



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION
P.O. BOX 2120
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DATE: April 5, 2024

TO: Licensed Child Day Centers and Licensed Family Day Homes

FROM: Jeffrey S. Williams, Assistant Superintendent of Child Care Health and Safety, Virginia Department of Education

SUBJECT: Potable Water Lead Testing Requirements

In 2020, the General Assembly passed legislation, creating § [22.1-289.057](#) of the Code of Virginia to help prevent and detect childhood lead exposure in certain child day programs. According to the Center for Disease Control and Prevention (CDC) and the Environmental Protection Agency (EPA), lead is especially harmful to the health of children because it can interfere with brain development.

This memo provides you with initial important information regarding how to comply with § [22.1-289.057](#). On Tuesday, May 7, 2024, at 10 am, the Office of Child Care Health and Safety (OCCHS) will host a webinar with more detailed information. Details about the webinar will be shared in [Readiness Connections](#) later this month. If you have any questions after reading this memo and attending the webinar, please refer to the directions listed at the end of this memo regarding how to proceed.

Overview of requirements in §22.1-289-057: Child day programs and certain other programs; potable water; lead testing

The law requires licensed child day programs and certain exempt programs that serve preschool-age children to develop and implement a plan to test potable drinking water. The law requires that programs submit their plans and test results to the Virginia Department of Health Office of Drinking Water (VDH ODW). If the results of the testing indicate elevated lead levels, the program shall remediate, retest, and resubmit results to VDH ODW. Instead of developing and implementing a plan for testing or remediation, programs can choose to use bottled water, water coolers, or other similar water sources for human consumption that meets the U.S. Food and Drug Administration [\(FDA\) standards](#) for bottled water. Pursuant to § [32.1-167](#) of the Code Virginia, human consumption “means drinking, food preparation, dishwashing, bathing, showering, hand washing, teeth brushing, and maintaining oral hygiene.”

VDH Resources

The VDH has resources, including grant funding, ready to support licensed child care providers and public PreK-12 schools as they implement this requirement. Providers interested in applying

for grant funding to support testing are encouraged to apply as soon as possible, as funding is limited and temporary. Participation in VDH's School and Child Care Lead Testing and Reduction Grant Program allows facilities to meet all legal requirements related to drinking water lead testing.

- [Office of Drinking Water grant program, funded by U.S. EPA](#)
- [Lead and Copper in Drinking Water](#)

Additional Resources

In addition to the VDH resources above, there are additional state and national funding sources to assist with testing and remediation.

- [EPA's Potential Funding Sources for Reducing Lead in Drinking Water in Schools and Child Care Facilities](#)

Determining Compliance

The OCCHS will begin determining compliance with this law during licensing inspections beginning January 1, 2025. All licensed child day programs that continue to use non-bottled drinking water are required to develop and implement a testing plan and submit plans and sample results to the ODW no later than December 31, 2024. Copies of historical testing plans and sample results should be emailed to leadtestingprogram@vdh.virginia.gov.

Questions about Testing and Grant Funding

If you have questions about lead testing and grant funding, email leadtestingprogram@vdh.virginia.gov.

If you have questions about lead in drinking water, please review the VDH's [Frequently Asked Questions](#) page.

Questions about Compliance

If you have questions about what this means for your program, please review the [2023 Frequently Asked Questions about New Child Care Legislation](#) on the VDOE webpage. If you have additional questions, please direct them to your licensing representative or to childcarelicensing@doe.virginia.gov.

VDOE will host an informational webinar on Tuesday, May 7, 2024, at 10 am. Information about the webinar will be shared in [Readiness Connections](#).