



## DRINKING WATER IN CHILD CARE CENTERS & SCHOOLS

# ILLINOIS

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

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### Access to Drinking Water

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

Yes. As a condition of licensing, child care centers are required to “make potable drinking water freely available to all children by providing drinking fountains and/or disposable cups for individual use.”<sup>1</sup> In addition, water “shall be offered to children at frequent intervals and during meals and snacks.”<sup>2</sup>

### **How many drinking fountains are required?**

One drinking fountain per 75 occupants. The Illinois Plumbing Code requires one drinking fountain per 75 occupants in day care centers and permits 100% of fountains to be replaced by bottled drinking water.<sup>3</sup>

### **Are there requirements for drinking fountain maintenance and cleanliness?**

No. There are no specific sanitation requirements for drinking fountains, but, in general as a condition of licensing “[b]uildings used for day care center programs shall be in good shape and operable.”<sup>4</sup> Child care centers are to be “cleaned daily and kept in a sanitary condition at all times.”<sup>5</sup>

## **Water Quality**

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

Beginning in 2018, licensed child care centers in buildings built prior to 2000 that serve children under 6 years of age will be required to conduct water quality testing for lead as a condition of initial child care licensing and renewal licensing.<sup>6</sup> Child care centers licenses must be renewed every three years.<sup>7</sup> The Department of Children and Family Services has until January 1, 2018 to adopt regulations that, at a minimum, contain provisions “regarding testing parameters, the notification of sampling results, training requirements for lead exposure and mitigation.”<sup>8</sup>

### **How is the child care center water supply addressed?**

All licensed child care centers are required to maintain a “safe and sanitary water supply.”<sup>9</sup> Upon initial licensing and prior to renewal, child care centers with a private water supply must provide written test results indicating compliance with the water quality standards “specified for non-community water supplies in the Drinking Water Systems Code...”<sup>10</sup> In the event that nitrate content exceeds 10 parts per million, bottled water must be used for infants.<sup>11</sup>

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

Child care centers that prepare and serve food are subject to the Illinois Food Service Sanitation Code (adopting the 2013 FDA Food Code). Drinking water must be from an approved source that is a public water system or a nonpublic water system, e.g. a well, that is “constructed, maintained, and operated according to law.”<sup>12</sup> All drinking water must meet “National Primary Drinking Water Regulations and state drinking water quality standards.”<sup>13</sup> Nonpublic water systems must be sampled and tested for safety annually.<sup>14</sup>

### **Are there any provisions relevant to water filters?**

Yes, in food service areas. The food code requires that water treatment devices used in food service areas such as water filters are made of safe materials and replaceable.<sup>15</sup> Water treatment devices must “be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, service records are to be maintained on file.”<sup>16</sup>

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

Water testing for lead is discretionary. In response to a confirmed case of lead poisoning of a child under 6 years of age, an environmental follow-up investigation may be conducted.<sup>17</sup> The investigation can include child care facilities and water sampling is discretionary. Water with more 15 ppb of lead is considered an elevated sample requiring remediation.<sup>18</sup>

## **SCHOOLS**

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### **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

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

Yes. School food service can conduct joint purchasing with other school food service agencies within their state and they can participate in multi-state joint purchasing programs.<sup>19</sup>

### **What are the requirements for drinking fountains in schools?**

One drinking fountain per 75 occupants. The Illinois Plumbing Code applies to school buildings and requires one drinking fountain per 75 occupants in educational occupancies and permits 100% of fountains to be replaced by bottled drinking water.<sup>20</sup>

## **Water Quality**

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

Illinois requires one-time lead testing for drinking water sources in elementary school buildings (up to grade five) that were constructed prior to the year 2000. School buildings constructed prior to 2000 that serve children up to grade five must test all food preparation sinks, drinking fountains, faucets used for drinking water, and sinks in classrooms serving children under first grade for lead.<sup>21</sup> All testing is to be completed by the end of 2018. Parental notification is required if test results exceed 5 ppb of lead.<sup>22</sup>

### **How is the school water supply addressed?**

The Illinois Food Service Sanitation Code regulates the water supply used for food service. Schools food service areas are subject to the Illinois Food Service Sanitation Code (adopting the 2013 FDA Food Code), which requires that drinking water must be from an approved source that is a public water system or

a nonpublic water system, e.g. a well, that is “constructed, maintained, and operated according to law.”<sup>23</sup> All drinking water must meet “National Primary Drinking Water Regulations and state drinking water quality standards.”<sup>24</sup> Nonpublic water systems must be sampled and tested for safety annually.<sup>25</sup>

### **Are there any provisions relevant to water filters?**

Yes, in food service areas. The food code requires that water treatment devices used in food service areas such as water filters are made of safe materials and replaceable.<sup>26</sup> Water treatment devices must “be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, service records are to be maintained on file.”<sup>27</sup>

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

Water testing is discretionary. In response to a confirmed case of lead poisoning of a child under 6 years of age, an environmental follow-up investigation to identify lead poisoning hazards may be conducted.<sup>28</sup> The investigation can include school buildings and water sampling is discretionary. Water with more 15ppb of lead is considered a lead poisoning hazard requiring remediation.<sup>29</sup>

## **Information Gathering Systems**

### **Does Illinois conduct a statewide school facilities inventory?**

Yes. Illinois conducts a biannual capital

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

needs assessment survey for all school districts in the state that includes an estimate of funding needs for school plumbing system replacement and repair.<sup>30</sup>

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<sup>1</sup> Ill. Admin. Code tit. 89, § 407.310 (2017).

<sup>2</sup> Id.

<sup>3</sup> 77 Ill. Admin. Code § 890, Appendix A, Table B (2011).

<sup>4</sup> Ill. Admin. Code tit. 89, § 407.370(a) (2017).

<sup>5</sup> Ill. Admin. Code tit. 89, § 407.370(p) (2017).

<sup>6</sup> 225 Ill. Comp. Stat. Ann. 10/5.9 (2017).

<sup>7</sup> Ill. Admin. Code tit. 89, § 407.60 (2017).

<sup>8</sup> 225 Ill. Comp. Stat. Ann. 10/5.9 (2017).

<sup>9</sup> Ill. Admin. Code tit. 89, § 407.370(h) (2017).

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> FDA Food Code § 5-101.11(2013).

<sup>13</sup> FDA Food Code § 5-102.11(2013).

<sup>14</sup> FDA Food Code § 5-102.13 (2013).

<sup>15</sup> FDA Food Code § 5-201.11(B) (2013); FDA Food Code § 5-202.15 (2013).

<sup>16</sup> FDA Food Code § 5-205.13 (2013).

<sup>17</sup> Ill. Admin. Code tit. 77, § 845.85 (2017).

<sup>18</sup> Id.

<sup>19</sup> 5 Ill. Comp. Stat. Ann. 220/3 (2017).

<sup>20</sup> 77 Ill. Admin. Code § 890, Appendix A, Table B (2011).

<sup>21</sup> 225 Ill. Comp. Stat. Ann. 320/35.5 (2017).

<sup>22</sup> Id.

<sup>23</sup> FDA Food Code § 5-101.11 (2013).

<sup>24</sup> FDA Food Code § 5-102.11 (2013).

<sup>25</sup> FDA Food Code § 5-102.13 (2013).

<sup>26</sup> FDA Food Code § 5-201.11(B) (2013); FDA Food Code § 5-202.15 (2013).

<sup>27</sup> FDA Food Code § 5-205.13 (2013).

<sup>28</sup> Ill. Admin. Code tit. 77, § 845.85 (2017).

<sup>29</sup> Id.

<sup>30</sup> Ill. State Bd. of Educ., School Construction, <https://www.isbe.net/Pages/School-Construction.aspx> (last accessed July 19, 2017).