COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION
P.O. BOX 2120
RICHMOND, VA 23218-2120

DATE: **December 9, 2024**

TO: **Religiously Exempt Child Day Centers and Certified Preschools Serving Preschool-Age Children**

FROM: **Jeffrey S. Williams, Assistant Superintendent of Child Care Health and Safety**

SUBJECT: **Potable Water Lead Testing Requirements**

This memo is a follow-up to a memo previously distributed on April 7, 2024, outlining the requirements for certain regulated child day programs to comply with § 22.1-289.057 of the *Code of Virginia* to help prevent and detect childhood lead exposure.

Each program required to comply must have evidence of submitting a testing plan to the Virginia Department of Health Office of Drinking Water (VDH ODW) prior to January 1, 2025. To submit your plan, please email leadtestingprogram@vdh.virginia.gov. The VDH ODW will confirm that they have received and reviewed your plan. Please save your confirmation and any other communications with VDH or testing laboratories for your VDOE licensing inspector to review.

Overview of Requirements in §22.1-289-057

The law requires all religiously exempt child day centers and certified preschools serving preschool-age children to develop and implement a plan to test potable drinking water used for human consumption. Your program must submit plans and test results to VDH ODW. If the results of the testing indicate elevated lead levels, your program must 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 standards for bottled water. Pursuant to § 32.1-167 of the *Code*, human consumption "means drinking, food preparation, dishwashing, bathing, showering, hand washing, teeth brushing, and maintaining oral hygiene."

Determining Compliance

The VDOE Office of Child Care Health and Safety will begin determining compliance with this law during licensing inspections beginning January 1, 2025. Programs that continue to use non-bottled drinking water for human consumption are required to develop and implement a testing plan and submit plans and test sample results to VDH ODW no later than December 31, 2024. Copies of testing plans and sample results should be emailed to leadtestingprogram@vdh.virginia.gov.

Experiencing Delays?

If a provider is experiencing a delay in performing tests or obtaining results, retain evidence that a plan has been submitted and that testing has been scheduled or completed and provide the test results as soon as possible after receipt. The VDOE will review such evidence and determine if the provider has made a reasonable attempt to comply with the requirements. If you have any questions about what information to keep or what evidence is acceptable, please contact your licensing inspector. The VDOE will provide technical assistance as needed.

VDOE Resources

Resources are available on the VDOE What's New webpage to assist providers in navigating the requirements of this law, including a webinar, frequently asked questions, and a flow chart to help determine next steps. If you have a question that is not answered, please reach out to your licensing inspector or childcarelicensing@doe.virginia.gov.