



## DRINKING WATER IN CHILD CARE CENTERS & SCHOOLS MASSACHUSETTS 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 state child care center licensing, child care centers must “provide a source of sanitary drinking water located in or convenient to rooms occupied by children,” and “offer water to children at frequent intervals and upon request by children.”<sup>1</sup>

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

The Massachusetts Uniform Plumbing Code does not set minimum drinking fountain requirements for day care centers, but rather defers to state child care licensing requirements.<sup>2</sup> Licensing requirements do not expressly require drinking fountains. As a condition of licensing, providers are required to “provide a source of sanitary drinking water located in or convenient to rooms occupied by children.”<sup>3</sup>

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

Yes. As a condition of licensing, drinking fountains must be: “safe;”<sup>4</sup> maintained in “good repair;”<sup>5</sup> and monitored for cleanliness and disinfected at least daily.<sup>6</sup>

## **Water Quality**

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

No, there is no mandatory, routine water quality testing at the tap. Early education and child care facilities are eligible for voluntary technical assistance from the Commonwealth of Massachusetts to provide: lab analysis of samples taken at taps and water fountains used for drinking and cooking; assistance with identification of fixtures with lead and copper concentrations over Massachusetts’ lead and copper action levels; and guidance on possible remedial actions.<sup>7</sup> The lead action level used is 15 ppb.<sup>8</sup>

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

As a condition of licensing, child care centers that use a private water supply like a well must “provide evidence that any private well or water source has been inspected and approved” by the relevant local or state authorities.<sup>9</sup> Evidence of compliance with applicable water quality laws must be “updated upon renewal of a regular license,” and “programs using well-water to serve twenty-five or more people for at least 60 days each year require [state] DEP approval as small public water suppliers.”<sup>10</sup>

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

Licensed child care centers that prepare food on site are required to obtain a food service permit.<sup>11</sup> The Massachusetts Food Code requires that drinking water be from an approved source that is either a public water supplier that meets state and federal water quality laws or an approved private well.<sup>12</sup>

### **Are there food safety provisions relevant to water filters?**

Yes. Water filters used in food service areas are subject to the Massachusetts Food Code that requires water filters be made of safe materials; replaceable; serviced as per the manufacturer’s instructions or as necessary to avoid device failure based on local water conditions; and that records of filter maintenance be kept on file.<sup>13</sup>

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

Drinking water is not addressed.<sup>14</sup>

## **SCHOOLS**

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### **Access to Drinking Water**

#### **Does the state school nutrition policy address access to drinking water at no cost to students?**

Yes. Massachusetts state law requires that schools “make readily available plain, potable water to all students during the day, at no cost to the students.”<sup>15</sup>

#### **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. Massachusetts permits school districts to enter into cooperative purchasing agreements.<sup>16</sup>

### **What are the requirements for drinking fountains in school buildings?**

Educational buildings (K-12<sup>th</sup> grade) are required by the Massachusetts Uniform State Plumbing Code to have one “drinking water station with a drain” per 75 building occupants.<sup>17</sup> A drinking water station with a drain is defined as a “device equipped with a nozzle that when activated provides a stream of drinking water for either direct consumption or to allow filling of bottles. Said device is connected to the water distribution system, may chill and/or filter the water, and is connected to the sanitary drainage system.”<sup>18</sup> As such it includes traditional drinking fountains and bottle filling stations.

## **Water Quality**

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

During the 2017-2018 school year, schools are eligible for voluntary technical assistance from the Commonwealth of Massachusetts to provide: lab analysis of samples taken at taps and water fountains used for drinking and cooking; assistance with identification of fixtures with lead and copper concentrations over Massachusetts’ lead and copper action levels; and guidance on possible remedial actions.<sup>19</sup> The lead action level used is 15 ppb.<sup>20</sup>

The Massachusetts Department of Environmental Protection also administers a program pursuant to the federal Lead Contamination and Control Act whereby the agency requests that schools voluntarily conduct sampling for lead and copper every five years.<sup>21</sup>

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

According to the Massachusetts Department of Elementary and Secondary Education:

Pursuant to Mass. Gen. Laws c. 71, sec. 68, school committees, under the direction of municipal officials, are responsible for ensuring that school buildings are well-maintained for the use of students and other members of the school community. Proper maintenance of school buildings must include regular building health, safety, and fire inspections. These inspections are to be done on a prescribed timeline as determined by the city or town, unless otherwise directed by a state agency or another authority, for each building to which students have access.<sup>22</sup>

Routine school plumbing system maintenance would fall under this same general requirement.<sup>23</sup>

The Massachusetts Food Code also requires that schools with food service operations maintain their plumbing systems in good repair.<sup>24</sup>

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

Schools with an on-site well that serve a population of more than 25 people for 60 or more days per year are considered public water systems and must comply with Massachusetts drinking water requirements as administered by the Massachusetts Department of Environmental Protection.<sup>25</sup>

### **Are there food safety provisions relevant to water filters?**

Yes. Water filters used in food service areas are subject to the Massachusetts Food Code that requires water filters be made of safe materials; replaceable; serviced as per the manufacturer's instructions or as necessary to avoid device failure based on local water conditions; and that records of filter maintenance be kept on file.<sup>26</sup>

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

Drinking water is not addressed.<sup>27</sup>

## Information Gathering Systems

### Does Massachusetts conduct a statewide school facilities inventory?

Yes. The Massachusetts School Building Authority conducts a building condition survey of all occupied school buildings roughly every five years. The last surveys were conducted in 2016. The 2016 survey instrument included plumbing as part of its assessment of routine maintenance, and information about the water supply of buildings surveyed.<sup>28</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**

<sup>1</sup> 606 Mass. Code Regs. 7.12(13)-(14) (2017).

<sup>2</sup> 28 Mass. Code Regs. 10.10 (18)(e) (2017).

<sup>3</sup> 606 Mass. Code Regs. 7.12(13) (2017).

<sup>4</sup> 606 Mass. Code Regs. 7.07(1) (2017).

<sup>5</sup> Id.

<sup>6</sup> 606 Mass. Code Regs. 7.11(10) (2017).

<sup>7</sup> Mass. Executive Office of Energy and Environmental Affairs, Assistance Program for Lead in School Drinking Water (2017), <http://www.mass.gov/eea/agencies/massdep/water/drinking/testing-assistance-for-lead-in-school-drinking-water.html>.

<sup>8</sup> MassDEP, Sampling Fact Sheet for Lead and Copper for Schools and Childcare Facilities (rev. Oct. 2016), <http://www.mass.gov/eea/agencies/massdep/water/drinking/testing-assistance-for-lead-in-school-drinking-water.html>.

<sup>9</sup> 606 Mass. Code Regs. 7.07(4) (2017).

<sup>10</sup> Id.

<sup>11</sup> 606 Mass. Code Regs. 7.12(15) (2017).

<sup>12</sup> 1999 FDA Food Code 5-101.11 (Massachusetts has adopted the 1999 FDA Food Code with minor revisions to its water-related provisions).

<sup>13</sup> 1999 FDA Food Code 5-201.11; 5-202.15; 5-205.13.

<sup>14</sup> 105 Mass. Code Regs. 460.000 (2017).

<sup>15</sup> 105 Mass. Code Regs. 225.100 (2017).

<sup>16</sup> MASS. GEN. LAWS ANN. ch. 30B, §22 (2017).

<sup>17</sup> 28 Mass. Code Regs. 10.10 (Table 1).

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<sup>18</sup> 248 Mass. Code Regs. 10.03 (2017).

<sup>19</sup> Mass. Executive Office of Energy and Environmental Affairs, Assistance Program for Lead in School Drinking Water (2017), <http://www.mass.gov/eea/agencies/massdep/water/drinking/testing-assistance-for-lead-in-school-drinking-water.html>.

<sup>20</sup> MassDEP, Sampling Fact Sheet for Lead and Copper for Schools and Childcare Facilities (rev. Oct. 2016), <http://www.mass.gov/eea/agencies/massdep/water/drinking/testing-assistance-for-lead-in-school-drinking-water.html>.

<sup>21</sup> MassDEP, The Lead Contamination Control Act (LCCA): Frequently Asked Questions (March 2016), <http://www.mass.gov/eea/agencies/massdep/water/drinking/lead-and-other-contaminants-in-drinking-water.html#8>.

<sup>22</sup> Massachusetts Department of Elementary and Secondary Education, School Building Health, Safety, and Fire Inspections (Apr. 25, 2007), <http://www.doe.mass.edu/news/news.aspx?id=3406>.

<sup>23</sup> MASS. GEN. LAWS ANN. ch. 71, §68 (2017).

<sup>24</sup> 1999 FDA Food Code 5-205.15.

<sup>25</sup> MassDEP, *Is the Facility a Private or Public Drinking Water System?* (rev. July 2015).

<sup>26</sup> 1999 FDA Food Code 5-201.11; 5-202.15; 5-205.13.

<sup>27</sup> 105 Mass. Code Regs. 460.000 (2017).

<sup>28</sup> MSBA, *School Survey* (2016), [http://www.massschoolbuildings.org/programs/school\\_survey](http://www.massschoolbuildings.org/programs/school_survey).