

**CHESTER COUNTY HEALTH DEPARTMENT
RULES AND REGULATIONS**

CHAPTER 400. HOUSING AND INSTITUTIONS

§406. CHILD DAY CARE CENTERS.

406.1. PURPOSE.

406.1.1. The purpose of this section is to provide for the protection and promotion of the public health and welfare by establishing regulations regarding the operation, maintenance, and sanitation of child day care centers, in the manner provided herein.

406.1.2. The provisions of this section shall apply to all those areas under the jurisdiction of the Chester County Health Department, and shall apply to all existing child day care centers and those hereafter constructed, reconstructed, altered or remodeled.

406.1.3. The provisions of this section shall not excuse failure to comply with the rules and regulations of any governmental agency having the authority to regulate child day care centers.

406.2. APPLICABILITY.

406.2.1. These regulations shall apply to all facilities determined to be Child Day Care Centers by the Pennsylvania Department of Welfare, as defined in Pennsylvania Chapter 3270.

406.3. DEFINITIONS.

406.3.1. “**CRNP**”: Certified Registered Nurse Practitioner.

406.3.2. “**Child day care center**”: The premises in which care is provided at any one time for seven or more children unrelated to the operator.

406.3.3. “**Communicable disease**”: An illness due to an infectious agent or its toxic products which is transmitted, directly or indirectly, to a susceptible host from an infected person, animal, or arthropod, or via an intermediate host, vector, or the inanimate environment.

406.3.4. “**Department**”: The Chester County Health Department.

406.3.5. “**Easily cleanable**”: A characteristic of a surface that allows effective removal of soil by normal cleaning methods, is dependent on the material, design, construction and installation of the surface, and varies with the likelihood of the surface’s role in introducing pathogenic or toxigenic agents or other contaminants directly to humans as they contact the surface or indirectly to humans by cross-contamination via an intermediate animal or inanimate object that may contact the surface.

406.3.6. "Facility person": A staff person, a substitute staff person, a volunteer, a food service person, a janitorial person or another adult who serves in or is employed by a facility.

406.3.7. "Garbage": All putrescible wastes (except sewage and body waste) including but not limited to animal and vegetable offal.

406.3.8. "Non-absorbent": Having the characteristics of plastic, vinyl, or stainless steel that prevents water from penetrating the surface.

406.3.9. "Potentially hazardous food": A food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

406.3.10. "Refuse": All nonputrescible wastes, generally regarded and classified as rubbish, trash, junk, and similar designations. Refuse for the purpose of this chapter shall include source separated recyclable material, which are materials separated from municipal waste at the point of origin for the purpose of recycling.

406.3.11. "Sewage": A substance which contains any of the waste products, excrements or other discharges from the bodies of human beings or animals, and noxious or deleterious substances being harmful or inimical to the public health; or to animal or aquatic life; or to the use of water for domestic supply or for recreation.

406.3.12. "Sewage facilities": A system of sewage collection, conveyance, treatment and disposal that will prevent the discharge of untreated or inadequately treated sewage or other wastes onto the surface of the ground or into the Waters of the Commonwealth, and otherwise provide for the safe and sanitary treatment and disposal of sewage or other wastes.

406.3.13. "Smooth": An even or level surface with no roughness or projections that render it difficult to clean.

406.3.14. "Solid wastes": A material; whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. Solid waste includes solid, liquid or semisolid or contained gaseous materials.

406.3.15. "Source": A well, spring, cistern, infiltration gallery, stream, reservoir, pond, or lake from which, by any means, water is taken either intermittently or continuously for use by the public.

406.3.16. "Staff person": A person included in the regulatory ratio under the provisions of Title 55 of the Pennsylvania Code, Chapter 3270 who is responsible for child care activities.

406.3.17. "Water supply": A source or sources of water, as well as any and all water treatment, storage, transmission and distribution facilities.

406.3.18. "Waters of this Commonwealth": Rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and other bodies or channels of conveyance of surface and underground water, or of their parts, whether natural or artificial, within or on the boundaries of this Commonwealth.

406.4. GENERAL PROVISIONS.

406.4.1. Certificate of Compliance.

406.4.1.1. A certificate of compliance shall be obtained from the Pennsylvania Department of Public Welfare, under the provisions of Title 55 of the Pennsylvania Code, Chapter 3270, before a child day care center begins operations.

406.4.2. Certificate of Registration.

406.4.2.1. A person shall not operate a child day care center without a Certificate of Registration issued by the Department.

406.4.2.2. A certificate of registration shall be issued on the basis of satisfactory compliance with these Rules and Regulations.

406.4.2.3. A certificate of registration shall be issued for a period not to exceed 12 months.

406.4.2.4. Application for an annual Certificate of Registration shall be made to the Department on the application form provided by the Department.

406.4.2.5. Application for annual Certificate of Registration renewal shall be submitted to the Department with the appropriate fee thirty days prior to the expiration date of the existing certificate.

406.4.2.6. Certificates of Registration are nontransferable. When the ownership of the child day care center changes or if the child day care center is leased by the owner, it is the responsibility of the new owner or lessee to secure a Certificate of Registration in his/her name.

406.4.3. SUBMISSION OF PLANS TO DEPARTMENT.

406.4.3.1. Before work is begun in the construction, remodeling, or alteration of a child day care center, or in the conversion of an existing establishment or facility to a child day care center, properly prepared plans and specifications shall be submitted to and approved by the Department.

406.4.3.2. The plans and specifications shall include, where applicable, data relating to the grounds, buildings, equipment, sewage disposal, water supply, solid waste storage and disposal, and such other information as may be required by the Department.

406.4.4. INSPECTION.

406.4.4.1. Subject to the limitations of the Constitutions of the United States and the Commonwealth of Pennsylvania, a representative of the Department, upon showing proper identification of office, may enter and inspect any child day care center at all reasonable times, and, in an emergency, at any time.

406.4.4.2. All child day care centers located within the jurisdiction of the Department shall be operated and maintained in compliance with these Rules and Regulations.

406.4.4.3. When it is determined by the Department, after inspection, that any child day care center is not being operated and/or maintained in compliance with these Rules and Regulations, the Department shall have the power to, without prior notice, issue emergency order(s).

406.4.4.4. When emergency order(s) are issued, the owner or other responsible person shall have the right to a hearing pursuant to Chapter 100, §100.8, of these Rules and Regulations.

406.4.4.5. Day care centers in operation prior to the effective date of these regulations, which would require capital expenditures to fully meet all of the design, construction and equipment requirements of these regulations, may be deemed acceptable if in good repair and capable of being maintained in a sanitary condition and pose no hazard to the health of the day care center occupants.

406.5. WATER SUPPLY.

406.5.1. All water used in the operation of a day care center shall be provided from a supply approved by the Department. Approval of a water supply shall be based upon satisfactory compliance with the construction standards for individual water supplies that are promulgated in Chapter 500, §501 of these Rules and Regulations, and the Pennsylvania Safe Drinking Water Act (35 P.S. 721.1 et. seq.).

406.5.2. The water supply shall be adequate in quantity and shall meet the bacteriological and chemical water standards of the Department, as found in Chapter 500, §501 and the Pennsylvania Safe Drinking Water Act (35 P.S. 721.1 et. seq.). Unapproved water supplies shall be made inaccessible to the public in a manner deemed satisfactory to the Department.

406.5.3. All day care centers not connected to a public water supply shall meet the periodic monitoring and testing requirements as stated in Chapter 600, §605 of these Rules and Regulations.

406.6. SEWAGE DISPOSAL.

406.6.1. All sewage facilities serving a day care center shall be approved by the Department.

406.6.2. Approval of the sewage facilities shall be based upon satisfactory compliance with the

standards for individual sewage disposal systems as described in Chapter 500, §503 of these Rules and Regulations, and the Clean Streams Law (35 P.S. §691.1 et seq.).

406.7. CONSTRUCTION. Construction, remodeling or alterations of structures during child day care center operations shall be isolated from areas where children are present and done in a manner that will prevent hazardous or unhealthy conditions.

406.8. PLUMBING.

406.8.1. Plumbing shall be sized, installed, and maintained to: carry adequate quantities of water to required locations throughout the day care center; prevent contamination of the water supply; and properly convey sewage and liquid wastes from the establishment to the sewage facilities.

406.8.2. The plumbing shall be installed and maintained so as not to create an unsanitary condition or nuisance. Any faucet with threads which could allow a hose to be attached must be provided with an approved backflow prevention device.

406.9. INSECT AND RODENT CONTROL.

406.9.1. Effective measures must be adopted, when necessary, to prevent infestation with insects, rodents, or other vectors, in accordance with the standards established in Chapter 600, §603 of these Rules and Regulations. Pesticide application, when necessary, shall be conducted by a pest control applicator/operator certified by the Pennsylvania Department of Agriculture and in accordance with the pesticide label and all required federal and state laws. The day care center premises shall be kept in such condition as to eliminate the harborage, food and water conditions conducive to insect, rodent or other vector infestations.

406.9.2. All day care centers shall have an Integrated Pest Management Plan in place.

406.10. SOLID WASTES.

406.10.1. All garbage and refuse containing food waste shall be kept in leak-proof, nonabsorbent, rust and corrosion-resistant containers, which shall be kept covered with tight-fitting lids, when filled or stored or not in continuous use. Other means of garbage and refuse storage may be used if it is approved by the Department and it is in accordance with the provisions of Chapter 500, §504 of these Rules and Regulations.

406.10.2. All other refuse shall be stored in containers, rooms, or areas of sufficient number and size and in a manner so as to prevent insect and/or rodent problems and other nuisances.

406.10.3. Each waste container, room, or area shall be maintained in a sanitary manner and cleaned as often as necessary in order to prevent a nuisance. When disposal of garbage and refuse (such as composting) is accomplished within or upon the premises of the day care center, the disposal facilities shall be operated and maintained so as not to create a nuisance or a health hazard.

406.10.4. In general, all garbage and refuse storage, collection and disposal operations shall comply with the provisions of Chapter 500, §504 of these Rules and Regulations.

406.11. TOXIC MATERIALS.

406.11.1. Cleaning materials and other toxic materials shall be kept in an area that is locked or made inaccessible to children.

406.11.2. Cleaning materials and other toxic materials shall be stored in an original labeled container or in a container that specifies the content and stored away from food, food preparation areas and child care spaces.

406.11.3. Cleaning materials and other toxic materials shall be used in a way that does not contaminate play surfaces, food, food preparation areas and does not constitute a hazard to the children.

406.12. PHYSICAL FACILITY.

406.12.1. Conditions at the facility may not pose a threat to the health or safety of the children.

406.12.2. Every exterior wall, roof, foundation, porch and stair shall be structurally sound, weather-tight, and water-tight and shall be finished to control mold, dust and entry of insects or rodents into the child care space.

406.12.3. Every interior floor, stair, wall and ceiling shall be structurally sound and shall be finished to control exposure of the occupants to levels of toxic fumes, dust, mold, ventilation, heating, lighting or noise deemed hazardous.

406.12.4. Floors, walls, ceilings and other surfaces, including the facility's outdoor play space surfaces shall be kept clean, in good repair and free from visible hazards.

406.12.5. Wall and floor coverings shall be of such type and quality as will assure safe and sanitary conditions.

406.12.6. Protective receptacle covers shall be placed in electrical outlets accessible to children 5 years of age or younger.

406.13. HOT WATER PIPES AND OTHER SOURCES OF HEAT.

406.13.1. Hot water pipes and other sources of heat exceeding 110° F that are accessible to children shall be equipped with a protective guard or shall be insulated to prevent direct contact.

406.13.2. Plumbing fixtures shall be provided with a constant supply of hot water within a reasonable period of time. A reasonable time is assumed to be a period not to exceed three minutes.

406.14. HEATING, VENTILATION AND AIR CONDITIONING.

406.14.1. All heating, air conditioning (where applicable) and ventilation equipment shall be maintained in sound operating condition and good repair.

406.14.2. Heating, air conditioning (where applicable) and ventilation systems shall provide uniform heating, ventilation and/or air conditioning to all child care areas.

406.14.3. Where window and door screens are utilized for ventilation, screens shall be properly secured to prevent falls and maintained in good repair.

406.14.4. The indoor air temperature shall be maintained a minimum of 65°F.

406.14.5. If the indoor temperature exceeds 82°F in a child care space, a means of mechanical air circulation shall be utilized.

406.15. LIGHTING. All day care centers and parts thereof, shall maintain adequate luminance levels by artificial or natural light, to provide for proper sanitation and safety in accordance with typical industry practices and guidelines.

406.16. TOILET AREAS.

406.16.1. In all toilet areas the floors, floor coverings, walls, and wall coverings shall be designed, constructed, and installed so they are smooth, non-absorbent and easily cleanable; floor and wall junctures shall be coved to provide a proper seal.

406.16.2. Toilet fixtures shall be of sanitary design, easily cleanable and in good repair.

406.16.3. Toilet areas shall be completely enclosed and shall have tight-fitting, self-closing, solid doors, which shall be closed, except during cleaning or maintenance. However, doors are not required where toilet rooms are structured with adequate sight barriers to prohibit direct vision to the toilets or urinals from the entranceway. Toilet rooms shall be adequately vented to the outside.

406.16.4. A toilet facility shall be supplied with toilet tissue at all times. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered.

406.16.5. Storage in toilet areas shall be limited to toileting and diapering supplies.

406.16.6. Restroom fixtures shall be child-sized, properly adapted adult toilets or training chairs for young toddlers.

406.17. HANDWASHING FACILITIES.

406.17.1. Handwashing facilities shall be located in or directly adjacent to all toilet rooms and shall be conveniently located to all diaper changing locations.

406.17.2. A handwashing sink shall be equipped to provide hot water between 90°F and 110°F through a mixing valve or combination faucet. Hot water temperatures shall be monitored regularly to ensure compliance with the above.

406.17.3. A constant supply of soap and paper towels individual towels or other approved means of hand drying shall be available at all handwashing sinks.

406.17.4. Self-closing, slow-closing, or metered faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

406.18. HANDWASHING PRACTICES.

406.18.1. Facility persons and children shall wash their hands at a handwashing sink with tempered water, soap and approved means of hand drying as often as necessary to prevent the spread of disease and/or contamination of surfaces.

406.18.2. In the case of infants, **the infant's** hands may be washed after each individual diaper change with single-use, pre-moistened towelettes.

406.18.3. The facility person shall ensure that a child's hands are washed with soap and water immediately after diaper changing and toileting.

406.19. MOP SINKS. At least one utility sink or one curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste. Utility sinks and curbed cleaning facilities shall be provided with hot and cold running water under pressure.

406.20. CONDITION OF PLAY EQUIPMENT.

406.20.1. Toys play equipment and other indoor and outdoor equipment used by the children shall be clean, in good repair and free of rough edges, sharp corners, pinch and crush points, splinters and exposed bolts.

406.20.2. Toys soiled by secretion or excretion shall be washed, rinsed and sanitized before they are reused. A disinfecting solution of ½ teaspoon of 5.25% liquid chlorine bleach to one quart of water is acceptable for this use.

406.20.3. In infant and toddler rooms, mouth-contact surfaces shall be washed, rinsed and sanitized at least daily and more frequently if necessary.

406.20.4. If unsafe areas or conditions are in or near an outdoor play space, fencing or natural barriers are required to restrict children from those unsafe areas or conditions.

406.21. TOOTHBRUSHES.

406.21.1. If tooth brushing is conducted, each child shall have a labeled toothbrush, which is stored bristles up and in a manner to protect from cross contamination.

406.22. DIAPERING REQUIREMENTS.

406.22.1. Infants and toddlers shall be diapered at areas designated exclusively for diapering.

406.22.2. Changing tables shall be of sturdy construction and be maintained in good repair and safe condition.

406.22.3. Diapering surfaces shall be smooth, nonabsorbent, and easily cleanable.

406.22.4. Diapering surfaces shall not be used for the storage of equipment or other objects.

406.22.5. Diapering surfaces shall be cleaned with a mild solution of water and detergent and sanitized after each changing. A sanitizing solution of 500 to 800 parts per million of chlorine or equivalent shall be used on diaper changing surfaces after each diaper change and allowed to air dry. A disinfecting solution of 2-3 teaspoons of 5.25% liquid chlorine bleach per quart of water or ¼ cup of 5.25% liquid chlorine bleach per gallon of water is acceptable for this use. Products registered with the U.S. Environmental Protection Agency as hospital grade germicides or disinfectants or as disinfectants for safe use in schools, child care centers, institutions or restaurants may alternatively be used (consistent with label directions).

406.22.6. If bleach solutions are used they shall be made fresh daily.

406.22.7. In lieu of cleaning and sanitizing surfaces after each change, an individual single-use changing pad or other single-use surface covering may be used.

406.22.8. All sanitizers shall be used consistent with the manufacturer's label direction.

406.22.9. Disinfectants and sanitizers solutions shall be used from separate and properly labeled, hand pump spray bottles.

406.22.10. Facility persons shall wear disposable gloves during the diaper changing process.

406.22.11. Gloves shall be discarded after use with each child.

406.22.12. Instructions providing information to facility persons in proper methods of diaper changing and handwashing shall be posted in each diaper changing area.

406.23. SANITIZERS AND SANITIZATION PROCEDURES.

406.23.1. Written procedures for preparation and use of sanitization and disinfection solutions shall be on file at the facility.

406.23.2. A test kit or other device that accurately measures the concentration in mg/L or parts per million of sanitizing solution(s) mixed on-site.

406.24. REST EQUIPMENT.

406.24.1. Individual clean age-appropriate rest equipment shall be provided for preschool toddler and infant children as agreed between the child's parent and the operator. The rest equipment shall be labeled for the use of a specific child and used only by the specified child.

406.24.2. All beds, cribs, cots, and mats shall be in good repair and easily cleanable; stored to protect them from splash, drip and other contamination; cleaned regularly; and sanitized between users.

406.24.3. Linens, blankets, and rest equipment shall be cleaned monthly at a minimum. The operator shall arrange a cleaning schedule with the parent.

406.24.4. Linens shall be stored with the individual mat or cot until laundered or stored individually for each child in a designated area if taken off the mats or cots. Linens used for more than one child shall be laundered between users.

406.24.5. Soiled bedding shall be cleaned before it is reused.

406.25. FOOD SERVICE.

406.25.1. Facilities to be used for the storing, preparation, and serving of food must meet the requirements of the Chapter 300 of these Rules and Regulations, Pennsylvania Chapter 46 and "Public Eating and Drinking Place" Act (35 P.S. §655.1 et seq.).

406.25.2. A facility shall have an operable, clean refrigerator used to store potentially hazardous foods. The refrigerator shall be capable of maintaining food at 41° F or below. An operating thermometer shall be placed in the refrigerator.

406.26. ANIMALS.

406.26.1. Any pet or animal present at the facility, indoors or outdoors shall conform to the relevant provisions of Chapter 220, §202 (relating to veterinary public health and zoonotic disease) of these Rules and Regulations.

406.26.2. All contact between pets, animals and children shall be supervised by a facility person. Reptiles and amphibians shall not be made accessible to children.

406.26.3. Non-domesticated animals (such as farm animals) shall not be allowed to roam freely inside or outdoors. Outdoor animal areas shall be enclosed and made inaccessible to the children.

406.26.4. A designated sink shall be provided for bathing of pets and animals as well as cleaning cages.

406.26.5. Pet and animal wastes shall be cleaned up immediately by a facility person in areas accessible to children.

406.27. WATER ACTIVITIES.

406.27.1. Bathing Places.

406.27.1.1. The construction, modification, maintenance, and operation of any bathing place in a child day care center shall be subject to the provisions of Chapter 600 §602 of these Rules and Regulations; and the "Public Bathing Law" (35 P.S. §672 et seq.).

406.27.1.2. A sanitizing solution shall be added to water in a wading pool that does not have continuous disinfection and recirculation. An acceptable sanitizing solution is 3/4 teaspoon of bleach added to 50 gallons of water.

406.27.1.3. A wading pool that does not have continuous disinfection and recirculation shall be emptied daily.

406.27.1.4. A water play table or a container used for water play that contains unfiltered water shall be emptied daily.

406.28. LAUNDRY.

406.28.1. Laundry shall be handled, transported, stored, and processed in a manner so as to prevent the spread of infectious organisms.

406.29. OUTBREAKS OF GASTROINTESTINAL DISEASE IN THE FACILITY.

406.29.1. The terms, definitions, reporting and other requirements of Chapter 200, Preventive Medicine, as currently amended, and of Chapter 400, §404, Sanitation of Institutions, as currently amended, are hereby incorporated by reference as essential components of this subchapter.

406.29.2 An institutional outbreak shall be suspected and reported to CCHD when two (2) or more children and/or staff have sudden onset of unexpected, recurrent nausea, vomiting, and/or diarrhea and stomach cramping with no other apparent cause. This reporting is in addition to that required by the Pennsylvania Department of Health.

406.29.3. When such an outbreak occurs the requirements set forth in Chapter 400, §404, Subsection 404.3 shall be instituted and remain in effect for the duration of the outbreak (cf. 200.5.18.1.15 of these Rules and Regulations).

**CERTIFICATION
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CHESTER ss**

I, Margaret C. Rivello, Secretary of the Chester County Board of Health, hereby do certify the within to be a true and correct copy. In witness whereof I have hereunto set my hand this 27th day of March, 2013.



Margaret C. Rivello, M.B.A.

SEAL

Effective close of business: Friday, May 10, 2013.