

**NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES**

**DIVISION OF ENVIRONMENTAL HEALTH**

**MICHAEL F. EASLEY, GOVERNOR  
WILLIAM G. ROSS JR., SECRETARY  
TERRY L. PIERCE, DIRECTOR  
BART CAMPBELL, SECTION CHIEF**



November 15, 2005

**MEMORANDUM**

**TO:** Dennis Salmen, Environmental Health Program Manager  
Mecklenburg County Health Department

**FROM:** Alan Huneycutt, Regional Environmental Health Specialist  
Children's Environmental Health Branch

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

**SUBJECT:** Child Care Center Areas Subject to Sanitation Inspection

This memo is in response to your letter requesting clarification of areas in a licensed child care center that are subject to sanitation inspection. The terms licensed space, non-licensed space, primary space, non-primary space, and auxiliary space are terms used by the [Division of Child Development](#) (DCD) for purposes not necessarily applicable to sanitation inspections. After consulting with the Attorney General's Office and DCD representatives, it was determined that the areas designated on the floor plan diagram are to be inspected for sanitation purposes.

Floor plans can either be on a DCD-developed form that is drawn by the child care licensing consultant, or may be on a diagram drawn by the provider. In either case, the Environmental Health Specialist (EHS) needs to look for the [written name](#), signature, or initials of the licensing consultant to determine that it is the approved floor plan. [The EHS can get a copy from either the operator or from DCD by calling the local child care licensing consultant.](#) A copy of the floor plan should be kept on file at the local health department.

In addition to areas designated on the floor plan diagram, the following areas must also be included in the sanitation inspection:

- Food preparation and service areas used to meet the requirements in 15A NCAC 18A .2810 (including permitted school lunchrooms that serve a school-based center located on the same campus if the lunchroom is used to meet kitchen equipment requirements);
- Areas used for child care center storage space;
- Non-community water supply wells serving the child care center;
- On-site wastewater treatment systems;
- Outdoor learning environments and premises;
- Solid waste storage areas and can cleaning facilities;
- Swimming and wading pools;
- Areas with potential or identified lead poisoning hazards accessible to children;
- Areas in use by the child care center at the time of inspection; and
- Routes (e.g., hallways) used to access areas on the floor plan diagram.

Dennis Salmen  
November 15, 2005  
Page 2

If dangerous conditions are observed in any area, including areas not subject to inspection, the dangerous conditions should be documented on the comment addendum form and the Division of Child Development should be immediately notified by verbal contact.

Please contact me at (704) 895-2737 or Ed Norman at (919) 715-3293 if you have further questions.

***Reference:***



Peter E. Safir, Director  
MECKLENBURG COUNTY  
Health Department  
(704) 336-4700

January 14, 2004

To: Alan Huneycutt  
Childrens Environmental Health Branch (CEHB), NC DENR

From: Dennis Salmen  
Environmental Program Manager

Re: Child Care Centers and Primary/Home-Based Space Designations

Mecklenburg County has a large number (91) of After School Enrichment Programs (ASEP) in the Charlotte-Mecklenburg School System which are licensed child care centers. Recent child care sanitation inspections of many of these ASEPs has resulted in the School System inquiring as to why we are evaluating licensed space areas which are not classified as "Primary" or Home-Based". The areas in child care centers in which we perform sanitation inspections is determined by the areas for which the center is licensed, not the areas which are designated as primary or home-based. This is true for all licensed child care centers regardless of whether they are public or private, profit or non-profit.

Recently, our local school system has implemented a new trend which has accentuated this concept of 'primary space' which, until 4 months ago, had never been an issue for us in a licensed center in our county. In last 2 years, many new licenses issued in new or existing school buildings have had entire wings or the entire school licensed. Among other reasons, it gives the individual schools/principals discretion in moving licensed programs to different rooms or areas on little or no notice. Since the schools are generally getting licensed for only 100 children, it is not being done to increase licensing numbers to care for more children.

When the School System embarked on this back in Spring 2002, we advised the local ASEP program that greatly expanding licensed space would increase inspection area, would likely increase potential for ASEPs in pre-1978 school buildings to lead-based paint hazard exposure, and would hold schools, principals, and ASEP directors responsible for larger areas regulated by child care sanitation rules. The recent child care inspections referenced above have resulted in several Provisional classifications in school ASEPS **primarily because the licensed areas are greatly expanded** and management of items, ranging from hazardous material storage to excessive hot water temperatures at lavatories, has been inadequate.

We have advised the School System that our current policy does not just monitor 'primary' or 'home-based' space. The reasons for this include:

1. Children can be moved in and out of these with little or no notice and our experience is that many areas in school buildings do not meet minimum child care sanitation rules, be it hot water temperature maximums, hazard storage, etc. When children are moved in and out of these areas, local health departments are not notified.
2. Our experience with the local School System is that many site coordinators(directors) don't know where all the licensed space is nor do they have the authority to direct school staff in these 'non-primary', licensed areas to comply with child care sanitation rules. Our oversight of these 'licensed' areas seems to be the only way in which compliance is attained in these areas.
3. Our monitoring of these 'non-primary' licensed areas ensures the areas met minimum standards when children are cared for in them. If these areas were never monitored until children were moved there, many would likely receive violations, some resulting in Provisional classifications, because **no one ever monitored the area to see that "that old bathroom off classroom #312 is now a chemical/cleaner storage room"**. Our proactive approach (vs. the former reactive one) makes this less likely to happen.
4. If a unique inspection system were implemented for "Primary" Space in schools, a similar system would have to be put in place in all other child care settings regulated under NC G.S. 110 and our rules. Every child care facility would have to document, in a written fashion verifiable with the Division of Child Development, where their primary and non-primary space was located before a sanitation inspection could be performed. Creating a unique designation/ exception just for licensed public school programs would neither be fair or ethical. The child care industry needs to have a comfort level that we are treating all licensees the same.

I would request that CEHB develop a proposed policy on this issue and submit it for comment/review to local Health Departments, the Division of Child Development (DCD), and possibly, the Department of Public Instruction. We have shared our position with the local DCD staff and will likely solicit input on this from the local Child Care Associations and other child advocacy groups.