

**RULES GOVERNING
THE SANITATION OF
CHILD CARE CENTERS
15A NCAC 18A .2800**

**North Carolina Department of Health and Human Services
Division of Public Health
Environmental Health Section**

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All Environmental Health Rules may be accessed online at:
<http://ehs.ncpublichealth.com/rules.htm>

SECTION .2800 - SANITATION OF CHILD CARE CENTERS

15A NCAC 18A .2801 DEFINITIONS

The following definitions shall apply in regards to child care centers throughout this Section:

- (1) "Adequate" means determined by the Department to be of sufficient size, volume, or technical specifications, to effectively accommodate and support the planned, current, or projected workloads for a specified operational area.
- (2) "Approved" means determined by the Department to be in compliance with this Section.
- (3) "Communicable Condition" means the state of being infected with a communicable agent but without symptoms.
- (4) "Communicable Disease" means any disease that can be transmitted from one person to another directly, by contact with excrement, other body fluids, or discharges from the body; or indirectly, via substances or inanimate objects, such as contaminated food, drinking glasses, toys or water; or via vectors, such as flies, mosquitoes, ticks, or other insects.
- (5) "Department" or "DENR" means the North Carolina Department of Environment and Natural Resources. The term also means the authorized representative of the Department.
- (6) "Designated Emergency Medication" means any medication used or needed for the immediate recovery from a potentially life-threatening event.
- (7) "Disinfecting Solution" means a solution containing 500 to 800 parts per million (ppm) of chlorine. A disinfecting solution can be made by mixing a solution of one-quarter cup (2 fluid ounces) household liquid chlorine bleach with one gallon of tap water (or one tablespoon of liquid household bleach in one quart of water) and prepared fresh daily. In addition, products registered with the U.S. Environmental Protection Agency as hospital grade germicides or disinfectants or as disinfectants for safe use in schools, child care centers, institutions or restaurants are also approved disinfectants, provided the manufacturer's Material Safety Data Sheets are kept on file at the child care center and the instructions for use are followed.
- (8) "Division of Child Development" means the child care licensing agency in the N.C. Department of Health and Human Services.
- (9) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
- (10) "Food Preparation" means the handling of foods or utensils in the preparation of meals, including opening and closing of baby bottles, baby food jars and cereal boxes, as well as the opening and closing of any other food items intended for the assembly of ingredients for human consumption.
- (11) "Food Service" means the distribution of prepared foods for consumption, including those food items prepared at the child care center; received by the center from approved food establishments; milk placed in a pitcher or other serving container; ice transported, stored and dispensed; bagged lunches sent from home; and the use of utensils to minimize direct food contact.

- (12) "Frying" means to cook over direct heat in hot oil or fat. This includes the oil or fat that is generated by the food or added to the cooking utensil.
- (13) "Hermetically Sealed" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.
- (14) "Household bleach" means bleach sold in concentrations that are intended for household use, and not industrial applications. Household bleach is sold in retail stores at strengths of 5.25 percent hypochlorite (regular strength bleach) solution and 6.00 percent hypochlorite (ultra strength bleach) solution.
- (15) "Lavatory" means a sink that is equipped with hot and cold water under pressure for the primary purpose of handwashing.
- (16) "Multi-Service Articles" means tableware, including flatware and hollowware that are designed, fabricated, and intended by the manufacturer to be washed, rinsed, sanitized, and re-used.
- (17) "Multi-Use Articles" means bulk food containers and utensils designed, fabricated, and intended by the manufacturer to be washed, rinsed, sanitized, and re-used. The term includes food storage containers, beverage pitchers, serving spoons and bowls, tongs, and spatulas. The term does not include multi-service articles as defined in this Rule.
- (18) "Potable Water" means water from an approved source which is suitable for drinking.
- (19) "Potentially Hazardous Food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat-treated food of animal origin, raw seed sprouts, and heat-treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity value of 0.85 or less.
- (20) "Putrescible Materials" means materials likely to rot or putrefy, such as fruit, vegetables, meats and dairy products.
- (21) "Sanitary Sewage System" means a complete system of sewage collection, treatment, and disposal and includes septic tank systems, connection to a public or community sewage system, sewage reuse or recycle systems, or mechanical or biological treatment systems.
- (22) "Sanitizing Solution" means a solution containing 50 to 200 parts per million (ppm) of chlorine. A sanitizing solution can be made by mixing a tablespoon of liquid household chlorine bleach with one gallon of water and prepared fresh daily.
- (23) "School Age" means any child who is at least five years old on or before October 16 of the current school year and who is attending, or has attended, a public or private grade school or kindergarten; or any child who is not five years old and will not be five years old on or before October 16 of that school year, but has been attending school during that school year in another state in accordance with the laws or rules of that state before moving to and becoming a resident of North Carolina; or any child who is at least five years old on or before April 16 of the current school year, is determined

by the principal of a school to be gifted and mature enough to justify admission to the school and is enrolled no later than the end of the first month of the school year.

- (24) "Single-Service Articles" means tableware, including flatware and hollowware, carry-out utensils and other items such as bags, containers, stirrers, straws, toothpicks, and wrappers that are designed, fabricated and intended by the manufacturer for one-time use.
- (25) "Single-Use Articles" means bulk food containers and utensils intended by the manufacturer to be used once and discarded. The term includes formed buckets, bread wrappers, pickle barrels, and No. 10 cans. The term does not include single-service articles as defined in this Rule.
- (26) "Tempered Water" means water that is between 80°F and 110°F.
- (27) "Utensils" means any kitchenware, tableware, glassware, cutlery, containers or other equipment that food or drink comes in contact with during storage, preparation or serving.
- (28) "Work Surfaces" means the following locations in the kitchen: food service areas; stove top surfaces; food preparation surfaces; utensil and dishwashing areas; surfaces used for air drying; drain boards; and counter top surfaces. In child care rooms, work surfaces include food preparation areas, diaper changing surfaces, counter top surfaces, children work tables, desks and easels.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. March 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.

15A NCAC 18A .2802 APPROVAL OF CONSTRUCTION AND RENOVATION PLANS

- (a) Plans drawn to scale and specifications for new child care centers shall be submitted to the local health department for review and approval prior to initiating construction. Plans drawn to scale and specifications for changes to building dimensions, kitchen specifications, or other modifications to existing child care centers shall also be submitted to the local health department for review and approval prior to construction. Plans drawn to scale and specifications for prototype "franchise" or "chain" child care centers shall be submitted to DENR, Division of Environmental Health, Environmental Health Services Section, Children's Environmental Health Branch. When requested by an operator of a center or by the Secretary of the Department of Health and Human Services, the local health department shall visit or inspect an existing or proposed center, within 30 days of the request, to determine compliance with this Section.
- (b) Review of the plans by the local health department or the Environmental Health Services Section shall be based on the requirements of this Section.
- (c) Construction and modifications shall comply with the approved plans.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
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Amended Eff. April 1, 1999;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. January 1, 2006; April 1, 2001.

15A NCAC 18A .2803 HANDWASHING

(a) Child Care operators shall instruct employees that handwashing is the single most important line of defense in preventing the transmission of disease-causing organisms. Employees shall wash hands upon reporting for work; before and after handling food; before bottle feeding or serving to other children; before handling clean utensils or equipment; after toileting or handling of body fluids (e.g., saliva, nasal secretions, vomitus, feces, urine, blood, secretions from sores, pustulant discharge); after diaper changing; after handling soiled items such as garbage, mops, cloths and clothing; after being outdoors; after handling animals or animal cages; and after removing disposable gloves. The use of hand sanitizing products does not replace the requirement for handwashing. However, except for diapering, food preparation, and food service, hand sanitizing products may be used in lieu of handwashing while an employee is supervising children outdoors if hands are washed upon returning indoors.

(b) Children shall wash hands upon arrival at the child care center; after each diaper change or visit to the toilet; before eating meals or snacks; before and after water play; after outdoor activity; and after handling animals or animal cages. Except for diapering and before eating meals or snacks, hand sanitizing products may be used in lieu of handwashing while children are outdoors if hands are washed upon returning indoors.

(c) Handwashing procedures shall include:

- (1) using liquid soap and tempered water;
- (2) rubbing hands vigorously with soap and tempered water for 15 seconds;
- (3) washing all surfaces of the hands, to include the backs of hands, palms, wrists, under fingernails and between fingers;
- (4) rinsing well for ten seconds;
- (5) drying hands with a paper towel or other hand-drying device; and
- (6) turning off faucet with a paper towel or other method without recontaminating hands.

Note: Refer to Rule .2828 of this Section for history.

History Note: Authority G.S. 110-91;
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Temporary Amendment Eff. April 15, 1998;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.

15A NCAC 18A .2804 FOOD SUPPLIES

(a) In child care centers, food shall be free from spoilage, filth, or other contamination and shall be safe for human consumption. Potentially hazardous foods, including foods packaged in hermetically sealed containers, shall be obtained only from sources that are permitted or inspected by a local health department, the North Carolina Department of Agriculture and Consumer Services or other government regulatory agency. The use of food packaged in hermetically sealed containers that was not prepared in a commercial food processing establishment is prohibited. Food prepared and sent from home to be shared with other children shall be limited to non-potentially hazardous baked goods.

(b) Milk products that are used shall be Grade "A" pasteurized fluid milk and fluid milk products or evaporated milk. The term "milk products" means those products as defined in 15A NCAC 18A .1200. Copies of 15A NCAC 18A .1200 may be obtained from the Environmental Health Services Section, Division of Environmental Health. Unless prescribed by a physician, dry milk and dry milk products shall be used only for cooking purposes, including cooked pudding desserts and flavored hot beverages.

(c) Steamed and uncooked shellfish, raw eggs, and products containing raw eggs including raw cookie dough, cake batter, brownie mix, milkshakes and ice cream shall not be consumed by children. A pasteurized egg product may be used as a substitute for raw eggs.

(d) Breast milk, formula, and other bottled beverages, including beverages in sippy cups, sent from home shall be fully prepared, dated, and identified for the appropriate child at the child's home. All breast milk, formula, and other bottled beverages shall be returned to the child's home or discarded at the end of each day. Frozen breast milk shall be stored frozen for up to seven days. Frozen breast milk shall be labeled with the date received and date thawed for use. Previously frozen breast milk shall be refrigerated and may be stored for no more than 24 hours. Microwaves shall not be used to thaw or warm breast milk, baby food, formula or other bottled beverages. Bottle warming equipment shall be inaccessible to children when in use and shall be emptied, cleaned and sanitized daily. Previously frozen breast milk shall not be refrozen for storage. Formula provided by the child care center shall be commercially pre-packaged, ready-to-feed, fully prepared, and packaged in single-use containers. However, breast milk or formula that does not meet these requirements may be provided by the child care center as prescribed by the child's physician or instructed by parent or guardian in writing. Bottles and other drinking utensils provided by the child care center shall be sanitized in accordance with this Section. Formula and other beverages which require refrigeration, baby food after opening, and breast milk shall be identified for the appropriate child and shall be refrigerated at 45°F (7°C) or below. Upon opening, jars of baby food shall be covered, dated, refrigerated, and used within two days. Baby food may be served directly from the jar to one child if unused portions of the food are discarded after each feeding; otherwise, commercially prepared baby foods shall be served from a serving dish rather than the food jar. After the completion of each feeding, leftover formula, breast milk, and other bottled beverages shall be discarded or returned to the child's home at the end of each day.

(e) Child care centers receiving prepared meals or snacks from outside sources shall use meals and snacks obtained from food handling establishments permitted by a local health department, organizations that only serve prepared meals to child care centers, or another child care center inspected by a local health department. Child care centers

may also receive prepared meals from organizations not licensed as child care centers only when these organizations are providing prepared meals to licensed child care centers. These organizations shall be inspected as child care centers by the local health department in the county where the meal is prepared. The inspection of these organizations shall be made by the local health department at the same time the inspection of the licensed child care center receiving these prepared meals is done. The inspection report of the organization providing these meals shall be a part of the inspection of the licensed child care center receiving the prepared meals, unless the organization is a permitted food handling establishment. During transportation, food shall meet the requirements of the Rules of this Section relating to food protection and storage.

(f) Lunches and other meals brought from home shall be dated and identified for the appropriate child at the child's home and shall be returned to the child's home or discarded at the end of each day. Meals containing potentially hazardous foods shall be refrigerated at 45°F (7°C) or below.

(g) Nothing in the Rules of this Section shall prohibit the use of fresh garden fruits and vegetables, including those grown at the child care center, so long as they are washed before being served.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995; January 1, 1992;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.*

15A NCAC 18A .2805 FOOD PROTECTION

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Repealed Eff. January 1, 2006.*

15A NCAC 18A .2806 FOOD STORAGE AND PROTECTION

(a) In child care centers, food shall be stored in approved, clean, tightly covered, storage containers once the original package is opened. Approved containers include resealable bags and other containers made of plastic or glass. Reusable containers that come in direct contact with food must be easy to clean, in good repair and intended for food storage.

(b) Food items, that are stored in classrooms or other rooms intended for child care use, shall be limited to those food items which are individually packaged unless the classroom is equipped with a food preparation area. Provisions shall be made to store and protect these food items from all potential sources of contamination and other nonfood items stored in the classroom.

(c) Dry foods that are not readily identifiable and are stored in containers shall be labeled.

(d) Food shall be stored above the floor in a manner that protects the food from splash and other contamination and that permits easy cleaning of the storage area.

(e) Food and containers of food shall not be stored under exposed sewer lines. Food shall not be stored in toilet or laundry rooms. Child care centers licensed for fewer than 13 children and located in a residence may store food in laundry rooms if protected as required in Paragraph (f) of this Rule.

(f) All food shall be stored in a manner to protect it from dust, rodents, insects, drip, splash and other contamination. Raw meats, poultry, fish, shellfish and eggs shall be stored on shelving beneath and separate from other foods. The temperature of potentially hazardous food provided by the center shall be 45°F (7°C) or below, or 140°F (60°C) or above at all times, including field trips, catering events, outdoor service, except during necessary periods of preparation and service, and as otherwise provided in the Rules of this Section.

(g) Packaged food such as milk or other fluid containers may be stored in undrained ice as long as any individual units are not submerged in water. Wrapped sandwiches and other foods shall not be stored in direct contact with ice.

(h) Refrigerated storage:

(1) Refrigeration equipment shall be provided in such number and of such capacity to assure the maintenance of potentially hazardous food at required temperatures during storage. Each refrigerator shall be provided with a numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$) located to measure the air temperature in the warmest part of the refrigerator and located to be easily readable. Recording thermometers, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$), may be used in lieu of indicating thermometers.

(2) Potentially hazardous food requiring refrigeration after preparation shall be cooled to an internal temperature of 45°F (7°C), or below. Cooling of potentially hazardous foods shall be initiated upon completion of preparation or hot storage. Methods such as pouring into pans, agitation, and chilling with ice or water circulation external to the food containers shall be used to cool potentially hazardous food. Potentially hazardous food to be transported cold shall be prechilled and held at a temperature of 45°F (7°C) or below.

(3) Ice used for cooling stored food and food containers shall not be used for human consumption.

(i) Hot storage:

(1) Hot food storage equipment shall be provided in sufficient number and capacity to assure the maintenance of food at the required temperature during storage. Each hot food unit shall be provided with a numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$), located to measure the air temperature in the coolest part of the unit and located to be easily readable. Recording thermometers, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$), may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a metal stem-type numerically scaled indicating product thermometer shall be available and used to check internal food temperature.

- (2) The internal temperature of potentially hazardous foods requiring hot storage shall be 140°F (60°C) or above except during necessary periods of preparation and service. Potentially hazardous food to be transported hot shall be held at a temperature of 140°F (60°C) or above.
- (j) In the event of a fire, flood, water supply interruption, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall either discard the food in question or contact the local health department.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991.
Amended Eff. February 1, 1995;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 2001.

15A NCAC 18A .2807 FOOD PREPARATION

- (a) In child care centers, the preparation of food shall take place only in the approved facilities or space equipped as required in Rule .2810 of this Section.
- (b) Food shall be prepared with the least possible manual contact, with utensils, and on surfaces that have been cleaned, rinsed, and sanitized prior to use in order to prevent cross-contamination.
- (c) Food contact surfaces and utensils shall be cleaned and sanitized after preparing raw foods, prior to preparing ready-to-eat foods and after any interruption of operations in which contamination may have occurred.
- (d) Raw fruits and raw vegetables shall be washed with potable water before being cooked or served.
- (e) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140°F (60°C), except that:
- (1) poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165°F (74°C) with no interruption of the cooking process;
 - (2) pork and any food containing pork shall be cooked to heat all parts of the food to at least 150°F (66°C) with no interruption in the cooking process;
 - (3) ground beef and foods containing ground beef shall be cooked to an internal temperature of at least 155°F (68°C) with no interruption in the cooking process; and
 - (4) roast beef shall be cooked to an internal temperature of at least 130°F (54°C) with no interruption in the cooking process.
- (f) Potentially hazardous foods requiring cooking and cooked in a microwave oven shall be rotated during cooking to compensate for uneven heat distribution and shall be heated an additional 25°F (13.9°C) to compensate for shorter cooking times.
- (g) Potentially hazardous foods that have been cooked and then refrigerated, if served above 45°F (7°C), shall be reheated to an internal temperature of 165°F (74°C) or higher before being served or before being placed in a hot food storage unit except that, food in intact packages may initially be reheated to 140°F (60°C). Steam tables, warmers,

and similar hot food holding units are prohibited for reheating of potentially hazardous foods. Potentially hazardous foods reheated in a microwave oven shall be heated an additional 25°F (13.9°C).

(h) Metal stem-type numerically scaled indicating product thermometers, accurate to 2°F (1°C), shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.

(i) Potentially hazardous foods shall be thawed:

- (1) in refrigerated units at a temperature not to exceed 45°F (7°C);
- (2) under potable water of a temperature of 70°F (21°C) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow;
- (3) in a microwave oven only when the food will be immediately transferred to conventional cooking equipment as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
- (4) as part of the conventional cooking process.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. January 1, 2006; February 1, 1995; October 1, 1993.*

15A NCAC 18A .2808 FOOD SERVICE

(a) In child care centers, milk and milk products for drinking purposes shall be stored in the original commercially filled container. Serving containers may be used for food service provided the unused milk is discarded.

(b) Ice shall be made, handled, transported, stored and dispensed in such a manner as to be protected against contamination. Ice shall be dispensed with scoops, tongs, or other ice-dispensing utensils or through automatic ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles shall be stored to protect them from dust, drip, splash and other contamination. Ice storage bins shall be drained through an air gap.

(c) Employees preparing or serving food shall wash their hands in accordance with the procedures in Rule .2803(c) of this Section. Employees shall either use antibacterial soap, dips, or hand sanitizers immediately prior to food preparation or service or use clean, disposable gloves during food preparation or service. Employees engaged in food preparation in the kitchen shall wear effective hair restraints, keep their fingernails trimmed, clean and shall not wear fingernail polish or artificial fingernails unless wearing intact gloves. Hair spray is not an effective hair restraint.

(d) Once served, portions of leftover food shall not be served again unless the package is intact and the food is not potentially hazardous. Foods, including milk, placed on the table for family style food service are considered served.

(e) Between uses during service, dispensing utensils shall be stored in the food with the dispensing utensil handle extended out of the food, in a container of water if the water is maintained at a temperature of at least 140°F (60°C), or stored clean and dry.

(f) Children attending child care centers shall not be in the kitchen except when participating in a supervised activity.

(g) Nothing in this Section shall be construed as prohibiting family style food service at child care centers so long as supervision of the children is maintained throughout each meal except that family style food service shall be prohibited during the outbreak and investigation of communicable diseases.

History Note: Authority G.S. 110-91;

Eff. July 1, 1991;

Amended Eff January 1, 2006; April 1, 1999; February 1, 1995.

15A NCAC 18A .2809 FOOD SERVICE EQUIPMENT AND UTENSILS

In child care centers, material and construction of food service equipment and utensils shall meet the following requirements:

- (1) Materials used in the construction of utensils and equipment shall be durable; corrosion-resistant; nonabsorbent; non-toxic; finished to have a smooth, easily cleanable surface; and resistant to pitting, chipping, cracking, scratching, distortion, and decomposition.
- (2) Food-contact surfaces shall be smooth; free of breaks, open seams, cracks, chips, pits and other imperfections; free of sharp internal angles, corners and crevices; and accessible for cleaning and inspection without being disassembled or by easy disassembly.
- (3) Nonfood contact surfaces shall be nonabsorbent with no obstructions to cleaning.
- (4) Solder shall be comprised of approved, non-toxic; corrosion-resistant materials.
- (5) Wood and wicker shall not be used as food-contact surfaces, except hard maple or an equivalent nonabsorbent wood may be used for cutting boards, cutting blocks or bakers' tables.
- (6) Galvanized metal shall not be used for utensils or food-contact equipment.
- (7) Linens shall not be used as food-contact surfaces, except that clean linen may be used in contact with bread and rolls.
- (8) Single-use and single-service articles shall be clean.
- (9) Reuse of single-service articles is prohibited.
- (10) Single-use articles such as formed buckets, bread wrappers, aluminum pie plates and cans shall be used only once except that containers made of plastic, glass or other material intended for food storage, with smooth sides and constructed to be easily cleaned may be reused.
- (11) Equipment and utensils that impart odors, color or taste, or contribute to the contamination of food shall not be used.
- (12) Product thermometers and thermometer probes shall be of metal stem-type construction.
- (13) Water filters or any other water conditioning devices shall be cleaned and maintained in accordance with the manufacturer's instructions.
- (14) Filters and other grease extracting equipment shall be cleaned and maintained in accordance with the manufacturer's specifications.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. January 1, 2006; February 1, 1995.*

**15A NCAC 18A .2810 SPECIFICATIONS FOR KITCHENS, FOOD PREPARATION AREAS AND
FOOD SERVICE AREAS**

- (a) Each child care center shall have at least a two-compartment sink, drainboards or countertop space of adequate size, adequate refrigeration equipment and, when needed, adequate cooking equipment, except for child care centers located in a school that receives all food supplies prepared and ready to serve from a food service establishment permitted by a local health department, which is located at the same school campus and provides food during all hours of child care operation. Domestic or commercial kitchen equipment may be used. Child care centers using multi-service articles shall also provide a dishwasher. In lieu of a dishwasher and two-compartment sink, a three-compartment sink of sufficient size and depth to wash, rinse and sanitize utensils may be used.
- (b) A separate lavatory for handwashing is required in food preparation areas. If the dishwashing area is separate from the food preparation area, an additional lavatory shall be required.
- (c) A separate food preparation sink with drainboards or countertop space of adequate size shall be required when a plan review indicates that separate facilities are needed based on volume and preparation frequency.
- (d) When domestic refrigeration equipment is used, except in child care centers licensed for fewer than 13 children and located in a residence, the following provisions shall apply:
- (1) except for thawing under refrigerated conditions, potentially hazardous foods shall not be prepared prior to the day that such foods are to be served;
 - (2) potentially hazardous foods that have been heated shall not be reheated or placed in refrigeration to be used in whole or in part on another day; and
 - (3) salads containing potentially hazardous food shall not be prepared on site. Prohibited salads include chicken, egg, tuna, crab, and other salads containing meat.
- (e) A commercial hood shall be installed when frying is used for food preparation on site. The hood shall be installed in accordance with the North Carolina Building Code and approved by the local building code enforcement agent.
- (f) If food is prepared in a classroom, a food preparation area shall be provided. Water from a handwash lavatory shall not be used to prepare formula, mix dry cereals, or other foods. Toy cleaning and sanitizing may also be conducted in this food preparation area. This food preparation area shall contain an easily cleanable countertop and a lavatory and, when needed, adequate refrigeration. The food preparation counters, bottle warming equipment if used, food and food contact surfaces shall be out of reach of children and the following shall apply:
- (1) all equipment shall be cleaned at least daily. Warming equipment shall be cleaned and sanitized as required in Rule .2812 of this Section;
 - (2) after each use, all multi-service articles provided by the center shall be cleaned and sanitized in the child care center kitchen;
 - (3) single-service articles shall be handled as required in Rule .2814 of this Section; and

- (4) counter, shelf or cabinet space shall be provided for food storage. Food supplies shall be stored in accordance with Rule .2806 of this Section.

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15A NCAC 18A .2811 CLEANING AND SANITIZING OF EQUIPMENT AND UTENSILS

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Eff. July 1, 1991;
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15A NCAC 18A .2812 CLEANING AND SANITIZING EQUIPMENT AND UTENSILS

(a) In child care centers, drainboards or countertop space of adequate size shall be provided for handling of soiled utensils prior to washing and cleaned utensils following sanitizing. For child care centers originally licensed on or after April 15, 1998, drainboards or countertop space shall be no less than 8 square feet. A domestic dishwasher may be used to provide the equivalent of 4 square feet of drainboard space and other designated areas not contiguous with the sink may be utilized to meet drainboard or countertop space requirements. Drainboards or countertop space designated for clean equipment and utensils shall be on the opposite end of the sink from drainboards or countertop space designated for soiled equipment and utensils unless these areas are otherwise separated and protected from cross contamination. Upon change of ownership, or the closing of the operation and the issuance of a new license, or the remodeling of an existing kitchen, a child care center shall also comply with this Paragraph.

(b) Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing shall be conducted in the following sequence:

- (1) when necessary, equipment and utensils shall be scraped, flushed, or soaked to remove food particles;
- (2) sinks shall be cleaned and sanitized prior to use;
- (3) equipment and utensils shall be washed in the first compartment with a hot detergent solution that is changed once visibly soiled;
- (4) equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment; and

- (5) the food-contact surfaces of equipment and utensils shall be sanitized in the third compartment in the following manner:
- (A) immersion for at least one minute in clean, hot water at a temperature of at least 170°F (77°C) in dish baskets of such size and design to permit complete immersion of the tableware, kitchenware and equipment in the hot water;
 - (B) immersion for at least two minutes in a clean solution containing 50 to 200 parts per million (ppm) of chlorine at a temperature of at least 75°F (24°C);
 - (C) immersion for at least two minutes in a clean solution containing at least 12.5 ppm of iodine and having a pH not higher than 5.0 and at a temperature of at least 75°F (24°C);
 - (D) immersion for at least two minutes in a clean solution containing 200 to 400 ppm of quaternary ammonium products and having a temperature of at least 75°F (24°C), provided that the product is labeled to show that it is effective in water having a hardness value at least equal to that of the water being used; or
 - (E) other sanitizing products, procedures, or equipment as effective as those above may be used if these products are nontoxic to children, used according to the manufacturer's instructions and approved by the Department.

(c) For mechanical cleaning and sanitizing, food-contact surfaces of equipment and utensils shall be sanitized according to the manufacturer's instructions. When a domestic dishwashing machine with a sanitizing cycle is used according to manufacturer's instructions, additional sanitizing is not required. When commercial dishwashing equipment is used, a temperature indicating device, accurate to 2°F (1°C), shall be provided.

(d) For utensils and equipment which are either too large or impractical to sanitize in a dishwashing machine or dishwashing sink, a spray-on or wipe-on sanitizer of sufficient chemical strength as indicated in Paragraph (b) of this Rule shall be used. Spray-on or wipe-on sanitizers shall be prepared daily and kept on hand for bactericidal treatment.

(e) Multi-service articles, including highchair feeding trays, shall be washed, rinsed and sanitized after each use.

(f) Nonfood-contact surfaces shall be cleaned to keep equipment free of accumulation of dust, dirt, food particles and other debris.

(g) A testing method or equipment, used in accordance with the product manufacturer's instructions, shall be made available, convenient, and regularly used to test the strengths of these chemical sanitizing solutions to ensure the prescribed concentrations are met.

(h) After sanitizing, all equipment and utensils shall be air dried.

History Note: Authority G.S. 110-91;

Eff. July 1, 1991;

Amended Eff. February 1, 1995; July 1, 1993;

Temporary Amendment Eff. December 1, 1999; April 15, 1998;

Amended Eff. July 1, 2006; January 1, 2006; April 1, 2001.

15A NCAC 18A .2813 MECHANICAL CLEANING AND SANITIZING

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. April 1, 1991;
Repealed Eff. January 1, 2006.

15A NCAC 18A .2814 FOOD SERVICE EQUIPMENT AND UTENSIL STORAGE

- (a) In child care centers, cleaned and sanitized equipment and utensils, including single-service articles, shall be handled in a way that protects the food-contact surfaces from contamination. Spoons, knives, and forks shall be handled with the least amount of contact necessary. Cups, glasses, bowls, plates, and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.
- (b) Cleaned and sanitized utensils and equipment shall be stored above the floor in a clean, dry location in a way that protects them from dust, insects, drip, splash and other contamination and facilitates floor cleaning. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer lines.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. January 1, 2006; February 1, 1995.

15A NCAC 18A .2815 WATER SUPPLY

- (a) In child care centers, the water supply shall meet the requirements of 15A NCAC 18A .1700 Protection of Water Supplies. In addition, any center using a groundwater supply that serves 25 or more people shall provide documentation from the Public Water Supply Section that the well meets the requirements of 15A NCAC 18C. A water sample shall be collected by the Department and submitted to a state certified laboratory for bacteriological analysis annually if the child care center is not served by a community water supply. Other tests of water quality, as indicated by possible sources of contamination, may be collected by the Department.
- (b) Water under pressure shall be provided to meet the needs of cooking, cleaning, drinking, toilets, and outside uses in accordance with the North Carolina Plumbing Code.
- (c) No cross-connections with an unapproved water supply shall exist. If the potential for backsiphonage or backflow conditions exist, an approved atmospheric vacuum breaker or backflow prevention device shall be installed in accordance with the North Carolina Plumbing Code.
- (d) Water heating equipment shall be provided to meet the maximum hot water requirements of the child care center. The capacity and recovery rates of water heating equipment shall be based on number and size of sinks, capacity of

dishwashing machines, capacity of laundering machines, diaper changing facilities, and other food service and cleaning needs for child care centers not located in a residence. Child care centers licensed for fewer than 13 children and located in a residence may use an existing water heater, or the equivalent replacement, if all required temperatures are maintained. Hot and cold water under pressure shall be provided in all rooms where food is prepared, rooms in which utensils or equipment are washed, and other areas where water is required for cleaning and sanitizing, including diaper changing areas.

(e) Hot water used for cleaning and sanitizing food utensils and laundry shall be provided at a minimum temperature of 120°F (49°C) at the point of use. Water in areas accessible to children shall be tempered between 80°F (27°C) and 110°F (43°C). For handwash lavatories used exclusively by school-age children, the 80°F (27°C) minimum temperature requirement shall not apply. Hot water in an area accessible to any child, which is in excess of 120°F (49°C), shall be considered a burn hazard. Child care centers serving only school-age children are not required to provide hot water in areas accessible to children. In the event of the loss of hot water, the person in charge shall immediately contact the local health department.

(f) Drinking fountains, if provided, shall comply with the North Carolina Plumbing Code, be separate from handwash lavatories, and kept clean. The pressure shall be regulated so that an individual's mouth does not come in contact with the nozzle and so that water does not splash on the floor. Other approved dispensing devices may be used and shall be kept clean.

(g) Outdoor drinking fountains shall be constructed to protect the spout from contamination and shall be kept clean.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. April 1, 1999;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 2001.

15A NCAC 18A .2816 LEAD POISONING HAZARDS IN CHILD CARE CENTERS

(a) In child care centers, areas accessible to children shall be free of identified lead poisoning hazards as defined under G.S. 130A-131.7(7).

(b) The following actions shall be taken to ensure that drinking water in child care centers is free of identified lead poisoning hazards as defined under G.S. 130A-131.7(7)(g).

- (1) Child care operators, as defined under G.S. 110-86(7), shall test, once every three years, all water outlets used for drinking or food preparation. Samples shall also be collected and tested within 30 calendar days of completion of any renovations or repairs that may impact the facility's drinking water infrastructure, such as repair or replacement of all or part of drinking water service lines or faucets. The operator shall provide documentation of testing results for review by the Department

during each unannounced routine sanitation inspection under Rule .2834(b) of this Section. Notwithstanding Rule .2801(5) of this Section, "Department" means North Carolina Department of Health and Human Services for purposes of this Rule.

- (2) For centers that submit an application for licensure in accordance with 10A NCAC 09 .0302 after the effective date of this Rule, initial samples shall be collected by the child care operator and tested in accordance with Subparagraph (b)(4) of this Rule during the license application process.
- (3) For all other centers, initial samples shall be collected by the child care operator and tested in accordance with Subparagraph (b)(4) of this Rule within one year of the effective date of this Rule.
- (4) The child care operator shall collect samples and submit them for testing in accordance with guidance specified by the United States Environmental Protection Agency in its publication, 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, which is incorporated by reference with subsequent changes or amendments and available free of charge at <https://www.epa.gov/dwreginfo/3ts-reducing-lead-drinking-water-schools-and-child-care-facilities>. Notwithstanding the guidance, samples may be collected with a stagnation period of up to 72 hours. Samples shall be analyzed by a laboratory certified by the North Carolina State Laboratory of Public Health to analyze for lead in drinking water.
- (5) When a water sample is analyzed for lead content by a laboratory under this Rule, the laboratory shall notify the Department of the test results by electronic submission in accordance with G.S. 130A-131.8.
- (6) When a child care center receives test results from a laboratory indicating that a water sample collected by the child care operator contains a lead concentration at or above the lead poisoning hazard level defined in G.S. 130A-131.7(7)(g), the child care operator shall:
 - (A) restrict access to any water outlet(s) used for drinking or food preparation that have lead concentrations at or above the lead poisoning hazard level; and
 - (B) ensure that all children and staff have access to water free of cost that does not contain lead concentrations at or above the lead poisoning hazard level for drinking and food preparation.
- (7) When notified of a water lead level at or above the lead poisoning hazard level, the Department shall conduct sampling at the water outlet identified to have a water lead level at or above the lead poisoning hazard level within 10 business days of notification.
- (8) If a water sample collected by the Department reveals a water lead level at or above the lead poisoning hazard level, the child care operator shall continue to follow Subparagraph (b)(6) of this Rule until the Department determines the water outlet(s) are not producing water lead levels at or above the lead poisoning hazard level and notifies the child care operator and the Division of Child Development and Early Education in writing of this determination.
- (9) Failure to comply with Paragraph (a) of this Rule or any Subparagraph of this Paragraph, shall be deemed a violation of this Rule subject to demerits under Rule .2834(c)(20) of this Section.

- (10) Within five business days of receiving the test results of the Department's water analysis that shows a water lead level at or above the lead poisoning hazard level, the child care operator shall provide written notification of the test results to the parents or legal guardians of the children attending the child care center and the staff of the child care center, in accordance with the United States Environmental Protection Agency guidance specified in Subparagraph (b)(4) of this Rule.
- (11) Within five business days of receiving the test results of the Department's water analysis that shows a water lead level at or above the lead poisoning hazard level, the child care operator shall make the test results available to the public, free of charge. The child care operator may post test results to the child care center's website to satisfy the requirement to make the test results available to the public.

History Note: Authority G.S. 110-91; 130A-131.5; 130A-131.7(7); 130A-131.8;
Eff. July 1, 1991;
Amended Eff. October 1, 2019; January 1, 2006; February 1, 1995.

15A NCAC 18A .2817 TOILETS

- (a) In child care centers, toilet tissue shall be provided in each toilet room and stored in a clean, dry place. The toilet room shall include or be adjacent to a handwash lavatory. Storage in toilet rooms shall be limited to toileting and diapering supplies. All toilet fixtures shall be easily cleanable, and in good repair. Toilet fixtures shall be child-sized, adapted adult toilets or potty chairs.
- (b) Toilet fixtures shall be cleaned and disinfected at least daily and when visibly soiled. A disinfecting solution as set out in 15A NCAC 18A .2801(7) shall be used for this purpose. A testing method shall be made available to ensure compliance with the prescribed bleach solution concentration. To achieve the maximum germ reduction with bleach, the cleaned surfaces shall be left glistening wet with the bleach solution and allowed to air dry or be dried only after a minimum contact time of at least two minutes. Products registered with the U.S. Environmental Protection Agency as hospital grade germicides or disinfectants or as disinfectants for safe use in schools, child care centers, institutions or restaurants are also approved disinfectants, provided the manufacturer's Material Safety Data Sheets are kept on file at the child care center and the instructions for use are followed.
- (c) If potty chairs are used, they shall be located and stored in a toilet room equipped with a spray-rinse toilet or utility sink. Potty chairs shall be emptied, rinsed, cleaned and disinfected after each use with a disinfecting solution as described in Paragraph (b) of this Rule.
- (d) When cloth diapers are used and emptied, the diaper changing area shall be located next to a toilet room.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999; February 1, 1995.

15A NCAC 18A .2818 LAVATORIES

- (a) In child care centers, lavatories shall be easily cleanable, in good repair, and kept free of storage. Lavatories shall be mounted at an appropriate height to accommodate the children, or otherwise made accessible. Any lavatory may be used for handwashing as specified in 15A NCAC 18A .2803, except for flush-rimmed sinks and those with an attached operable drinking fountain.
- (b) Lavatories shall be equipped with hot and cold water or tempered water provided through mixing faucets or pre-mixing devices which provide water in the temperature range specified in Rule .2815(e) of this Section.
- (c) Lavatories shall be cleaned and disinfected with each change of use, as needed and at least daily. A disinfecting solution as set out in 15A NCAC 18A .2801(7) shall be used for this purpose. A testing method shall be made available to ensure compliance with the prescribed bleach solution concentration. To achieve the maximum germ reduction with bleach, the cleaned surfaces shall be left glistening wet with the bleach solution and allowed to air dry or be dried only after a minimum contact time of at least two minutes. Products registered with the U.S. Environmental Protection Agency as hospital grade germicides or disinfectants or as disinfectants for safe use in schools, child care centers, institutions and restaurants are also approved disinfectants, provided the manufacturer's Material Safety Data Sheets are kept on file at the child care center and the instructions for use are followed.
- (d) Liquid soap and disposable towels or other hand-drying devices shall be provided at every handwash lavatory area.
- (e) Handwash signs shall be posted at every handwash lavatory area.

History Note: Authority G.S. 110-91;

Eff. July 1, 1991;

Amended Eff. July 1, 2006; January 1, 2006; February 1, 1995.

15A NCAC 18A .2819 DIAPERING AND DIAPER CHANGING FACILITIES

- (a) In child care centers, children in diapers shall be changed at stations designated for diapering or toileting. Each diaper changing station shall include a handwash lavatory. For centers licensed for fewer than 13 children and located in a residence and for diaper changing areas designated for school age children, a handwash lavatory shall be in or next to a diaper changing area.
- (b) Diapering surfaces shall be smooth, intact, nonabsorbent, easily cleanable and shall be approved by the Department. Nothing shall be placed on the diapering surface except for those items required for diapering.
- (c) A disinfecting solution as set out in 15A NCAC 18A .2801(7) shall be used to disinfect diapering surfaces. A testing method shall be made available to ensure compliance with the prescribed bleach solution concentration. To achieve the maximum germ reduction with bleach, the cleaned surfaces shall be left glistening wet with the bleach solution and allowed to air dry or be dried only after a minimum contact time of at least two minutes. Products registered with the U.S. Environmental Protection Agency as hospital grade germicides or disinfectants or as disinfectants for safe use in schools, child care centers, institutions or restaurants are also approved disinfectants, provided the manufacturer's Material Safety Data Sheets are kept on file at the child care center and the instructions

for use are followed. Cleaning and disinfecting solutions shall be kept in separate and labeled bottles at each diaper changing station. Bleach disinfecting solutions shall be stored in hand pump spray bottles. No cloths or sponges shall be used on diapering surfaces.

(d) Diaper changing procedures shall include:

- (1) gathering supplies before placing child on diapering surface;
- (2) donning disposable gloves (if needed);
- (3) using disposable towelette or moistened paper towel to clean child, wiping front to back;
- (4) disposing of gloves if used, soiled towelettes and diaper in a plastic-lined, covered receptacle;
- (5) wiping hands with disposable towelette or moistened paper towel;
- (6) sliding a clean diaper under the child, applying diapering products (if needed) using facial or toilet tissue, discarding the tissue in a plastic-lined, covered receptacle;
- (7) fastening the diaper and placing clothing on child;
- (8) washing child's hands in accordance with Rule .2803 of this Section, or, if child is unable to support her or his head, cleaning the child's hands with a disposable towelette or moistened paper towel, then drying the child's hands and returning the child to a supervised area;
- (9) spraying entire diapering surface with detergent solution and wipe clean, using disposable paper towels;
- (10) spraying entire diapering surface with approved disinfecting solution and allowing to remain on the surface for two minutes or as specified by the manufacturer, or air dry; and
- (11) washing hands in accordance with Rule .2803 of this Section even if disposable gloves are used by the caregiver.

(e) Vinyl or latex disposable gloves shall be used by caregivers during the diaper changing process if she or he has cuts or sores on her or his hands or has chapped hands.

(f) Caregivers may dispose of feces in diapers in the toilet, but shall not rinse soiled cloth diapers, or training pants or clothes. Soiled cloth diapers, training pants or clothes shall be sent to a diaper service or placed in a tightly closed plastic bag or other equivalent container approved by the Department, stored out of reach of children, and sent daily to the child's home to be laundered.

(g) Receptacles containing soiled disposable diapers shall be emptied in an exterior garbage area at least daily.

(h) Instructions for caregivers on proper methods of diaper changing and handwashing shall be posted in each diaper changing area.

History Note: Authority G.S. 110-91;

Eff. July 1, 1991;

Amended Eff. February 1, 1995;

Temporary Amendment Eff. April 15, 1998;

Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.

15A NCAC 18A .2820 STORAGE

- (a) In child care centers, adequate space shall be provided for the storage of equipment, furniture, toys, clothes, linens, backpacks, book bags, diaper bags, beds, cots, mats, and supplies and shall be kept clean. Shelving or other storage areas shall be provided and constructed in a manner to facilitate cleaning. Soiled laundry shall be handled and stored separately from clean laundry using separate cleanable containers.
- (b) All corrosive agents, pesticides, bleaches, detergents, cleansers, polishes, any product which is under pressure in an aerosol dispenser, and any substance which may be hazardous to a child if ingested, inhaled, or handled shall be kept in its original container or in another labeled container, used according to the manufacturer's instructions and stored in a locked storage room or cabinet when not in use. Locked storage rooms and cabinets shall include those which are unlocked with a combination, electronic or magnetic device, key, or equivalent locking device. These unlocking devices shall be kept out of the reach of a child and shall not be stored in the lock. Toxic substances shall be stored below or separate from medications and food. Any product not listed above, which is labeled "keep out of reach of children" without any other warnings, shall be kept inaccessible to children when not in use, but is not required to be kept in locked storage. The product shall be considered inaccessible to children when stored on a shelf or in an unlocked cabinet that is mounted a minimum vertical distance of five feet above the finished floor.
- (c) Non-aerosol sanitizing, disinfecting, and detergent solutions, hand sanitizers, and hand lotions shall be kept out of reach of children when not in use, but are not required to be in locked storage. These solutions shall be labeled as sanitizing, disinfecting, or detergent (soapy water) solutions. Hand soap other than that which is in bulk containers is not required to be kept out of reach of children or in locked storage.
- (d) Medications including prescription and non-prescription items shall be stored in a locked cabinet or other locked container and shall not be stored above food. Designated emergency medications shall be stored out of reach of children, but are not required to be in locked storage. Non-prescription diaper creams and sunscreen shall be kept out of reach of children when not in use, but are not required to be in locked storage.
- (e) Individual cubicles, lockers, or coat hooks shall be provided for storage of coats, hats, or similar items. Coat hooks not in individual cubicles or lockers, shall be spaced at least 12 horizontal inches apart. Combs shall be labeled and stored individually. Toothbrushes shall be individually identified, allowed to air dry and protected from contamination. When a container of toothpaste is used for multiple children, the toothpaste shall be dispensed onto an intermediate surface such as waxed paper.
- (f) Employee purses and other personal effects shall be kept out of reach of children.

History Note: Authority G.S. 110-91;

Eff. July 1, 1991;

Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999; February 1, 1995.

15A NCAC 18A .2821 BEDS, COTS, MATS, AND LINENS

- (a) In child care centers, all beds, cribs, cots, and mats shall be in good repair, stored to prevent contamination, cleaned and sanitized between users.

- (b) Cribs and play pens used for sleeping shall be easily cleanable, and equipped with a firm, tight-fitting mattress made of waterproof, washable material at least two inches thick.
- (c) All beds, cots or mats shall be assigned and labeled for each individual child, and equipped with individual linens.
- (d) Mats shall be of a waterproof, washable material at least two inches thick and shall be stored so that the floor side does not touch the sleeping side or by an equivalent method approved by the Department.
- (e) When in use, cribs, cots, mats and playpens shall be placed at least 18 inches apart or separated by partitions which prevent physical contact.
- (f) Linen shall be kept clean, in good repair, and stored with the individual mat or cot or stored individually for each child in a designated area. Linen shall be laundered between users, when soiled, and at least once per week. Linen used in rooms where children in care are less than 12 months old shall be changed and laundered when soiled and at least daily. Linens shall be large enough to cover the sleeping surface.
- (g) Wash cloths, bibs, and burping cloths shall not be used more than once until laundered and shall be laundered when soiled and at least daily.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. July 1, 2006; January 1, 2006; February 1, 1995.*

15A NCAC 18A .2822 TOYS, EQUIPMENT AND FURNITURE

(a) Toys, equipment and furniture provided by a child care center shall be kept clean and in good repair. In rooms designated for children who are not toilet trained, toys and other mouth-contact surfaces shall be cleaned and then sanitized at least daily when used and more frequently if visibly dirty, by the following methods:

- (1) scrubbed in warm, soapy water using a brush to reach into crevices;
- (2) rinsed in clean water;
- (3) submerged in a sanitizing solution as set out in 15A NCAC 18A .2801(22) for at least two minutes or sanitized with another approved sanitizing solution; and
- (4) air dried.

A testing method or kit shall be available to ensure compliance with the prescribed concentration. To achieve the maximum germ reduction with bleach, the cleaned surfaces shall be left glistening wet with the bleach solution and allowed to air dry or be dried only after a minimum contact time of at least two minutes. Other sanitizing solutions that have been determined to be at least as effective as the chlorine bleach solution are acceptable as long as these products are nontoxic to children, used according to the manufacturer's instructions and approved by the Department. Toys, items and surfaces not designed to be submerged shall be washed and rinsed in place, sprayed with a sanitizing solution and allowed to air dry. Hard plastic toys may be washed and rinsed in a dishwasher and cloth toys may be laundered and mechanically dried without requiring sanitizing.

(b) Toys, furniture, cribs, or other items accessible to children, shall be free of peeling, flaking, or chalking paint.

(c) Water play centers shall be filled just prior to each water play session. Water shall be emptied after each session or more often if visibly soiled. The water play centers including toys, shall be cleaned and sanitized at least daily or more often if visibly soiled. Water play is prohibited during the outbreak and investigation of communicable diseases at the site. Wading pools are not considered water play centers and are regulated under 15A NCAC 18A .2500.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995; July 23, 1992;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.

15A NCAC 18A .2823 PERSONNEL

- (a) In child care centers, employees and their clothing shall be clean. Employees shall keep their fingernails clean.
- (b) Tobacco use in any form is prohibited in any part of a child care center except in a designated area either outdoors, separate from the outdoor learning environment, or indoors in a room with a separate ventilation system approved by the building inspector.
- (c) Volunteer personnel shall adhere to the same requirements as employees, as specified in the rules of this Section.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. January 1, 2006; April 1, 1999.

15A NCAC 18A .2824 FLOORS

- (a) In child care centers, floors and floor coverings of all food preparation, food storage, utensil-washing areas, toilet rooms, and laundry areas shall be constructed of nonabsorbent, easily cleanable material.
- (b) Floors and floor coverings of all sleeping and play areas shall be constructed of easily cleanable materials.
- (c) Carpeting used as a floor covering shall be of closely woven construction, properly installed, and easily cleanable. Carpeted floors shall be vacuumed daily when children are not present in the room, except to clean up spills. Instead of waiting for children to leave the room, a High Efficiency Particulate Air (HEPA) filter vacuum cleaner may be used. If used for this purpose, a HEPA vacuum cleaner shall include a HEPA filter individually tested and rated as 99.97% efficient at 0.3 micron dust particle size and sealed to prevent leakage around connecting points. Vacuum bags shall be changed and vacuums shall be emptied when children are not present in the room. The vacuum cleaner shall be in good repair. Wall to wall carpets shall be cleaned using extraction methods at least once each six months. Cleaning materials including surfactants, solvents and water shall be removed from the carpet before the space is reoccupied. When hot water extraction is used, carpet shall be completely dry within 12 hours of cleaning.

- (d) Floors in areas accessible to children, shall be free of peeling, flaking or otherwise deteriorating paint.
- (e) All floors and floor coverings shall be kept clean and maintained in good repair.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. January 1, 2006; April 1, 1999; February 1, 1995; July 23, 1992.*

15A NCAC 18A .2825 WALLS AND CEILINGS

- (a) In child care centers, the walls and ceilings, including doors and windows, of all rooms and areas shall be kept clean, free of visible fungal growth, and in good repair. All walls and ceilings shall be easily cleanable and free of peeling, flaking, chalking, or otherwise deteriorating paint.
- (b) Walls and ceilings in rooms in which food is stored, handled or prepared, utensil-washing rooms, and toilet rooms shall be nonabsorbent. Acoustic and other ceiling material may be used where ventilation precludes the possibility of grease and moisture absorption. For child care centers licensed for fewer than 13 children and located in a residence, ceilings of residential construction are acceptable if kept clean and in good repair.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. April 1, 1999; July 23, 1992;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. January 1, 2006; April 1, 2001.*

15A NCAC 18A .2826 LIGHTING AND THERMAL ENVIRONMENT

- (a) In child care centers, all rooms and enclosed areas shall be lighted by natural or artificial means. Lighting shall be capable of illumination to at least 50 foot-candles at work surfaces in kitchens and diaper changing areas and at children's work tables, desks and easels. Lighting shall be capable of illumination to at least 10 foot-candles of light, at 30 inches above the floor, in all other areas, including storage rooms. Light fixtures in all areas shall be kept clean and in good repair. Shielded or shatterproof bulbs shall be used in food preparation, storage, and serving areas and in all rooms used by children.
- (b) All rooms used by children shall be heated, cooled, and ventilated to maintain a temperature between 65°F (19°C) and 85°F (30°C). Ventilation may be in the form of operable windows which are screened or by means of mechanical ventilation to the outside. Windows and window treatments shall be kept clean and in good repair. All ventilation equipment, including air supply diffusers (heating and cooling vents) and return grilles, fans, and all other ventilation equipment shall be kept clean and in good repair.
- (c) Nothing in the rules of this Section requires that outdoor storage buildings be wired with electricity or provided with heating and air conditioning.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. January 1, 2006; February 1, 1995.*

15A NCAC 18A .2827 COMMUNICABLE DISEASES AND CONDITIONS

- (a) In child care centers, children who become ill to the extent that they can no longer participate in routine group activities shall be separated from the other children until the child leaves the center.
- (b) Each child care center shall include a designated area for a child who becomes ill to the extent that she or he can no longer participate in the routine group activities. When in use, such area shall be equipped with a bed, cot or mat and a vomitus receptacle. Thermometers and all materials used in the designated area including mouthable toys shall be cleaned and sanitized after each use. Linens and disposables shall be changed after each use.
- (c) If the area is not a separate room, it shall be separated from space used by other children by a partition, screen or other means. The designated area shall be located so that health and sanitation measures can be carried out without interrupting activities of other children and staff.
- (d) Employees with a communicable disease or a communicable condition shall be excluded from situations in which transmission can be expected to occur, in accordance with Communicable Disease Control Measures under 10A NCAC 41A .0200. Any employee with boils, sores, burns, infected wounds or other potentially draining lesions on exposed skin shall bandage the affected area to eliminate exposure to drainage. If such bandaging obstructs handwashing or if the exposure to drainage cannot be eliminated, then the employee shall be excluded from food preparation and caregiving while the condition exists.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. January 1, 2006; April 1, 1999.*

15A NCAC 18A .2828 HANDWASHING

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. April 1, 1999; February 1, 1995;
Repealed Eff. January 1, 2006. (See Rule .2803).*

15A NCAC 18A .2829 WASTEWATER

In child care centers, all wastewater shall be disposed of in a publicly-owned wastewater treatment system or by an approved properly operating on-site wastewater system under 15A NCAC 18A .1900. Septic systems shall be sized to accommodate anticipated children and staff for all shifts.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. January 1, 2006; April 1, 1999; February 1, 1995.*

15A NCAC 18A .2830 SOLID WASTES

- (a) In child care centers, food scraps and other putrescible materials shall be placed in a plastic-lined, cleanable, covered container and removed to an exterior garbage area at least daily. Scrap paper, cardboard boxes and similar items shall be stored in containers or designated areas.
- (b) Garbage containers, mops and other cleaning equipment shall be kept clean. Facilities shall be provided for the washing and storage of garbage containers and mops for child care centers, except for centers licensed for fewer than 13 children and located in a residence. Cleaning facilities shall include a faucet with a threaded nozzle and water of at least 80°F (27°C) in either a designated utility sink or above a curbed impervious pad sloped to drain into a publicly-owned wastewater treatment system or by an approved properly operating on-site wastewater system in accordance with 15A NCAC 18A .1900. Can cleaning facilities approved prior to July 1, 1991 shall be approved if in good repair.
- (c) Dumpsters and other containerized systems shall be kept clean and covered. Facilities shall be provided for cleaning either on-site, or off-site through a contractual agreement.
- (d) Solid wastes shall be disposed of to prevent insect breeding and public health nuisances.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. January 1, 2006; April 1, 1999.*

15A NCAC 18A .2831 ANIMAL AND VERMIN CONTROL

(a) Unrestrained animals, except those used in supervised activities or pet therapy programs, shall not be allowed in a child care center, including the outdoor learning environment. When animals are on the premises, copies of vaccination records required by North Carolina law and local ordinances shall be available for review. Any animals kept as pets shall be examined by a veterinarian to determine that they are free from vermin, such as mites, lice, fleas, and ticks, and pathogens that could adversely affect human health. Turtles, iguanas, frogs, salamanders, and other reptiles or amphibians are not allowed to be kept as pets on the premises. Animals shall not be allowed in or kept at the entrances to food preparation areas. Animal cages shall be kept clean and waste materials shall be bagged, sealed,

and immediately disposed of in the exterior garbage area in a covered container. Animals belonging to child care owners, employees, volunteers, visitors, and children shall not be allowed in child care centers or on the premises unless the above requirements are met.

(b) Effective measures shall be taken to keep uncontained insects, rodents, and other vermin out of the child care centers and to prevent their breeding or presence on the premises. Traps shall only be placed in areas inaccessible to children.

(c) All openings to the outer air shall be protected against the entrance of flying insects. In food preparation areas, only fly traps, pyrethrin-based insecticides or a fly swatter shall be used for extermination of flying insects. Products shall be used only in accordance with directions and cautions appearing on their labels. Insecticides shall not come in contact with raw or cooked food, utensils, or equipment used in food preparation and serving, or with any other food-contact surface.

(d) Only those pesticides which have been registered with the U.S. Environmental Protection Agency and the North Carolina Department of Agriculture and Consumer Services shall be used. Pesticides shall be used in accordance with the directions on the label and shall be stored in a locked storage room or cabinet separate from foods and medications. Pesticides shall not be applied or used when children are present in the area.

(e) Decks, fences, playground equipment, and other products constructed or installed after September 1, 2006 shall not be made from chromated copper arsenate (CCA) pressure-treated wood unless the use of CCA-treated wood is for an approved use listed on the CCA product label and allowed under the US EPA Supplemental Guidance on Interpretation of Revised Chromated Copper Arsenate (CCA) Wood Preservative Label, as amended.

(f) In areas accessible to children, CCA-treated wood decks, playground and recreational equipment, and structures installed or constructed:

- (1) prior to January 1, 2005; or
- (2) where EPA allows the use of CCA-treated wood,

shall be sealed using an oil-based, semi-transparent sealant; oil-based clear stain; or a water-based clear stain applied at least once every two years.

(g) At the time of the initial sealant or stain application and whenever more than two years has passed since the previous sealant application, soil under such wood shall be:

- (1) removed and replaced with similar material;
- (2) covered with at least four inches of soil, gravel, sand, sod, or other vegetation; or
- (3) otherwise made inaccessible.

(h) Any composting areas shall be covered and maintained to prevent attracting rodents or vermin. Worm bins shall be kept covered.

(i) Grass, fruit and vegetable gardens, vines on fences, and other vegetation shall be maintained in a manner which does not encourage the harborage of vermin.

(j) Pets kept outdoors shall be in a designated area that is maintained and separate from the outdoor area used by the children.

*History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. August 2, 2007; January 1, 2006; April 1, 1999.*

15A NCAC 18A .2832 OUTDOOR LEARNING ENVIRONMENT AND PREMISES

- (a) At child care centers, the premises, including the outdoor learning environment, shall be kept clean, drained to minimize standing water, free of litter and hazardous materials, and maintained in a manner which does not encourage the harborage of vermin. All debris, glass, dilapidated structures and broken play equipment shall be removed. Wells, grease traps, cisterns and utility equipment shall be made inaccessible to children.
- (b) Sand toys, water tables and other items that can collect standing water in the outdoor learning environment shall be emptied and stored to prevent standing water.
- (c) For outdoor play equipment, including all structures accessible to children, the following shall apply:
- (1) Equipment shall be kept in good repair, free of peeling, flaking, or chalking paint and free of rust and corrosion;
 - (2) The sandbox used in outdoor play shall be constructed to allow for drainage and shall be covered when not in use and kept clean.
- (d) If a daily air quality forecast is made by the Division of Air Quality or the regional air quality agency for the county where a center is located, outdoor activity for children shall be restricted as follows. On days with a code orange (unhealthy for sensitive groups) forecast, children shall not be outside participating in physical activity between noon and 8:00 p.m. for more than one hour. On days with a code red (unhealthy) forecast, children shall not be outside participating in physical activity between noon and 8:00 p.m. for more than 15 minutes. On days with a code purple (very unhealthy) forecast, children shall not be outside participating in physical activity between noon and 8:00 p.m. Provisions shall be made to allow children with diagnosed asthma or with coughing or wheezing symptoms to participate in physical activity indoors on days with a code orange, red or purple air quality forecast.
- (e) When food service is provided in the outdoor learning environment, food shall be protected, stored, prepared and served in accordance with 15A NCAC 18A .2806, .2807 and .2808. Employees and children shall wash hands in accordance with 15A NCAC 18A .2803 and food service tables shall be cleaned or covered prior to use.
- (f) When diapering and toileting facilities are provided in the outdoor learning environment, they shall be maintained in accordance with 15A NCAC 18A .2817 and .2819 and employees and children shall wash hands in accordance with 15A NCAC 18A .2803.
- (g) Storage provided outdoors for children's toys shall be kept clean. Storage areas that are accessible to children shall be kept free of hazardous equipment and substances in accordance with 15A NCAC 18A .2820. Storage areas shall meet requirements for lighting in accordance with 15A NCAC 18A .2826 by means of opening doors, windows, sky lights, battery operated light, flashlight or electric lighting. Spare batteries shall be available for battery operated light fixtures and flashlights.

- (h) Outdoor water activity centers shall be maintained in accordance with 15A NCAC 18A .2822. Flow through water play systems shall be designed to minimize standing water. Employees and children shall wash hands in accordance with 15A NCAC 18A .2803 before and after water play.
- (i) Central vacuums that exhaust to the outdoors away from children may be used in lieu of HEPA vacuum cleaners to meet the daily vacuuming requirements in Rule .2824(c).

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999; July 23, 1992.

15A NCAC 18A .2833 SWIMMING AND WADING POOLS

- (a) At child care centers, swimming and wading pools shall be designed, constructed, operated and maintained in accordance with the Rules Governing Public Swimming Pools, 15A NCAC 18A .2500. Copies of these Rules may be obtained from DENR, Division of Environmental Health, Environmental Health Services Section.
- (b) Portable wading pools, natural bodies of water, and other unfiltered, nondisinfected containments of water shall not be utilized for recreation activities.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995; January 1, 1992;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. January 1, 2006; April 1, 1999.

15A NCAC 18A .2834 COMPLIANCE, INSPECTIONS AND REPORTS

- (a) When requested by a child care operator or the Division of Child Development, a sanitation inspection shall be conducted by the local health department within 30 days.
- (b) Unannounced inspections of child care centers shall be made by the Department at least once each six-month period. The evaluation shall be completed on the Sanitation Standards Evaluation Form for Child Care Centers provided by the Department. Other versions of the form, including electronic, are allowed but shall be duplicates of the Sanitation Standards Evaluation Form for Child Care Centers. An original and two copies of the form shall be completed by the Department. The original shall be submitted to the Division of Child Development. The child care center operator and the Department shall each retain a copy.
- (c) The Department shall inspect each child care program that has been designated as a child care center by the Division of Child Development. Demerits shall be assigned for each occurrence of violations within these requirements:
- (1) violation of Rules .2803 or .2836 of this Section related to handwashing when required shall be assessed five demerits;

- (2) violation of Rule .2803 of this Section related to proper handwashing procedures shall be assessed five demerits;
- (3) violation of Rule .2804 of this Section related to food from approved sources, no spoilage, or adulteration shall be assessed six demerits;
- (4) violation of Rules .2804, .2806, or .2807 of this Section related to potentially hazardous food meeting storage and holding temperatures; and refrigeration of bottles and lunches at 45° F or below shall be assessed six demerits;
- (5) violation of Rules .2806, .2807, .2808, or .2836 of this Section related to food properly stored, thawed, prepared, cooked, cooled, handled, served, transported, packaged, and identified, and only supervised children in the kitchen shall be assessed five demerits;
- (6) violation of Rule .2808 of this Section related to food not re-served shall be assessed three demerits;
- (7) violation of Rule .2807 of this Section related to food thermometers provided and accurate shall be assessed two demerits;
- (8) violation of Rules .2809 or .2810 of this Section related to food service equipment and utensils meeting specifications for refrigeration, sinks, lavatories and dishwashing equipment shall be assessed six demerits;
- (9) violation of Rules .2809 or .2810 of this Section related to food service equipment and utensils meeting specifications for other equipment and utensils, approved material and construction shall be assessed four demerits;
- (10) violation of Rules .2809 or .2812 of this Section related to food contact surfaces properly washed, rinsed, sanitized and air dried; and single-service articles not re-used shall be assessed five demerits;
- (11) violation of Rule .2812 of this Section related to sanitizer provided and test kit available shall be assessed two demerits;
- (12) violation of Rule .2812 of this Section related to equipment and non-food contact surfaces clean and in good repair shall be assessed four demerits;
- (13) violation of Rule .2814 of this Section related to proper storage and handling of clean equipment, utensils, and single-service articles shall be assessed three demerits;
- (14) violation of Rule .2815 of this Section related to water supply and drinking water facilities meets 15A NCAC 18A .1700 or 15A NCAC 18C, whichever is applicable, and documentation provided shall be assessed six demerits;
- (15) violation of Rule .2815 of this Section related to hot water supplied and maintained in the kitchen shall be assessed six demerits;
- (16) violation of Rule .2815 of this Section related to hot water supplied and tempered water maintained as required in all other areas shall be assessed four demerits;
- (17) violation of Rule .2815 of this Section related to hot water in excess of 120° F not allowed in areas accessible to children shall be assessed six demerits;

- (18) violation of Rule .2815 of this Section related to backflow prevention provided, no cross connections shall be assessed three demerits;
- (19) violation of Rules .2815 or .2836 of this Section related to drinking fountains of approved type, pressure regulated, clean shall be assessed two demerits;
- (20) violation of Rule .2816 of this Section related to identified lead poisoning hazards as defined under G.S. 130A-131.7(7) shall be assessed six demerits;
- (21) violation of Rules .2817, .2818 or .2836 of this Section related to toilet and lavatory facilities properly sized, located and accessible, and in good repair; sinks, toilets and potty chairs cleaned and disinfected shall be assessed four demerits;
- (22) violation of Rules .2817 or .2818 of this Section related to soap, approved hand drying devices, and toilet tissue available shall be assessed three demerits;
- (23) violation of Rules .2817 or .2818 of this Section related to approved storage in toilet rooms, lavatories free of storage; and handwash signs posted shall be assessed two demerits;
- (24) violation of Rules .2817, .2819 or .2836 of this Section related to approved diaper changing facilities shall be assessed six demerits;
- (25) violation of Rule .2819 of this Section related to diapering surfaces cleaned and disinfected after each use shall be assessed six demerits;
- (26) violation of Rule .2819 of this Section related to cleaning and disinfecting solutions provided and test kit available when required shall be assessed two demerits;
- (27) violation of Rules .2818, .2819 or .2820 of this Section related to diaper changing facilities free of storage and in good repair; cleaning and disinfecting solutions labeled; approved diapering methods used; and diaper changing and handwash signs posted shall be assessed four demerits;
- (28) violation of Rule .2820 of this Section related to medications properly stored shall be assessed six demerits;
- (29) violation of Rule .2820 of this Section related to hazardous products properly stored and locked shall be assessed six demerits;
- (30) violation of Rule .2820 of this Section related to non-hazardous products properly stored shall be assessed three demerits;
- (31) violation of Rule .2820 of this Section related to facilities provided for proper storage, used and kept clean shall be assessed two demerits;
- (32) violation of Rules .2821 or .2836 of this Section related to individual linen provided; adequate beds, cots, or mats provided, in good repair, properly stored, labeled, and spaced during use shall be assessed three demerits;
- (33) violation of Rule .2821 of this Section related to linen, bedding, wash cloths, bibs and burping cloths laundered and in good repair shall be assessed three demerits;
- (34) violation of Rules .2822 or .2836 of this Section related to toys, equipment and furniture clean and in good repair; water play centers cleaned, sanitized and maintained shall be assessed four demerits;

- (35) violation of Rules .2822 or .2836 of this Section related to mouth-contact surfaces cleaned and sanitized in rooms where children who are not toilet trained are cared for shall be assessed four demerits;
- (36) violation of Rules .2808 or .2823 of this Section related to personnel using approved hygienic practices, clean clothes and hair restraints where required, and evidence of tobacco use in the outdoor learning environment or in any part of a child care center without a separate ventilation system shall be assessed two demerits;
- (37) violation of Rules .2824, .2825 or .2836 of this Section related to floors, walls and ceilings easily cleanable, in good repair, clean, carpets vacuumed and extraction cleaned as required shall be assessed four demerits;
- (38) violation of Rule .2826 of this Section related to the lighting and thermal environment and room temperature between 65°F and 85°F shall be assessed three demerits;
- (39) violation of Rule .2826 of this Section related to equipment clean and in good repair and maintained as required shall be assessed two demerits;
- (40) violation of Rule .2827 of this Section related to persons with a communicable disease or a condition excluded in accordance with 15A NCAC 19A .0200 shall be assessed six demerits;
- (41) violation of Rules .2827 or .2836 of this Section related to persons caring for sick or mildly ill children excluded from situations in which transmission of communicable disease can be expected to occur shall be assessed four demerits;
- (42) violation of Rule .2827 of this Section related to the designated area for sick children maintained as required shall be assessed two demerits;
- (43) violation of Rule .2829 of this Section related to wastewater disposed of by approved methods in accordance with 15A NCAC 18A .1900 shall be assessed six demerits;
- (44) violation of Rules .2830 or .2836 of this Section related to solid waste properly handled; containers and cleaning equipment kept clean, and can cleaning facilities adequate shall be assessed two demerits;
- (45) violation of Rule .2831 of this Section related to approved pesticides properly used and new Chromated Copper Arsenate (CCA) pressure-treated wood shall be assessed six demerits;
- (46) violation of Rule .2831 of this Section related to Chromated Copper Arsenate pressure-treated wood sealed and soil covered or inaccessible as required shall be assessed two demerits;
- (47) violation of Rule .2831 of this Section related to animals in food preparation areas and no unrestrained or prohibited animals except as noted shall be assessed three demerits;
- (48) violation of Rules .2831 or .2832 of this Section related to effective control of rodents, insects and other vermin; premises free of vermin harborage and breeding areas shall be assessed three demerits;
- (49) violation of Rule .2832 of this Section related to premises clean and drained, equipment in good repair, sandboxes properly constructed and clean, and adherence to air quality forecast outdoor activity restrictions shall be assessed two demerits; and

- (50) violation of Rule .2833 of this Section related to swimming and wading pools designed, constructed, operated and maintained in accordance with 15A NCAC 18A .2500 shall be assessed six demerits.
- (d) The Department shall indicate on the Child Care Inspection Sanitation Form whether the center is superior, approved, provisional, or disapproved. A Sanitation Classification placard shall be posted in the center in a conspicuous place designated by the Department. The classification of a child care center is based on the center's compliance with the Rules of this Section. A summary classification of disapproved shall be issued and forwarded to the Division of Child Development when the right-of-entry to inspect is denied or when an inspection is discontinued at the request of the operator or administrator unless the decision to discontinue the inspection is mutual. A summary classification of disapproved shall also be issued and forwarded to the Division of Child Development when a water sample is confirmed positive for fecal coliform, total coliform or other chemical constituents in accordance with 15A NCAC 18A .1725.
- (e) The child care center's compliance is indicated by the number of demerits on the Child Care Sanitation Inspection Form.
- (1) When an inspection is requested and conducted for the purpose of issuing a license to a new operator, a Child Care Sanitation Inspection Form shall be forwarded to the Division of Child Development only when the child care center can be granted a superior classification. If the center is not yet open and children are not in attendance when the initial inspection is conducted, a Child Care Sanitation Inspection Form shall be completed and forwarded to the Division of Child Development, but the Sanitation Classification placard shall not be posted. Another sanitation inspection shall be conducted when children are in attendance within 30 days of opening and the Sanitation Classification placard shall then be posted. When a temporary license is issued as a result of a change of ownership in a child care center that continues to operate, the operator shall request an inspection from the Department within fourteen days. A sanitation classification placard shall be posted after each inspection of a center operating under a temporary license.
 - (2) A child care center shall be classified as superior if the demerit score does not exceed 15 and no 6-point demerit item is violated.
 - (3) A child care center shall be classified as approved if the demerit score is more than 15 and does not exceed 30, and no 6-point demerit item is violated.
 - (4) A child care center shall be classified as provisional if any 6-point demerit item is violated or if the total demerit score is more than 30 but does not exceed 45. The provisional classification period shall not exceed seven days unless construction or renovation is necessary to correct any violation, in which case the Department may specify a longer provisional classification period.
 - (5) A child care center shall be classified as disapproved if the demerit score is more than 45, or if conditions which resulted in a provisional classification have not been corrected in the time period specified by the Department.
 - (6) If the child care center receives a disapproved classification, the Department shall immediately notify the Division of Child Development by faxing a copy of the inspection form.

(7) The Sanitation Classification placard shall not be removed except by or upon the instruction of the Department.

(f) If the Department determines that conditions found at the child care center at the time of any inspection or visit are dangerous to the health of the children, the Department shall immediately notify the Division of Child Development by verbal contact. The original inspection report or other documentation of the dangerous conditions shall be sent to the Division of Child Development within two working days following the inspection.

(g) The Department may conduct an inspection of any child care center as frequently as necessary in order to ensure compliance with the Rules in this Section.

(h) The Department shall use the Child Care Sanitation Inspection Form to document demerits for violations of the rules. A written explanation and corrective action for each violation shall be documented on a comment addendum form.

(i) In filling out the inspection form, demerits may be assessed only once for a single occurrence or condition existing within or outside the child care center. Demerits shall be assessed based on actual violations of the Rules of this Section observed during the inspection.

History Note: Authority G.S. 110-88; 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. July 1, 2006; January 1, 2006; April 1, 1999.

15A NCAC 18A .2835 APPEALS PROCEDURE

Appeals concerning the enforcement of the Child Care Sanitation Rules in this Section as adopted by the Commission for Public Health shall be governed by Section 110-94 and Chapter 150B of the North Carolina General Statutes.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. January 1, 2006.

15A NCAC 18A .2836 MILDLY ILL CHILDREN

Child care centers that are licensed to offer care to children pursuant to 10A NCAC 09 .2400, shall comply with all rules in this Section except as follows:

- (1) Prior to starting a program for mildly ill children, the child care operator shall request an inspection from the local health department.
- (2) Drinking fountains shall not be used.
- (3) Toilet fixtures, potty chairs, utility sinks, tubs and showers shall be cleaned and disinfected after each use.

- (4) Lavatories shall be of a hands-free design or equipped with single-lever faucets.
- (5) Cloth diapers shall not be used.
- (6) Individually labeled moist towelette containers shall be provided for each child in diapers.
- (7) Caregivers shall wear clean disposable gloves when changing each diaper.
- (8) Moist towelettes shall not be used in lieu of handwashing for children who cannot support their heads.
- (9) A 36-inch separation shall be maintained or partitions shall be placed between beds, cots and mats to minimize contact among children.
- (10) Furniture shall be nonabsorbent.
- (11) Thermometers and mouthable toys shall be cleaned and sanitized between uses by different children. Soft, cloth material toys may be brought from home if labeled for use by an individual child. If soft toys are provided by the center, they shall be sanitized between uses by different children.
- (12) Caregivers for mildly ill children shall not prepare food in the kitchen or serve food to well children.
- (13) Family style food service is prohibited.
- (14) Carpeted floors are prohibited. Throw rugs may be used if laundered when contaminated and at least weekly. Floors contaminated by body fluids shall be cleaned and disinfected immediately.
- (15) Caregivers shall wash hands in accordance with the procedures in Rule .2803(c) before leaving the area designated for mildly ill children.
- (16) All waste shall be disposed of in a plastic-lined, covered receptacle.

*History Note: Authority G.S. 110-91;
Eff. January 1, 2006.*