



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

July 28, 2021

PIN 21-21-CCP

TO: ALL CHILD CARE CENTER LICENSEES

FROM: *Original signed by Kevin Gaines*
KEVIN GAINES
Deputy Director
Community Care Licensing Division

SUBJECT: **RELEASE OF THE WRITTEN DIRECTIVES FOR LEAD TESTING OF WATER IN LICENSED CHILD CARE CENTERS PER AB 2370**

AUTHORITY: Health and Safety Code Section 1597.16

Provider Information Notice (PIN) Summary

The purpose of PIN 21-21-CCP is to inform all licensed Child Care Center (CCC) licensees of the Written Directives that have been published in accordance with statutory requirements as it relates to the testing of lead in drinking water and food preparation water used at CCCs.

[Assembly Bill \(AB\) 2370, Chapter 676, Statutes of 2018](#), requires all licensed Child Care Centers (CCCs) constructed before January 1, 2010 to test their drinking water for lead contamination between January 1, 2020 and January 1, 2023, and then every 5 years after the date of the first test. This requirement does not apply to Family Child Care Homes.

[Health and Safety \(HSC\) Code section 1597.16](#) authorizes the Department to implement and administer procedures for lead testing at CCCs through written instructions until it adopts regulations under the Administrative Procedure Act.

This Provider Information Notice (PIN) contains Written Directives, issued by CDSS, which have the same force and effect as the regulations contained in Title 22 of the California Code of Regulations. This PIN also contains two required forms issued pursuant to HSC section 1597.16, which must be completed to fulfill the requirements set forth in the Written Directives. Links to the Written Directives and required forms may be found below (Press Control (ctrl) and right click on your mouse):

1. Written Directives
2. External Water Sampler Self-Certification Form ([LIC 9275](#))
3. Child Care Center Sampling Checklist Form ([LIC 9276](#))

Written Directives for Lead Testing in Child Care Centers:

Overview

- a) [Assembly Bill 2370, Chapter 676, Statutes of 2018](#), added [Health and Safety Code section 1597.16](#) requiring all licensed Child Care Centers constructed before January 1, 2010, test their water for lead between January 1, 2020 and January 1, 2023, and then every 5 years after the date of the first lead testing.
- b) Please see [Provider Information Notice \(PIN\) 20-01-CCP](#) for more information about lead toxicity prevention. For more information about certified faucets and filters, please see our CDSS Child Care Licensing Program [Lead Page](#).
- c) Drinking water outlets, particularly older faucets and bubblers, can be a common source of lead, as shown in this United States Environmental Protection Agency (EPA) [infographic](#). A lab with an accreditation from the California Environmental Laboratory Accreditation Program, known as an ELAP laboratory, is equipped to measure the amount of lead in a parts per billion (ppb) unit of measurement.
- d) **The requirement to test drinking water for lead is for Licensed Child Care Centers only. The following written directives do not apply to Family Child Care Homes.**

The Department acknowledges a long-term goal of reducing lead in Child Care facilities' drinking water to be as close to zero parts per billion (ppb) as possible.

Division 12, Chapter 1, Subchapter 5

101700 General

- (a) Effective July 28 2021, a Child Care Center, as defined in section 101152 of Title 22 of the California Code of Regulations, shall, in addition to the provisions of Division 12 of Title 22, be governed by these written directives.
- (b) All licensed Child Care Centers operating in buildings constructed before January 1, 2010, shall test their water for lead pursuant to these written directives.
- (c) For a license issued prior to July 1, 2022, initial testing results of water outlets described in section 101701 shall be received and posted prior to January 1, 2023.
 - (1) For a license issued on or after July 1, 2022, initial testing results shall be received and posted within 180 days of licensure.

- (d) Each water outlet identified in section 101701 shall be subsequently tested at least once every five years, calculated from the date of the most recent lead sampling.
- (e) The California Department of Social Services (Department), in partnership and consultation with the California State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW), and a diverse group of stakeholders, developed the following written instructions to implement lead testing in licensed child care centers. These instructions include action levels recommended by DDW.
- (f) The Department shall confer with the Division of Drinking Water, no less than every five years, to re-evaluate the Lead Action Level to support the goal of achieving zero ppb lead in Child Care Center drinking water.
- (g) In addition to these Written Directives, the following are documents necessary to implement required testing for lead in California's Child Care Centers:
 - (1) External Water Sampler Self-Certification Form ([LIC 9275](#))
 - (2) Child Care Center Sampling Checklist Form ([LIC 9276](#))

101700.1 Definitions

- (a)
 - 1) "30-second Flush Water Sample" means the sample that is collected at a select outlet after collection of all First-Draw Water Samples at all outlets have been completed. The select outlet must be flushed (have water running for a 30-second period) prior to the second sample collection.
 - 2) "Action Level" means a threshold that, when exceeded, triggers required responses. In this specific program, the Action Level for lead in drinking water is 5 ppb, or 5 micrograms of lead per 1 liter of water.
 - 3) "Action Level Exceedance" means that the amount of lead in the water exceeds the Action Level.
- (b) (Reserved)
- (c)
 - 1) "Certified External Water Sampler" means a water sampler who has met the requirements of the External Water Sampler Self-Certification Form ([LIC 9275](#)). A certified external water sampler is required to draw the water and submit the required 250 milliliter (ml) sampling water bottles to

an ELAP laboratory. Please see External Water Sampler Self-Certification Form ([LIC 9275](#)) for more information about certified external water samplers.

(d) (Reserved)

(e)

- (1) "ELAP Laboratory" means a laboratory certified by the California Environmental Laboratory Accreditation Program (ELAP) to measure contaminant levels in water.

(f)

- (1) "First-Draw Water Sample" means a sample collected from the water that first comes out of the tap after a period of inactivity.
- (2) "Flush" means to open a cold water tap to clear out a targeted portion of water. In this specific program, flushing is used to bring water that has been sitting in the plumbing system to the outlet for sampling. Flushing is also used to condition a replaced outlet prior to resampling and return to normal use.

(g) -(n) (Reserved)

(o)

- (1) "Outlet" means any faucet, fixture or other device that distributes water for human consumption at a Child Care Center.

(p)

- (1) "Plan of Correction (POC)" means a written plan that a Child Care Center must prepare by which licensees can communicate to the licensing agency and the public their intentions of bringing their facility into substantial compliance if it experiences an Action Level Exceedance, as defined elsewhere in these directives. The Plan of Correction for lead exceedances must include notification of parents and information about what has been done (their current response, such as water fixture put out of use, and bottled water provided) and remediation plans for all water outlets.
- (2) "ppb" means parts per billion is the same as micrograms per liter (ug/L), or 1 ppb = 1 microgram of lead per 1 liter of water.

(q) (Reserved)

- (r)
 - (1) "Remediation" means pollutant removal or mitigation activities. In this specific program, remediation efforts reduce the concentrations of lead delivered by the facility's outlets below the action level (e.g., outlet replacement). Also see response.
 - (2) "Response" means any type of activity outlined in a Child Care Center's Plan of Correction to address a Lead Action Level Exceedance.

- (s)
 - (1) "Stagnation" means water is not flowing or moving in the pipes. To assess whether lead is getting into water, stagnant water is sampled. In this specific program, the stagnation of water prior to testing must be between 8 and 18 hours.

- (t) - (u) (Reserved)

- (v)
 - (1) "Valve" means a mechanical device by which the flow of water may be started, stopped, or regulated by a movable part that opens, shuts, or partially obstructs one or more ports of passageway (e.g. angle stop).

- (w)
 - (1) "Water Bubbler" means an outlet connected to the water supply that provides water for drinking. The drinking water outlet supplies water in the form of a stream that flows upward.

101700.2 California's Minimum Reporting Limit

- (a) All testing of samples shall use an ELAP certified laboratory.

- (b) All testing of samples shall use EPA method 200.8, with a minimum reporting level (MRL) of 1 ppb.

- (c) All results of lead testing shall be posted on the California State Water Resources Control Board's [website](#).
 - (1) The Child Care Center shall direct the External Certified Water Sampler to work with an ELAP certified laboratory who will provide results of lead testing to the following:
 - (A) Electronically to the State Water Board.
 - (B) The Certified External Water Sampler (via email or paper).
 - (C) The licensed Child Care Center (via email or paper), if requested.

101700.3 California Lead Action Level at Child Care Centers

- (a) California's Action Level for lead in water at Child Care Centers is 5 ppb.
- (b) Testing results with fractional ppb readings of 0.5 ppb or greater shall be rounded up to the nearest whole number, before comparing to the Action Level.
 - (1) A result with values of 5.5 ppb or greater shall be deemed an Action Level Exceedance.
- (c) If testing indicates an Action Level Exceedance at any water outlet, the water from that outlet is deemed not safe to drink and an immediate response pursuant to section 101704 shall be required.

101700.4 The EPA Training, Testing, and Taking Action – 3Ts Testing

- (a) All water testing shall be done in accordance with the EPA's Training, Testing, and Taking Action (3Ts) program for reducing lead in drinking water in child care centers. For more information please visit the CDSS Child Care Licensing Program [Lead Page](#), the [DDW recommendations](#) for testing requirements, and section 101700.1 of these directives. A lab with current California Environmental Laboratory Accreditation Program ([ELAP accreditation](#)) shall be used for Child Care Centers testing.

101700.5 Certified External Water Sampler

- (a) Certified external water samplers shall be used to conduct the Child Care Center water collection. Certification is established by completing the External Water Sampler Self-Certification Form ([LIC 9275](#)) indicating that the certified external water sampler has the knowledge and experience to conduct water sampling. For more information about locating an external certified Water Sampler, please refer to the CDSS Child Care Licensing Program [Lead Page](#). Care Centers eligible for grant funding assistance will be provided a designated Water Sampler.
- (b) A completed External Water Sampler Self-Certification Form ([LIC 9275](#)), attesting to all of the following standards, shall be obtained from a certified external water sampler by a Child Care Center prior to conducting sampling described in these Written Directives.
 - (1) Review and fully understand the Environmental Protection Agency (EPA) 3Ts method outlined in these CDSS written directives.
 - (2) View and understand the [video](#) created by the Office of Water Programs (OWP) at Sacramento State University outlining the

procedures for a sampler testing Child Care Centers for lead in drinking water.

- (3) Ensure all samples are delivered to the testing laboratory as required for preservation.
 - (4) Conduct sampling using the 3Ts Module 5 as guidance.
 - (5) Relinquish all water samples and documentation to a laboratory that is accredited by the State of California Environmental Laboratory Accredited Program (ELAP), to perform Environmental Protection Agency Method 200.8 for lead in drinking water as required per chain-of-custody.
 - (6) Direct the ELAP lab to use a method reporting limit of 1 part per billion (ppb) for lead.
 - (7) Use 250-mL bottles to collect all water samples.
 - (8) Direct the lab to provide initial test results to three parties:
 - The External Certified Water Sampler (via email or paper)
 - The licensed Child Care Center (via email or paper), if requested
 - The SWRCB (electronically)
 - (9) Review and follow these CDSS Written Directives for water sampling and lead testing in Child Care Centers.
 - (10) Review the lab results for any errors, verify for accuracy, and inform the Child Care Center of any Action Level Exceedance.
- (c) With the exception of individuals who meet the employment requirements of subsection (d), a certified external water sampler shall meet one of the following requirements:
- (1) Shall have received water sampling training for the collection of lead in drinking water through a California water district within the last 36 months, or
 - (2) Shall hold a Baccalaureate or higher degree in engineering or science from an accredited institution of higher education, or
 - (3) Shall have at least one year of experience in water sampling.
- (d) A certified external water sampler who has not fulfilled the requirements described in subsection (c) shall be currently employed in at least one of the

following capacities:

- (1) A California Department of Public Health (CDPH) [Certified Lead Inspector/Assessor](#),
- (2) A CDPH [Lead Sampling Technician](#),
- (3) A Certified [Treatment or Water Distribution Operator](#) – lists are updated monthly on the California State Water Resources Control Board website.
- (4) An employee of an engineering firm, under the oversight of a California licensed Professional Engineer in Civil Engineering with at least one year of experience conducting water sampling.

101700.6 Grant Funding for Qualifying Child Care Centers

- (a) [Senate Bill 862, Chapter 449, Statutes of 2018](#) allocated \$5 Million to the State Water Resources Control Board for testing and remediation of lead in the drinking water of Child Care Centers based on the following criteria:

- (1) Those that serve children zero to five years of age, with the highest priority for Child Care Centers that provide care for children zero to three years of age.
- (2) Those that have 50 percent or more of their registered children who receive subsidized care.
- (3) Those that operate only one facility.

- (b) To determine a Child Care Center's eligibility for possible funding the Department will provide access to a link to an online eligibility form located on the Department's website and on Sacramento State's Office of Water Programs website.

- (1) A Child Care Center interested in financial assistance shall complete the eligibility form, which shall include instructions for completing and returning it, prior to receiving any grant funding for which it may qualify. To determine a Child Care Center's eligibility for possible funding, the provider will need to complete an [online eligibility form](#) available at [Office of Water Programs](#)' website.

101701 Preparation Prior to Water Sampling Appointment

- (a) Water sampling appointments cannot occur during extended breaks, vacations, holidays, or other shutdowns. Prior to sampling, all water outlets shall be evaluated to determine if testing is required pursuant to subsection (b).

- (1) All faucets, fountains, coolers, bubblers, bottle filling stations, and filtered water dispensers located on the exterior and interior of buildings, including those located in hallways, playgrounds, classrooms, and cafeterias, shall be evaluated to assure that all applicable water outlets are tested.
 - (2) If two or more drinking water outlets are located in the same sink, the most-used drinking water device, bubbler or faucet, shall be water sampled first.
- (b) All cold-water outlets, including single-handled faucets that dispense both hot and cold water, used for drinking and food preparation shall be tested pursuant to section 101702.
- (1) The hot water side of two-handled faucets and fountains shall not be tested, but the cold-water side shall be tested.
 - (2) The following chart reviews the areas to determine which outlets must have required water sampling:

What should be sampled?	Yes	No
Cold water faucets and fountains	X	
Hot water faucets and fountains		X
Cold water side of single-handle and dual-handle faucets that dispense both hot and cold water	X	
Large, industrial sinks designed and used for washing only		X
Ice makers		X
Handwashing only sinks		X
Filtered water dispensers	X	
Water dispensed by refrigerators	X	

- (c) All water outlets, including outlets that will not be sampled, shall be indicated on a facility map using [Facility Sketch \(LIC 999\)](#).
- (1) Each water outlet that must be sampled (as indicated on the chart in subsection (b)) shall be identified on the Facility Sketch (LIC 999) using a lettering system from A to Z. If there are more than 26 water outlets, the lettering shall be written using double letters after the first 26 single letters have been assigned. (e.g. X, Y, Z, AA, BB, etc.)

- (2) Child Care Center staff shall note on the Facility Sketch (LIC 999) the Point of Entry (POE) and Point of Use (POU) filters.
 - (A) POU filters only treat the water intended for direct consumption (drinking or food preparation), typically at a single tap or limited number of taps.
 - (B) POE filters are typically installed to treat all water entering a single home, business, school, or facility.
- (d) Each water outlet subject to water sampling shall be physically labeled with a legible sign or tag located near the outlet using the same letter system that corresponds to the Facility Sketch (LIC 999), as described in section (c).
 - (1) The same letter system shall be used during water sampling to label the 250 milliliter (ml) sample water bottles used for the corresponding outlet.
 - (2) The lettering system shall be used to communicate results to the Child Care Center staff and to the public.
 - (3) Water outlets that will not be sampled shall be labeled with a "Do Not Use" sign or similar identifier to ensure no water is used, prior to and during the sampling, according to the method described in these directives.
 - (4) All water outlets that require sampling shall be labeled clearly and written large enough to be photographed by the certified external water sampler during the sampling appointment.
- (e) A certified external water sampler shall be used to draw water samples from all water outlets that can be used for drinking or food preparation according to the method described in these directives.
- (f) At the time a water sampling appointment described in subsection (e) is made, the certified external water sampler shall be provided with a copy of the completed Facility Sketch (LIC 999) described in subsection (c), indicating the number and locations of water outlets to be tested.
- (g) Hot and cold-water handles, if not clearly marked, shall be identified and clearly marked prior to the water sampling.
- (h) Before the water sampling appointment, the Child Care Center must flush each water outlet (run for 30 seconds) that requires testing at least once in an 18-

hour period prior to testing, but no later than 8 hours before the appointment to allow for the required stagnation period.

- (i) After flushing, each drinking and cooking water outlet must be covered and labelled, using the system noted above in subsection (c), with a label on the wall closest to the outlet. This must be done the day prior to water sampling at the end of the day, after child care is over.
- (j) All water outlets that require testing pursuant to subsection (b), shall be taped and covered with a plastic bag by Child Care Center staff the evening prior to water sampling to ensure a stagnation period of 8 to 18 hours.
 - (1) On the bag used to cover the outlet, staff shall note the time the water outlet was covered, and an out-of-service sign shall be placed on the outlet.
- (k) No water in the building or grounds (both inside and outside) shall be used for at least 8 hours prior to the draw of the water samples.
 - (1) If the Child Care Center is located in a building with multiple tenants, the use of water within the control of the Child Care Center shall be eliminated for at least 8 hours prior to the draw of the water samples.
 - (2) There shall be no flushed toilets, watering of plants, or use of water in any other way for at least 8 hours prior to the water sampling appointment.
 - (3) There shall be no leaking or dripping faucets, fixtures, outlets, or toilets, and no water shall be flowing through the building service line or plumbing during the 8 to 18-hour stagnation period.
 - (4) If any water is used within 8 hours prior to the scheduled testing, the certified external water sampler appointment shall be canceled and rescheduled.
 - (5) Automated sprinklers that are set to run at night shall be turned off the night prior to water sampling if they are scheduled to run within the 8-hour stagnation window.
- (l) All angle stops, shutoff valves, and similar devices on the supply line providing water to drinking or food preparation water outlet locations shall be left in a normal state of operation prior to water sampling.

- (m) Devices located anywhere along the supply line to each drinking water outlet shall not be modified, opened, or closed during the required 8 to 18-hour stagnation period.

101702 Instructions During Water Sampling Appointment

- (a) The certified external water sampler shall be provided a copy of the (Facility Sketch (LIC 999), which shall correspond to the physical labels marked near each water outlet as described in section 101701, at the commencement of the testing appointment.

- (b) No water shall be used, including no toilets flushed, during the sampling and until the certified external water sampler has completed sampling.

- (c) After all cold water drinking and food preparation water outlets have had water drawn for testing, the certified external water sampler shall collect a single 30-second Flush Water Sample.

- (1) The 30-second flush sample shall be labeled with the facility number followed by the fixture's designated letter and the number "30" (e.g. "A30", "B30", or "X30"etc.).

- (d) If sampling is not completed prior to children and parents or authorized guardians arriving at the facility, the appointment shall be discontinued and rescheduled to collect the remaining samples.

- (e) Child Care Center staff shall complete the Child Care Center Sampling Checklist Form ([LIC 9276](#)) to ensure correct steps were followed for water sampling.

- (f) The Child Care Center Sampling Checklist Form ([LIC 9276](#)) shall be completed, signed and dated by the Child Care Center staff and the certified external water sampler upon completion of the water sampling.

101703 Post -Testing Requirements and Information

- (a) A fully completed, and signed as applicable, copy of the following documents shall be sent to the LPA within 2 weeks of the completed sampling date:

- (1) External Water Sampler Self-Certification Form ([LIC 9275](#)) for certified external water samplers.
 - (2) Facility Sketch (LIC 999) fully labeled with the locations of all water outlets, including outlets that will not be sampled.
 - (3) Child Care Center Sampling Checklist Form ([LIC 9276](#)).

- (b) Upon receiving testing results from the ELAP lab, the Department shall notify the Child Care Center licensee and provide the testing results. Licensees shall post testing results, in a location consistent with the requirements of subsection (b) of section 1596.8595 of the Health & Safety Code, for parents and families to view at the facility within 24 hours of receiving the results from the Department.
- (c) If all of the ELAP lab results indicate that the levels of lead are at or below the Action Level, no further action shall be required until the next 5-year testing cycle.
- (d) Upon notification that water testing results indicate that the facility has an Action Level Exceedance, photos identifying all water outlets labeled and corresponding to the Facility Sketch (LIC 999) must be sent to the LPA as soon as possible, and not later than one week from the date of the Action Level Exceedance notification.
- (e) If the water testing results indicate that the facility has an Action Level Exceedance, an immediate response shall be required pursuant to section 101704, which may include remediation.

101704 Lead Action Level Exceedance Response Requirements

- (a) If a drinking water outlet test results in an Action Level Exceedance, the use of that outlet for drinking and food preparation purposes shall immediately cease until it is replaced and retested pursuant to section 101705 and returns a result at or below the Action Level.
 - (1) If all outlets return an Action Level Exceedance result, an alternative water source shall be provided before care is provided at the facility.
- (b) The Child Care Center shall develop Plan of Correction (POC) pursuant to these written directives within 10 business days of receiving test results indicating an Action Level Exceedance response. Any corrective action will be done through a POC.
 - (1) The POC shall detail the necessary steps to either permanently cease use of the outlet for drinking and food preparation or remediate by replacing the outlet.
 - (2) Failure to adhere to a POC, including but not limited to the use of an outlet for drinking or food preparation prior to corrective action water sampling, shall be cited as a serious deficiency as described in Title 22 section 101195 of the California Code of Regulations.

- (3) The Child Care Center's POC shall include notification to all parents or guardians, that includes information about what has been done to date (e.g. which water outlets have been put out of use, the provision of bottled water, etc.) and any remediation planned for water outlets.

101705 Follow-up Corrective Action Water Sampling

- (a) Water outlets that have been replaced as part of Plan of Correction (POC) pursuant to section 101704 shall be conditioned, as described in subsection (b), to the water at the facility, sampled, and return a result at or below the Action Level prior to using the outlet for drinking or food preparation.
 - (1) Corrective action water sampling performed pursuant to this section shall be subject to the preparation, posting, and POC requirements of sections 101701, 101703, and 101704.
- (b) To condition the outlet, a replacement outlet shall be turned on for at least 30 seconds, at least four times a day, for at least three weeks prior to follow-up water sampling.
 - (1) If sampling does not occur at the end of three weeks of flushing, the Child Care Center shall continue flushing the replacement outlet daily until the day prior to sampling.
 - (2) The Child Care Center shall track the flushing process on a sheet posted next to the new outlet, and to keep the tracking sheet on file.
- (c) After completing the conditioning steps identified above, and following an 8 to 18-hour stagnation period, a certified external water sampler shall collect the following from each such outlet that has been replaced:
 - (1) One 250 ml first draw sample, and
 - (2) A 30-second Flush Water Sample (also 250 ml) must occur at every outlet after the initial water samples are collected.
- (d) If sampling more than one outlet, the sampler shall initially collect all the first draw samples, then proceed with collecting the 30-second Flush Water Samples from each retested outlet.
- (e) The certified external water sampler shall be provided with a copy of the Facility Sketch (LIC 999), which shall correspond to the physical labels marked near each resampled outlet as described in section 101701, at the start of the corrective action water sampling appointment.

- (f) If corrective action water sampling is not completed prior to children and parents or authorized guardians arriving at the facility, the appointment shall be discontinued and rescheduled to collect the remaining samples.
- (g) Child Care Centers staff shall complete the Child Care Center Sampling Checklist Form ([LIC 9276](#)) to ensure correct steps were followed for corrective action water sampling.
- (h) Child Care Center Sampling Checklist Form ([LIC 9276](#)) shall be signed and dated by the Child Care Center staff and the certified external water sampler upon completion of the corrective action water sampling.
- (i) A fully completed and signed copy of the following documents shall be sent to the LPA within 2 weeks of the completed sampling date:
 - (1) External Water Sampler Self-Certification Form ([LIC 9275](#)) if a different sampler is used from the initial testing.
 - (2) Child Care Center Sampling Checklist Form ([LIC 9276](#)).
 - (3) If applicable, an updated Facility Sketch (LIC 999) outlining modifications made prior to the Corrective Action Water Sampling (e.g. added a POU filter).

Resources:

If you have any questions, please email CCCWaterTesting@dss.ca.gov, or contact your [Local Regional Office](#). Lead testing resources and information can be accessed at the CDSS Child Care Licensing Program [Lead Page](#).

To register to receive Quarterly Updates and PINs for one or more programs through our licensing website, select "[Receive Important Updates](#)", enter your email address and choose which program(s) you would like to subscribe to and click "subscribe."