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CHILDREN'S ENV HLTH BRANCH
EHSS-2728 CAPITAL BLVD
INTEROFFICE

MEMORANDUM

TO: Local Health Directors

FROM:  Ed Norman, Program Supervisor
Children's Environmental Health Branch

SUBJECT: An Act To Enhance And Improve Child Care In North Carolina

As many of you may be aware Senate Bill 929 "An Act To Enhance And Improve Child Care In North Carolina", was adopted during the most recent legislative session and was signed into law on September 16, 1997. This law is now in effect and supersedes certain requirements of the existing Child Day Care Sanitation administrative rules (15A NCAC 18A .2800). I have since spoken with the Attorney General's Office regarding the new law's impact on sanitation inspection and plan review for child care centers. This policy memorandum is intended to address the interim period until administrative rules can be amended and the gradesheet revised.

The most notable provisions of the new law are highlighted below; the first of which allows for the use of domestic kitchen equipment in all child care centers regardless of size or the number of meals served, and reads as follows:

"The Commission for Health Services shall allow child care centers to use domestic kitchen equipment, provided appropriate temperature levels for heating, cooling, and storing are maintained."

It continues to be the policy of the Children's Environmental Health Branch that child care centers licensed for or serving meals to 30 or more children should use commercial kitchen equipment (as is indicated in 15A NCAC 18A .2810). However, under the new law the child care operator must be allowed the option of using domestic kitchen equipment. Adequate capacity for refrigeration, heating, hot storage and dishwashing (including dirty and clean drainboard space) are critical for maintaining required temperatures, and capacity needs may be significantly greater when using domestic kitchen equipment. Specific sizing guidelines for domestic vs. commercial equipment will be considered during the administrative rule making process. Until rules are formally adopted, Joseph Salvato's text, "Environmental Engineering and Sanitation," and the Food and Drug Administration's Plan Review manual are two resources for determining capacity requirements (based on the number of meals served) for proposed and expanding child care centers.

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When inspecting child care centers please be aware that points should not be deducted on items 07 and 08 of the gradesheet for the absence of commercial equipment unless temperature requirements are not maintained. Other factors that don't necessarily differentiate between domestic versus commercial equipment, such as having a two versus a three compartment sink, must also be considered.

“Child care centers that fry foods shall use commercial hoods.”

This requirement is even more problematic since our current rules do not address ventilation systems and will require building inspection involvement. When reviewing plans for child care centers be aware that the new law requires either commercial hoods or a fry-free menu. As a practical matter, the absence a commercial hood when required should be marked under item 08. Until the gradesheet is revised to reflect the intent of the new law, this is still a four point item.

“Organizations that provide prepared meals to child care centers only are considered child care centers for the purposes of compliance with appropriate sanitation standards.”

Although this provision is not entirely new, it has been expanded to include all organizations rather than just those that are nonprofit and tax exempt. Of course, if these organizations sell food they are also considered food establishments and must be permitted as such, and should be inspected as both child care centers and food establishments. However, the food establishment permit must be conditioned to only allow food sales to child care centers (no sales to the general public) as these organizations are allowed to use domestic kitchen equipment.

I appreciate in advance your concerns over the impact of this new law and request your assistance in drafting rules to address these new provisions. Please call me at (919) 715-3293 if you have any further questions or recommendations.

cc: Linda Sewall
Michael Rhodes
Susan Grayson
John Barkley
EHSS Standard Distribution List

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