need to Know About Lead (2009), <https://www.health.ny.gov/publications/2517/> (last accessed July 19, 2017).
- ¹³ N.Y. Gen. Mun. Law § 103 (2017).
- ¹⁴ N.Y. State Educ. Dept., Office of Facilities Planning, The Manual of Planning Standards for School Buildings 85-86 (1998).
- ¹⁵ See e.g., NY State Educ. Dept., Office of Facilities Planning, Newsletter #92 – October 2007, http://www.p12.nysed.gov/facplan/Newsletter/Newsletter92_101907.htm (last accessed July 19, 2017).
- ¹⁶ N.Y. State Plumbing Code, § 403.1.
- ¹⁷ N.Y. State Plumbing Code, §§ 202; 410.4.
- ¹⁸ N.Y. Comp. Codes R. & Regs. tit. 10, § 67-4 (2017).
- ¹⁹ N.Y. State Educ. Dept., Facilities Planning, Lead Testing in School Drinking Water, <http://www.p12.nysed.gov/facplan/LeadTestinginSchoolDrinkingWater.html> (last accessed July 19, 2017); N.Y. Comp. Codes R. & Regs. tit. 10, § 67-4 (2017).
- ²⁰ N.Y. Comp. Codes R. & Regs. tit. 8, § 155.1(4)(i) (2017).
- ²¹ Id.
- ²² N.Y. Comp. Codes R. & Regs. tit. 8, § 155.7(e)(3) (2017).
- ²³ N.Y. State Educ. Dept., Office of Facilities Planning, The Manual of Planning Standards for School Buildings 57 (1998).
- ²⁴ N.Y. Comp. Codes R. & Regs. tit. 10, § 14-1.120 (2017).
- ²⁵ N.Y. Comp. Codes R. & Regs. tit. 10, § 5-1.41(a) (2017)
- ²⁶ N.Y. Comp. Codes R. & Regs. tit. 10, § 14-1.140(a) (2017).
- ²⁷ N.Y. Comp. Codes R. & Regs. tit. 8, § 155.7(e)(3) (2017)
- ²⁸ N.Y. Comp. Codes R. & Regs. tit. 10, § 67-2.3 (2017)
- ²⁹ N.Y. Comp. Codes R. & Regs. tit. 10, § 67-2.4 (2017)
- ³⁰ N.Y. State Educ. Dept., Office of Facilities Planning, Building Condition Survey / Annual Visual Inspection, <http://www.p12.nysed.gov/facplan/BldgCondSurv.htm> (last accessed July 19, 2017).
- ³¹ N.Y. State Educ. Dept., Office of Facilities Planning, 2015 Building Condition Survey Instrument, <http://www.p12.nysed.gov/facplan/documents/2015BuildingConditionSurvey.pdf> (last accessed July 19, 2017).
- ³² District survey reports can be accessed at N.Y. State Educ. Dept., Office of Facilities Planning, <http://www.p12.nysed.gov/facplan/BldgCondSurv.htm> (last accessed July 19, 2017).