



DRINKING WATER IN CHILD CARE CENTERS & SCHOOLS

OHIO

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. Child centers must “[h]ave drinking water freely available to children.”¹

During play times at on-site outdoor spaces, the child care center must provide access to drinking water.²

How many drinking fountains are required?

One drinking fountain per 100 occupants. The Ohio Plumbing Code (OPC) specifies that institutional occupancies for child care must provide one drinking fountain per 100 occupants.³ The OPC requires that drinking fountains be located on an accessible route.⁴ The OPC contains a broad drinking fountain substitution provision stating that “*where water dispensers are provided, drinking fountains shall not be required.*”⁵ A water dispenser is defined as a:

plumbing fixture that is manually controlled by the user for the purpose of dispensing potable drinking water into a receptacle such as a cup, glass or bottle. Such fixture is connected to the potable water distribution system of the premises. This definition also includes a freestanding apparatus for the same purpose that is not connected to the potable water distribution system and that is supplied with potable water from a container, bottle or reservoir.⁶

This means that plumbed bottle filling stations and/or bottled water dispensers can substitute for up to 100% of required drinking fountains.

Are re-useable water bottles addressed?

Yes, water bottles must be labeled with children’s names and sanitized daily. Ohio’s child care licensing manual for child care centers requires that cups be sanitized after each use, but contains the following exemption for re-useable water bottles: “[w]ater containers that are labeled with the child’s name can be used all day, but must be cleaned and sanitized before used again on another day.”⁷

Are there requirements for drinking fountain maintenance and cleanliness?

Yes. In general, child care center equipment must “be kept clean and in good repair.”⁸ Drinking fountains must be maintained so as to provide adequate water pressure to prevent children’s mouths from touching the spigot.⁹

Water Quality

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

No

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

Child care centers with their own water supply must demonstrate compliance with applicable state and/or local water quality standards. Ohio’s child care center licensing regulations state that:

If the center’s water is not publicly supplied, the center shall contact the Ohio environmental protection agency (EPA) to determine if it qualifies as a public water system.

(a) If the water supply qualifies as a public water system [regularly serving 25 or more people], the center shall comply with the Ohio EPA requirements.

(b) If the water supply does not qualify as a public water system, the center shall contact the local health department to have the water tested and follow any additional requirements requested by the health department. The center shall retain a copy of the water test and make it available upon request.¹⁰

Child care centers that prepare and serve food also must obtain a food service operation license.¹¹ The Ohio Uniform Food Safety Code requires that a water supply be in compliance with applicable water quality laws.¹² Child care centers with their own water supply must sample annually for total coliforms or other tests at the discretion of the Director of Health and/or Agriculture. Child care centers with their own water supply also must maintain on file the results of their most recent water quality analysis.¹³

Are there any provisions relevant to water filters?

The Ohio Uniform Food Safety Code requires that water filters be “made of safe materials;” “designed to facilitate disassembly for periodic servicing and cleaning;” and replaceable.¹⁴

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

If a child under six years of age has lead poisoning, health inspectors can conduct an investigation of lead hazards, including “lead-contaminated water pipes,” at the child’s child care facility.¹⁵

SCHOOLS

Access to Drinking Water

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

Ohio has a voluntary drinking water access best practice guideline for schools. The Ohio Department of Education’s *Ohio School Climate Guidelines* contain a series of voluntary best practices benchmarks for high-performing schools.¹⁶ Schools are encouraged to “provide a positive dining environment that encourages a pleasant eating experience.”¹⁷ A best practice to meet this benchmark is to ensure that “[d]rinking fountains are available for students to get water at meals and throughout the day.”¹⁸

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. Ohio law permits school districts to participate in joint purchasing through a “national or state association of political subdivisions.”¹⁹

What are the requirements for drinking fountains in schools?

One drinking fountain per 100 occupants. The Ohio Plumbing Code (OPC) specifies that schools must provide one drinking fountain per 100 occupants.²⁰ The OPC requires that drinking fountains be located on an accessible route.²¹ The OPC contains a broad drinking fountain substitution provision stating that “*where water dispensers are provided, drinking fountains shall not be required.*”²² A water dispenser is defined as a:

plumbing fixture that is manually controlled by the user for the purpose of dispensing potable drinking water into a receptacle such as a cup, glass or bottle. Such fixture is connected to the potable water distribution system of the premises. This definition also includes a freestanding apparatus for the same purpose that is not connected to the potable water distribution system and that is supplied with potable water from a container, bottle or reservoir.²³

This means that plumbed bottle filling stations and/or bottled water dispensers can substitute for up to 100% of required drinking fountains.

The Ohio Facilities Construction Commission maintains an *Ohio School Design Manual* to guide plans for new school building construction and includes the additional guideline that new schools provide an outdoor, freeze proof exterior wall mounted drinking fountain that is push-button-activated and ADA compliant.²⁴

Water Quality

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

No, routine testing is not required. Funding for one-time, voluntary testing and fixture replacement is available to schools until Aug. 31, 2017. In 2016, Ohio allocated \$12 million in funds for voluntary lead testing and lead fixture replacement for school buildings constructed prior to 1990.²⁵ Funds are limited to \$15,000 per school. Funds can only be used for the cost of fixtures (drinking fountains, food service sinks) that produce lead in drinking water in excess of 15ppb at the time of testing.²⁶ Labor costs are not reimbursable.²⁷

How is plumbing system maintenance in general regulated?

School sanitation guidance, and food safety provisions address proper plumbing system maintenance. Ohio has a de-centralized system of school sanitation oversight. The Ohio Department of Public Health has voluntary guidelines for

school sanitation that local health departments can use as a guide.²⁸ It contains the following guidance for plumbing system maintenance:

4.17 PLUMBING FIXTURES

4.17.1 All plumbing fixtures should be in good repair.

Water leaks from plumbing can be costly because of increased water charge and because of increased potential for mold growth and pest infestation. All leaking plumbing fixtures should be repaired immediately and the area affected dried and cleaned. All plumbing should be maintained in good repair.

4.17.2 Drinking fountain streams should crest a minimum of one inch above the mouthguard of the fountain but should not be so high as to promote water spillage onto the floor.

The human mouth contains a multitude of microorganisms that can be transmitted to others via the mouth guard on the drinking fountains. The water stream should be from a free jet projected at an angle from the vertical. To prevent students from touching the mouth guard while taking a drink, the water should stream at least one inch above the mouth guard but not so high that the floor beneath the fountain becomes wet.²⁹

The Ohio Uniform Food Safety Code requires that plumbing systems used for school food service be maintained “in good repair.”³⁰

How is the school water supply addressed?

School sanitation guidelines and food safety provisions require that school water supplies meet applicable water quality standards. Ohio has a de-centralized system of school sanitation oversight. The Ohio Department of Public Health has voluntary guidelines for school sanitation that local health departments can use as a guide. It contains the following guidance for schools with their own water supply:

12.4 WATER TREATMENT SYSTEMS

12.4.1 If a school or school district owns, operates, or manages the drinking water or waste water systems for a school building, the school or school district should be in compliance with any applicable regulations of the Ohio Environmental Protection Agency and the Ohio Department of Health and should provide documentation of compliance to the sanitarian upon inspection.

The Ohio Uniform Food Safety Code requires that a water supply be in compliance with applicable water quality laws.³¹ Schools with their own water supply must sample annually for total coliforms or other tests at the discretion of the Director of Health and/or Agriculture. Schools with their own water supply also must maintain on file the results of their most recent water quality analysis.³²

Are there any provisions relevant to water filters?

The Ohio Uniform Food Safety Code requires that water filters be “made of safe materials;” “designed to facilitate disassembly for periodic servicing and cleaning;” and replaceable.³³

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

If a child under six years of age has lead poisoning, health inspectors can conduct an investigation of lead hazards, including “lead-contaminated water pipes,” at the child’s school.³⁴

Information Gathering Systems

Does Ohio conduct a statewide school facilities inventory?

No. The Ohio Facilities Construction Commission oversees school construction. It does not conduct a statewide school facilities inventory but does have a Facilities Assessment program whereby school districts can request a facility needs assessment of the

PHAI Public Health
Advocacy Institute

This state profile was prepared by:
Cara L. Wilking, JD
Public Health Advocacy Institute
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**

district in advance of seeking state funds for school facilities.³⁵

¹ Ohio Admin. Code 5101:2-12-22(A)(9) (2017).

² Ohio Admin. Code 5101:2-12-11(C)(1)(d) (2017).

³ Ohio Admin. Code 4101:3-4-01, Table 403.1 (2017).

⁴ Ohio Admin. Code 4101:3-4-01, 403.5 (2017).

⁵ Ohio Admin. Code 4101:3-4-01, 410.4 (2017).

⁶ Ohio Admin. Code 4101:3-2-01 (2017).

⁷ Appendix A to Ohio Admin. Code 5101:2-12-13 (enacted Dec. 6, 2016).

⁸ Ohio Admin. Code 5101:2-12-13 (A)(2) (2017).

⁹ Ohio Admin. Code 5101:2-12-22 (A)(9) (2017).

¹⁰ Ohio Admin. Code 5101:2-12-13(A)(6).

¹¹ Ohio Admin. Code 5101:2-12-04(C)(1).

¹² Ohio Admin. Code 3717-1-05 (2017).

¹³ *Id.*

¹⁴ Ohio Admin. Code 3717-1-05.1 (2017).

¹⁵ Ohio Rev. Code Ann. § 3742.35 (2017); Ohio Rev. Code Ann. § 3742.01(S) (2017).

¹⁶ Ohio Dept. of Educ., Ohio School Climate Guidelines (Undated).

¹⁷ *Id.* at 21.

¹⁸ *Id.* at 22.

¹⁹ Ohio Rev. Code Ann. § **9.48**.

²⁰ Ohio Admin. Code 4101:3-4-01, Table 403.1 (2017).

²¹ Ohio Admin. Code 4101:3-4-01, 403.5 (2017).

²² Ohio Admin. Code 4101:3-4-01, 410.4 (2017).

²³ Ohio Admin. Code 4101:3-2-01 (2017).

²⁴ Ohio Facilities Construction Commission, Ohio School Design Manual, 8310 – 5 (2011).

²⁵ Ohio Facilities Construction Commission, Lead Plumbing Fixture Replacement Assistance Grant Program, <http://ofcc.ohio.gov/ServicesPrograms/LeadFixtureReplacementGrants.aspx> (last accessed July 19, 2017).

²⁶ Ohio Facilities Construction Commission, Commission Resolution 16-03, LEAD PLUMBING FIXTURE REPLACEMENT ASSISTANCE GRANTS PROGRAM GUIDELINES (July 14, 2016).

²⁷ *Id.*

²⁸ Ohio Dept. of Health, Environmental Health, <https://www.odh.ohio.gov/environmentalhealth> (last accessed July 19, 2017).

²⁹ Ohio Dept. of Health, School Environmental Health Inspection: Guidance Document 58 (rev. Oct. 29, 2010).

³⁰ Ohio Admin. Code 3717-1-05.1 (2017).

³¹ Ohio Admin. Code 3717-1-05 (2017).

³² *Id.*

³³ Ohio Admin. Code 3717-1-05.1 (2017).

³⁴ Ohio Rev. Code Ann. § 3742.35 (2017); Ohio Rev. Code Ann. § 3742.01(S) (2017).

³⁵ Ohio Facilities Construction Commission, Facilities Assessment Program (FAP), <http://ofcc.ohio.gov/ServicesPrograms/K-12Schools/FAP.aspx> (last accessed July 19, 2017).