

CHILD CARE ORGANIZATIONS (EXCERPT)
Act 116 of 1973

722.113i Drinking water management plan; requirements; mandatory review and update; water sampling and testing; presence of lead; installation of filtered water sources; document retention.

Sec. 3i. (1) Within 15 months after the effective date of the amendatory act that added this section, each child care center shall develop a drinking water management plan and make the plan available to the department of licensing and regulatory affairs, child care center staff, and parents and guardians of children enrolled in the child care center on request. The plan must specify all of the following:

(a) Locations where water outlets will be maintained to deliver water for human consumption, whether as drinking water or a component of a food or beverage, using the following categories, if applicable:

(i) Locations where filtered bottle-filling stations will be maintained.

(ii) Locations where filtered faucets will be maintained.

(iii) Locations where filtered pitchers will be maintained.

(iv) Locations where unfiltered drinking fountains or unfiltered faucets will be maintained, subject to section 3j(a).

(v) Locations where drinking water from a water delivery service will be maintained.

(b) Locations where water outlets will be maintained for purposes other than as described in subdivision (a).

(c) Locations where water outlets will be shut off or rendered permanently inoperable, if applicable.

(d) Regular replacement of the filter cartridge for each filtered bottle-filling station, filtered faucet, and filtered pitcher in compliance with manufacturer instructions or recommendations of the department of environment, Great Lakes, and energy.

(2) Each child care center shall review and update the drinking water management plan created under subsection (1) at least once every 5 years and make changes as directed by the department of licensing and regulatory affairs or as needed to comply with this section.

(3) Water sampling and testing must be conducted at each child care center at least once every 2 years and as otherwise required under this section. The child care center shall collect the water for water sampling and testing. The water must be drawn from all of the bubble fixtures of the filtered bottle-filling stations and filtered faucets and must be collected in 250-milliliter bottles after at least an 8-hour stagnation period and before any water use occurs at the child care center. Upon request, the department of licensing and regulatory affairs shall provide the child care center with a sufficient number of 250-milliliter bottles. After the child care center collects the water, the child care center shall deliver, through the mail or in person, all of the 250-milliliter bottles for water testing. Water testing described under this section must be conducted at a laboratory certified for lead and copper testing for the approved EPA method.

(4) If the water sampling and testing under subsection (3) indicates the presence of lead at a concentration of 1 part per billion or more but not more than 5 parts per billion, the child care center shall do all of the following:

(a) Immediately check the status of the filter or filters at the filtered bottle-filling station or filtered faucet and replace the filter cartridge if the status light indicates that replacement is or will soon be required.

(b) Ensure the filtered bottle-filling station or filtered faucet is properly installed.

(c) Resample and retest the water.

(d) If the water sampling and testing under subdivision (c) indicates the presence of lead at a concentration of 1 part per billion or more but not more than 5 parts per billion, have the child care center do both of the following:

(i) Send a copy of the test results and a document that lists the make and model of the filtered bottle-filling station or filtered faucet and filter cartridge to the department of licensing and regulatory affairs and the department of environment, Great Lakes, and energy.

(ii) Consult with the department of environment, Great Lakes, and energy and the filtered bottle-filling station or filtered faucet manufacturer.

(5) If the water sampling and testing under subsection (3) or (4)(c) indicates the presence of lead at a concentration of more than 5 parts per billion, the child care center shall do all of the following:

(a) Immediately shut off or render inoperable the water outlet.

(b) Post a conspicuous sign near the water outlet stating that the water outlet is inoperable because of high lead concentration and maintain the sign until the water outlet is returned to service under subdivision (e).

(c) Replace the filter cartridge in the filtered bottle-filling station or filtered faucet.

(d) Resample and retest the water.

(e) If the water sampling and testing under subdivision (d) indicates the presence of lead at a concentration of 1 part per billion or more but not more than 5 parts per billion, return the water outlet to service and comply with the requirements of subsection (4)(b), (c), and (d).

(f) If the water sampling and testing under subdivision (d) indicates the presence of lead at a concentration of more than 5 parts per billion, do all of the following:

(i) Within 30 days after receiving test results under this subsection, send a copy of the test results to the department of licensing and regulatory affairs, the department of environment, Great Lakes, and energy, and each parent or guardian of a child enrolled in the child care center.

(ii) Develop a remediation plan in consultation with the department of licensing and regulatory affairs and the department of environment, Great Lakes, and energy and incorporate the remediation plan into the drinking water management plan under subsection (1).

(6) A child care center that installs a filtered bottle-filling station, filtered faucet, filtered pitcher, or other filtered source shall install, operate, and maintain them in accordance with manufacturer instructions or recommendations of the department of environment, Great Lakes, and energy.

(7) A child care center shall retain the following documents for 3 years or until after any water sampling and testing occurs under this section, whichever is sooner, and make the documents available to the department of licensing and regulatory affairs on request:

(a) Original copies of the results of all water sampling and testing conducted under this section, as applicable.

(b) Records of the dates when and locations where filters or filter cartridges were installed or replaced.

(c) Installation instructions for each filter and filter cartridge installed by the child care center.

(8) As used in this section:

(a) "Bubble fixture" means a fixture on a drinking water fountain through which water is forced up in a small arc from a nozzle that allows an individual to drink from the arc directly.

(b) "EPA" means the United States Environmental Protection Agency.

History: Add. 2023, Act 173, Imd. Eff. Oct. 24, 2023.

Compiler's note: For the transfer of all powers and duties related to the licensing and regulation of children's camps, child care centers, day care centers, family day care homes, and group day care homes from the department of licensing and regulatory affairs to MiLEAP, see E.R.O. No. 2023-2, compiled at MCL 388.1283.

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