



DRINKING WATER IN CHILD CARE CENTERS & SCHOOLS

MICHIGAN

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 licensing, child care centers are required to “make water available to drink throughout the day to children 1 year of age and older.”¹

How many drinking fountains are required?

One drinking fountain per 100 occupants. The current Michigan Plumbing Code is modeled after the 2015 International Plumbing Code and requires 1 drinking fountain per 100 child care center occupants.² Water dispensers can substitute for up to fifty percent of the required number of fountains.³ Water dispensers are defined as plumbing fixtures that are “manually controlled by the user for the purpose of dispensing potable drinking water into a receptacle such as a cup, glass or bottle,” and can be plumbed or “not connected to the potable water distribution system and...supplied with potable water from a container, bottle or reservoir.”⁴

Are there requirements for drinking fountain maintenance and cleanliness?

Yes. In general, as a condition of licensing child care center premises “shall be maintained in a clean and safe condition and shall not pose a threat to health or safety.”⁵ Drinking fountains must be supplied with sufficient water to maintain pressure, and maintained in “good working condition.”⁶

Water Quality

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

No, but water quality testing may be required as part of a lead hazard assessment conducted prior to initial licensure. As a condition of initial licensing, child care centers are required to complete a lead hazard risk assessment conducted by a certified lead risk assessor for all buildings built before 1978.⁷ The lead hazard risk assessment includes mandatory testing for lead hazards from paint, dust and soil, and “[w]ater testing is optional but may be requested.”⁸

How is the child care center water supply addressed?

As a condition of licensing, child care centers must ensure that their water systems “comply with the requirements of the local health department.”⁹

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

Child care centers with a private well must ensure that their water systems “comply with the requirements of the local health department,”¹⁰ and are subject to an environmental health inspection by the local health department every two years.¹¹

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

No. The Michigan Lead Hazard Controls Act only addresses lead hazards in “living environments” like private residences.¹²

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

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

Yes. Michigan law permits school districts to conduct joint purchasing “with any other public agency of this state, with a public agency of any other state of the United States, with a public agency of Canada, or with any public agency of the United States government.”¹³

What are the requirements for drinking fountains in schools?

School building construction and major renovation and repair must comply with the Michigan Plumbing Code.¹⁴ The current Michigan Plumbing Code is modeled after the 2015 International Plumbing Code and requires one drinking fountain per 100 school building occupants.¹⁵ Water dispensers can substitute for up to fifty percent of the required number of drinking fountains.¹⁶ Water dispensers are defined as plumbing fixtures that are “manually controlled by the user for the

purpose of dispensing potable drinking water into a receptacle such as a cup, glass or bottle,” and can be plumbed or “not connected to the potable water distribution system and...supplied with potable water from a container, bottle or reservoir.”¹⁷

Water Quality

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

Michigan established a statewide school drinking water quality program that provides \$950 per school building for voluntary “testing, fixture replacement, filter purchases, plumbing assessments, or technical assistance incurred from July 1, 2016 to September 30, 2017.”¹⁸ Participating schools must report actions taken with funds to the Michigan Department of Environmental Quality (MDEQ). By December 31, 2017, the MDEQ is required to submit a report to the legislature “summarizing the number of fixtures reported per school, tests completed, tests with elevated levels of lead, fixtures replaced, and schools completing a plumbing assessment.”¹⁹ In water quality monitoring guidance to schools, the MDEQ “recommends taking action if the lead concentration is above 5 ppb.”²⁰

Is plumbing system maintenance in general regulated?

Yes, in food service areas. The Michigan Modified Food Code (Food Code) requires that plumbing systems in food service areas be “maintained in good repair.”²¹

How is the school water supply addressed?

The Food Code requires that drinking water be obtained from a public or non-public water system “that is constructed, maintained, and operated according to law.”²²

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

Schools regulated under the Food Code must ensure that if a nonpublic water system, e.g. a well, is used it meets state drinking water requirements,²³ is sampled and tested at least annually and as required by state water quality regulations,²⁴ and records of sampling must be maintained.²⁵

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.²⁶ 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.”²⁷

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

No

Information Gathering Systems

Does Michigan conduct a statewide school facilities inventory?

No

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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 Mich. Admin. Code r. 400.8330(6) (2017).

² Mich. Admin. Code r. 408.30758, Table 403.1 (2017).

³ 2015 Int'l Plumbing Code § 410.4 (2015).

⁴ 2015 Int'l Plumbing Code § 202 (2015).

⁵ Mich. Admin. Code r. 400.8380(1) (2017).

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- ⁶ Mich. Admin. Code r. 400.8345 (2017).
- ⁷ Mich. Admin. Code r. 400.8380(8) (2017).
- ⁸ Mich. Dept. of Licensing and Reg. Aff., Lead Hazard Risk Assessment: Requirements of Licensing Rule 400.8380(8), http://www.michigan.gov/lara/0,4601,7-154-63294_5529_49572_53751-336885--,00.html (last accessed July 19, 2017).
- ⁹ Mich. Admin. Code r. 400.8345(1) (2017).
- ¹⁰ Mich. Admin. Code r. 400.8345(1) (2017).
- ¹¹ Mich. Admin. Code r. 400.8305 (2017).
- ¹² Mich. Admin. Code r. 325.99102 (2017)
- ¹³ Mich. Comp. Laws Serv. § 124.504 (2017).
- ¹⁴ Mich. Comp. Laws Serv. § 388.851b (2017).
- ¹⁵ Mich. Admin. Code r. 408.30758, Table 403.1 (2017) (adopting the 2015 International Plumbing Code with revisions).
- ¹⁶ 2015 Int'l Plumbing Code § 410.4.
- ¹⁷ 2015 Int'l Plumbing Code § 202.
- ¹⁸ 2016 Mich. Legis. Serv. P.A. 268 (H.B. 5294).
- ¹⁹ Id.
- ²⁰ Mich. Dept. of Env'tl Quality, MDEQ Quick Guide for Drinking Water Sampling for Lead and Copper at Schools and Child Care Providers on Community Water Supplies 2 (Aug. 3, 2016).
- ²¹ Mich. Modified Food Code § 5-205.15 (2012).
- ²² Mich. Modified Food Code § 5-101.11 (2012).
- ²³ Id.
- ²⁴ Mich. Modified Food Code § 5-102.13 (2012).
- ²⁵ Mich. Modified Food Code § 5-102.14 (2012).
- ²⁶ Mich. Modified Food Code § 5-201.11 (2012); Mich. Modified Food Code § 5-201.15 (2012).
- ²⁷ Mich. Modified Food Code § 5-205.13 (2012).