

July 12, 1999

MEMORANDUM OF UNDERSTANDING

TO: Local Health Directors
FROM: Ed Norman, Division of Environmental Health (DENR)
Anna Carter, Division of Child Development (DHHS)
SUBJECT: Lead Poisoning Hazards in Child Care Facilities

New Child Care Center:

1. If during a prelicensing visit the presence of chalking, peeling or flaking paint is detected in a building built prior to 1978, the local Environmental Health Specialist or Child Care Consultant shall make a referral to the local authorized agent for an environmental lead investigation.
2. If a lead poisoning hazard is identified, the Division of Child Development, in consultation with the local Environmental Health Specialist, will determine the type of permit, if any, to be issued.

Existing Child Care Center or Change of Ownership:

1. If during a sanitation inspection the presence of chalking, peeling or flaking paint is detected in a building built prior to 1978, the local Environmental Health Specialist shall make a referral to the local authorized agent for an environmental lead investigation. If a Child Care Consultant detects paint that is chalking, flaking or peeling at any time, in a center built prior to 1978, she or he shall also make a referral to the local authorized agent for an environmental lead investigation.
2. If a lead poisoning hazard is identified, the local health department shall notify parents of children attending the center that all children should receive a blood lead test. At this point the Division of Child Development shall either:
3.
 - A. **Issue a written warning** if the center has a remediation plan in process, or
 - B. **Take other administrative action**, which could include license revocation, if remediation is not possible or if the operator refuses to take action.
4. Once a lead poisoning hazard has been identified, the local Environmental Health Specialist, at the next routine sanitation inspection, shall deduct a six point demerit on items #41 and/or #54 of the gradesheet if the hazards have not been remediated.
5. If a lead poisoning hazard is identified and at least one child is identified with confirmed lead poisoning, a provisional license shall be issued depending on length of time needed to complete remediation. If remediation is not possible or if the operator refuses to take action, then the Division of Child Development shall take administrative action which could include summary suspension or revocation of the license. In addition, the local health department shall notify parents of children attending the center that all children are required to receive a blood lead test. DENR also requires remediation when a child is identified with confirmed lead poisoning.

Family Child Care Home:

1. If during a visit to a family child care home, the presence of chalking, peeling or flaking paint is detected in a home built prior to 1978, the Child Care Consultant can request an environmental lead investigation by the local authorized agent.
2. If lead poisoning hazards are identified, the local health department shall notify parents of children attending the home that all children should receive a blood lead test. At this point the Division of Child Development shall either:
 - A. **Not issue a license** (if found during an initial assessment visit), or
 - B. **Issue a written warning** if the home has a remediation plan in process, or
 - C. **Take other administrative action**, which could include license revocation, if remediation is not possible or the operator refuses to take action.
3. If lead poisoning hazards are identified and at least one child is identified with confirmed lead poisoning, a provisional license shall be issued depending on the length of time needed to complete remediation. If remediation is not possible, or if the operator refuses to take action then the Division of Child Development shall take administrative action, which could include summary suspension or revocation of the license. In addition, the local health department shall notify parents of children attending the center that all children are required to receive a blood lead test. DENR also requires remediation when a child is identified with confirmed lead poisoning.

DENR does not require remediation in either child care centers or family child care homes unless a lead poisoning hazard is identified and a child is also found to have confirmed lead poisoning based on G.S. 130A-131.9C; however, the Division of Child Development does require remediation in all cases where lead poisoning hazards are identified based on Child Care Rules 10 NCAC 3U .0601 and 10 NCAC 3U .1719, which require a safe indoor and outdoor environment for children in care. The local authorized agent, in conjunction with the Regional Environmental Health Specialist, will review and approve or deny remediation plans (acceptable to DENR standards) as well as verify remediation in all situations described in this memorandum.

Please contact Ed Norman at (919) 715-5381 if you have any further questions regarding the role of local Environmental Health Specialists or Anna Carter at (919) 662-4527 if you have questions regarding the role of Child Care Consultants.

cc: Child Care Consultants
Local Authorized Lead Agents