



# Department of Early Education and Care

THE COMMONWEALTH OF MASSACHUSETTS

## Family Child Care Licensing

### **POLICY STATEMENT and WORKING PROCEDURE: Peeling Paint**

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EEC regulations require that the licensee must ensure that the physical facility is safe, clean, in good repair and free from hazards and clutter. The licensee must monitor the environment daily to identify and remove or repair any hazard that may cause injury to children. (See 606 CMR 7.07(1).) The licensee must maintain the interior and exterior of the program in good repair, free of chipping, flaking or peeling paint or broken plaster. (See 606 CMR 7.07(6).)

Regulation 7.07(7)(d) requires the outdoor play space area must be free of hazards including but not limited to: a busy street, a parking lot, poisonous plants, water hazards, debris, broken glass, **chipping, peeling or flaking paint**, dangerous machinery or tools, and weather-related and environmental hazards or small objects that could present a choking hazard to young children. **Any such hazard must be removed or fenced** by a sturdy, permanently installed barrier which is at least four feet high or otherwise protected or removed, as appropriate.

When EEC finds that a family childcare home is not in compliance with physical facility requirements regarding peeling, chipping or flaking paint, the licensee is given the "Renovate Right" brochure and this EEC policy which outlines the basic facts about lead safety and provides a timeframe of up to 60 days for the licensee to comply. A follow up monitoring visit by EEC will be conducted to assure compliance.

Until an acceptable plan of compliance is submitted to EEC, the following procedures are in effect:

- If children are in care the educator may not enroll any new children into the program.
- The educator must use an alternative outdoor play space.
- If the peeling/chipping paint is inside the home that room/area cannot be used for childcare.
- Entry and exit routes must be kept free of any peeling, flaking or chipping paint.

- Verify that parents have been notified of the dangers of lead poisoning in writing.
- All children in care must have up-to-date lead tests.
- A follow up visit by EEC will be conducted to assure compliance.

If the Licensee fails to correct the peeling paint or does not comply with the required procedures outlined above within the timeframe, the educator will be instructed to close the program and go inactive until the home can meet the physical facility requirements. If the educator fails to comply, the case will be referred to the EEC Legal Unit for possible further action.

### **7.07(15)(a)1-6 Lead Poisoning**

The licensee must provide parents with a disclosure statement regarding any known source of lead in the home and maintain in each child's record a written acknowledgement of receipt of the notification. If chipping or peeling paint or plaster is found in a home built prior to 1978, the licensee must provide written notification to the parent(s) of all children in care of the possibility of exposure to lead paint.

### **7.07(15)(a)6**

If the family childcare home is determined by the Department of Public Health (DPH) to be the source of lead poisoning for any child, the licensee must notify EEC and follow DPH guidelines to eliminate further risk of lead poisoning.