



DRINKING WATER IN CHILD CARE CENTERS & SCHOOLS

WASHINGTON

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?

No. As a condition of licensing, child care centers must “include a liquid to drink” with each snack or meal, and that drink may be “water...milk, fruit or vegetable juice.”¹

How many drinking fountains are required?

The current Washington State Plumbing Codes requires that buildings with an occupant load of more than 30 people have one drinking fountain for the first 150 occupants, then one per each additional 500 occupants.² As a condition of licensing, child care centers are instructed that they “may have inclined jet-type drinking fountains,” or “bubble-type drinking fountains and drinking fountains attached to or part of sinks” so long as they are not “used for any purpose other than the drinking fountain.”³

Are there requirements for drinking fountain maintenance and cleanliness?

No. In general, as a condition of licensing child care centers “must maintain the building, equipment and premises in a clean and sanitary manner that protects the children from illness.”⁴

Water Quality

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

Yes. In May 2016, the Governor of Washington issued Directive 16-06 directing the Department of Early Learning (DEL) to “assess the need for, and viability of, policy changes” to require child care providers to evaluate sources of lead exposure “including the testing of drinking water.”⁵ DEL subsequently issued a regulation requiring all early learning centers, defined as “regularly scheduled care for a group of children birth through twelve years of age for periods of less than twenty-four hours, licensed by the department,”⁶ to test drinking water for lead and copper.⁷

Beginning in May 2017, all licensed child care centers are required to “use a Washington state certified water laboratory...to test the...water supply for lead and copper.”⁸ Testing must include “[a]ll fixtures used to obtain water for preparing food or infant formula, drinking, or cooking.”⁹ All centers must be tested prior to licensing and at least once every six years thereafter. Centers that

were already licensed in May of 2017 have six months to complete testing. If test results are above EPA action levels (15ppb for lead), the child care center must immediately:

- Cease operations or supply bottled water
- Consult DEL for technical assistance
- Notify DEL of testing results and steps taken to protect children
- Notify all parents and guardians
- Notify DEL once lead and/or copper levels are below the EPA action level.¹⁰

How is the child care center water supply addressed?

No general requirements for child care center water supplies were identified, other than the requirement that “hot and cold running water shall be supplied.”¹¹

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

Child care centers with a private well must comply with state regulations for minimum standards for the construction and maintenance of wells.¹² Wells must be tested annually for coliform bacteria and nitrates, and if coliform bacteria is present and/or nitrate in excess of 10 ppm is detected the local health department must be notified and the center is to immediately stop using the well water in the child care premises.¹³ During well repairs or installation of new treatment systems, child care operations may continue and bottled water can be used with prior permission from the health department.¹⁴

Are there any provisions relevant to water filters applicable to child care centers?

No

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

Directive 16-06, discussed above, directed DEL to address lead and copper in drinking water in early learning programs as part of a comprehensive approach to lead poisoning prevention.¹⁵

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. Washington law permits political subdivisions to conduct joint purchasing with “any other public agency of this state...any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment.”¹⁶

What are the requirements for drinking fountains in schools?

School buildings are subject to state building codes, or local buildings codes that exceed the minimum state requirements.¹⁷ The current state plumbing code contains the following requirements for drinking water fixtures in school buildings:

- Drinking fountains shall be located on an accessible route.¹⁸
- Occupant loads over 30 shall have one drinking fountain for the first 150 occupants, then one per each additional 500 occupants.¹⁹
- Drinking fountains shall be provided on each floor having more than 30 occupants in schools.²⁰
- In schools with an occupant load over 30, a minimum of one bottle filling station shall be provided on each floor. This bottle filling station may be integral to a drinking fountain.²¹
- In schools that require more than two drinking fountains per floor, *bottle filling stations* shall be permitted to be substituted for up to 50 percent of the required number of drinking fountains.²²

How does the Healthy Kids-Healthy Schools Grants Program support drinking water access?

As part of its 2015-2017 capital budget, the Washington State Office of Superintendent of Public Instruction (OSPI) established a \$5 million dollar grant program called Healthy Kids–Healthy Schools to fund improvements or renovations to existing buildings, site improvements, and the purchase and installation of new or renovated equipment.²³ In order to support access and appeal of drinking water, up to \$1 million of the grant program can be allocated to fund water bottle filling stations. School districts can apply for up to \$200,000 per district and funding can be used for a maximum of one bottle filling station per school.²⁴

Water Quality

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

No. The Washington State Board of Health maintains regulations for primary and secondary school environmental health.²⁵ These regulations do not require testing of drinking water at school taps for lead contamination.²⁶ Extensive rule revisions, that expanded the scope of water quality oversight and testing for schools,²⁷ were promulgated in 2009 but implementation has been delayed until 2019.²⁸

Is plumbing system maintenance in general regulated?

Yes. In general, the State Board of Health requires that all school buildings “shall be kept clean and in good repair.”²⁹ Schools that provide food service must comply with the Washington State Retail Food Code.³⁰ The Food Code requires that plumbing systems used for food service be “maintained in good repair.”³¹

How is the school water supply addressed?

The State Board of Health requires that “the water supply system for a school shall be designed, constructed, maintained and operated in accordance with” state regulations governing public water supplies.³²

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

Under the Washington Food Code, water from a nonpublic supply such as a well must comply with state water quality regulations for public water supplies.¹

Nonpublic water supplies must be “sampled and tested at least annually and as required by state water quality regulations,”² and sampling reports must “be maintained as specified by state water quality regulations.”³

Are there any provisions relevant to water filters?

Yes, when filters are used for food service. The Food Code requires that water treatment devices used in food service areas such as water filters are made of safe materials and replaceable.⁴ 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.”⁵

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

Directive 16-06, discussed above, addressed a range of lead prevention programs and policies and directed the State Board of Health and the Office of Financial Management to “review and, if necessary, update” existing regulations related to lead exposure (see discussion of water quality testing in schools above) with an emphasis on implementation of such regulations.³³

Information Gathering Systems

¹ Wash. Admin. Code § 246-215-05115 (2017).

² Wash. Admin. Code § 246-215-05125 (2017).

³ Wash. Admin. Code § 246-215-05130 (2017).

⁴ Wash. Admin. Code §§ 246-215-05200(2), 246-215-05225 (2017).

⁵ Wash. Admin. Code § 246-215-05280 (2017).

Does Washington conduct a statewide school facilities inventory?

No. In 2014, the OSPI conducted its first statewide school facilities inventory in response to a court order and the need for comprehensive school building condition data for use by the state legislature.³⁴ No subsequent inventory was identified.

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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**

¹Wash. Admin. Code § 170-295-3160 (2017).

² Wash. Admin. Code § 2902.5.1 (2017).

³ Wash. Admin. Code § 170-295-3230 (2017).

⁴ Wash. Admin. Code § 170-295-5040(3) (2017).

⁵ State of Wash., Directive of the Governor 16-06 (May 2, 2016).

⁶ Wash. Admin. Code § 170-300-0005 (2017).

⁷ Wash. Admin. Code § 170-300-0235 (2) (2017) (eff. May 27, 2017).

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ Wash. Admin. Code § 170-300-0235 (1) (2017) (eff. May 27, 2017).

¹² Wash. Admin. Code § 170-300-0235 (3) (2017) (eff. May 27, 2017).

¹³ Id.

¹⁴ Id.

¹⁵ State of Wash., Directive of the Governor 16-06 (May 2, 2016).

¹⁶ Wash. Rev. Code Ann. § 39.34.030 (2017).

¹⁷ Wash. Admin. Code § 246-366-060(1) (2017).

¹⁸ Wash. Admin. Code § 2902.5 (2017).

¹⁹ Wash. Admin. Code § 2902.5.1 (2017).

²⁰ Wash. Admin. Code § 2902.5.2 (2017).

²¹ Wash. Admin. Code § 2902.5.4.1 (2017).

²² Wash. Admin. Code § 2902.5.4.2 (2017).

²³ Wash. Off. of the Superintendent of Pub. Instruction, Healthy Kids-Healthy Schools Grants, <http://www.k12.wa.us/SchFacilities/HealthyKids-HealthySchools/> (2017) (last accessed July 19, 2017).

²⁴ Id.

²⁵ Wash. State Bd. of Health, Primary and Secondary School Environmental Health and Safety Rule Revision, <http://sboh.wa.gov/Rulemaking/SchoolEnvironmentalHealthAndSafety> (2017) (last accessed July 19, 2017).

²⁶ Wash. Admin. Code § 246-366-060 (2017).

²⁷ Wash. Admin. Code § 246-366A-130 (2017) (eff. Aug. 2019); Wash. Admin. Code § 246-366A-135 (2017) (eff. Aug. 2019); Wash. Admin. Code § 246-366A-140 (2017) (eff. Aug. 2019).

²⁸ Wash. State Bd. of Health, Primary and Secondary School Environmental Health and Safety Rule Revision, <http://sboh.wa.gov/Rulemaking/SchoolEnvironmentalHealthAndSafety> (2017) (last accessed July 19, 2017).

²⁹ Wash. Admin. Code § 246-366-050 (Lexis Advance through the 17-11 Washington State Register dated June 7, 2017)

³⁰ Wash. Admin. Code § 246-366-130(1) (Lexis Advance through the 17-11 Washington State Register dated June 7, 2017)

³¹ Wash. Admin. Code § 246-215-05290 (2017); 2009 FDA Food Code 5-205.15 (2009).

³² Wash. Admin. Code § 246-366-060(2) (2017).

³³ State of Wash., Directive of the Governor 16-06 (May 2, 2016).

³⁴ Wash. Off. of the Superintendent of Pub. Instruction, Summary of the First Annual School Facilities Survey (Oct. 2014), <http://www.k12.wa.us/SchFacilities/Publications/default.aspx>.