



## DRINKING WATER IN CHILD CARE CENTERS & SCHOOLS

# NEW JERSEY

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 drinking water “available to all children.”<sup>1</sup> During lunch and dinner each child’s meal must include “milk, juice or water.”<sup>2</sup>

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

One drinking water facility per 100 occupants. Licensed child care centers are required to comply with applicable building codes.<sup>3</sup> The current New Jersey plumbing code, adopting the 2015 National Standard Plumbing Code, requires one drinking water facility per 100 occupants.<sup>4</sup> Drinking water facilities include drinking fountains, water coolers and water bottle filling stations.<sup>5</sup> In buildings with multiple floors, access to drinking fountains shall not exceed one vertical story.<sup>6</sup>

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

Yes. As a condition of licensing child care center drinking fountains must be washed and disinfected at least daily.<sup>7</sup>

## **Water Quality**

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

Yes. Effective March 2017, as a condition of licensing child care centers that receive water from a public community water system are required to conduct lead and copper testing of “all faucets and other sources used for drinking water or food preparation” and at least fifty percent of all other indoor water faucets.<sup>8</sup> Each child care center “shall provide documentation of water testing conducted by a laboratory certified by the Department of Environmental Protection.”<sup>9</sup> Testing is to be completed every 3 years upon the child care license renewal application.<sup>10</sup>

If testing reveals elevated levels of lead [15 ppb] or copper which pose risk of harm to children, the center shall:

- (1) Immediately discontinue use of all drinking water sources in the building;
- (2) Provide bottled water for drinking;
- (3) Provide bottled water for food preparation with approval from the local health official; and
- (4) Notify parents of the children in attendance at the center.<sup>11</sup>

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

At the time of the “initial application, any renewal application, relocation of an existing licensed center and, in the discretion of the Office of Licensing, any other time” child care centers must certify in writing that the center provides a potable water supply provided by a public community water system.<sup>12</sup>

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

As a condition of licensing, child care centers with a private water supply must provide potable water sampling results demonstrating compliance with applicable maximum contaminant levels for all contaminants required to be tested under the N.J. Safe Drinking Water Act (NJSDWA) including radiological contaminants.<sup>13</sup> Sampling must be conducted within three years of the date of a licensing application, “except nitrates and coliform, for which the sampling shall have been conducted within 90 days of submitting the application.”<sup>14</sup>

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

Yes, in food service areas. Where applicable, the New Jersey Food Code requires that water filters be made of safe materials and replaceable.<sup>15</sup>

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

Yes, at the discretion of the health department. New Jersey’s childhood lead poisoning prevention regulations authorize inspections of facilities like child care centers frequented by a child with lead poisoning.<sup>16</sup> New Jersey law includes water as a non-paint lead hazard that can be included in a follow-up environmental inspection to protect a poisoned child.<sup>17</sup> Depending upon the age of the child and the severity of the poisoning, local health departments may conduct water sampling in a facility where the affected child spends more than 10 hours per week.<sup>18</sup>

# 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. School districts are authorized by law to “make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available.”<sup>19</sup>

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

One drinking water facility per 100 occupants. School construction in New Jersey must comply with the state’s Uniform Construction Code.<sup>20</sup> The current New Jersey plumbing code requires one drinking water facility, per 100 occupants.<sup>21</sup> Drinking water facilities include drinking fountains, water coolers and water bottle filling stations.<sup>22</sup> In buildings with multiple floors, access to drinking fountains shall not exceed one vertical story.<sup>23</sup> In addition to complying with plumbing code standards, schools must ensure that preschool and kindergarten classrooms are equipped with a bubbler or water fountain.<sup>24</sup>

## Water Quality

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

Yes. All public schools must complete testing of all drinking water outlets for lead by July 13, 2017 and every six years thereafter.

The New Jersey Department of Education requires that all district boards of education “conduct lead sampling and analysis...in all drinking water outlets to which a student or staff member has or may have access, in each school facility, other facility, or temporary facility...as soon as practicable, but no later than July 13, 2017.”<sup>25</sup> Testing must be repeated every six years thereafter. The action level for lead in drinking water is 15 ppb.

Each district must have a sampling plan that includes a plumbing survey of each facility to identify “how water enters and flows through each facility, the types of plumbing materials used in the facility, such as the service line, piping, solder, fixtures, drinking water outlets where students or staff have or may have access, and point of use treatment, such as drinking water filters.”<sup>26</sup> Testing results are to be made publicly available on the district board of education’s website, and any elevated sampling results require written notification to parents and the Department of Education. The notification must describe actions taken to make alternate drinking water available to students and information regarding the health effects of lead. All district boards of education are required to retest all drinking water outlets, regardless of prior results, and must prioritize drinking water outlets with prior violations and those identified by the plumbing profile as a high risk for lead. Sampling is also required after any work to plumbing or service lines that may impact lead levels at a drinking water outlet.

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

Yes. As per the New Jersey Department of Education, school districts are to have written maintenance policies<sup>27</sup> so that “facilities and structures and parts thereof shall be maintained in a safe [and] healthy...condition,” and “maintained in good repair.”<sup>28</sup> In addition, in order to maintain a food service license school food service areas must maintain plumbing systems in “good repair.”<sup>29</sup>

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

The New Jersey Department of Education requires that “[d]istrict boards of education shall assure the availability of potable drinking water through sanitary means in school facilities or upon school grounds in accordance with the [NJSDWA]...and...[the] Planning and Construction Standards for School Facilities [requiring compliance with applicable plumbing codes].”<sup>30</sup>

School water supplies used for food service also are addressed in the New Jersey Food Code. Water from public and nonpublic water systems must meet the requirements of the NJSDWA and a record of the most recent sampling report must be maintained.<sup>31</sup>

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

Yes, in food service areas. Where applicable, the New Jersey Food Code requires that water filters be made of safe materials and replaceable.<sup>32</sup>

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

Yes, at the discretion of the health department. New Jersey’s childhood lead poisoning prevention regulations authorize inspections of facilities like schools frequented by a child with lead poisoning.<sup>33</sup> New Jersey law includes water as a non-paint lead hazard that can be included in a follow-up environmental inspection to protect a poisoned child.<sup>34</sup> Depending upon the age of the child and the severity of the poisoning, local health department may conduct water sampling in a facility where the affected child spends more than 10 hours per week.<sup>35</sup>

## **Information Gathering Systems**

### **Does New Jersey conduct a statewide school facilities inventory?**

School districts are required to submit a long range facilities plan to the State Department of Education every five years. The New Jersey Department of Education oversees long range facilities planning that includes submission by every school district in the state of a long range plan every five years. These plans focus on the educational adequacy of school facilities but are also supposed to report deficiencies that present an emergent health and safety concern.<sup>36</sup>

### **What information is gathered about school drinking water systems?**

As part of the New Jersey Department of Education's requirement that all schools test all drinking water outlets for lead, each district board of education is required to conduct a plumbing survey of each facility to identify:

- How water enters and flows through each facility
- The types of plumbing materials used in the facility, such as:
  - The service line
  - Piping
  - Solder
  - Fixtures
  - Drinking water outlets where students or staff have or may have access, and
  - Point of use treatment, such as drinking water filters.<sup>37</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> N.J. Admin. Code § 3A:52-6.3(a)(20) (2017).

<sup>2</sup> N.J. Admin. Code § 3A:52-6.3 (2017).

<sup>3</sup> N.J. Admin. Code § 3A:52-5.2(a) (2017).

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- <sup>4</sup> N.J. Admin. Code § 5:23-3.15 (2017) (adopting the 2015 National Standard Plumbing Code); 2015 Nat'l Standard Plumbing Code, Table 7.21.1 (2015).
- <sup>5</sup> 2015 Nat'l Standard Plumbing Code § 7.12 (2015).
- <sup>6</sup> 2015 Nat'l Standard Plumbing Code, Table 7.21.1 (2015).
- <sup>7</sup> N.J. Admin. Code § 3A:52-7.7 (a)(3)(ii) (2017).
- <sup>8</sup> N.J. Admin. Code § 3A:52-5.3(i)(5) (2017).
- <sup>9</sup> N.J. Admin. Code § 3A:52-5.3(i)(5) (2017).
- <sup>10</sup> N.J. Dept. of Env't'l Prot., Crosswalk for Lead Sampling in Schools and Child Care Centers (July 2017).
- <sup>11</sup> N.J. Admin. Code § 3A:52-5.3(i)(5) (2017).
- <sup>12</sup> Id.
- <sup>13</sup> Id.
- <sup>14</sup> Id.
- <sup>15</sup> N.J. Admin. Code § 8:24-5.2 (2017).
- <sup>16</sup> N.J. Admin. Code § 8:51-1.4 (2017).
- <sup>17</sup> Id.
- <sup>18</sup> N.J. Admin. Code § 8:51-4.2 (2017).
- <sup>19</sup> N.J. Stat. § **52:34-6.2(b)(3) (2017)**.
- <sup>20</sup> N.J. Admin. Code § 6A:26-6.1 (2017)
- <sup>21</sup> N.J. Admin. Code § 5:23-3.15 (2017) (adopting the 2015 National Standard Plumbing Code); 2015 Nat'l Standard Plumbing Code, Table 7.21.1 (2015).
- <sup>22</sup> 2015 Nat'l Standard Plumbing Code § 7.12 (2015).
- <sup>23</sup> 2015 Nat'l Standard Plumbing Code, Table 7.21.1 (2015).
- <sup>24</sup> N.J. Admin. Code § 6A:26-6.3(h)(10) (2017); N.J. Admin. Code § 6A:26-6.4(b)(7) (2017).
- <sup>25</sup> N.J. Admin. Code § § 6A:26-12.4(d) (2017).
- <sup>26</sup> Id.
- <sup>27</sup> N.J. Admin. Code § 6A:26-12.2 (2017).
- <sup>28</sup> N.J. Admin. Code § 6A:26-12.1 (2017).
- <sup>29</sup> N.J. Admin. Code § 8:24-5.2 (2017).
- <sup>30</sup> N.J. Admin. Code § 6A:26-12.4(b) (2017).
- <sup>31</sup> N.J. Admin. Code § 8:24-5.1 (2017).
- <sup>32</sup> N.J. Admin. Code § 8:24-5.2 (2017).
- <sup>33</sup> N.J. Admin. Code § 8:51-1.4 (2017).
- <sup>34</sup> Id.
- <sup>35</sup> N.J. Admin. Code § § 8:51-4.2 (2017).
- <sup>36</sup> N.J. Stat. § 18A:7G-4 (e) (2017).
- <sup>37</sup> N.J. Admin. Code § § 6A:26-12.4(d) (2017).