



What the **NEW Statute 145.9273** means for your Day Care Center.

In May of 2023, Statute 145.9273 was passed into law. This new law requires attention from licensed Day Care Centers to remain in compliance regarding safe drinking water.

The law requires 3 main components.

Planning - Documenting a plan to regularly test drinking water for the contaminant lead.

Testing & Remediation - Taking action on your plan and testing all fixtures used for consumption (drinking fountain, kitchen sink, sink used for formula preparation, etc.). If any test result is greater than 5ppb this would require remedial action.

Notification & Reporting - Once all testing is completed and every fixture is deemed safe, each center must notify staff and families that they have tested for lead and lab reports are accessible to them at any point. They will also need to report to The Minnesota Department of Health with their results and any remediation actions they had to take, if at all.

For further breakdown on the actual statute see below:

Who This Applies To

For purposes of this section, “licensed or certified child care provider” means a child care center licensed under Minnesota Rules, chapter 9503, or a certified license-exempt child care center under chapter 245H.

Planning

How it's written

By July 1, 2024, licensed or certified child care providers must develop a plan to accurately and efficiently test for the presence of lead in drinking water in child care facilities following either the Department of Health's document “Reducing Lead in Drinking Water: A Technical Guidance for Minnesota's School and Child Care Facilities” or the Environmental Protection Agency's “3Ts: Training, Testing, Taking Action” guidance materials.

What it means

By July 1, 2024 you must have in your documentations (whether this be a health & safety guidelines, a parent handbook, or other appropriate materials) a tangible plan on how you are going to carry out lead testing at your facility, following guidelines from The Minnesota Department of Health the Environmental Protection Agency. Your plan should focus on:

Testing Plan

- Where will you test from
- How often will you test
- What are the steps to sampling
- How will you get it tested
- What remediation steps you plan to take if you see an elevated level of lead
- How you will notify staff, families, and necessary officials of the results

Maintenance of Water Safety Management

- How to maintain water quality on a daily basis
- Flushing programs (if applicable)
- Maintaining plumbing devices and materials
- How to treat water after extended breaks

Testing & Remediation

How it's written

Subd. 2.Scope and frequency of testing. The plan under subdivision 1 must include testing every building serving children and all water fixtures used for consumption of water, including water used in food preparation. All taps must be tested at least once every five years. A licensed or certified child care provider must begin testing in buildings by July 1, 2024, and complete testing in all buildings that serve students within five years.

Subd. 3.Remediation of lead in drinking water. The plan under subdivision 1 must include steps to remediate if lead is present in drinking water. A licensed or certified child care provider that finds lead at concentrations at or exceeding five parts per billion at a specific location providing water to children within its facilities must take action to reduce lead exposure following guidance and verify the success of remediation by retesting the location for lead. Remediation actions are actions that reduce lead levels from the drinking water fixture as demonstrated by testing. This includes using certified filters, implementing and documenting a building-wide flushing program, and replacing or removing fixtures with elevated lead levels.



What it means

Where to test

You should look to test from every fixture that can be reasonable to assume a child would be consistently drinking from. Common fixtures include: kitchen sink (as this is used for food preparation), drinking fountains, classroom sinks where children get drinks from, and sinks used to prepare formula.

When to test

You must start testing by July 1, 2024. There are two ways you can manage the timing for your testing project. You can test all fixtures at once - then retest again in 5 years. Or you can stagger testing so you test only a handful of fixtures a year as long as each fixture is tested within

5 years. Regardless of how you space out your project each fixture is retested every 5 years.

If you have a high level of lead

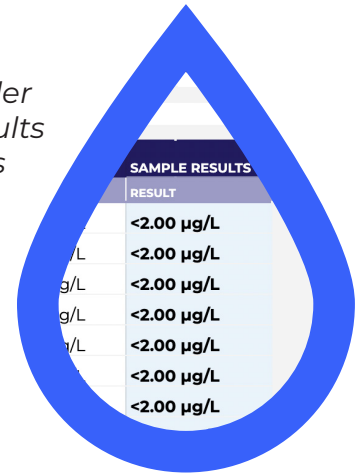
If any of the samples exceed the required threshold (5 parts per billion) - you will need to take remedial action at that fixture. You will need to be able to show through additional test results that the fixture is safe to drink from. There are a handful of ways to remedy the situation depending on your circumstances.

Notification & Reporting

How it's written

Subd. 4. Reporting results. (a) A licensed or certified child care provider that tested its buildings for the presence of lead shall make the results of the testing and any remediation steps taken available to parents and staff and notify them of the availability of results. Reporting shall occur no later than 30 days from receipt of results and annually thereafter.

(b) Beginning July 1, 2024, a licensed or certified child care provider must report the provider's test results and remediation activities to the commissioner of health annually on or before July 1 of each year.



| SAMPLE RESULTS | |
|----------------|------------|
| | RESULT |
| | <2.00 µg/L |
| | <2.00 µg/L |
| | <2.00 µg/L |
| | <2.00 µg/L |
| | <2.00 µg/L |
| | <2.00 µg/L |
| | <2.00 µg/L |

What it means

Once all testing is completed centers need to notify both staff and families as well as The Minnesota Department of Health.

Staff & Families - notification must be within 30 days of receiving results. You must make results and reports accessible. Each year you will need to notify families that you have results available, even if you did no testing that year.

The Minnesota Department of Health (MDH) - you will need to submit the results you received along with any remediation efforts that were needed before July 1, 2024. Each following year, you will need to submit results to MDH prior to July 1, regardless if additional testing has been carried out or not. At this moment, MDH does not have a set system in place to receive results. Hold onto your results for now and we will update you once we hear more information.

For More Information

If you would like additional information you can visit MDH's website at:

<https://www.health.state.mn.us/communities/environment/water/schools/childcare.html>

To see the full statute:

<https://www.revisor.mn.gov/statutes/cite/145.9273>

Ready to test?

We are a women-owned water laboratory with over 60+ years in business and **have analyzed over 50,000 school lead samples.** We'd be happy to help you with any of your testing needs - to further discuss please contact us through one of the ways below!

