

**Small Group, Large Group and School Age Child Care Licensing**

**POLICY STATEMENT: Compliance with Lead Paint Requirements**

Compliance with the child care licensing regulation 606 CMR 7.07(16)(a) requires a lead paint inspection showing that the property is in compliance with the Department of public Health (DPH) 105 CMR460.000 Lead Paint Poisoning Prevention and Control regulations. Licensing regulations require that the property be free of lead paint on all interior and exterior surfaces accessible to children. Children cannot be present when the facility space is being deleaded at the center.

If a lead paint inspection is not required because the building housing the center was constructed after 1978 a copy of the initial building permit and/or a letter signed by the local building inspector establishing the age of the structure would be acceptable and must be on file in lieu of the itemized lead inspection. Please note that the building constructed prior to 1/1/78 that has undergone renovation or an occupancy change since 1/1/78 must be inspected for the presence of lead.

**Acceptable Evidence of Compliance:**

Acceptable evidence of compliance with lead paint requirements is an itemized lead inspection of all surfaces completed by a certified lead inspector, a local board of health or the Department of Public Health. The inspection pertains to the child care facility (i.e. the premises). As a result, if a new licensee occupies the premises, it is acceptable for a new licensee to demonstrate compliance with lead paint requirements by submitting a copy of the approved letter inspection from the previous licensee. The operative principle for DPH is the condition of the property, not the date of the inspection.

**Interim Control Letters:**

When lead paint is found a licensee may seek an interim Control Letter from DPH. An interim Control Letter gives a two year extension of time during which full de-leading of the child care program must occur. However, there are certain requirements that must be met in the interim:

* Removal of the worst of the flaking and chipping lead paint, and
* Assurance that no water leaks exist so that other paint does not crack, chip, and /or peel.

These specialized Interim Control Letters are issued by DPH in accordance with their regulation. EEC will therefore accept these as evidence of compliance.

**Restored Compliance:**

In the event that flaking, chipping or peeling paint is observed in a previously compliant facility, the current licensee must prove that the paint is not lead-based. This may require re-inspection. In the event that lead paint is found, the Department requires that parents be notified and encouraged to have their children screened for lead poisoning and the test results placed in their program records. Depending on the circumstances and the extent of the lead paint problem, the licensee may also be required to send notices to the parents of children, who previously attended the center, informing them of the presence of lead paint and advising them to have their children screened for lead poisoning. When post-abatement de-leading is completed, a statement of restored compliance will be issued by the local board of health, DPH, or a private lead paint inspection service. These statements of restored compliance then become acceptable evidence of compliance.