



## DRINKING WATER IN CHILD CARE CENTERS & SCHOOLS

# PENNSYLVANIA

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 must comply with the following water access requirements:

- Make safe drinking water available to children of all ages throughout the day.<sup>1</sup>
- Provide drinking water to children who are out-of-doors for a period exceeding one hour.<sup>2</sup>
- Use disposable paper cups or water fountains for between-meal drinking by children who are not bottle-fed.<sup>3</sup>

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

One drinking fountain per 100 occupants. Child care centers are required to comply with Pennsylvania’s Uniform Building Code.<sup>4</sup> Pennsylvania has adopted the 2009 International Plumbing Code that requires one drinking fountain per 100 occupants for day care centers.<sup>5</sup> Water coolers or bottled water dispensers can substitute for up to 50 percent of required fountains.<sup>6</sup>

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

As a condition of licensing, child care centers must clean toilet areas and fixtures daily and maintain them in good repair.<sup>7</sup>

## **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?**

In general, conditions at a child care center “may not pose a threat to the health or safety of...children.”<sup>8</sup> With respect to water quality, child care centers must “[p]rovide running water and a safe and adequate supply of drinking water that complies with the standards established under the Pennsylvania Safe Drinking Water Act....”<sup>9</sup>

Child care centers that prepare and serve food also are subject to the Pennsylvania Food 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>10</sup> All drinking water must meet “National Primary Drinking Water Regulations and state drinking water quality standards.”<sup>11</sup>

**Is water quality from a private water supply, e.g. a well, separately monitored as part of child care licensing?**

No. While not specifically addressed, private water systems would fall under the general requirement that the water supply comply with the Pennsylvania Safe Drinking Water Act (see above).<sup>12</sup> The Food Code also requires that nonpublic water systems must be sampled and tested for safety annually.<sup>13</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>14</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>15</sup>

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

No. The Pennsylvania Department of Health administers a childhood lead surveillance program. Lead hazards from drinking water are not part of this program.<sup>16</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. Pennsylvania law permits local political subdivisions like school districts to engage in cooperative purchasing within the Commonwealth and with other states.<sup>17</sup>

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

One drinking fountain per 100 occupants. Pennsylvania's Uniform Building Code adopts the 2009 International Plumbing Code that requires one drinking fountain per 100 occupants for schools.<sup>18</sup> Water coolers or bottled water dispensers can substitute for up to 50 percent of required fountains.<sup>19</sup>

## **Water Quality**

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

No

### **Is plumbing system maintenance in general regulated?**

Yes. Schools are subject to sanitation inspections.<sup>20</sup> The minimum state requirements for school sanitation require that plumbing systems are maintained “to prevent contamination of the water supply” and “so as not to create an unsanitary condition or nuisance.”<sup>21</sup> Where applicable, the food code also requires that plumbing systems be “maintained in good repair.”<sup>22</sup>

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

School sanitation standards require that “[a]ll water used in the operation of a school shall be provided from a supply approved by the Department [of Environmental Protection].”<sup>23</sup>

Where applicable, the Food Code also 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>24</sup> All drinking water must meet “National Primary Drinking Water Regulations and state drinking water quality standards.”<sup>25</sup>

**Is water quality from a private water supply, e.g. a well, monitored?**

Yes. School sanitation standards require that schools with private water supplies meet bacteriological and chemical water standards of the Department [of Environmental Protection].<sup>26</sup> Schools with their own water supplies are to be prioritized in the scheduling of school sanitation inspections.<sup>27</sup> Where applicable, the Food Code also requires that nonpublic water systems must be sampled and tested for safety annually.<sup>28</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>29</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>30</sup>

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

No. The Pennsylvania Department of Health administers a childhood lead surveillance program. Lead hazards from drinking water are not part of this program.<sup>31</sup>

## **Information Gathering Systems**

**Does Pennsylvania conduct a statewide school facilities condition survey?**

No

## What information will the Pennsylvania Task Force on Lead Exposure and Hazards of Lead Poisoning gather?

In response to the water quality crisis in Flint, Michigan, the Pennsylvania legislature passed a resolution in 2017, that establishes a task force on lead exposure and the hazards of lead poisoning that will conduct:

- (1) an assessment of the age of th[e] Commonwealth's...water pipelines, school buildings and day-care facilities;
- (2) an assessment of the threat lead exposure poses to public health;
- (3) an assessment of the prevalence of lead in...schools, day-care centers and other places in which children spend a majority of their days; and
- (4) an assessment of the Commonwealth's approach to lead testing, abatement and remediation and how it compares to other states<sup>32</sup>

The task force also is charged with recommending “changes to State statutes, regulations, practices, policies and procedures relating to lead testing, abatement and remediation.”<sup>33</sup>

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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**

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- <sup>1</sup> 55 Pa. Code § 3270.69(b) (2017).
- <sup>2</sup> 55 Pa. Code § 3270.69(d) (2017).
- <sup>3</sup> 55 Pa. Code § 3270.134(g) (2017).
- <sup>4</sup> 55 Pa. Code § 3270.15 (2017).
- <sup>5</sup> Int'l Plumbing Code, Table 403.1 (2009).
- <sup>6</sup> Int'l Plumbing Code, § 410.3 (2009).
- <sup>7</sup> 55 Pa. Code § 3270.82(g) (2017).
- <sup>8</sup> 55 Pa. Code § 3270.21 (2017).
- <sup>9</sup> 55 Pa. Code § 3270.69(a) (2017).
- <sup>10</sup> FDA Food Code § 5-101.11(2013).
- <sup>11</sup> FDA Food Code § 5-102.11(2013).
- <sup>12</sup> Id.
- <sup>13</sup> FDA Food Code § 5-102.13 (2013).
- <sup>14</sup> FDA Food Code § 5-201.11(B) (2013); FDA Food Code § 5-202.15 (2013).
- <sup>15</sup> FDA Food Code § 5-205.13 (2013).
- <sup>16</sup> Pa. Dept. of Health, Frequently Asked Questions: Lead Poisoning (April 25, 2016), <http://www.health.pa.gov/My%20Health/Infant%20and%20Childrens%20Health/Lead%20Poisoning%20Prevention%20and%20Control/Pages/default.aspx#.WV064ohuLIU> (last accessed July 19, 2017).
- <sup>17</sup> 62 Pa. Cons. Stat. Ann. § 1902 (2017).
- <sup>18</sup> Int'l Plumbing Code, Table 403.1 (2009).
- <sup>19</sup> Int'l Plumbing Code, § 410.3 (2009).
- <sup>20</sup> 25 Pa. Code § 171.2 (2017).
- <sup>21</sup> 25 Pa. Code § 17.51(3) (2017); 25 Pa. Code § 171.4 (2017).
- <sup>22</sup> FDA Food Code § 5-205.15 (2013).
- <sup>23</sup> 25 Pa. Code § 171.3 (2017).
- <sup>24</sup> FDA Food Code § 5-101.11 (2013).
- <sup>25</sup> FDA Food Code § 5-102.11 (2013).
- <sup>26</sup> Id.
- <sup>27</sup> 25 Pa. Code § 17.51(1)(iv) (2017).
- <sup>28</sup> FDA Food Code § 5-102.13 (2013).
- <sup>29</sup> FDA Food Code § 5-201.11(B) (2013); FDA Food Code § 5-202.15 (2013).
- <sup>30</sup> FDA Food Code § 5-205.13 (2013).
- <sup>31</sup> Penn. Dept. of Health, Frequently Asked Questions: Lead Poisoning, <http://www.health.pa.gov/My%20Health/Infant%20and%20Childrens%20Health/Lead%20Poisoning%20Prevention%20and%20Control/Pages/default.aspx#.WV064ohuLIU> (April 25, 2016).
- <sup>32</sup> 2017 Pa. S. Res. 33 (adopted June 6, 2017).
- <sup>33</sup> Id.