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To: Members of the State Board of Health

From: Therese Pilonetti, Institutions and Emerging Programs Unit Manager, Division of Environmental Health and Sustainability
Amy Gammel, Child Care and Schools Program Coordinator, Division of Environmental Health and Sustainability
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Through: Jeff Lawrence, Director
Division of Environmental Health and Sustainability (jL)

Date: September 16, 2015

Subject: Request for Rulemaking Hearing
Proposed Amendments to 6 CCR 1010-7, Rules and Regulations Governing the Health and Sanitation of Child Care Facilities in the State of Colorado, with a request for the rulemaking hearing to occur in September 2015

The Division of Environmental Health and Sustainability (“Division”) is proposing revisions throughout 6 CCR 1010-7, *Rules and Regulations Governing the Health and Sanitation of Child Care Facilities in the State of Colorado*, and is requesting that the Board of Health schedule a rulemaking hearing to consider adoption of the proposed amendments at the November 18, 2015, Board of Health Meeting.

In compliance with Executive Order D 2012-002 and the State Administrative Procedure Act (24-4-103.3, C.R.S.), the Department has conducted a mandatory review of the *Rules and Regulations Governing the Health and Sanitation of Child Care Facilities in the State of Colorado*. Based on this review, it was determined that amendments to 6 CCR 1010-7 will be proposed. 6 CCR 1010-7 was last amended by the Board of Health in 2005.

The proposed revisions keep Colorado child care facilities consistent with current health and sanitation requirements and nationally recognized science-based recommendations. Following a comprehensive internal review process, the Division met with Stakeholders on nine occasions from February through July 2015, to discuss proposed amendments to the regulations. The stakeholder group included representatives from local public health agencies (LPHAs), health care professionals, child care facility representatives, national child advocacy groups, other Colorado Department of Public Health and Environment (CDPHE) division representatives, and other state and federal government entities (e.g. U.S. Environmental Protection Agency and Colorado Department of Human Services). Therefore, based on full consideration of stakeholder input, the Division is proposing revisions to the rule to ensure alignment with state and federal standards and recommendations and to clarify requirements to promote consistency in application. Of the proposed revisions, the following amendments were identified as more consequential by stakeholders and the Division:

- The inclusion of radon testing as a requirement in child care facilities. Pursuant to the revised regulation, radon testing of existing child care facilities will be required by May 1, 2017. New child care facilities opening after the effective date of these rules and regulations will be required to complete radon tests within six months of occupancy. Child care facilities remodeled after the effective date of these rules and regulations will be required to notify the Department of such remodeling so the Department can assess the need for any additional radon testing. Radon testing will be conducted by child care facility providers in accordance with the American Association of Radon Scientists and Technologists (AARST) *Protocol for Conducting Radon and Radon Decay Product Measurements In Schools and Large Buildings*, 2014. Additionally, in conjunction with the Hazardous Materials and Waste Management Division's Radon Program Manager, guidance for child care providers will be provided by the Department. Also, the future collection and evaluation of radon testing results will allow the Department to formulate data-driven decisions on compliance assistance needs or mitigation measures resulting in a reduction in radon exposure among children in Colorado child care facilities;
- Incorporation of protective measures surrounding lead exposure in child care facilities constructed prior to 1978. As a result of newly developed rules, painted finishes in these facilities will be assumed to contain lead unless determined otherwise through testing. However, testing for the presence of lead is not a requirement, but rather an option to avoid using lead safe practices during renovation or repair if lead is not detected. If testing is performed, it shall be conducted pursuant to the U.S. Environmental Protection Agency *Lead Renovation, Repair and Painting Program* regulations found at 40 CFR Part 745, Subpart E. These provisions are required by federal and state regulation and codifying these requirements in the revised child care regulations will greatly reduce the potential of lead exposure in Colorado children;
- For ease of use and regulation clarity, requirements for sanitizers and disinfectants in former Chapter 6 were separated into separate sections in proposed Sections 7.10.5 and 7.10.6, respectively. The *Food Service* section, Chapter 7 of the 2005 child care regulations, for ease of reformatting, was stricken in its entirety and replaced with the reformatted and amended version shown as Section 7.11, *Food Service*. Moreover, child care providers and partners in public health voiced concerns about the existing regulation limiting food service to processed and unhealthy food choices. The amended food service rules increase the access to healthy food for Colorado children, while eliminating ambiguity that has historically led to inconsistent implementation of these requirements within these settings. A listing of the more substantive changes within the food service section are as follows:
 - Amendments to rule language that increase the flexibility on required equipment, while maintaining public health protection, thereby, allowing child care facilities to prepare healthier meals and snacks;
 - Integration of family style meal service requirements to improve the protection of food service;
 - Allowances for the growing and use of produce within their child care facility; and,
 - To further protect highly susceptible populations, a requirement for date marking select food products was incorporated into the regulation for facilities

serving children under the age of five or that specialize in caring for immunocompromised children.

- Inclusion of additional requirements prohibiting reptiles, amphibians, and live poultry from facilities that care for children under the age of five. Historically, the Department has seen an increase in communicable disease outbreaks among children related to these animals. Specifically, reptiles, amphibians, and live poultry are known carriers of pathogens such as salmonella and campylobacter. Children under the age of five are especially vulnerable to severe illness and are more likely to result in hospitalization and death.

Less substantive proposed revisions include:

- Codifying existing practices to provide transparency, clarity, and consistency in application by child care facilities and the Division (e.g., current versions of plumbing codes, health requirements, sanitation and disinfection practices, etc.);
- Standardizing the format of the regulation to comply with the Colorado Secretary of State CCR style template;
- Updating definitions, citations, references, and administrative directives, and modernizing essential regulation language by eliminating arbitrary and/or redundant requirements;
- Increasing the clarity, consistency, effectiveness, specificity, and accuracy of regulatory language by incorporating standardized language from similar rules and/or from other rules that apply to child care facilities; and,
- Clarifying requirements based on implementation of the current rule.

To date, the Division has participated in nine stakeholder meetings held on February 12, March 4, March 25, April 22, May 6, May 27, June 12, June 30, and July 22, 2015. Stakeholder meetings have resulted in consensus on the proposed revisions and have identified opportunities for the development of technical guidance to assist with implementation of the revised regulations.

STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY
for Amendments to

6 CCR 1010-7, *Rules and Regulations Governing the Health and Sanitation of Child Care Facilities in the State of Colorado*

Basis and Purpose.

The purpose of the Board of Health's *Rules and Regulations Governing the Health and Sanitation of Child Care Facilities in the State of Colorado*, 6 CCR 1010-7, is to establish provisions regulating the minimum health and sanitation requirements for the operation and maintenance of child care facilities in Colorado.

The amendments to 6 CCR 1010-7, are being implemented pursuant to the statutory authority granted the Board of Health in Sections 25-1.5-101(1)(a), (h), (k), and (l), 25-1.5-102(1)(a) and (d), and 25-1-108(1)(c)(I), C.R.S. The Division of Environmental Health and Sustainability ("Division") is directed by Executive Order D 2012-002 and the State Administrative Procedure Act (24-4-103.3, C.R.S.) to review all regulations at least once every seven years to ensure that they are efficient, effective and essential. The child care regulations were last amended in 2005.

The proposed revisions keep Colorado child care facilities consistent with current health and sanitation requirements and nationally recognized science-based recommendations. Through a comprehensive review process, the Division, in collaboration with a stakeholder group that included local public health agencies (LPHAs), health care professionals, child care facility representatives, national child advocacy groups, other Colorado Department of Public Health and Environment (CDPHE) division representatives, and other state and federal government entities (e.g. U.S. Environmental Protection Agency and Colorado Department of Human Services), is proposing revisions to the rule to provide clarity and more closely align with state and federal standards.

Of the proposed revisions, and based on stakeholder feedback received by the Division, the following amendments were identified as more consequential to stakeholders:

- The inclusion of radon testing as a requirement in child care facilities. Pursuant to the revised regulation, radon testing of existing child care facilities will be required by May 1, 2017. New child care facilities opening after the effective date of these rules and regulations will be required to complete radon tests within six months of occupancy. Child care facilities remodeled after the effective date of these rules and regulations will be required to notify the Department of such remodeling so the Department can assess the need for any additional radon testing. Radon testing will be conducted by child care facility providers in accordance with the American Association of Radon Scientists and Technologists (AARST) *Protocol for Conducting Radon and Radon Decay Product Measurements In Schools and Large Buildings*, 2014. Additionally, in conjunction with the Hazardous Materials and Waste Management Division's Radon Program Manager, guidance for child care providers will be provided by the Department. Also, the future collection and evaluation of radon testing results will allow the Department to formulate data-driven decisions on compliance assistance needs or mitigation measures resulting in a reduction in radon exposure among children in Colorado child care facilities.

Radon is the leading cause of lung cancer in non smokers and is estimated to be responsible for 21,000 deaths per year nationally. According to the United States Environmental Protection Agency (EPA), 41% of homes in Colorado have levels of radon greater than 4 picocuries per liter (pCi/L) which is EPA's recommended action level. This data ranks Colorado as sixth in the nation for percentage of homes with action levels above 4 pCi/L. While this data is based on home testing it is believed that similar elevated levels will be detected in child care facilities. Three Colorado counties have done voluntary testing of radon in child care facilities and found that 31% of test results had radon levels greater than 4 pCi/L and 13% had more than double the EPA action level. Extensive research was conducted and it was discovered that 13 other states require radon testing in child care facilities. Of the 13 states, only two are ranked higher than Colorado for the percentage of homes that have radon results higher than 4 pCi/L. Also, based on stakeholder input, it was determined that radon testing is affordable for child care facilities. The Department plans to collect radon test results during inspections for statewide analysis. Due to the expectation that radon concentrations at many facilities will exceed the EPA action level of 4 pCi/L, the Division is currently seeking funding opportunities to provide assistance for testing and mitigation costs. We also are currently working on guidance for LPHAs and compliance assistance for providers.

- Incorporation of protective measures surrounding lead exposure in child care facilities constructed prior to 1978. As a result of newly developed rules, painted finishes in these facilities will be assumed to contain lead unless determined otherwise through testing. However, testing for the presence of lead is not a requirement, but rather an option to avoid using lead safe practices during renovation or repair if lead is not detected. If testing is performed, it shall be conducted pursuant to EPA's *Lead Renovation, Repair and Painting Program* regulations found at 40 CFR Part 745, Subpart E. These provisions are required by federal and state regulation and codifying these requirements in the revised child care regulations will greatly reduce the potential of lead exposure in Colorado children.

Approximately 38 million homes in the U.S. contain lead based paint. It is likely that 25% of homes built between 1960 and 1978 contain lead based paint. This increases to 70% in homes built between 1940 and 1960, and nearly 90% of homes built before 1940. While this data is specific to homes, it is important to note that child care facilities in the same aged structures will most likely have similar finishes. As a result, the Department is also proposing protective measures surrounding lead exposure in child care facilities constructed prior to 1978.

- For ease of use and regulation clarity, requirements for sanitizers and disinfectants in former Chapter 6 were separated into separate sections in proposed Sections 7.10.5 and 7.10.6, respectively. The *Food Service* section, Chapter 7 of the 2005 child care regulations, for ease of reformatting, was stricken in its entirety and replaced with the reformatted and amended version shown as Section 7.11, *Food Service*. Moreover, child care providers and partners in public health voiced concerns about the existing regulation limiting food service to processed and unhealthy food choices. The amended food service rules increase the access to healthy food for Colorado children, while eliminating ambiguity that has historically led to inconsistent implementation of these requirements within these settings. A listing of the more substantive changes within the food service section are as follows:

- Amendments to rule language that increase the flexibility on required equipment, while maintaining public health protection, thereby, allowing child care facilities to prepare healthier meals and snacks;
- Integration of family style meal service requirements to improve the protection of food service;
- Allowances for the growing and use of produce within their child care facility; and,
- To further protect highly susceptible populations, a requirement for date marking select food products was incorporated into the regulation for facilities serving children under the age of five or that specialize in caring for immunocompromised children.

In Colorado one in four children, 26.5% or about 224,000, were overweight or obese in 2013. Reducing the percentage of obesity in Colorado is one of the Department's winnable battles. The goal of the changes to the food service section is to remove barriers for child care facility providers to serving healthy meals and snacks.

- Inclusion of additional requirements prohibiting reptiles, amphibians, and live poultry from facilities that care for children under the age of five. Historically, the Department has seen an increase in communicable disease outbreaks among children related to these animals. Specifically, reptiles, amphibians, and live poultry are known carriers of pathogens such as salmonella and campylobacter. Centers for Disease Control and Prevention (CDC) estimates that 17% of all campylobacter and 11% of all salmonella infections are associated to the care of animals. For salmonella, 16% of children ages one to four will be hospitalized and 26% of infants. Children under the age of five are especially vulnerable to severe illness and are more likely to result in hospitalization and death. The provisions will not affect older children in settings such as elementary schools given that the animals are not in common areas.

Proposed revisions also include standardizing the format of the regulation to comply with the Colorado Secretary of State CCR style template. Other, less substantive proposed revisions address:

- Codifying existing practices to provide transparency, clarity, and consistency in application by child care facilities and the Division (e.g., current versions of plumbing codes, health requirements, sanitation and disinfection practices, etc.);
- Updating definitions, citations, references, and administrative directives, and modernizing essential regulation language by eliminating arbitrary and/or redundant requirements;
- Increasing the clarity, consistency, effectiveness, specificity, and accuracy of regulatory language by incorporating standardized language from similar rules and/or from other rules that apply to child care facilities; and,
- Clarifying requirements based on implementation of the current rule.

Specific Statutory Authority.

These rules are promulgated pursuant to the following statutes: Sections 25-1-108(1)(c)(I), 25-1.5-101(1)(a), (h), (k), and (l), 25-1.5-102(1)(a) and (d), C.R.S.

SUPPLEMENTAL QUESTIONS

Is this rulemaking due to a change in state statute?

_____ Yes, the bill number is _____; rules are ___ authorized ___ required.
 X No

Is this rulemaking due to a federal statutory or regulatory change?

_____ Yes
 X No

Does this rule incorporate materials by reference?

 X Yes
_____ No

Does this rule create or modify fines or fees?

_____ Yes
 X No

REGULATORY ANALYSIS

for Amendments to

6 CCR 1010-7, Rules and Regulations Governing the Health and Sanitation of Child Care Facilities in the State of Colorado

1. A description of the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Child Care providers, children, parents of enrolled children, visitors to the child care facilities, CDPHE, and local public health agencies are all potentially affected and will benefit from the proposed changes to the regulations.

Although negligible relative to the health benefit, potential costs may be incurred by child care facilities gaining compliance with specific new requirements or additions to the regulation (e.g., lead safe practices for renovation and repair in pre 1978 buildings and radon testing of all facilities).

Regarding radon testing, the Department recognizes that child care facilities will require ample time to achieve compliance with the new requirement. To accommodate this, a compliance date of May 1, 2017 has been incorporated in order to allow child care facilities sufficient time to conduct testing.

2. To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

By providing increased clarity, consistency in application, specificity, and accuracy in regulatory language, the proposed rule will qualitatively allow child care facilities to more effectively and efficiently comply with regulation. Additionally, the proposed rule revisions provide for better alignment with nationally recognized health standards and practices; thereby, providing a modern and appropriate level of protection for Colorado children in child care and their providers.

It is estimated that there are more deaths per year attributed to radon exposure than drunk driving; 21,000 nationally and 500 in Colorado. Due to elevated levels of radon throughout the state, stakeholders agreed that testing is a necessary initial step toward keeping children and child care providers safe. The proposed regulation will require radon testing, which has not been required before. The Department recognized the potential regulatory and economic burden placed on child care providers as a result of radon testing. The Department and stakeholders performed an exhaustive comparative evaluation of the cost of radon testing and found that a facility may incur a cost ranging from \$5-\$20 for a small to average sized facility. We are currently in the process of working with Air Chek, Inc. to provide low cost test kits for child care providers throughout the state. Department guidance along with the delayed compliance date will minimize the potential regulatory and economic burden on stakeholders.

Approximately 38 million homes in the U.S. contain lead based paint. It is likely that 25% of homes built between 1960 and 1978 contain lead based paint. This increases to 70% in homes built between 1940 and 1960, and nearly 90% of homes built before 1940. While this data is specific to homes, it is important to note that child care

facilities in the same aged structures will most likely have similar finishes. We are also proposing protective measures surrounding lead exposure in child care facilities constructed prior to 1978. Painted finishes in these facilities for the purposes of repair or renovation will be assumed to contain lead unless proven otherwise through testing. Please note, testing is not a requirement but rather an option to avoid using lead safe practices during renovation or repair if lead is not found to be present. We do not believe that this requirement constitutes an economic or other burden to child care providers as these provisions are already required by federal and state regulation. Including these requirements in this regulation we believe will greatly reduce lead exposure in Colorado children.

Additionally, the changes relieve regulatory burden inhibiting the service of healthier less processed foods. The intent is to align with Department goals of reducing childhood obesity. The proposed change to prohibiting certain animals also reduces the risk of communicable disease among children under the age of five.

3. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The implementation costs of the revised regulation to CDPHE and Division of Environmental Health and Sustainability are negligible. Although the Division may incur an increased level of effort associated with developing guidance, updating pertinent documents, and training of local health agencies and child care facilities, no appreciable increase in Departmental costs have been identified. The provisions added to allow flexibility within the food section of the regulations may initially be a change for some local public health agencies that desired a more stringent approach to these requirements. To balance these interests, the Department or local public health agency, acting on the Department's behalf, will evaluate and approve the operation in advance. This may require minimal additional time to assess kitchen equipment on a case-by-case basis. Because no significant increase in inspection time is anticipated, the proposed revisions to the regulation will not increase the overall costs to conduct inspections to local health agencies or to CDPHE.

4. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

At minimal cost for child care facilities, the benefits of the proposed revision to regulation include a greater degree of health protection for children, caregivers, and occupants of Colorado child care facilities. The substantive proposed revisions (i.e. radon testing, lead safe practices, food service, and prohibition of high risk animals) form the foundation for a more robust, effective, and beneficial regulation.

The costs of inaction are minimal, and there are no benefits from inaction. Based on the high level of stakeholder engagement, and the depth and breadth of stakeholder proposed revisions, inaction would be a disservice to the regulated community and would not comply with Department policy to review all regulations assure their relevance.

5. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly or less intrusive methods for achieving the purpose of the revised regulation. The amendments are necessary to provide child care facilities and the regulated community at large with sufficiently detailed, accurate and updated rules that are consistent with nationally recognized standards.

6. Alternative Rules or Alternatives to Rulemaking Considered and Why Rejected.

The child care regulations were last revised in 2005. Due to Department policy regarding the periodic updating of all state regulation and the need for extensive revision, alternatives to rulemaking were not considered.

7. To the extent practicable, a quantification of the data used in the analysis; the analysis must take into account both short-term and long-term consequences.

The child care regulation revision would positively impact all Department regulated ~3,100 child care facilities throughout the state. Considering all child care facilities, the increase in health provisions afforded by the proposed revisions would impact a total population of approximately 188,000 children attending and thousands caregivers providing care on a given day in Colorado. During evaluation of proposed revisions, the following sources of information were reviewed:

- Colorado Revised Statutes
 - Section 16-13-308
 - Section 16-13-309
 - Section 24-4-103(12.5)(a)
 - Section 25-1-108(1)(c)(l)
 - Section 25-1-501, *et seq*
 - Section 25-1.5-101(1)(a) and (h)
 - Section 25-1.5-102(1)(a) and (d)
 - Section 25-1.5-203
 - Section 25-4-1061, *et seq*
 - Section 25-4-1705(5)(e)
 - Section 25-5-508
 - Section 25-5.5-117(4)
 - Section 25.5-4-103(19.5)
 - Section 26-6-102(1.5)
 - Section 26-6-102(2.2)(a)
 - Section 26-6-102(2.4)
 - Section 26-6-102(2.5)(a)
 - Section 26-6-102(4)
 - Section 26-6-102(4.5)
 - Section 26-6-102(5)
 - Section 26-6-102(5.1)
 - Section 26-6-102(5.6)
 - Section 26-6-102(5.8)
 - Section 26-6-102(6.7)
 - Section 26-6-102(8)
 - Section 26-6-102(9)

- Section 26-6-102(10)(a)
- Section 26-6-102(11)
- Section 26-6-102(12)
- Section 26-6-104(4)
- 5 CCR 1001-10, Colorado Air Quality Control Commission Regulation No. 8 Part B
- 5 CCR 1001-23 Colorado Air Quality Control Commission, Regulation No. 19 Part A
- 5 CCR 1002-11, *Colorado Primary Drinking Water Regulations*
- 5 CCR 1003-5, *Swimming Pool and Mineral Bath Regulations*
- 6 CCR 1007-2, Part 1, *Regulations Pertaining to Solid Waste Sites and Facilities* and 6 CCR 1007-3, Parts 260-268, and Parts 99 and 100
- 6 CCR 1009-1, *Rules and Regulations Pertaining to Epidemic and Communicable Disease Control*
- 6 CCR 1009-2, *Rules Pertaining to the Infant Immunization Program, the Vaccines for Children Program, and the Immunization of Students Attending School*
- 6 CCR 1010-2, *Colorado Retail Food Establishment Rules and Regulations*
- 12 CCR 2509-8 Rule 7.701.2.C.8
- American Association of Radon Scientists and Technologists (AARST) *Protocol for Conducting Radon and Radon Decay Product Measurements In Schools and Large Buildings*, 2014
- 40 CFR 180.940
- *2009 International Plumbing Code*
- Colorado Department of Public Health and Environment, *Infectious Diseases in Child Care and School Settings*
- American Academy of Pediatrics, *Managing Infectious Disease in Child Care and Schools*
- *Caring for Our Children National Health and Safety Performance Standards Guidelines for Early Care and Education Programs*
- American Academy of Pediatrics, *Caring for Our Children National Health and Safety Performance Standards Guidelines for Early Care and Education Programs*, Standard 4.3.1.4, *Feeding Human Milk to Another Mother's Child*,
- Title 15, United States Code (USC), Section 8001, *et seq*
- U.S. Department of Agriculture Good Agricultural Practices, Interpretive Memo 14-08 *Determining "Approved Source" for Raw, Uncut Fruits and Vegetables*
- U.S. Environmental Protection Agency Lead Renovation, Repair, and Painting Program Regulations, 40 CFR Part 745, Subpart E.
- Family Educational Rights and Privacy Act (FERPA)

STAKEHOLDER COMMENTS
for Amendments to
*6 CCR 1010-7, Rules and Regulations Governing the Health and Sanitation of Child Care
Facilities in the State of Colorado*

The following individuals and/or entities were included in the development of these proposed rules:

- Child Care Program Stakeholders
 - Bradley Turpin, Tri-County Health Department
 - Kevin Antuna, Weld County Department of Public Health and Environment
 - Laura DeGolier, Tri-County Health Department
 - Sarah Scully, Boulder County Public Health
 - Stacey Baker, Tri-County Health Department
 - Amber Donovan, Northeast Colorado Health Department
 - Jim Devore, Larimer County Department of Health & Environment
 - Jane Wilkinson, Boulder County Public Health
 - Kara Kaiser, Boulder County Public Health
 - Paula Dearborn, Diverse Nurses
 - Stephani Schwettman, We Kare-A-Lot Inc.
 - Anna Marie Valdez, Lake County School District R-1
 - Caroline Kennedy, Miss Carrie's Child Care
 - Lisa Straight, Denver Environmental Health
 - Debbie Bradley, Tender Care Consulting
 - Kay Mikus, CDHS
 - Theresa Rapstine, Qualistar
 - Carol Lynn Scheller, Hinsdale County
 - Chris Smith, San Miguel County
 - CJ Oliver, City of Aspen
 - Colleen Nielsen, Lake County
 - Jackie Littlepage, Lake County
 - Dan Hendershott, Summit County
 - Dave Schneck, San Miguel County
 - Deb Adamson, Weld County
 - Aaron Doussett, Teller County
 - Kaysie Walter, Otero County
 - Gary Hartzell, Elbert County
 - Greg Brand, SJBHD
 - Heather Coin, NCHD
 - Heather Savalox, Routt County
 - Kelly Alvarez, Kit Carson County
 - Jeremy Simmons, Rio Blanco County
 - Jessa Woodward, Jefferson County
 - Jim Austin, Montrose County
 - John Martinez, Las Animas/ Huerfano
 - Keith Siemsen, Prowers County
 - Ken Nordstrom, Delta County
 - Kerry Taube, Las Animas/Huerfano
 - Kurt Dahl, Pitkin County

- Lynnea Rappold, Alamosa County
- Marla Luckey, SJBHD
- Mel Bustos, NCHD
- Melissa Matthews, Montezuma County
- Mike Zopf, Routt County
- Mindi Ramig, Jefferson County
- Monique Mull, Mesa County
- Patsy Ford, SJBHD
- Rachel Burmeister, City of Aspen
- Ray Merry, Eagle County
- Rick Ritter, Otero County
- Sheila Cross, Park County
- Seth Odette, Prowers County
- Sid Darden, Freemont County
- Tom Eisenman, Park County
- Vicki Carlton, Pueblo County
- Victor Crocco, Chaffee County
- Christine Perreault, Children's Hospital
- Nicol Hogg, Denver Environmental Health
- Linda Satkowiak, NRC
- Heather Frenz, Qualistar
- Jane Sanborn, Sanborn Western Camps
- Marty Ferguson, YMCA of The Rockies
- Noel Nelson, CO Early Childhood Education Association
- Caitlin Gappa, Tri-County Health Department
- Betsy Thamert, ACA representative
- Bill Yager, Colorado Kids
- Jim Goodwin, El Paso County Public Health
- Tom Gonzales, El Paso County Public Health
- Juanita Rodriguez, RMSER Head Start
- Dennis Desparrois, CDHS- Child Welfare
- Liz Miret, Red Rocks Community College
- Stephen Stillwell, Broomfield Public Health & Environment
- Kim Hall, Broomfield Health and Human Services
- Laura Fawcett, Eagle County
- Jennifer Schuller, EPA
- Colleen Nunn, EPA
- Michelle Reichmuth, EPA
- Pauline Hoekstra, CDHS
- Joseph Mitchell, CDHS
- Kim Betts, Cheley Colorado Camps
- Donna Hunt, City of Aurora
- Matthew Garcia, Jefferson County Public Health
- Nicole Aguilar, Larimer County
- Sherri Amen, Step by Step Teen Parenting Program
- Cathy White
- Tobie Bernstein, Environmental Law Institute
- Brian Conly, CDHS
- Brian Mead, Tri-County Health Department
- Candace Spice, Tri-County Health Department

- Megan Harms, Denver Environmental Health
- Lacey Puetz, Denver Environmental Health
- Heather Frenz, Qualistar
- Melissa Taylor, Weld County Department of Public Health and Environment
- Kyle Legleiter, Colorado Health Foundation
- Dustin Moyer, Colorado Health Foundation
- Katie Driggins, Adam's Camp
- David Shapiro, Executives Partnering to Invest in Children

- CDPHE staff:
 - Diana Herrero, CDPHE- Immunization Program
 - Tracy Miller, CDPHE - CACFP
 - Alicia Cronquist, CDPHE - DCEED
 - Jennifer House, CDPHE - DCEED
 - Nicole Comstock, CDPHE - DCEED
 - Cary Ruble, CDPHE - DEHS
 - Sean Scott, CDPHE - DEHS
 - Jeff Lawrence, CDPHE - DEHS
 - Therese Pilonetti, CDPHE - DEHS
 - Greg McConnell, CDPHE - DEHS
 - Kara Stone, CDPHE - DEHS
 - Erika Atherly, CDPHE - DEHS
 - Matthew Brandt, CDPHE - DEHS
 - Zack Lustgarten, CDPHE - DEHS
 - Joanne, Sax CDPHE - DEHS
 - Amy Gammel, CDPHE - DEHS
 - Brianne Ratajczak, CDPHE - DEHS
 - Ynke DeKoe, CDPHE - CACFP
 - Brian Young, CDPHE - DEHS
 - Chrys Kelley, CDPHE - Radon Coordinator
 - Jamie Damico, CDPHE - Immunizations

Along with the above individuals and entities, the Division notified interested parties via the Division's website and sent an email notice to the Division's stakeholder list.

Summarize Major Factual and Policy Issues Encountered and the Stakeholder Feedback Received. If there is a lack of consensus regarding the proposed rule, please also identify the Department's efforts to address stakeholder feedback or why the Department was unable to accommodate the request.

The Division has been tracking opportunities to improve and modernize this regulation since its last amendment in 2005. Beginning in December 2014, the division notified stakeholders to discuss proposed changes to the regulation and requested feedback. Formal regulation revision stakeholder meetings were held on February 12, March 4, March 25, April 22, May 6, May 27, June 12, June 30 and July 22, 2015, and both internal and external stakeholder feedback was documented, tracked, and evaluated for possible inclusion in the revised regulation.

The majority of stakeholder comments received have been accepted as proposed revisions and incorporated into the amended regulation, while others were rejected because they were

either out of scope or conflict with the general intent and/or authority of the regulations. Stakeholder meetings have resulted in consensus on the proposed revisions and have identified opportunities for the development of technical guidance to assist with implementation of the revised regulations.

Some local public health representatives were reluctant to allow flexibility related to food service. While we have added allowances, a compromise was made so that each operation will need to be evaluated and approved by the Department or local public health agency to assure public health is protected. Some stakeholders would also have liked to see a mitigation requirement in facilities with a radon test result greater than 4 pCi/L. We felt that gathering data and providing compliance assistance was an important first step. It was communicated with stakeholders that mitigation may be an eventual proposed requirement given the results and rates of voluntary mitigation. This approach was acceptable to stakeholders.

The proposed changes have been carefully balanced to ensure child care facilities can be successful within existing resources. The net impact is to create efficiency for child care facilities. The rule does not contain a local government mandate. Local public health agencies are involved to the extent they agree to serve as the Department's agent for the purpose of child care inspections. To date the Division has received no comments that the rule contains an unfunded mandate to local governments.

Please identify health equity and environmental justice (HEEJ) impacts. Does this proposal impact Coloradoans equally or equitably? Does this proposal provide an opportunity to advance HEEJ? Are there other factors that influenced these rules?

The proposed revisions will continue to promote healthy child care facilities for Colorado children, providers and other occupants regardless of race, color, national origin, or income. The proposed changes only have positive impacts on the equality and equitability of children receiving care in facilities. Examples of this include minimizing exposure to radon and lead, and increasing the access to healthier and less processed foods. While we recognize that compliance of the proposed requirements may be more difficult in low socioeconomic areas we are exploring Supplemental Environmental Program funds to offset costs in environmentally impacted communities of the state. We are also exploring additional funding sources to assist with compliance for all child care providers.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Division of Environmental Health and Sustainability

6 CCR 1010-7

RULES AND REGULATIONS GOVERNING
THE HEALTH AND SANITATION OF CHILD CARE FACILITIES
IN THE STATE OF COLORADO

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COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Division of Environmental Health and Sustainability

6 CCR 1010-7

RULES AND REGULATIONS GOVERNING
THE HEALTH AND SANITATION OF CHILD CARE FACILITIES
IN THE STATE OF COLORADO
EFFECTIVE _____

[Informational comment: The section numbering was previously formatted as 1-101, 1-201, 2-101, etc., Chapters, Chapter titles and other formatting such as numbering with parenthesis, e.g. (1). The numbering has been revised throughout the document to a 7.1, 7.2 and outline format. To assist in the review and discussion of the revisions, only the proposed format appears. This comment will not appear as part of the rule if adopted by the Board.]

7.1 Authority

These rules and regulations are promulgated pursuant to ~~s~~Sections 25-1.5-101(1)(a)₂ and (h), (k), and (l), 25-1.5-102(1)(a) and (d), and 25-1-108(1)(c)(l) and ~~25-5-508~~, C.R.S.

7.2 Scope and Purpose

~~A. Purpose. The purpose of the rules and regulations is to provide~~This regulation shall govern minimum health and sanitation requirements for the operation and maintenance of child care facilities in order to protect the health of children and staff in these facilities.

~~B.~~ This regulation does not apply to:

- 1. Family child care homes as defined in Section 26-6-102(4), C.R.S.;
- 2. Cradle care homes, foster care homes, medical foster care, therapeutic foster care, and treatment foster care as defined in Section 26-6-102(2.4), (4.5), (5.6), (11), and (12) C.R.S.; and,
- 3. Neighborhood youth organizations as defined in Section 26-6-102(5.8), C.R.S.

Application

7.3 Applicability

~~A.~~ These rules and regulations shall apply to all child care facilities as defined in Sections 26-6-102(1.5), (2.2)(a), (2.5)(a), (5), (5.1), (6.7), (8), (9), and (10)(Aa), C.R.S. and definition 7.4(A)(6) of this regulation.

- 1. Child care facilities in operation prior to the effective date of these regulations, which would require capital expenditures to fully meet all design,

49 construction and equipment requirements of the regulations, shall be deemed
50 acceptable if in good repair and capable of being maintained in a sanitary
51 condition and pose no hazard to the health of the facility occupants.
52

53 2. Any child care facility operator shall have the right to seek a variance to any
54 section of these rules and regulations which, in his/her opinion, presents an
55 undue hardship on the person, facility, or the community so long as minimum
56 health and sanitation requirements are met. All variance requests shall be
57 submitted to the Colorado Department of Public Health And Environment in
58 writing, stating the section for which the variance is being requested and the
59 reason for the request.
60

61 B. ~~Plan Review.~~ The Department may require detailed plans and specifications of a child
62 care facility proposed to be newly constructed, and/or the affected areas of any
63 existing child care facility proposed to be extensively remodeled. Each child care
64 provider, person intending to become a child care provider or designee shall be
65 responsible for submitting the requested plans and specifications. Approval of
66 requested plans and specifications is necessary before construction begins. ~~Plans shall~~
67 ~~be reviewed by the Department within two (2) weeks of receipt.~~ Any revision of plans
68 shall be submitted to the Department for review and modification or approval. Plans
69 shall include: a plan-view scale drawing of the facility; the location of all equipment,
70 plumbing fixtures and connections, ventilation systems, and other pertinent
71 information.
72

73 7.4 Definitions
74

75 A. The following definitions shall apply in the interpretations and the enforcement of
76 these regulations unless the context clearly states otherwise:
77

78 (4) ~~1.~~ Advanced Food Preparation shall means cooking or assembling of potentially
79 hazardous food either in its finished state or partially finished state, more than
80 ~~4~~four hours in advance of serving. This practice requires temperature control
81 to limit the growth of pathogenic organisms.
82

83 (2) ~~2.~~ Approved shall means acceptable to the Colorado Department of Public Health
84 and Environment or its authorized agents or employees based upon
85 determination of conformance with these and other appropriate standards and
86 good public health practice.
87

88 (3) ~~3.~~ Bacteria shall means organisms with a cell wall that can survive inside and
89 outside of the body.
90

91 (4) ~~4.~~ Body fluids shall include urine, feces, saliva, blood, nasal discharge, eye
92 discharge and injury or tissue discharge.
93

94 5. Certificate of Immunization means an official Colorado Certificate of
95 Immunization or an Alternate Certificate of Immunization that has been
96 approved by the Colorado Department of Public Health and Environment shall
97 include one of the following forms of documentation that include the dates and

98 type of immunizations administered to a child or the dates and types of
99 exemption taken:

100
101 a. A paper document that includes information transferred from the
102 records of a licensed physician, registered nurse, or public health
103 official; or,

104
105 b. An electronic file or hard copy of an electronic file provided to the
106 facility directly from the Colorado Department of Public Health and
107 Environment immunization registry or from a software program
108 approved by the Colorado Department of Public Health and
109 Environment.

110
111 ~~(5)~~ 6. Child Care Facility shall mean, for the purposes of this regulation, any facility
112 defined as such in Sections 26-6-102(1.5), 2.2(a), (2.5)(a), (5), (5.1), (6.7),
113 (8), (9), (10)(a), C.R.S., and,

114
115 a. "Child care center" means a facility, by whatever name known, that is
116 maintained for the whole or part of a day for the care of five or more
117 children who are 18 years of age or younger and who are not related to
118 the owner, operator, or manager thereof, whether the facility is
119 operated with or without compensation for such care and with or
120 without stated educational purposes. This term includes, but is not
121 limited to, facilities commonly known as day care centers, school-age
122 child care centers, before and after school programs, nursery schools,
123 kindergartens, preschools, day camps, summer camps, and centers for
124 developmentally disabled children and those facilities that give 24-hour
125 care for children and includes those facilities for children under the age
126 of six years with stated educational purposes operated in conjunction
127 with a public, private, or parochial college or a private or parochial
128 school; except that the term shall not apply to any kindergarten
129 maintained in connection with a public, private, or parochial
130 elementary school system of at least six grades or operated as a
131 component of a school district's preschool program operated pursuant to
132 article 28 of title 22, C.R.S. The term shall not include any facility
133 licensed as a family child care home, a foster care home, or a
134 specialized group facility that is licensed to provide care for three or
135 more children pursuant to subsection (i) of this section, but that is
136 providing care for three or fewer children who are determined to have a
137 developmental disability by a community centered board or who are
138 diagnosed with a serious emotional disturbance.

139
140 b. "Children's resident camp" means a facility operating for three or more
141 consecutive 24-hour days during one or more seasons of the year for the
142 care of five or more children. The facility shall have as its purpose a
143 group living experience offering education and recreational activities in
144 an outdoor environment. The recreational experiences may occur at the
145 permanent camp premises or on trips off the premises.

146

- 147 c. "Day treatment center" means a facility that provides less than 24-hour
148 care for groups of five or more children who are:
149
150 (1) Five years of age or older, but less than 18 years of age; or,
151
152 (2) Less than 21 years of age and who are placed in the program by
153 court order prior to their 18th birthday; and,
154
155 (3) Provides a structured program of various types of psycho-social
156 and behavioral treatment to prevent or reduce the need for
157 placement of the child out of the home or community.
158
159 d. "Guest child care facility" means a facility operated by a ski area, as
160 that term is defined in Section 33-44-103(6), C.R.S., where children are
161 cared for:
162
163 (1) While parents or persons in charge of such child are patronizing
164 the ski area;
165
166 (2) Fewer than 10 total hours per day;
167
168 (3) Fewer than 10 consecutive days per year; and,
169
170 (4) Fewer than 45 days in a calendar year, with 30 or fewer of such
171 45 days occurring in either the winter or summer months.
172
173 e. "Homeless youth shelter" means a facility that, in addition to other
174 services it may provide, provides services and mass temporary shelter
175 for a period of three days or more to youths who are at least 11 years of
176 age, or older, and who otherwise are homeless youth as that term is
177 defined in Section 26-5.7-102(2), C.R.S.
178
179 f. "Public services short-term child care facility" means a facility that is
180 operated by or for a county department of social services or a court and
181 that provides care for a child:
182
183 (1) While the child's parent or the person in charge of the child is
184 conducting business with the county department of social
185 services or participating in court proceedings;
186
187 (2) Fewer than 10 total hours per day;
188
189 (3) Fewer than 15 consecutive days per year; and,
190
191 (4) Fewer than 45 days in a calendar year.
192
193 g. "Residential child care facility" means a facility licensed by the Colorado
194 Department of Human Services to provide 24-hour group care and
195 treatment for five or more children operated under private, public, or

- 196 nonprofit sponsorship. Residential child care facility includes
197 community-based residential child care facilities, shelter facilities, and
198 therapeutic residential child care facilities as defined in rule by the
199 state board, and psychiatric residential treatment facilities as defined
200 in Section 25.5-4-103(19.5), C.R.S.
201
202 h. "Secure residential treatment center" means a facility operated under
203 private ownership that is licensed by the department pursuant to this
204 part 1 to provide twenty-four-hour group care and treatment in a secure
205 setting for five or more children or persons up to the age of 21 years
206 over whom the juvenile court retains jurisdiction pursuant to Section
207 19-2-104 (6), C.R.S., who are committed by a court pursuant to an
208 adjudication of delinquency or pursuant to a determination of guilt of a
209 delinquent act or having been convicted as an adult and sentenced for
210 an act that would be a crime if committed in Colorado, or in the
211 committing jurisdiction, to be placed in a secure facility.
212
213 i. "Specialized group facility" means a facility sponsored and supervised by
214 a county department or a licensed child placement agency for the
215 purpose of providing 24-hour care for three or more children, but fewer
216 than twelve children, whose special needs can best be met through the
217 medium of a small group and who are:
218
219 (1) At least three years of age or older but less than 18 years of age;
220 or,
221
222 (2) Less than 21 years of age and who are placed by court order
223 prior to their 18th birthday. "Specialized group facility" includes
224 specialized group homes and specialized group centers.
225
226 7. Child Care Health Consultant means the licensed medical professional with
227 delegatory authority that, at a minimum, delegates the administration of
228 medications and special health care procedures, but may more comprehensively
229 provide information and consultation on a variety of health and safety topics
230 impacting staff, children and families in early care and learning settings.
231
232 ~~(6)~~-8. Clean shall means to be free of dust and debris or to remove dirt and debris by
233 vacuuming or scrubbing and washing with soap and water.
234
235 ~~(7)~~-9. Common Towel shall means a non-disposable towel that is used by more than
236 one individual or is used more than one time by the same individual.
237
238 ~~(8)~~ 10. Communicable Disease shall means a disease caused by a microorganism
239 (bacterium, virus, fungus, or parasite) that can be transmitted from person to
240 person via an infected body fluid or respiratory spray, with or without an
241 intermediary agent (e.g., louse, mosquito) or environmental object (e.g., table
242 surface).
243
244 ~~(9)~~-11. Contamination shall means the presence of infectious microorganisms or

- 245 chemicals at levels toxic to human health in or on the body, environmental
246 surfaces, articles of clothing, and/or in food or water.
247
- 248 ~~(10)~~12. Critical Violations shall mean provisions of these rules and regulations that, if
249 deemed in noncompliance, are more likely than other violations to contribute
250 to illness or environmental hazards that may contribute to a disease outbreak.
251 Critical violations include inappropriate diapering procedures, lack of
252 handwashing, ineffective sanitization and disinfection, ill personnel preparing
253 food or caring for children, unsafe water supply or sewage disposal, vermin
254 infestation, food temperature abuse and uncontrolled toxics.
255
- 256 ~~(11)~~13. Department shall mean Colorado Department of Public Health and
257 Environment or its authorized agents or employees.
258
- 259 ~~(12)~~14. Disinfect shall mean to eliminate most or all pathogenic microorganisms, with
260 the exception of bacterial spores by using effective bactericidal heat or
261 concentration of chemicals which are registered with the U.S. Environmental
262 Protection Agency. This is generally accomplished in a child care setting by the
263 use of liquid chemical solutions such as a mixture of household bleach and
264 water.
265
- 266 15. Drinking Water means water that meets criteria as specified in 5 CCR 1002-11,
267 Colorado Primary Drinking Water Regulations. Drinking water is traditionally
268 known as “potable water”. Drinking water includes the term “water” except
269 where the term used connotes that the water is not potable, such as “boiler
270 water,” “mop water,” “rainwater,” “reclaimed water,” “wastewater,” and
271 “nondrinking water”.
272
- 273 ~~(13)~~16. Easily Cleanable shall mean materials or surfaces that are smooth, durable,
274 non-absorbent, such that the soil, filth, and/or unseen contamination can be
275 effectively removed by normal cleaning methods.
276
- 277 ~~(14)~~17. Employee shall mean any person working or volunteering to perform duties in
278 a child care facility.
279
- 280 ~~(15)~~18. Extensive Remodeling shall mean any remodeling that normally would require
281 a building permit from local government or that affects the building or area of
282 operation of the child care facility, or a change in operation that requires a
283 license change by the Department Of Human Services. Routine maintenance,
284 repairs, cosmetic changes, or license changes that increase allowable capacity
285 of the current license shall not be defined as extensive remodeling, unless a
286 change in capacity requires an increase in the number of fixtures. Structural
287 modifications required due to extensive remodeling shall pertain directly to the
288 portions of the facility or building being remodeled.
289
- 290 19. Food Preparation Sink means a sink designated for food preparation activities
291 including preparing bottles, washing produce, thawing foods, and rapid cooling
292 of foods. Food preparation sinks are not handwashing sinks.
293

- 294 ~~(16)~~20. Furnishings shall mean equipment such as high chairs, cribs, beds, crawling
 295 mats, chairs, sofas, eating tables, art/water/play tables, walkers, infant
 296 swings, bouncy seats, desks, workstations, dressers, interior play areas (jungle
 297 gyms), and toy chests.
- 298
- 299 ~~(17)~~21. Gloves shall mean those, which are non-porous, disposable and single-use.
 300
- 301 ~~(18)~~22. Grease Cooking shall mean the heating of raw animal products on food
 302 processing equipment such as grills, broilers, skillets, woks, kettles or open
 303 rotisseries; or foods cooked in fats or oils utilized as a heat transfer media such
 304 as deep fryers where grease laden vapors are produced.
 305
- 306 23. Health Care Plan means a document that contains written instructions about a
 307 specific health condition including when and how specific interventions are to be
 308 carried out in a school or child care setting. This document should be signed by
 309 the child's health care provider and parent(s)/guardian(s). Health Care Plans can
 310 be collaboratively created by the child care health consultant, the child's
 311 parent(s)/guardian(s), health care provider and center staff; and are necessary
 312 for the care of children with chronic health care conditions such as asthma,
 313 seizure disorder, diabetes, or severe allergy. Health care plans may also guide
 314 the care of children with acute conditions that may need short-term special
 315 management in the group care setting such as a child returning to care with a
 316 cast or after a surgical intervention.
 317
- 318 ~~(19)~~24. High Hazard Body Fluid shall mean those body fluids, such as blood, feces,
 319 urine, vomit, sputum, and mucus that present an increased risk for illness
 320 transmission means urine, feces, vomitus, blood, and other body fluids with
 321 blood present.
 322
- 323 25. Highly Susceptible Population means persons who are more likely than other
 324 people in the general population to experience foodborne disease because they
 325 are immunocompromised, children under five years of age, or older adults; and
 326 they obtain food at a facility that provides services such as custodial care,
 327 health care, or assisted living, such as a child or adult day care center, kidney
 328 dialysis center, hospital or nursing home, or nutritional or socialization services
 329 such as a senior center.
 330
- 331 ~~(20)~~26. Hygiene shall mean protective measures, including practices of cleanliness,
 332 taken by individuals to promote health and limit the spread of infectious
 333 diseases.
 334
- 335 ~~(21)~~27. Imminent Health Hazard shall mean a significant threat or danger to health
 336 that is considered to exist when there is evidence sufficient to show that a
 337 product, practice, circumstance, or event creates a situation that requires
 338 immediate correction or cessation of operation to prevent illness or injury
 339 based on the nature, severity, and duration of the anticipated illness or injury.
 340
- 341 ~~(22)~~28. Immunizations shall mean vaccinations that are given to children and adults to
 342 help them develop protection against infectious disease means the process by

- 343 which a person becomes protected (immune) against a vaccine preventable
344 disease.
- 345
- 346 ~~(23)~~ Individualized Health Care Plan shall mean written instructions for children
347 with special health care needs, completed and signed by the health care
348 provider and parent or guardian.
- 349
- 350 ~~(24)~~ 29. Infant shall means a child between birth and the age of eighteen 18 months.
- 351
- 352 ~~(25)~~ 30. Infection shall means a condition caused by the multiplication of an infectious
353 agent in the body.
- 354
- 355 ~~(26)~~ 31. Infectious shall means capable of causing an infection.
- 356
- 357 ~~(27)~~ 32. Infestation shall means the presence of unwanted pests such as insects,
358 rodents, bats, birds or parasites at levels considered to pose either an
359 economic or health threat.
- 360
- 361 ~~(28)~~ 33. Inspection shall means an on-site evaluation by the Department of the child
362 care facility during its normal hours of operation, with program staff in
363 attendance, to determine conformance with these rules and regulations.
- 364
- 365 ~~(29)~~ 34. Kindergarten shall means a program for children the year before they enter the
366 first grade.
- 367
- 368 35. Lead-based Paint, as defined in Section 25-7-1102, C.R.S., means any paint
369 containing more than six one-hundredths of one per cent by wet weight of lead
370 metal, more than five-tenths of one percent by dry weight of lead metal, or
371 more than one milligram per square centimeter of lead metal.
- 372
- 373 ~~(30)~~ 36. New Child Care Facility shall means a facility, which is newly constructed or an
374 existing structure that is converted for use as a child care facility as defined in
375 Section 1-201(5) 7.4(A)(6) that begins operation after the effective date of
376 these rules.
- 377
- 378 ~~(31)~~ Nurse Consultant shall mean a current Colorado licensed registered nurse with
379 knowledge and experience in maternal and child health. The nurse consultant
380 provides guidance and assistance to child care staff on health aspects of the
381 facility.
- 382
- 383 ~~(32)~~ 37. Parasite shall means an organism that lives on or in another living organism
384 (e.g., giardia, ticks, lice, and mites).
- 385
- 386 ~~(33)~~ 38. Poisonous or Toxic Materials shall means substances capable of causing injury,
387 illness or death when ingested, inhaled or absorbed.
- 388
- 389 ~~(34)~~ Potable shall mean suitable for drinking.
- 390
- 391 ~~(35)~~ 39. Potentially Hazardous Food shall mean any food in a form capable of supporting

392 rapid and progressive growth of infectious or toxigenic microorganisms or the
393 growth and toxin formation of *Clostridium botulinum* with a water activity
394 value of 0.86 or greater, or a pH level of 4.7 or greater, as defined in 6 CCR
395 1010-2, *Colorado Retail Food Establishment Rules and Regulations*, means a
396 food that requires time/temperature control for safety (TCS) to limit
397 pathogenic microorganism growth or toxin formation. Potentially hazardous
398 foods (time/temperature control for safety food) includes a food of animal
399 origin that is raw or heat-treated; a food of plant origin that is heat-treated or
400 consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or
401 mixtures of cut tomatoes that are not modified in a way so that they are
402 unable to support pathogenic microorganism growth or toxin formation, or
403 garlic-in-oil mixtures that are not modified in a way so that they are unable to
404 support pathogenic microorganism growth or toxin formation.
405

406 ~~(36)~~40. Preschool shall mean a part-day child care program for ~~5~~ five or more children
407 between the ages of ~~2~~- $\frac{1}{2}$ and ~~7~~ seven years.
408

409 41. Privy means a toilet without running water.
410

411 ~~(37)~~42. Psittacine Birds, also called "~~h~~Hookbills" because the upper beak is turned
412 downward, shall mean all birds commonly known as ~~p~~Parrots, ~~a~~Amazons,
413 Mexican ~~d~~Double-~~h~~Heads, African ~~g~~Greys, ~~e~~Cockatoos, ~~m~~Macaws, ~~p~~Parakeets,
414 ~~l~~Lovebirds, ~~l~~Lories, ~~l~~Lorikeets, and other birds of the order ~~p~~Psittaciforme.
415

416 ~~(38)~~43. Ready-To-Eat Food shall mean food that is edible without further washing,
417 cooking, or additional preparation and that is reasonably expected to be
418 consumed in that form.
419

420 ~~(39)~~44. Refuse shall mean any garbage, trash, or other forms of solid waste.
421

422 ~~(40)~~ Residential Camp shall mean a facility operating for three or more consecutive
423 24-hour days for the care of 5 or more children. The campers must have
424 completed kindergarten or fall between the age range of 6 to 18 years old. A
425 residential camp may have a "primitive camp" which is a portion of the
426 permanent camp premises or another site at which the basic needs for camp
427 operation such as places of abode, water supply systems, and permanent toilet
428 and/or cooking facilities are not usually provided.
429

430 ~~(41)~~ Residential Child Care Facility shall mean a facility that provides 24-hour
431 residential group care and treatment for 5 or more children between the ages
432 of 3 and 18 years old and for those persons up to 21 years old who are placed
433 by court order prior to their eighteenth birthday. A residential child care
434 facility includes "shelter care facilities" and "crisis care facilities".
435

436 ~~(42)~~45. Sanitization shall mean effective bactericidal treatment by a process that
437 provides enough accumulative heat or concentration of chemicals, registered
438 with the U.S. Environmental Protection Agency, for sufficient time to reduce

439 the bacterial count, including pathogens, to a safe level.⁴

440

441 ~~(43)~~46. School-Age Child Care Center shall mean, as defined in 12 CCR 2509-8 Rule
442 7.701.2.C.8, a facility that provides care for ~~5~~ five or more children who are
443 between ~~5~~ five and 16 years of age. The center's purpose is to provide child
444 care and/or an outdoor recreational experience using a natural environment.
445 The center operates for more than one week during the year. The term
446 includes facilities commonly known as "day camps", "summer camps",
447 "summer playground programs", "before and after school programs" and
448 "extended day programs". This includes centers operated with or without
449 compensation for such care, and with or without stated educational purposes.

450

451 ~~(44)~~47. Single-Service (Use) shall mean cups, containers, lids, closures, plates, knives,
452 forks, spoons, stirrers, paddles, straws, napkins, paper towels, place mats,
453 doilies, wrapping materials, toothpicks and similar articles intended for one-
454 time, one-person use and then discarded after each use.

455

456 ~~(45)~~48. Small Child Care Centers shall mean, as defined in 12 CCR 2509-8 Rule
457 7.701.2.C.8, a facility that provides care for ~~5~~ five through ~~45~~ 20 children
458 between the ages of ~~2~~ two and 16 years.

459

460 ~~(46)~~. ~~Specialized Group Facilities~~ shall mean facilities that provide care for ~~5~~
461 through ~~12~~ children from ~~3~~ to ~~18~~ years of age and for those persons up to ~~21~~
462 years old who are placed by court order prior to their eighteenth birthday,
463 whose special needs can best be met through the medium of a small group.

464

465 ~~(47)~~49 Toddler shall mean a child who walks independently between the ages of
466 ~~twelve~~ 12 months and ~~thirty-six~~ 36 months and is enrolled in the toddler
467 nursery program.

468

469 ~~(48)~~50. Virus shall mean a microscopic organism smaller than a bacterium that may
470 cause disease. Viruses can grow or reproduce only in living cells.

471

472 51. Wading Pool means any artificial pool of water equal to or less than 18 inches
473 in depth and intended for wading purposes.

474

475 7.5 Incorporation by Reference

476

477 These regulations incorporate by reference (as indicated within) materials originally published
478 elsewhere. Such incorporation does not include later amendments to or editions of the
479 referenced material. Pursuant to Section 24-4-103 (12.5)(a), C.R.S., the Department
480 maintains certified copies of the complete text of any material incorporated by reference for
481 public inspection during regular business hours and shall provide certified copies of the

⁴One method of demonstrating effective bactericidal treatment is by an average plate count per utensil surface examined of not more than 100 colonies, or not more than 12 1/2 colonies per square inch of equipment examined in accordance with the procedure detailed in Public Health Service Publication No. 1631; "Procedures for the Bacteriological Examination of Food Utensils and for Food Equipment Surfaces." This is not intended for use as a routine field procedure, but only for the supplemental evaluation of sanitation procedures.

482 incorporated material at cost upon request. Information regarding how to obtain or examine
 483 the incorporated material is available from the Division Director, Division of Environmental
 484 Health & Sustainability, Colorado Department of Public Health & Environment, 4300 Cherry
 485 Creek Drive South, Denver, CO 80246-1530.

486
 487 7.6 Premises

488
 489 7.6.1 Grounds

490
 491 A. The grounds and premise shall be well drained and free of refuse, litter, animal
 492 droppings, insect and rodent harborages, weed overgrowth, open or accessible wells,
 493 grease interceptor, cisterns, cesspools, septic tanks, and unused equipment. This
 494 provision shall not be construed to limit outdoor educational or recreational programs.
 495

496 (a) 1. ~~The sand and soils~~ ground surface (i.e., sand, soil, wood chips, and other
 497 resilient surfaces) in play areas shall not contain hazardous levels of any toxic
 498 chemical or substances.
 499

500 (b) 2. Outdoor play equipment accessible to children shall not be coated or treated
 501 with, nor shall it contain, toxic materials in hazardous amounts that are
 502 accessible to children.
 503

504 B. Sand boxes shall be maintained in a sanitary condition and comply with the following
 505 requirements:
 506

507 1. Sandboxes shall be covered with a completely removable lid or other covering
 508 at the end of each day;
 509

510 2. Sandboxes shall be kept free from cat and other animal excrement, litter and
 511 debris;
 512

513 3. Sand shall be replaced as often as necessary to keep the sand visibly clean and
 514 free of extraneous materials; and,
 515

516 4. These requirements only apply to designated sand boxes and do not include
 517 sand used as a resilient material or other ground covering.
 518

519 ~~Maintenance. All outdoor areas shall be maintained in a sanitary condition and be free~~
 520 ~~of insect and rodent harborages, open or accessible wells, grease traps, cisterns,~~
 521 ~~cesspools, septic tanks, and/or utility equipment.~~
 522

523 7.6.2 Solid Waste

524
 525 ~~(a) Exterior garbage and rubbish containers shall be easily cleanable, covered, and~~
 526 ~~well maintained. Garbage storage areas shall be clean, well maintained and~~
 527 ~~inaccessible to children.~~
 528

529 ~~(b) Stored refuse shall be inaccessible to insects, rodents and other pests.~~
 530

531 ~~(c) Refuse shall be removed on a regular basis in a manner, which would prevent~~
 532 ~~creation of a nuisance condition.~~

533
 534 ~~(d) Interior garbage and rubbish containers shall be easily cleanable and shall be~~
 535 ~~emptied whenever full.~~

536
 537 A. Interior refuse, recycling, and compost containers shall be easily cleanable and shall
 538 be emptied whenever full or at least at the end of each operating day.

539
 540 B. Exterior refuse, recycling and compost containers shall be easily cleanable, covered,
 541 and well maintained. Garbage storage areas shall be clean, well maintained and
 542 inaccessible to children. Refuse shall be removed on a regular basis in a manner,
 543 which would prevent creation of a nuisance condition.

544
 545 C. Stored refuse shall be inaccessible to insects, rodents and other pests.

546
 547 **Pools**

548
 549 **7.6.3 Pools, Hot Tubs and Natural Swim Areas**

550
 551 ~~(a) A. Swimming pools, therapy pools, permanent wading pools, hot tubs and swim areas~~
 552 ~~shall meet the requirements of the *State of Colorado Swimming Pool and Mineral Bath*~~
 553 ~~*Regulations* shall be constructed, operated, and maintained in accordance with the~~
 554 ~~Colorado Department of Public Health and Environment *Swimming Pool and Mineral*~~
 555 ~~*Bath Regulations*, 5 CCR 1003-5, and Title 15, United States Code (USC), Section 8001,~~
 556 ~~*et seq.* When local health or building departments have adopted codes equivalent to~~
 557 ~~or more stringent than the above, those codes shall apply.~~

558
 559 ~~(b) B. Use of hot tubs, therapy pools, swimming pools and portable or permanent wading~~
 560 ~~pools by children who are not toilet trained shall be prohibited.~~

561
 562 ~~1) 1. Portable wading pools shall be emptied and disinfected after use by each group~~
 563 ~~of children, emptied and disinfected at the end of each day, and placed in~~
 564 ~~storage when not in use.~~

565
 566 ~~2) 2. A contaminated wading pool shall be emptied, cleaned and disinfected.~~

567
 568 ~~3) Wading pool water shall be chemically disinfected by means of not less than~~
 569 ~~0.4 parts per million (ppm) and no more than two (2) ppm free available~~
 570 ~~chlorine or by means of equivalent approved disinfection. The concentration~~
 571 ~~shall be measured by an approved chemical test kit available on site.~~

572
 573 C. All swimming and recreational water-based activities shall be prohibited if a suspected
 574 outbreak of gastrointestinal illness is occurring at the facility. These activities shall
 575 not resume until the Department provides approval.

576
 577 ~~(c) D. Except for natural swimming areas, the water temperature shall be maintained~~
 578 ~~between 77°F and 90°F while the pool is in use. Water temperature may exceed 90°F~~
 579 ~~in therapy pools if designated by a child's individualized health care plan. Water~~

580 temperature in hot tubs shall not exceed 104°F.

581

582 7.7 Facility

583

584 7.7.1 Building

585

586 A. ~~General.~~ The building or buildings wherein a child care facility is operated shall be
587 maintained in good repair and shall not pose a health hazard to children enrolled.
588 Buildings shall be maintained in a clean and sanitary condition and be free of insects,
589 rodents and their harborages.

590

591 ~~Doors and Windows.~~ All openings to the outside shall be effectively protected against
592 the entrance of insects and rodents by means of closed, tight fitting doors, screening
593 of openable windows and/or other effective means.

594

595 ~~(a) 1.~~ Alterations of finishes. Disturbances to painted finishes shall not present
596 be done in a manner that prevents hazards associated with lead. ~~No~~
597 ~~paint containing lead shall be used when surfaces are repaired or when~~
598 ~~any new surfaces, accessible to children, are painted.~~

599

600 ~~(b) 2.~~ Painted finishes shall be free from peeling or chipping paint. If repairs
601 are necessary to address peeling or chipping paint, and the child care
602 facility was built prior to 1978, repairs shall be done in a manner that
603 prevents hazards associated with lead.

604

605 ~~(c) 3.~~ Construction, remodeling, or alterations of child care facilities shall be
606 done in a manner that does not create a health hazard, including but
607 not limited to those hazards related to disturbances of asbestos-
608 containing materials or lead-based paint.

609

610 ~~(d) 4.~~ Room finishes, cabinets, shelves and counters shall be easily cleanable,
611 maintained in good repair, and kept clean.

612

613 ~~(e) 5.~~ Hand contact and splash areas of doors, walls, cabinets and shelves
614 shall be smooth, non-absorbent and easily cleanable.

615

616 ~~(f) 6.~~ Floors shall be smooth, dry, cleanable and free of cracks, splinters, and
617 utility outlets.

618

619 ~~(g) 7.~~ Carpeting in approved areas shall be tightly woven and in good repair.

620

621 ~~(h) 8.~~ Carpeting shall not be permitted in kitchens, restrooms, utility rooms,
622 mechanical rooms, under and around sinks and diaper changing areas or
623 in laundry areas.

624

625 ~~(i) 9.~~ Floor wall junctures in all areas not carpeted shall be tightly coved with
626 approved concave coving.

627

- 628 B. All openings to the outside shall be effectively protected against the entrance of
 629 insects and rodents by means of closed, tight fitting doors, screening of openable
 630 windows and/or other effective means.
 631
- 632 C. ~~Ventilation.~~ Ventilation, mechanical or natural, shall be maintained to minimize
 633 health hazards including excessive drafts, odors, extreme temperatures, humidity and
 634 temperature fluctuations.
 635
- 636 D. The source of noxious odors shall be removed to the extent possible by removing the
 637 source of the noxious odor or by dissipating odors through cleaning and ventilation.
 638 The use of the following shall be prohibited:
 639
- 640 1. Incense;
 - 641
 - 642 2. Moth crystals or moth balls;
 - 643
 - 644 3. Toilet/urinal deodorizer blocks;
 - 645
 - 646 4. Chemical air fresheners; and,
 - 647
 - 648 5. Scent enhanced products (e.g., candles, essential oils, and spray and plug-in air
 649 fresheners, etc.).
 - 650
- 651 E. ~~Lighting.~~ All areas of the center shall be adequately lighted.
 652
- 653 (a) 1. A minimum of ~~thirty (30)~~ foot candles (323 lux) of light shall be provided upon
 654 work and play surfaces.
 - 655
 - 656 (b) 2. A minimum of ~~twenty (20)~~ foot candles (215 lux) of light shall be provided in
 657 restrooms.
 - 658
 - 659 (c) 3. A minimum of ~~ten (10)~~ foot candles (108 lux) of light shall be provided in
 660 hallways, stairways, and the remainder of the facility.
 - 661
- 662 F. ~~Heating.~~ Heating facilities shall maintain a draft-free temperature of at least 68°F at
 663 floor level in occupied infant and toddler rooms. The temperature shall be ~~checked~~
 664 monitored with a mercury-free thermometer placed at floor level.
 665
- 666 7.7.2 Detached Structures and Modular Classrooms
 667
- 668 A. ~~Detached Structures and Modular Classrooms.~~ Detached structures and modular
 669 classrooms not provided with plumbing shall meet all of the following stipulations:
 670
- 671 (a) 1. ~~The facility cares for~~ Only for school-age children are cared for within the
 672 structure;
 - 673
 - 674 (b) 2. Restrooms are to be within 200 feet of the structures or modular classrooms
 675 and accessible through unlocked door or key access during all hours of
 676 operation.

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7.8 Sanitary Facilities and Controls

7.8.1 Water Supply

A. ~~General.~~ An adequate supply of potable drinking water for the needs of the child care facility shall be provided in the building housing the establishment and shall be from a source constructed and operated in compliance with ~~the~~ 5 CCR 1002-11, Colorado Primary Drinking Water Regulations and regulations adopted pursuant to Section 25-1.5-203, C.R.S.; ~~5 C.C.R. 1003-1.0r,~~

~~(a)~~ 1. If the child care facility does not meet the definition of a public water system pursuant to ~~Section 1.5.2(7)~~ 5 CCR 1002-11, of the Colorado Primary Drinking Water Regulations, the child care facility shall provide:

a. ~~a~~ Adequate treatment on a continuous basis and. Manual or pellet feed systems are not permitted;

b. ~~b~~ Bacteriological samples at a minimum of once per quarter or at a frequency determined by the Department;

c. An N, N diethyl-p-phenylenediamine (DPD) colorimetric drinking water test kit capable of testing free chlorine at an accuracy of 0.1 milligrams per liter (mg/Liter);

Free chlorine shall range from 0.2 to 4 mg/Liter (0.2 to 1.2 mg/Liter recommended) at any fixture; and,

d. The previous twelve months of water sample reports shall be retained on file at the child care facility and shall be available for review by the Department when requested; and the child care facility shall immediately report positive bacteriological results to Department.

~~(b)~~ 2. Child care facilities with water supplies determined to be surface water or under the influence of surface water shall be required to filter their water to 1µm (micron) absolute using National Sanitation Foundation approved equipment and maintain a residual disinfectant concentration pursuant to Section 7.8.1(A)(1)(d) to ensure inactivation and/or removal of ~~g~~ Giardia and other parasitic cysts and viruses ~~and to maintain a residual disinfectant concentration.~~

~~(c)~~ 3. Water under pressure of at least 15 pounds per square inch (psi) (1.05 ~~kg~~ kilograms per ~~sq~~ square centimeter) at the required temperature shall be provided to all fixtures and equipment that use water.

B. ~~Bottled Water.~~ Bottled and packaged potable drinking water shall be obtained from a source that is approved by the Department and shall be handled and stored in a way that protects the water from contamination.

C. ~~Drinking Water.~~ Drinking water shall be readily accessible to children whenever the facility is operating.

- 724
725 (a) 1. Drinking fountains shall be equipped with angled jets and orifice guards located
726 above the rim of the fountain. The pressure shall be regulated so that the
727 water stream does not come in contact with the orifice guard or splash onto
728 the floor.
729
- 730 (b) 2. Drinking fountains on designated restroom handwashing, art, or science sinks
731 shall be prohibited.
732
- 733 ~~(c) In new or extensively remodeled facilities, drinking fountains on designated art~~
734 ~~or science sinks shall be prohibited.~~
735
- 736 (d) 3. Individual single-service drinking cups shall be dispensed by the staff or through
737 an approved cup dispenser. Children may not share single-service drinking
738 cups.
739
- 740 (e) 4. Separate angle jet drinking fountain, when installed shall be at an appropriate
741 height for use by the children in the facility or be equipped with a step
742 platform to make the sink available to children. If a platform is used, it shall
743 be stable and easily cleanable.
744
- 745 (f) 5. Individual water bottles, Bulk multiuse thermoses and other bulk water
746 containers provided by the child care facility shall be in good repair and kept
747 clean. Containers shall be ~~cleaned~~ washed, rinsed, and sanitized daily after use.
748 Containers shall be stored clean and dry, and in a manner that protects them
749 from contamination.
750
- 751 D. Surface water utilized during backcountry excursions shall be treated and safe for
752 drinking.
753
- 754 1. Water shall be boiled for a minimum of one minute, for every 1000 feet in
755 elevation above sea level; or,
756
- 757 2. Water filter kits shall be utilized to filter water to 1 micron to control parasites.
758 The water shall also be chemically disinfected using chlorine, iodine, or other
759 approved means such as UV light to control bacteria and viruses.
760
- 761 E. Hot Water Supply. (a) Hot water shall be provided at all times during operation of a
762 building-based facility. ~~In new or extensively remodeled child care facilities, t~~The
763 water heating system shall be of adequate size to supply 90° F to restroom, diaper
764 changing, custodial and classroom sinks, and 140 110°F water to kitchen facilities
765 warewashing sinks, 120° F water to commercial low temperature dish machines, and
766 140° F water to laundry facilities and custodial sinks where hot water is used to
767 sanitize pursuant to 7.8.6(A)(5).
768
- 769 (b) 1. Each handwashing and classroom sink shall be provided with hot and cold water
770 through a mixing valve or combination faucet. Hot water at sinks accessible to
771 children shall be at least 90° F and shall not exceed a temperature of 120° F.
772

773 ~~(e)~~ 2. Hot water delivered to bathing facilities shall be at least 90°F and shall not
 774 exceed a temperature of 120°F.

775
 776 7.8.2 Sewage
 777

778 General. All sewage, including liquid waste, shall be discharged to a sanitary sewer or to a
 779 sewage system constructed, operated and maintained according to law.

780
 781 7.8.3 Plumbing
 782

783 A. General. All plumbing fixtures shall be sized, installed and maintained in accordance
 784 with applicable state and local plumbing codes, ordinances, regulations and standards.

785
 786 ~~(a)~~ 1. There shall be no cross connections between the ~~potable~~drinking water supply
 787 and any non-~~potable~~drinking water supply, or any source of contamination;

788
 789 ~~(b)~~ 2. Plumbing shall be designed and constructed according to the ~~2000~~ 2009
 790 Colorado International Plumbing Code, hereby incorporated by reference.
 791 Where local building departments have adopted codes equivalent to or more
 792 stringent than the above, those codes shall apply.

793
 794 B. Backflow. The ~~potable~~drinking water system shall be installed and maintained to
 795 preclude the possibility of backflow or back siphonage.

796
 797 1. Where chemical dispensing towers without integral air gaps or breaks to
 798 prevent back siphonage are installed, an approved backflow prevention device
 799 shall be installed between the chemical tower and the water supply line.

800
 801 C. Non-Potable Water Lines. The piping of any non-~~potable~~drinking water system such as
 802 air conditioning and fire protection systems shall be labeled and identified so as to be
 803 readily distinguished from piping that carries ~~potable~~drinking water.

804
 805 7.8.4 Toilet Facilities
 806

807 A. General. Only flush toilet facilities shall be installed and used in the establishment.
 808 They shall be accessible to children and shall be properly maintained in a clean and
 809 sanitary condition. The number of toilets per children and staff shall either meet the
 810 requirements of the ~~2000~~ 2009 Colorado International Plumbing Code, hereby
 811 incorporated by reference, or the local building department requirements. Non-
 812 flushing toilets (i.e., potty chairs) are prohibited.

813
 814 B. Finishes. Toilet room walls shall be constructed of easily cleanable, nonabsorbent
 815 materials. Floors shall have an impervious surface. Floor wall junctures shall be tightly
 816 coved with approved concave coving.

817
 818 C. Fixtures. Toilet fixtures shall be of an easily cleanable design. ~~In all new or extensively~~
 819 ~~remodeled facilities, f~~Fixtures shall be of appropriate size and height for the children
 820 in the facility or be equipped with a step platform to make the fixture available to
 821 children. If a platform is used, it shall be stable and easily cleanable.

822

823 D. Privies. The use of privies and portable chemical toilets in child care facilities is
 824 prohibited, except that the use of privies and portable chemical toilets located in
 825 remote wilderness areas of camps may be allowed only after obtaining the approval of
 826 the Department and meeting applicable standards and local ordinances. ~~Camps~~ These
 827 remote wilderness programs shall have adequate toilet facilities available for use.
 828 Privies and portable chemical toilets shall be separated from sleeping, activity, food
 829 preparation and storage rooms by a minimum of fifty (50) feet. Privies shall be
 830 properly screened and doors self-closing to prevent the entry of flies. Handwashing
 831 facilities approved by the Department shall be provided where privies and portable
 832 chemical toilets are located.

833

834 E. During backcountry excursions where toilet facilities are not accessible, human waste
 835 shall be handled and disposed of in a manner that does not create a hazard and is
 836 approved by the department and/or the governmental agency that oversees the usage
 837 of the land in which backcountry excursions take place.

838

839 1. Waste shall be collected and packed out for proper disposal in an approved
 840 sewage system. Waste shall be collected in durable waste bags or waste tubes
 841 designed for such collection and shall be transported in hard sided, air tight
 842 secondary containers; or,

843

844 2. Where allowed, human waste shall be deposited in cat holes dug 6-8 inches
 845 deep and 4-6 inches wide in organic soil so as to facilitate decomposition and
 846 sited a minimum of 200 feet away from water, trails, and campsites. Cat holes
 847 shall be filled in and covered after use. Toilet paper and feminine hygiene
 848 products shall be collected and packed out with other trash.

849

850 F. Supplies. An adequate supply of toilet tissue shall be available from a dispenser
 851 located adjacent to each toilet.

852

853 G. Toilet Seat Inserts. Toilet seat inserts, when used, shall be constructed of durable,
 854 easily cleanable materials and maintained in a clean and sanitary manner and
 855 disinfected after each use as described in Section ~~6-402(d)~~ 7.10.6.

856

857 H. Ventilation. All toilet, bath and shower rooms in new or extensively remodeled
 858 facilities shall have adequate mechanical ventilation to the outside. Exhaust
 859 ventilation must be operational during the hours the child care facility operates.
 860 ~~Chemical air fresheners that contain toxic substances shall not be used.~~

861

862 7.8.5 Handwashing/Bathing Facilities

863

864 A. General. Handwashing and bathing facilities shall be installed and maintained in a
 865 clean, sanitary condition.

866

867 Location.

868

869 (a) 1. Handwashing facilities shall be located in or immediately adjacent to toilet
 870 rooms and diaper changing areas. Handwashing facilities shall be located within

- 871 food preparation areas as well as any other area where activities require
 872 frequent handwashing-;
- 873
- 874 (b) 2. In all new or extensively remodeled facilities providing care to infants, toddlers
 875 or preschoolers, a handwashing sink shall be accessible without barriers,
 876 allowing the caregiver to visually supervise the children during handwashing
 877 activities. Children's handwashing sinks shall be at an appropriate height for
 878 the children in the facility or be equipped with a step platform to make the
 879 sink available to children. If a platform is used, it shall be stable and easily
 880 cleanable-;
- 881
- 882 (c) 3. Bathtubs or showers, when used, shall be located within the facility or within a
 883 building approved by the Department-; and,
- 884 Supplies-
- 885 (a) 4. Soap and single-service ~~hand~~ towels from a dispenser or clean cloth towels
 886 laundered after each use shall be provided at each handwashing sink, at a
 887 height for those children in the center utilizing the handwashing sinks and
 888 supplies. Mechanical air drying devices may be used in lieu of disposable or
 889 cloth towels-;
- 890
- 891 5. Except as allowed in Section 7.8.5(A)(7), if cloth towels are used to dry hands
 892 they shall be immediately placed in a soiled container and laundered after
 893 each use.
- 894
- 895 (b) 6. The use of common towels or washcloths is prohibited.
- 896
- 897 (c) 7. An adequate supply of bath towels and washcloths shall be available for each
 898 child who uses a shower or bath. Bath towels and washcloths shall be laundered
 899 at least once a week and shall not be shared or intermingled among children.
 900
- 901 8. Adequate space or accommodations such as a bench, hooks, storage shelves, or
 902 dressing counter shall be provided in bathing areas for the storage of clean
 903 towels and clothing while children bathe.
- 904
- 905 B. Finishes- Bathing facility walls and ceilings shall be constructed of easily cleanable,
 906 nonabsorbent materials. Floors shall have an impervious surface. Floor wall junctures
 907 shall be tightly coved with approved concave coving.
 908
- 909 7.8.6 Custodial Areas
- 910 Laundry-
- 911
- 912 (a) A. Laundry facilities, where provided, shall be maintained clean and in good repair. , in a
 913 clean condition and be inaccessible to children. This provision does not prohibit life
 914 skills training in facilities providing more than 24-hour care. Except when life skills
 915 training are provided, laundry facilities shall be inaccessible to children.
- 916
- 917 (b) 1. ~~In all new or extensively remodeled facilities~~ buildings where laundry facilities
 918 are provided, properly vented gas or electric dryers shall be installed.
 919

- 920 (e) 2. Soiled linens and clothing shall be stored in nonabsorbent or washable laundry
 921 bags or baskets until removed for laundering, shall be stored separate from
 922 clean linens and clothing, and shall be inaccessible to children. This provision
 923 does not prohibit life skills training in facilities providing more than 24-hour
 924 care.
- 925
- 926 (d) 3. Laundry facilities shall be physically separated from food preparation, food
 927 storage, and restroom areas.
- 928
- 929 (e) 4. The water temperature for the laundry shall be maintained above 140° F unless
 930 an approved disinfectant is applied in the rinse cycle, in accordance with the
 931 product label, or the dryer uses heat above 140° F as specified by the
 932 manufacturer.
- 933
- 934 (f) 5. Soiled linens, slipcovers, and clothing contaminated with high hazard body fluid
 935 shall be stored and laundered separately.
- 936
- 937 (g) 6. Clean linens and clothing shall be stored in a clean place and protected from
 938 contamination until used.
- 939
- 940 7. When items are laundered offsite, it shall be in compliance with Section
 941 7.8.6(A)(4) and returned to the facility in a clean container.
- 942

943 Custodial Facilities And Supplies.

944

- 945 (a) B. ~~In new or extensively remodeled child care facilities, a~~ custodial sink or mop sink
 946 shall be provided or shall be easily accessible for use. The sink shall be properly
 947 plumbed with hot and cold water and directly drained to athe sewer.
- 948
- 949 (b) C. Adequate space shall be provided for custodial and maintenance supplies and
 950 equipment. Storage areas shall be kept clean and sanitary and inaccessible to
 951 children.
- 952
- 953 7.9 Interior Design
- 954
- 955 7.9.1 Personal Belongings
- 956
- 957 A. ~~Individual Storage.~~ Separate identified storage areas shall be provided for each child's
 958 personal effects, ~~and clothing and bed linens.~~
- 959
- 960 1. Individual cubicles, lockers, coat hooks, drawers, or closet space shall be
 961 provided for storage of coats, hats and other personal articles.
- 962
- 963 2. Staff members' personal effects and clothing shall be stored separately and be
 964 inaccessible to children.
- 965
- 966 7.9.2 Play Equipment
- 967
- 968 A. ~~Toys.~~ Toys and art supplies shall be made of safe, non-toxic, durable, and cleanable

969 materials, and shall meet the requirements of regulations adopted pursuant to
970 Section 25-5-508, C.R.S.

971
972 (a) 1. Soft, cloth toys shall be machine washable;

973
974 (b) 2. Instructional supplies, toys and other play equipment shall not be stored in
975 restrooms unless stored in a closed secondary non absorbent container or
976 closed cabinet.

977
978 7.9.3 Napping, Sleeping Areas and Equipment

979
980 A. Sleeping and Napping Supplies. All sleeping and napping supplies such as cots, beds,
981 cribs, mats, linens and pillows shall be maintained in a sanitary manner.

982
983 (a) 1. Mattresses, mats, or pads shall be covered with impervious easily cleanable
984 materials. Mats and cots shall be constructed of impervious, easily cleanable
985 materials and maintained in good repair.

986
987 2. If mattresses are not constructed of impervious materials they shall be covered
988 with an impervious easily cleanable cover.

989
990 (b) 3. Individual cribs, mats, cots, linens and pillows shall be marked with identifying
991 information unless cleaned and sanitized or laundered between users.

992
993 (c) ~~Each crib, mat, mattress or mattress cover and cot shall be thoroughly cleaned~~
994 ~~and sanitized prior to use by another child.~~

995
996 (d) 4. Linens shall be thoroughly cleaned and sanitized at a minimum of once per
997 week or anytime the surface becomes visibly soiled in accordance with Section
998 7.8.6(A). When linens are left on mats or cots, they shall be stored so that
999 there is no contact between sleeping surfaces individual mats, cots or bedding.
1000 ~~Mats and cots shall be thoroughly cleaned and sanitized whenever soiled.~~

1001
1002 5. Mattresses or mattress covers, mats and cots shall be thoroughly cleaned and
1003 sanitized prior to use by another child and whenever soiled, as required in
1004 Section 7.10.5.

1005
1006 6. Mattresses or mattress covers, mats and cots shall be thoroughly cleaned and
1007 disinfected when contaminated with high hazard body fluids, as required in
1008 Section 7.10.6.

1009
1010 (e) 7. Clean linens, clothing, pillows, mats and cots shall not be stored in restrooms.

1011
1012 ~~Ill/Injured Child Area~~

1013
1014 ~~Provision. Each facility shall include an area designated for the care of any ill or injured child~~
1015 ~~who is being cared for by the health care provider or a designated staff member or is awaiting~~
1016 ~~the arrival of a parent or guardian.~~

1017

- 1018 ~~(a) The area shall be adequately ventilated and heated.~~
 1019
 1020 ~~(b) The area shall have available a bed, cot, or mat and a sheet and blanket.~~
 1021
 1022 ~~(c) Children in the area shall have access to toilet and lavatory facilities where health and~~
 1023 ~~sanitation measures can be carried out without interruption by other children and staff~~
 1024 ~~activities.~~
 1025
 1026 ~~(d) The area shall be located so as to allow staff supervision of the ill or injured child at all~~
 1027 ~~times.~~
 1028

1029 7.9.4 Toys, Furnishings and Equipment

- 1031 A. Toys, Furniture, Indoor Play Equipment and Other Furnishings shall be
 1032 maintained clean and in good repair.
 1033
 1034 1. Dress-up clothing, hats, and all other headwear shall be washable and shall be
 1035 maintained in a clean condition.
 1036
 1037 2. Sensory tables and other play tables shall be maintained in a clean and sanitary
 1038 manner. Sensory tables, when filled with water, shall be emptied after use by
 1039 each group of children and at least daily. If organic materials (i.e. beans,
 1040 pasta, rice, or other food items) are used in sensory tables, the materials may
 1041 be used for a maximum of one week and then the materials shall be discarded.
 1042
 1043 ~~(a) 3. Infants, Toddlers. Furnishings and play equipment used with infant and toddler~~
 1044 ~~groups shall be constructed of easily cleanable surfaces or shall have coverings~~
 1045 ~~that are removable and can be laundered. Equipment, furnishings, toys, and~~
 1046 ~~play materials for infants and toddlers shall have smooth, nonporous surfaces~~
 1047 ~~or washable fabric surfaces that are easily cleanable.~~
 1048
 1049 1) ~~a.~~ Toys and surfaces of furnishings and indoor play equipment shall be
 1050 sanitized in accordance with sections ~~6-402(a), (b) and (c), 6-403 (a),~~
 1051 ~~(b) and (c) and 6-404(a) and (c).~~ Coverings shall be laundered any time
 1052 the surface becomes visibly soiled. In use cloth toys such as stuffed
 1053 animals, dolls, and hand puppets shall be laundered at a minimum of
 1054 once per week, pursuant to Section 7.8.6(A), and immediately removed
 1055 for laundering after being mouthed or any time they become visibly
 1056 soiled.
 1057 2) ~~b.~~ Surfaces contaminated with high hazard body fluids shall be cleaned
 1058 and disinfected, pursuant to Section 7.10.6, and when provided,
 1059 coverings shall be removed for laundering.
 1060 3) ~~Hard, non-absorbent toys and surfaces shall be cleaned and disinfected~~
 1061 ~~in accordance with Sections ~~6-402 (a) and (d), and 6-403 (d) and 6-~~~~
 1062 ~~~~404(b) and (c).~~~~
 1063 4) ~~c.~~ Laundering of coverings shall be in accordance with Section ~~4-601 (e)~~
 1064 ~~and (f)~~ 7.8.6(A).
 1065

- 1066 ~~(b) 4. Toilet Trained Children.~~ Children that are toilet trained may have furnishings
 1067 ~~without impervious covers and equipment similar to furnishings in a domestic~~
 1068 ~~setting as long as they are maintained clean and in good repair.~~
- 1069 1) ~~Non-absorbent toys and surfaces of furnishings and indoor play~~
 1070 ~~equipment that are in contact with children shall be sanitized in~~
 1071 ~~accordance with Sections 6-402(a), (b) and (c), 6-403(a), (b) and (c) and~~
 1072 ~~6-404(a) and (c).~~
- 1074 2) a. Absorbent toys and surfaces shall be cleaned, laundered, or removed
 1075 from use at a frequency to prevent the accumulation of visible soil.
- 1076 3) b. In the event of contamination with high hazard body fluid the furnishing
 1077 shall be immediately cleaned and disinfected in accordance with
 1078 Sections 6-402(a) and (d), 6-403(d) and 6-404(b) and (c) 7.10.6, or shall
 1079 be removed from use.
- 1080 ~~(c) Handwashing Sinks used in diaper changing areas or in restrooms shall not be~~
 1081 ~~used for cleaning, sanitizing or disinfecting toys and equipment.~~

1082
 1083 7.9.5 III / Injured Child Area

- 1084
 1085 A. Provision. Each facility shall include an area designated for the care of any ill or
 1086 injured child who is being cared for by the health care provider or a designated staff
 1087 member or is awaiting the arrival of a parent or guardian.
- 1088
 1089 1. Resident camps and 24-hour child care facilities require a designated area for
 1090 the care of ill or injured children.
- 1091
 1092 2. In all other child care facilities the designated area may be located within a
 1093 classroom or area normally used for child care. At least three feet of
 1094 separation is recommended from all other children to help minimize exposure
 1095 of staff and children not previously in close contact with the child.
- 1096
 1097 ~~(a) 3.~~ The area shall be adequately ventilated and heated.
- 1098
 1099 ~~(b) 4.~~ The area shall have available a bed, cot, or mat and a sheet and blanket.
- 1100
 1101 ~~(c) 5.~~ Children in the area shall have access to toilet and lavatory facilities where
 1102 health and sanitation measures can be carried out without interruption by
 1103 other children and staff activities.
- 1104
 1105 ~~(d) 6.~~ The area shall be located so as to allow staff supervision of the ill or injured
 1106 child at all times.
- 1107
 1108 7. All equipment, bedding, and toys utilized by the child with symptoms of illness
 1109 shall be cleaned and sanitized or disinfected as required in Sections 7.8.6(A),
 1110 7.10.5, and 7.10.6, prior to use of another child.
- 1111

1112 7.10 Disease Prevention

1113

1114 7.10.1 Personal Health

1115

1116 A. Employee Health. Employees shall be in good health and be free from communicable
 1117 disease while caring for children, preparing food or employed in any capacity where
 1118 there is a likelihood of transmitting disease to others at the facility.

1119

1120 B. Immunization. Children in care shall be immunized as required by ~~Sections 25-4-901 et~~
 1121 ~~seq. and Sections 25-4-1704 ET SEQ., C.R.S., the 1993 Rules of the Colorado Board of~~
 1122 ~~Health Pertaining to the Immunization of Students Attending School~~ 6 CCR 1009-2,
 1123 Rules Pertaining to the Infant Immunization Program, the Vaccines for Children
 1124 Program, and the Immunization of Students Attending School. The official Certificate
 1125 of Immunization, ~~or Exemption shall be on file~~ official Exemption form or written
 1126 documentation of the student or child being In-Process shall be on file for each
 1127 enrolled individual. Upon request of state or local health agencies, child care facilities
 1128 are responsible for providing records with identifiers removed if the facility is subject
 1129 to the Family Educational Rights and Privacy Act (FERPA).

1130

1131 1. A child who is not appropriately vaccinated for his/her age and not in-process,
 1132 or not exempt, shall be denied attendance in accordance with the
 1133 6 CCR 1009-2.

1134

1135 Communicable And Infectious Disease Control.

1136

1137 C. Disease outbreaks shall immediately be reported to the Department. Reportable
 1138 communicable disease shall be reported to the Department in the time frame
 1139 stipulated by 6 CCR 1009-1, Rules and Regulations Pertaining to Epidemic and
 1140 Communicable Disease Control.

1141

1142 (a) 1. Child care facilities shall manage and control disease transmission through
 1143 consultation with their nurse child care health consultant, and the
 1144 Department, and by utilizing and implementing, where necessary, currently
 1145 recognized guidelines such as "Infectious Disease In Child Care Settings,
 1146 Guidelines for Child Care Providers."

1147

1148 2. Additional guidance regarding infectious disease guidelines is provided in the
 1149 CDPHE's Infectious Diseases in Child Care and School Settings, the American
 1150 Academy of Pediatrics Managing Infectious Disease in Child Care and Schools,
 1151 and Caring for Our Children National Health and Safety Performance Standards
 1152 Guidelines for Early Care and Education Programs. Child care facilities may
 1153 rely on this guidance.

1154

1155 3. A written policy shall be implemented for staff and children regarding
 1156 symptoms of illness that require exclusion from the child care facility.
 1157 Guidance documents listed in 7.10.1(C)(2) should be used.

1158

1159 (b) Reportable communicable diseases and disease outbreaks shall immediately be
 1160 reported to the Department.

- 1161
 1162 ~~(c)~~ 4. Each child shall be observed for common signs of illness at arrival and
 1163 throughout the day. A child who is ill upon arrival at the center shall not be
 1164 admitted pursuant to the exclusion or illness policy, pursuant to Section
 1165 7.10.1(c)(3). Each child shall be observed for common signs of illness.
 1166
 1167 5. A thermometer capable of measuring human temperatures shall be available.
 1168 Glass and mercury thermometers are prohibited. The thermometer shall be
 1169 protected with a single-use cover or sanitized pursuant to Section 7.10.5 after
 1170 each use.
 1171
 1172 ~~(d)~~ 6. When a child is ill, he or she shall be separated from other children until the
 1173 parent or guardian can pick up the child.
 1174
 1175 7. In resident camps and 24-hour child care facilities, when an ill child is unable
 1176 to be picked up by a parent or guardian within a reasonable time or when a
 1177 child lives at the facility, the child must be isolated pursuant to the exclusion
 1178 or illness policy, Section 7.10.1(C)(3).
 1179
 1180 ~~(e)~~ 8. Child care staff shall wear gloves when in contact with blood, feces and other
 1181 high hazard body fluids.
 1182
 1183 9. Logs shall be kept to record children’s symptoms of illnesses occurring among
 1184 children attending the child care facility. Logs shall be maintained at the
 1185 facility for two months and provided to the Department upon request. The logs
 1186 shall include, at minimum, the following information:
 1187
 1188 a. Child’s name or other identifying information;
 1189
 1190 b. Child’s assigned classroom or group;
 1191
 1192 c. Date and time of symptoms of illness;
 1193
 1194 d. Symptoms;
 1195
 1196 e. Actions taken; and,
 1197
 1198 f. Date and time child was returned to group setting.
 1199

7.10.2 Demonstration of Knowledge

- 1200
 1201
 1202 A. ~~Demonstration of Knowledge.~~ Upon request, the person or persons performing a
 1203 specific task shall demonstrate to the regulatory authority knowledge of
 1204 communicable disease prevention as it relates to the specific task. This will be
 1205 determined by staff’s ability to show knowledge of the following:
 1206
 1207 ~~(a)~~ 1. When, where, and how handwashing is required;
 1208
 1209 ~~(b)~~ 2. When to prohibit staff members from caring for children;

- 1210
 1211 (c) 3. When to prohibit handling and preparation of food;
 1212
 1213 (d) 4. Proper diapering procedure;
 1214
 1215 (e) 5. Proper sanitization and disinfection of surfaces and toys; and,
 1216
 1217 6. When to exclude or isolate children with symptoms of communicable illness.
 1218

1219 7.10.3 Handwashing and Hygienic Practices

1220
 1221 ~~Staff Handwashing. Staff members shall practice adequate handwashing by moistening~~
 1222 ~~hands with warm running water, applying soap, and washing vigorously until a soapy~~
 1223 ~~lather appears. Staff shall continue washing for at least 10 seconds, rubbing areas~~
 1224 ~~between fingers, around nail beds, under fingernails, under jewelry and the backs of~~
 1225 ~~hands. Staff shall then rinse hands under running water until they are free of soap and~~
 1226 ~~dirt. Staff shall dry hands with clean disposable towels or a mechanical drying device:~~
 1227

- 1228 (a) ~~After using the toilet, changing diapers or assisting a child with toileting;~~
 1229
 1230 (b) ~~After handling soiled dishes, soiled tissues, soiled diapers or other soiled~~
 1231 ~~laundry;~~
 1232
 1233 (c) ~~Immediately after reporting to work;~~
 1234
 1235 (d) ~~Before handling food or food utensils;~~
 1236
 1237 (e) ~~After handling pets, or other animals or having any contact with their cages;~~
 1238
 1239 (f) ~~When hands become contaminated with body fluid such as after sneezing,~~
 1240 ~~coughing, or nose blowing;~~
 1241
 1242 (g) ~~Before and after administration of medications and first aid;~~
 1243
 1244 (h) ~~After removing or changing gloves;~~
 1245
 1246 (i) ~~Before and after handling sensory tables;~~
 1247
 1248 (j) ~~After cleaning activities; and~~
 1249
 1250 (k) ~~At any other time their hands become soiled.~~

1251
 1252 ~~Handwashing by Toddlers and All Older Children Children shall be taught to wash their~~
 1253 ~~hands properly. Children shall moisten hands with warm running water, applying soap,~~
 1254 ~~and washing vigorously until a soapy lather appears. Children shall continue washing~~
 1255 ~~for at least 10 seconds, rubbing areas between fingers, around nail beds, under~~
 1256 ~~fingernails and the backs of their hands. Children shall rinse hands under running~~
 1257 ~~water until they are free of soap and dirt. Children's hands shall then be dried with~~
 1258 ~~clean disposable towels or a mechanical drying device.~~

- 1259
- 1260 (a) — ~~After using the toilet, or diapering;~~
- 1261
- 1262 (b) — ~~Before and after preparing or eating food;~~
- 1263
- 1264 (c) — ~~When hands become contaminated with body fluid such as after sneezing,~~
- 1265 ~~coughing, or nose blowing;~~
- 1266
- 1267 (d) — ~~After coming in from the outdoors;~~
- 1268
- 1269 (e) — ~~Before taking medications;~~
- 1270
- 1271 (f) — ~~After handling pets or other animals;~~
- 1272
- 1273 (g) — ~~Before and after use of sensory tables; and~~
- 1274
- 1275 (h) — ~~At any other time their hands become soiled.~~
- 1276
- 1277 Infant Handwashing. ~~Infants shall have their hands washed with soap and running~~
- 1278 ~~water, an individual clean, disposable cloth that contains soap, or the use of soap and~~
- 1279 ~~warm water solution dispensed from a cleaned spray bottle, followed by a rinse before~~
- 1280 ~~drying or rinsed with a separate clean, disposable cloth before drying:~~
- 1281
- 1282 (a) — ~~After having their diaper changed;~~
- 1283
- 1284 (b) — ~~Before and after meals and snacks;~~
- 1285
- 1286 (c) — ~~After coming in from outdoors, and;~~
- 1287
- 1288 (d) — ~~Whenever their hands become soiled through activities.~~
- 1289
- 1290 A. Staff members and children shall wash their hands using the following procedures:
- 1291
- 1292 1. Moisten hands with warm running water;
- 1293
- 1294 2. Apply soap;
- 1295
- 1296 3. Rub hands vigorously until a soapy lather appears;
- 1297
- 1298 4. Continue washing for at least 20 seconds outside of the water, rubbing areas
- 1299 between fingers, around nail beds, under fingernails, under jewelry and the
- 1300 backs of hands;
- 1301
- 1302 5. Rinse hands under warm running water until they are free of soap and dirt;
- 1303 and,
- 1304
- 1305 6. Dry hands with a disposable towel, a clean cloth towel laundered after use, or
- 1306 a mechanical drying device.
- 1307

- 1308 B. Caregivers and children toddler-aged and older shall wash their hands at the following
1309 times:
1310
1311 1. Upon arrival for the day and after breaks;
1312
1313 2. When caregivers move from caring for one group/classroom of children to
1314 another;
1315
1316 3. Before and after:
1317
1318 a. Preparing food or beverages;
1319
1320 b. Eating, handling food, or feeding a child;
1321
1322 c. Giving medication, applying a medical ointment or cream or
1323 administering first aid; and,
1324
1325 d. Setup or use of a sensory table.
1326
1327 4. After:
1328
1329 a. Using the toilet or assisting a child with toileting;
1330
1331 b. Diapering each child;
1332
1333 c. Handling body fluid;
1334
1335 d. Handling animals or cleaning up animal waste;
1336
1337 e. Coming in from outdoors;
1338
1339 f. Cleaning or handling garbage; and,
1340
1341 g. At any other time that hands become soiled.
1342
1343 C. Infants shall have their hands washed with:
1344
1345 1. Soap and running water;
1346
1347 2. A clean cloth that contains soap and is laundered after each use; or,
1348
1349 3. The use of soap and warm water solution dispensed from a clean spray bottle,
1350 followed by a rinse before drying with a clean cloth or disposable towel:
1351
1352 a. Before and after meals and snacks;
1353
1354 b. After:
1355
1356 (1) Having their diaper changed;

1357
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(2) Coming in from outdoors; and,

(3) Whenever their hands become soiled.

D. ~~Hand Sanitizers and Wipes.~~ The use of hand sanitizers or wipes in lieu of handwashing is not approved for use within the facility. Hand sanitizers or wipes may be used for staff and children three years of age and older and only at times and in areas where handwashing facilities are not available, such as while out of doors in remote locations. Hand sanitizers and wipes shall be stored out of reach of children.

E. ~~Supervision.~~ Staff shall supervise children's handwashing to assure adequacy of the procedure.

F. ~~Cleanliness.~~ All staff members shall practice good personal hygiene in order to reduce the potential for disease transmission.

G. ~~Staff Clothing.~~ All staff members shall wear clean outer garments. Staff members involved in both child care and food preparation shall wear a clean smock whenever they are involved with kitchen food preparation.

H. ~~Personal Articles.~~ Personal articles, such as combs, toothbrushes, razors, pacifiers, washcloths, water bottles, etc., shall be individually identified and shall be stored in a sanitary manner so as not to contaminate or come into contact with the personal hygiene articles of another child. Personal articles shall not be shared between children.

I. Towels used for recreational water activities shall be individually identified, stored in a sanitary manner, and laundered at least weekly, and not to be shared or intermingled among children.

~~Dress-up Clothing. Dress-up clothing, wigs and hats shall be washable and shall be maintained in a clean condition.~~

~~Sensory Tables. Sensory tables, and other play tables shall be maintained in a clean and sanitary manner. Sensory tables, when filled with water, shall be emptied after use by each group of children or at least daily. If organic materials are used in sensory tables, the materials may be used for a maximum of one week and then the materials shall be discarded.~~

~~Toys. All toys shall be maintained in a clean and sanitary condition.~~

7.10.4 Medications and First Aid

A. ~~Storage.~~ Medication shall be inaccessible to children and shall be stored in the original container in a controlled area separated from food, cleaning compounds and other toxic substances. If refrigeration is required, the medication shall be stored:

(a) 1. In a separate refrigerator maintained for that purpose only; 2. or 1.

1406 ~~(b) 2.~~ In an impervious secondary container in a designated area of a food storage
 1407 refrigerator, separated from food and inaccessible to children.

1408
 1409 B. Medications acquired by the facility or abandoned by parents or guardians shall be
 1410 disposed of in accordance with 6 CCR 1007-2, Part 1, *Regulations Pertaining to Solid*
 1411 *Waste Sites and Facilities* and 6 CCR 1007-3, Parts 260-268, and Parts 99 and 100.

1412
 1413 C. Medical oxygen shall not be used by children or staff in areas with open flames.
 1414 Signage shall be posted in the child care facility that oxygen is in use.

1415
 1416 D. Basic First Aid Equipment and Basic first aid medical supplies, including gauze pads,
 1417 rolled gauze, adhesive tape, cold pack, plastic bags, disposable gloves, band-aids,
 1418 handcleaner for staff, mechanism for cleaning hands in a remote location, and scissors,
 1419 shall be provided and kept in clean storage, conveniently located and available to
 1420 staff for emergency use and inaccessible to children.

1421
 1422 ~~(a) 1. Neither syrup of ipecac and/or activated charcoal shall be administered without~~
 1423 ~~first being directed by a licensed physician or a poison control center.~~ The poison
 1424 control center may be called for guidance about any exposure to toxic substances
 1425 or any potential poisoning emergency.

1426
 1427 ~~(b) 2.~~ First aid supplies and equipment with an expiration date shall be discarded and
 1428 replaced once that date has passed.

1429
 1430 ~~Sanitizers and Disinfectants~~

1431
 1432 7.10.5 Sanitizers

1433
 1434 A. ~~Acceptance:~~ Acceptance of sanitizers and disinfectants shall be determined by the
 1435 following requirements:

1436
 1437 ~~(a) 1. The chemical is registered with the U.S. Environmental Protection Agency and~~
 1438 ~~the use of the chemical is~~ The chemical shall have a U.S. Environmental
 1439 Protection Agency registration number and designation as a food contact
 1440 surface sanitizer, be registered with the Colorado Department of Agriculture,
 1441 and used in accordance with labeled instructions and 40 CFR 180.940,
 1442 including:

1443
 1444 1) a. Concentration;

1445
 1446 2) b. Contact time;

1447
 1448 3) c. Method; and

1449
 1450 4) d. Surfaces; and,

1451
 1452 e. Does not require a final rinse step.

1453
 1454 ~~(b) 2. Sanitizers and disinfectants shall meet the formulation, concentration and~~

1455 ~~application requirements of the Department~~ Household bleach used shall be
 1456 free of compounds to enhance the scent or contains other compounds that may
 1457 adversely affect its use as a sanitizer.

1458 Use.

1459

1460 ~~(a) Sanitizers and disinfectants are not to be used in place of soaps, detergents or other~~
 1461 ~~cleaning compounds that are intended and utilized to remove soil from surfaces,~~
 1462 ~~unless specifically formulated as a cleaner sanitizer or a cleaner disinfectant.~~

1463

1464 ~~(b) Sanitizers are to be used in accordance with Section 7-101 in kitchens and other food~~
 1465 ~~service areas.~~

1466

1467 ~~(c)~~ B. Sanitizers are to be used on surfaces that commonly come into contact with food,
 1468 hands, the mouth, eyes, nose, and exposed skin of children and staff. These surfaces
 1469 include, but not limited to, kitchen surfaces, infant food preparation areas, pacifiers,
 1470 drinking fountains, table tops, keyboards, toys, sleeping mats, cribs, high chairs, head
 1471 phones, tumbling mats and furniture.

1472

1473 1. Sanitizers are not to be used in place of soaps, detergents or other cleaning
 1474 compounds that are intended and utilized to remove soil from surfaces, unless
 1475 specifically formulated as a cleaner sanitizer.

1476

1477 2. Sanitizing solution shall be available to caregivers and staff during all hours of
 1478 operation.

1479

1480 ~~(d) Disinfectants are to be used on surfaces that are commonly contaminated with high~~
 1481 ~~hazard body fluids, such as but not limited to toilet inserts, diaper changing areas and~~
 1482 ~~tables, diaper pails and surfaces that have been in contact with high hazard body~~
 1483 ~~fluids.~~

1484 Frequency.

1485

1486 ~~(a)~~ 3. The frequency of sanitizer use for food contact surfaces shall be in accordance
 1487 with the requirements of Section ~~7-101~~7.11.

1488

1489 ~~(b)~~ 4. Toys that are not mouthed or otherwise contaminated by body fluids used by
 1490 preschool and older children shall be cleaned washed, rinsed, and sanitized at
 1491 least once a week and whenever visibly soiled.

1492

1493 5. Toys used by infants and toddlers shall be washed, rinsed, and sanitized at least
 1494 daily.

1495

1496 ~~(c)~~ 6. Toys that are placed in children's mouths or are otherwise contaminated by body
 1497 fluids shall be cleaned washed, rinsed, and sanitized prior to use by another child.

1498

1499 ~~(d) The frequency of disinfectant use shall be in accordance with the requirements~~
 1500 ~~of Section 8-403 or immediately upon clean up of or contact with high hazard~~
 1501 ~~body fluids.~~

1502

1503 Concentrations and Contact Time.

- 1504 (a) ~~Sanitizers:~~
 1505 1) ~~Shall be mixed and used according to the label instructions, including~~
 1506 ~~concentration and contact time.~~
 1507
 1508 C. Sanitizers shall be mixed and used according to the label instructions, including
 1509 concentration and contact time.
 1510
 1511 2) 1. If used as a sanitizer, household bleach, containing 5.25% sodium hypochlorite
 1512 shall be mixed at one (1) tablespoon per gallon of water. Household bleach
 1513 containing 6.00% sodium hypochlorite, shall be mixed at two and a half (2 ½)
 1514 teaspoons per gallon of water. Both solutions shall be prepared and
 1515 used at concentrations between 50 - 200 ppm chlorine, and shall have a
 1516 contact time of at least one minute, and
 1517
 1518 3) ~~Shall be formulated so as not to include nor require a final rinse with potable~~
 1519 ~~water.~~
 1520
 1521 (b) ~~Disinfectants:~~
 1522 1) ~~Must be mixed and used according to the manufacturer's label and~~
 1523 ~~instructions, including concentration and contact time,~~
 1524 2) ~~If used as a disinfectant, household bleach, containing 5.25% sodium~~
 1525 ~~hypochlorite, shall be mixed at one-quarter (¼) cup per gallon of water.~~
 1526 ~~Household bleach containing 6.00% sodium hypochlorite, shall be mixed~~
 1527 ~~at three and a quarter (3 ¼) tablespoons per gallon of water. Both~~
 1528 ~~solutions shall have a contact time of at least one minute, and~~
 1529 (c) ~~Household bleach used to mix sanitizers and disinfectants shall be free of~~
 1530 ~~compounds used to enhance the scent or odor of the product.~~
 1531
 1532 Test Kits. Test kits shall be provided and used to verify sanitizers are maintained and used at
 1533 required concentrations. Solutions need to be prepared or tested at a minimum frequency of
 1534 once per day.
 1535
 1536 2. For sanitizers requiring mixing, test kits shall be provided and used to verify
 1537 the required concentration. Solutions must be tested upon mixing and daily.
 1538
 1539 3. Sanitizers obtained as ready-to-use (i.e., not requiring mixing) solutions and
 1540 used in accordance with the manufacturer's labeled instructions, do not
 1541 require the use of test strips.
 1542
 1543 Storage and Labeling.
 1544
 1545 (a) D. Bulk and working containers of sanitizers and disinfectants shall be stored inaccessible
 1546 to children. Working containers of sanitizers and disinfectants shall be easily
 1547 accessible for use by caregivers.
 1548
 1549 (b) 1. Secondary Working containers of sanitizers and disinfectants shall be labeled as
 1550 to their content and their intended use (i.e., sanitizer/toys & tables;
 1551 disinfectant/restrooms).

- 1552
1553 E. Nothing in this Section shall prohibit the use of a dish washing machine, pursuant to
1554 Section 7.11.1(A)(5), clothes washing machine, or clothes dryer, pursuant to Section
1555 7.8.6(A)(4), for sanitization of toys or other classroom materials.
1556
1557 1. Handwashing sinks used in conjunction with toileting or diapering activities
1558 shall not be used for washing, rinsing, and sanitizing toys and equipment.
1559
- 1560 7.10.6 Disinfectants
1561
- 1562 A. Acceptance of disinfectants shall be determined by the following requirements:
1563
- 1564 1. The chemical shall have a U.S. Environmental Protection Agency registration
1565 number and designation as a hospital grade disinfectant effective against
1566 *Salmonella choleraesuis (enteric)*, *Staphylococcus aureus*, and *Pseudomonas*
1567 *aeruginosa*, be registered with the Colorado Department of Agriculture. The
1568 chemical shall be used in accordance with the labeled instructions, including:
1569
- 1570 a. Concentration;
1571
1572 b. Contact time;
1573
1574 c. Method; and,
1575
1576 d. Surfaces.
1577
- 1578 B. Disinfectants are to be used on surfaces that are commonly contaminated with high
1579 hazard body fluids, such as but not limited to toilet inserts, diaper changing areas and
1580 tables, diaper pails and surfaces that have been in contact with high hazard body
1581 fluids.
1582
- 1583 1. Disinfectants are not to be used in place of soaps, detergents or other cleaning
1584 compounds that are intended and utilized to remove soil from surfaces, unless
1585 specifically formulated as a cleaner disinfectant.
1586
- 1587 2. Carpeting, rugs, and upholstery that have been contaminated by high hazard
1588 body fluids shall be cleaned by removing all visible debris with absorbent
1589 materials and treated through the use of a chemical or steam.
1590
- 1591 3. In facilities where children are in diapers or require bladder or bowel hygiene
1592 assistance, disinfecting solution shall be available during all hours of operation.
1593 In all other facilities disinfecting solutions shall be available as needed.
1594
- 1595 C. The frequency of disinfectant use shall be in accordance with the requirements of
1596 Section 7.12.4 or immediately upon clean up of or contact with high hazard body
1597 fluids.
1598
- 1599 D. Disinfectants, including household bleach, must be mixed and used according to the
1600 manufacturer's labeled instructions, including concentration and contact time.

- 1601
1602 1. Household bleach used shall be free of compounds to enhance the scent or
1603 contains other compounds that may adversely affect its use as a disinfectant.
1604
1605 2. When disinfecting solutions are mixed at the facility and used for more than
1606 one day, daily testing is required.
1607
1608 3. Disinfectants obtained as ready-to-use (i.e., not requiring mixing) solutions and
1609 used in accordance with the manufacturer’s labeled instructions, do not
1610 require the use of test strips.
1611
1612 E. Bulk and working containers of disinfectants shall be stored inaccessible to children.
1613 Working containers of disinfectants necessary for diaper changing and bladder and
1614 bowel hygiene shall be easily accessible for use by caregivers.
1615
1616 1. Working containers of disinfectants shall be labeled as to their content and
1617 their intended use (i.e., disinfectant/restrooms).
1618
1619

1620 Chapter Seven
1621 Food Service
1622

- 1623 ~~7-101 Food Service Requirements. Child care facilities providing meals or snacks shall meet~~
1624 ~~the requirements of the “Colorado Retail Food Establishment Rules and~~
1625 ~~Regulations” with the following exceptions:~~
1626
1627 ~~(a) The number of toilet facilities shall meet the requirements as stated in~~
1628 ~~Section 4-401;~~
1629
1630 ~~2. Commercial ventilation systems are not required unless:~~
1631
1632 ~~a. Grease cooking is conducted,~~
1633
1634 ~~b. Cooking appliances have a combined BTU rating of greater than 100,000 BTU or~~
1635 ~~21 kilowatts, as specified in the equipment’s specifications, or~~
1636
1637 ~~c. Local building or fire codes require commercial ventilation.~~
1638
1639 ~~Nothing in this section shall prohibit the cooking of meat inside an oven~~
1640 ~~or on the stovetop in a covered pan or skillet as long as local building~~
1641 ~~and fire codes are followed.~~
1642
1643 ~~(c) Children may use the same room for eating and sleeping;~~
1644
1645 ~~(d) In new or extensively remodeled child care facilities; domestic food~~
1646 ~~equipment is permitted, when it is approved by the Department,~~
1647 ~~maintained in good repair, and in:~~
1648
1649 ~~1) Specialized group facilities, residential child care facilities,~~

- 1650 children's camps, and small child care centers with a capacity of
 1651 15 or fewer children, or
 1652
 1653 2) ~~Infant nurseries, toddler nurseries, and kindergartens, or~~
 1654
 1655 3) ~~Facilities operated less than 4 hours per day, or~~
 1656
 1657 4) ~~Other facilities where the menu does not involve procedures~~
 1658 ~~listed in Section 7-102.~~
 1659
 1660 (e) ~~Domestic dishwashing machines are approved for use in facilities~~
 1661 ~~meeting the requirements listed in Section 7-101(d) if:~~
 1662
 1663 1) ~~The dishwashing machine equipped with a heat sanitizing cycle~~
 1664 ~~reaches a minimum of 150°F; or~~
 1665
 1666 2) ~~The water temperature in the dishwashing machine without a~~
 1667 ~~sanitizing cycle reaches a minimum of 155°F; and~~
 1668
 1669 3) ~~Dish volume is such that all dishes and utensils can be washed~~
 1670 ~~and sanitized by using not more than two complete cycles of the~~
 1671 ~~dishwashing machine for each of the following: breakfast,~~
 1672 ~~lunch, dinner, and snacks.~~
 1673
 1674 (f) ~~Where domestic equipment is permitted and used, domestic equipment~~
 1675 ~~installation methods shall be acceptable provided the equipment and~~
 1676 ~~surrounding area are maintained in a clean sanitary condition.~~
 1677
 1678 (g) ~~For offsite activities, such as field trips, the use of coolers and ice packs~~
 1679 ~~for the transport and storage of potentially hazardous foods supplied by~~
 1680 ~~the facility shall be acceptable as long as required temperatures are~~
 1681 ~~maintained. Coolers shall be easily cleanable, maintained in good repair,~~
 1682 ~~and kept clean.~~
 1683
 1684 (h) ~~When parents or guardians furnish snacks for children other than their~~
 1685 ~~own child, the snack shall consist only of foods that are prepackaged~~
 1686 ~~and prepared from commercial sources. Such foods shall be non-~~
 1687 ~~potentially hazardous or shelf stable and received sealed. Once opened~~
 1688 ~~and served, remaining potentially hazardous snacks shall be discarded.~~
 1689 ~~Nothing in this section shall prohibit the occasional serving of food in~~
 1690 ~~connection with a single event or celebration.~~
 1691
 1692 (i) ~~In child care facilities where individual meals are furnished by the parents~~
 1693 ~~or guardians the food shall be restricted to their own child. The food shall~~
 1694 ~~be labeled with the child's name.~~
 1695
 1696 ~~7-102 Commercial Equipment Requirements. Commercial equipment is not required~~
 1697 ~~in facilities meeting the exemptions in Section 7-101. Commercial equipment~~
 1698 ~~is required in facilities where any of the following conditions apply:~~

- 1699
 1700 (a) ~~The facility's menu involves advanced food preparation, as defined in~~
 1701 ~~Section 1-201(1); or~~
 1702
 1703 (b) ~~Commercial equipment is required by the local building and fire~~
 1704 ~~departments; or~~
 1705
 1706 (c) ~~Leftover potentially hazardous foods are cooled for re-service to~~
 1707 ~~children; or~~
 1708
 1709 (d) ~~Prepared food is transported off premises for service or consumption at~~
 1710 ~~another facility; or~~
 1711
 1712 (e) ~~Domestic equipment cannot maintain potentially hazardous foods at the~~
 1713 ~~required temperature.~~
 1714
 1715 7-103 ~~Limited Kitchen Requirements. In child care facilities without approved~~
 1716 ~~commercial or approved domestic equipment, the following shall apply:~~
 1717
 1718 (a) ~~Food service shall be limited only to non-potentially hazardous snacks or~~
 1719 ~~potentially hazardous snacks that are sealed and shelf stable. Once~~
 1720 ~~opened and served, remaining potentially hazardous snacks shall be~~
 1721 ~~discarded.~~
 1722
 1723 (b) ~~Foods shall be obtained from approved commercial sources and shall be~~
 1724 ~~served in single-service containers or in properly cleaned and sanitized~~
 1725 ~~multi-use articles.~~
 1726
 1727 (c) ~~All foods and single-service articles shall be protected during~~
 1728 ~~transportation, storage, preparation and service;~~
 1729
 1730 (d) ~~Good hygienic practices shall be employed including proper~~
 1731 ~~handwashing just prior to service or consumption;~~
 1732
 1733 (e) ~~Fresh fruits and vegetables shall be thoroughly washed prior to~~
 1734 ~~preparation in a clean and sanitized kitchen sink or obtained pre-~~
 1735 ~~washed or cut from a commercial source. The use of a handwashing~~
 1736 ~~sink for this purpose is not approved.~~
 1737
 1738 (f) ~~Utensils used in food service shall be cleaned and sanitized in a manner~~
 1739 ~~approved by the Department, and shall be properly stored after each~~
 1740 ~~use; and~~
 1741 (g) ~~Single-service items are not to be reused and must be disposed of~~
 1742 ~~properly.~~
 1743
 1744 7-104 ~~Prohibited Foods. Service of honey to infants shall be prohibited.~~
 1745
 1746 7-105 ~~Prohibited Activities. Staff shall not be involved in the care of children and~~
 1747 ~~food preparation concurrently. Children shall not be involved in the~~

1748 ~~preparation and handling of raw animal products and shall not handle, with~~
1749 ~~bare hands, ready-to-eat foods for children other than themselves. This~~
1750 ~~section does not prohibit teaching cooking projects if good hygienic practices~~
1751 ~~are observed. This section does not prohibit life skills training in facilities~~
1752 ~~providing more than 24-hour care.~~
1753

1754 7.11 Food Service

1755
1756 Child care facilities providing meals or snacks shall have adequate food service facilities to
1757 accommodate the safe preparation and service of foods currently being provided and shall
1758 meet the requirements of 6 CCR 1010-2, *Colorado Retail Food Establishment Rules and*
1759 *Regulations*, unless otherwise stated in Section 7.11:
1760

1761 7.11.1 Plumbing

1762 A. Minimum plumbing requirements for food service areas:

- 1763
1764
1765 1. Each sink shall be designated for one purpose unless otherwise approved by the
1766 Department through a written multi-use sink operational plan that is available
1767 on site for review.
1768
1769 2. Facilities for handwashing must be adequate for staff preparing food and for
1770 staff and children and prior to eating snacks and meals.
1771
1772 a. At least one dedicated handwashing sink for food handlers is required in
1773 all food service areas where food handling occurs. This sink is to be used
1774 only for handwashing, unless a multi-use sink operational plan has been
1775 approved in accordance with Section 7.11.1(A)(1).
1776
1777 b. Adequate handwashing facilities shall be available to accommodate
1778 supervised handwashing by all children immediately prior to eating for
1779 each snack and meal cycle.
1780
1781 c. Handwashing sinks do not need to meet the dimensional requirements
1782 of Section 5-208 J of 6 CCR 1010-2, *Colorado Retail Food Establishment*
1783 *Rules and Regulations*.
1784
1785 3. Facilities preparing meals or snacks shall have an approved method for food
1786 preparation, including washing produce. The following methods are acceptable:
1787
1788 a. A dedicated food preparation sink, indirectly plumbed to the sewer;
1789
1790 b. The dual use of one compartment of a two- or three- compartment sink
1791 that is also used for dishwashing is permitted provided:
1792
1793 (1) The compartment is washed, rinsed and sanitized prior to use for
1794 food preparation;
1795
1796 (2) The dish volume, including tableware, serving utensils, and

- 1797 cookware, is such that all dishes and utensils can be washed,
1798 rinsed, and sanitized in no more than two batches after
1799 breakfast, lunch, dinner, and snacks;
1800
1801 (3) Soiled dishes are not staged or washed at the same time food is
1802 being washed or prepared in the sink;
1803
1804 (4) The sink shall be indirectly plumbed to the sewer unless
1805 otherwise approved by the Department; and,
1806
1807 (5) An operational plan in accordance with Section 7.11.1(A)(1)
1808 approved by the Department demonstrates all of the above
1809 criteria is in place and is protective of public health.
1810
1811 4. Facilities serving only pre-packaged meals or snacks including commercially
1812 prewashed and pre-packaged produce are exempt from the requirements of
1813 this section.
1814
1815 5. Facilities using multi-use tableware, serving utensils or cookware shall have an
1816 approved method to wash dishes. In the absence of a commercial dishwashing
1817 machine, the following methods are acceptable:
1818
1819 a. Domestic dishwashing machine:
1820
1821 (1) Domestic dishwashing machines are approved provided dish
1822 volume is such that all dishes can be washed and sanitized in two
1823 or less complete cycles for each of the following: breakfast,
1824 lunch, dinner, and snacks; and,
1825
1826 (2) The dishwashing machine is National Sanitation Foundation (NSF)
1827 certified; or,
1828
1829 (3) Equipped with a heat sanitizing cycle that reaches a minimum of
1830 150°F; or,
1831
1832 (4) The temperature of the wash water reaches a minimum of
1833 155°F.
1834
1835 b. Manual Warewashing:
1836
1837 (1) In the absence of a dishwashing machine, a dedicated three-
1838 compartment sink shall be used for dishwashing provided it is
1839 indirectly plumbed to the sewer; or,
1840
1841 (2) In facilities where limited dishwashing is needed, a two
1842 compartment sink may be used for dishwashing provided it is
1843 indirectly plumbed to the sewer and the dish volume is such that
1844 all dishes and utensils can be washed, rinsed, and sanitized in no
1845 more than two batches after breakfast, lunch, dinner, and

1846 snacks. Department approval is required to use a two
1847 compartment sink for dishwashing.

1848
1849 6. Where structural changes pose a true economic hardship or are too difficult to
1850 implement due to space constraints, conflicts with the plumbing code, or
1851 building ownership, direct plumbing to the sewer system may be approved by
1852 the Department provided public health is protected. Documentation of
1853 approval shall be maintained onsite.

1854
1855 7. Mop sinks are to be installed in accordance with Section 7.8.6(B).

1856
1857 8. The number of toilet facilities shall meet the requirements as stated in Section
1858 7.8.4(A).

1859
1860 7.11.2 Ventilation

1861
1862 A. Commercial ventilation is required where:

- 1863
1864 1. Grease cooking is conducted;
1865
1866 2. Cooking appliances have a combined BTU rating of greater than 100,000 BTU or
1867 21 kilowatts, as specified in the equipment's specifications; or,
1868
1869 3. Local building or fire codes require commercial ventilation.
1870
1871 4. Nothing in this section shall prohibit the cooking of meat inside an oven or on
1872 the stovetop in a covered pan or skillet as long as local building and fire codes
1873 are followed.

1874
1875 7.11.3 Cooking and Hot Holding Equipment

1876
1877 A. Commercial cooking and hot holding equipment is not required in facilities meeting
1878 the exemptions in Section 7.11.5(A). Commercial equipment is required in facilities
1879 where any of the following conditions apply:

- 1880
1881 1. Commercial equipment is required by the local building and fire departments;
1882 or,
1883
1884 2. Leftover potentially hazardous foods are cooled and then re-heated for hot
1885 holding and re-service to children; or,
1886
1887 3. Domestic equipment cannot adequately cook or maintain potentially hazardous
1888 foods that are hot held above 135°F.

1889
1890 7.11.4 Commercial Refrigeration Equipment

1891
1892 A. Commercial refrigeration equipment is not required in facilities meeting the
1893 exemptions in Section 7.11.5(A). Commercial equipment is required in facilities where
1894 any of the following conditions apply:

- 1895
1896
1897
1898
1899
1900
1901
1902
1903
1904
1905
1906
1907
1908
1. Commercial equipment is required by the local building and fire departments;
 2. The facility's menu involves advanced food preparation, as defined in Section 7.4(A)(1);
 3. Prepared potentially hazardous food is transported off premises for service or consumption at another facility;
 4. Leftover potentially hazardous foods are cooled for re-service to children; or,
 5. Domestic equipment cannot maintain potentially hazardous foods at 41°F or less.

1909 7.11.5 Domestic Equipment

- 1910
1911
1912
1913
1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927
- A. Domestic cooking, hot holding and refrigeration equipment is permitted when approved by the department, maintained in good repair and under the following conditions:
 1. In specialized group facilities, residential child care facilities, children's camps, and small child care centers with a capacity of 20 or fewer children; or,
 2. In independent infant programs, toddler programs and kindergartens; or,
 3. In facilities operated less than four hours per day; or,
 4. In other facilities where the menu does not involve procedures listed in Section 7.11.4(A); and,
 5. Where installation methods allow the equipment and surrounding area to be maintained in a clean sanitary condition.

1928 7.11.6 Operational Requirements

- 1929
1930
1931
1932
1933
1934
1935
1936
1937
1938
1939
1940
1941
1942
1943
- A. Date marking shall only apply to child care facilities that serve a highly susceptible population including preschool aged children (five years of age and younger) and facilities that specialize in serving children who are immunocompromised.
 - B. Children may use the same room for eating and sleeping.
 - C. Potentially hazardous foods supplied by the facility for offsite activities, such as field trips, shall be maintained at required temperatures prior to leaving the facility pursuant to Section 7.11(A) and if temperatures are not maintained after leaving the facility the food shall be consumed within four hours.
 1. Coolers can be used for storage and transport for offsite activities if they are easily cleanable, maintained in good repair, and kept clean.

- 1944 D. In child care facilities where individual meals are furnished by the parents or guardians
1945 the food shall be restricted to their own child and the food shall be labeled with the
1946 child's name.
1947
- 1948 1. When parents or guardians furnish snacks for children other than their own
1949 child, the snack shall consist only of foods that are prepackaged and prepared
1950 from commercial sources. Such foods shall be non-potentially hazardous or
1951 shelf stable and received sealed, and,
1952
- 1953 2. If the food requires refrigeration after opening, remaining portions shall be
1954 discarded or sent home with the parent that brought it.
1955
- 1956 3. Uncut produce may be provided if the facility has the capacity to wash and
1957 prepare in accordance with 7.11.1(A)(3).
1958
- 1959 E. In child care facilities without adequate refrigeration or hot holding equipment to
1960 maintain food temperatures:
1961
- 1962 1. Foods shall be obtained from approved licensed or commercial sources; and,
1963
1964 2. Food service shall be limited only to non-potentially hazardous foods; or,
1965
1966 3. Foods supplied by outside sources must be, received at the appropriate
1967 temperature, served within two hours, and remaining potentially hazardous foods
1968 shall be discarded.
1969
- 1970 F. In child care facilities without adequate fixtures to wash, rinse and sanitize dishes and
1971 utensils, single-service utensils and tableware shall be used for dispensing, serving, and
1972 eating food.
1973
- 1974 G. Family style meal service is permitted under the following conditions:
1975
- 1976 1. Children are supervised;
1977
1978 2. Utensils are used to dispense food;
1979
1980 3. The refilling of plates and serving dishes is prohibited; and,
1981
1982 4. Food that becomes contaminated is discarded.
1983
- 1984 H. Raw, uncut produce, including those grown on-site, shall be permitted provided
1985 gardens and greenhouses conform to U.S. Department of Agriculture Good Agricultural
1986 Practices. For additional information, Interpretive Memo 14-08 *Determining "Approved*
1987 *Source" for Raw, Uncut Fruits and Vegetables*, may be referenced.
1988
- 1989 I. Prohibited Foods:
1990
- 1991 1. Service of honey to infants shall be prohibited.
1992

1993 2. Pursuant to 25-5.5-117 (4), C.R.S, a child care facility shall not serve as a
1994 distribution site for raw milk.

1995
1996 3. Except for freshly squeezed juice for immediate consumption the service of
1997 unpasteurized juice shall be prohibited.

1998
1999 J. Prohibited Activities:

2000
2001 1. Staff shall not be involved in the care of children and food preparation
2002 concurrently if there is a risk for contamination of food by body fluids.

2003
2004 2. Staff members assigned to a specific group of children and involved in changing
2005 diapers shall be prohibited from preparing meals and snacks for children not in
2006 their group.

2007
2008 3. Children shall not be involved in the preparation and handling of raw animal
2009 products.

2010
2011 4. Children shall not handle, with bare hands, ready-to-eat foods for children
2012 other than themselves.

2013
2014 5. This section does not prohibit teaching cooking projects if good hygienic
2015 practices are observed.

2016
2017 6. This section does not prohibit life skills training in facilities providing more
2018 than 24-hour care.

2019
2020 Infant and Toddler Nurseries

2021
2022 7.12 Infant and Toddler Programs and as Applicable to Older Children

2023
2024 7.12.1 Personal Items and Bedding

2025
2026 A. Supplies. Adequate supplies of diapers, clean clothing and linens shall be available for
2027 the needs of each infant and toddler. Clothing and linens shall be changed when soiled
2028 with high hazard body fluids.

2029
2030 B. Storage. Adequate storage space shall be provided for the personal items of each
2031 infant and toddler.

2032
2033 C. Washcloths and Towels. Each infant and toddler shall be provided with two individual
2034 washcloths and one towel or an adequate supply of soft, non-irritating disposable
2035 towels.

2036
2037 7.12.2 Staff Clothing for Infant Care

2038
2039 A. Clothing. Clothing worn by staff members to and from work shall be covered or
2040 replaced by clean non-irritating washable smocks or similar clothing.

2041

- 2042 (a) 1. Smocks shall be large enough to cover the lap and shoulder areas.
2043
- 2044 (b) 2. Staff shall change or replace their smocks when smocks become soiled.
2045
- 2046 ~~Infant Feeding~~
2047 ~~Hygienic Practices.~~
2048
- 2049 7.12.3 Feeding
2050
- 2051 (a) A. Staff members shall wash their hands before preparing bottles and foods and just prior
2052 to feeding infants, as well as when required by Section ~~6-204~~ 7.10.3
2053
- 2054 (b) 1. Staff members with cuts or open wounds on their hands shall not be involved
2055 with infant feeding unless the wound is covered with an impermeable cover
2056 and a single-use glove is worn over the impermeable cover.
2057
- 2058 (c) ~~Staff members involved in handling infants and changing diapers shall be~~
2059 ~~prohibited from preparing meals and snacks for children not in their group.~~
2060
- 2061 B. Infant food shall be stored in the original, labeled, covered containers.
2062
- 2063 ~~Food Storage.~~
2064
- 2065 (a) ~~Infant food shall be stored in the original, labeled, covered containers.~~
2066
- 2067 (b) C. Infant formula and breast milk in bottles or other storage containers shall be:
2068
- 2069 1) 1. Labeled with the infant's name;
2070 2) 2. The date received; and
2071 3) 3. Stored at 41° F or below.
- 2072 (c) 4. Formula or breast milk that is unopened and not used the day it was prepared
2073 or received from the parent or guardian shall be discarded or returned to the
2074 parent or guardian at the end of the day. This shall not apply to frozen breast
2075 milk.
2076
- 2077 D. A designated sink shall be used to fill, warm, and dump infant bottles. In the absence
2078 of a designated sink, a written multi-use sink operational plan may be approved by the
2079 Department pursuant to Section 7.11.1(A)(1).
2080
- 2081 ~~Infant Feeding - Bottles~~
2082
- 2083 (a) E. Infant formula shall be mixed in accordance with the manufacturer's labeled
2084 instructions and shall be stored and labeled as indicated in ~~s~~Section ~~8-302(b)~~ 7.12.3(C).
2085 Expired formula shall not be used.
2086
- 2087 (b) 1. Portions of formula or breast milk unconsumed by the child after each feeding
2088 shall be discarded. Bottles of formula, milk, or breast milk and other
2089 potentially hazardous liquids shall not be fed over a period exceeding one hour.

- 2090
 2091 ~~(c)~~ 2. If nursing bottles are to be reused, they shall be washed, rinsed and sanitized
 2092 in approved warewashing facilities after each use, as required by Sections ~~7-~~
 2093 ~~101(e) and 7-103(f)~~ 7.11.1(A)(5) or returned to the parent or guardian at the
 2094 end of the day for washing.
- 2095
 2096 ~~(d)~~ 3. Bottles of frozen formula or breast milk shall be thawed under cold running water,
 2097 in a crock-pot/warming device or in a refrigerator.
- 2098
 2099 ~~(e)~~ 4. Bottles of infant formula or breast milk shall never be warmed in a microwave
 2100 oven.
- 2101
 2102 ~~(f)~~ 5. The use of a crock-pot or other warming device to thaw and/or warm formula or
 2103 breast milk can be utilized, if:
 2104
- 2105 ~~1)~~ a. The breast milk or formula is thawed and warmed for immediate
 2106 consumption and not returned to the refrigerator, and,
 2107 ~~2)~~ b. The warming container is emptied, cleaned, sanitized and refilled daily
 2108 with fresh water.
- 2109
 2110 ~~(g)~~ 6. Bottles of formula or breast milk shall be labeled with the child's name. All
 2111 formula and breast milk shall be used only for the intended child. Breast milk shall
 2112 be differentiated by colored labels or another method approved by the
 2113 Department.
- 2114
 2115 7. Accidental feeding of breast milk to another mother's child shall be handled in
 2116 accordance with standard 4.3.1.4, *Feeding Human Milk to Another Mother's Child,*
 2117 *Caring for Our Children, 2015, hereby incorporated by reference.*
- 2118
 2119 ~~(h)~~ 8. Beverages dispensed into a bottle by the facility staff shall be:
 2120
- 2121 ~~1)~~ a. From an approved source;
 2122 ~~2)~~ b. Dispensed from the original container; and,
 2123 ~~3)~~ c. Dispensed into a clean sanitized bottle.

Infant Feeding. - Solid Food

- 2124
 2125
 2126
 2127 ~~(a)~~ F. Commercially processed baby food dispensed directly from the container to a child shall
 2128 be limited to one infant, with unconsumed portions discarded at the end of each feeding.
 2129
- 2130 ~~(b)~~ 1. Containers of baby food dispensed onto separate dishware and served
 2131 individually from those dishes may be returned to the refrigerator for storage
 2132 for the remainder of the day. Unconsumed portions from the dishware shall be
 2133 discarded.
- 2134
 2135 ~~(c)~~ 2. No more than one infant shall be fed from the same container of food or the
 2136 same utensil. Utensils, including dishware, shall be washed, rinsed and
 2137 sanitized between uses by an approved method as described in Sections ~~7-~~

- 2138 ~~101(e) and 7-103(f)~~ 7.11.1(A)(5).
 2139
 2140 7.12.4 Diapering
 2141
 2142 A. ~~Changing.~~ Diapers shall be checked for wetness or feces at least every two hours, or
 2143 whenever the child indicates discomfort or exhibits behavior that suggests a soiled or
 2144 wet diaper. The child shall be changed when found to be wet or soiled.
 2145
 2146 B. ~~Changing Station.~~ A diaper changing station or changing area shall be provided and
 2147 located separate from any food preparation, storage or serving area:
 2148
 2149 ~~(a)~~ 1. Equipment and surfaces shall be of sturdy construction with smooth, durable,
 2150 nonabsorbent and easily cleanable surfaces.
 2151
 2152 ~~(b)~~ 2. A handwashing sink shall be:
 2153
 2154 ~~1)~~ a. Located adjacent to or within reach of the changing table and/or
 2155 changing area;
 2156
 2157 ~~2)~~ b. Provided with hot and cold running water, delivered under pressure
 2158 through a mixing faucet; and
 2159
 2160 ~~3)~~ c. Supplied with soap and single-service towels from a dispenser or a
 2161 mechanical drying device.
 2162
 2163 ~~(c)~~ 3. Soiled diapers, wipes and gloves shall be disposed of in a washable, covered
 2164 container lined with a plastic bag, located adjacent to the changing table or
 2165 changing area, and inaccessible to children.
 2166
 2167 ~~(d)~~ 4. Items unrelated to diaper changing shall not be placed on changing tables or
 2168 wall hung changing stations.
 2169
 2170 ~~(e)~~ 5. Changing tables, stations or mats shall be kept clean and in good repair and
 2171 shall be cleaned and disinfected after each use with a single-use disposable
 2172 towel as indicated in Sections ~~6-402(a) and (d), 6-403(d) and 6-404(b) and~~
 2173 ~~(e)~~ 7.10.6.
 2174
 2175 C. ~~Procedures.~~ The following procedure shall be conducted each time a diaper is
 2176 changed:
 2177
 2178 1. All supplies needed for diaper changing shall be placed at the diaper changing
 2179 area before the child is brought to the changing area.
 2180
 2181 ~~(a)~~ 2. Individuals changing diapers shall place wear a new pair of disposable gloves on
 2182 hands prior to beginning changing each the child's diaper change.
 2183
 2184 ~~(b)~~ 3. The child shall be placed on a clean disinfected dry changing table or mat.
 2185
 2186 ~~(c)~~ 4. The child shall be cleaned on the body wherever necessary.

- 2186 (d) ~~Soiled diapers and clothing shall be replaced with clean diapers and clothing.~~
 2187
 2188 (e) 5. Soiled clothes shall be placed in a plastic bag for parents or guardians to take
 2189 home. Soiled diapers shall be placed in a covered, impervious plastic lined
 2190 receptacle.
 2191
 2192 6. If topical ointments are applied, clean gloves shall be donned. Gloves shall be
 2193 removed before handling.
 2194
 2195 (f) 7. An infant's hands shall be washed as outlined in Section ~~6-2037.10.3©~~. A
 2196 toddler's hands shall be washed as outlined in Section ~~6-2027.10.3(A)~~.
 2197
 2198 (g) 8. The child then may be returned to a clean crib or to play.
 2199
 2200 (h) 9. The staff member shall then clean to remove visible soils and disinfect the
 2201 following:
 2202
 2203 1) a. The diapering area;
 2204 2) b. The equipment or supplies touched during diapering; and,
 2205 3) c. Any other surfaces or furnishings contaminated with urine or feces.
 2206
 2207 (i) 10. The staff member shall then thoroughly wash his/her hands in accordance with
 2208 Section ~~6-2017.10.3(A)~~.
 2209
 2210 D. ~~Cloth Diapers.~~ Soiled cloth diapers shall be immediately placed in a waterproof bag
 2211 after being removed from the child and shall be stored in a covered diaper pail for
 2212 return to the parents, guardians or diaper service or until laundered. Soiled cloth
 2213 diapers or clothing shall not be rinsed.
 2214

2215 7.13 Care Of Animals

2216
 2217 ~~Number.~~ No more than three adult animals for every 25 children may be cared for at a child
 2218 care facility unless the animals are utilized as part of a developed educational program or
 2219 therapy program with a written plan that outlines the intended goal and need for the
 2220 animals. Nothing in this section shall prohibit the properly located, stabled and corralled
 2221 livestock, such as horses associated with equestrian programs at children's camps or fish in
 2222 bowls or aquariums.
 2223

2224 7.13.1 Prohibited Animals

2225
 2226 ~~Prohibited Animals. Psittacine, birds, ferrets, primates, poisonous reptiles, poisonous fish,~~
 2227 ~~poisonous amphibians, snakes greater than 6 feet in length, aggressive animals and fish, wild~~
 2228 ~~caught animals or any other animal which may pose a hazard to the health of the children~~
 2229 ~~shall be prohibited in the child care facility. Reptiles and amphibians shall be prohibited in~~
 2230 ~~classrooms with children under five years old.~~
 2231

2232 A. The following animals are prohibited in child care facilities:
 2233

- 2234 1. Psittacine birds, ferrets, and primates;
 2235
 2236 2. Poisonous animals inclusive of spiders, venomous insects, venomous reptiles
 2237 including snakes, and venomous amphibians;
 2238
 2239 3. Stray or wild animals; and,
 2240
 2241 4. Aggressive animals.
 2242
 2243 B. Live poultry including adult birds, chicks, and ducklings, reptiles, and amphibians shall
 2244 be prohibited from:
 2245
 2246 1. The premises of facilities caring only for children under the age of five;
 2247
 2248 2. Classrooms with children kindergarten age or younger or communal areas that
 2249 these children use in facilities that also care for children over the age of five.
 2250
 2251 a. Because infections from these animals spread via fecal-oral transmission
 2252 (hand to mouth behaviors), use of these animals in other classrooms
 2253 where older children engage in frequent hand to mouth behaviors is
 2254 discouraged.
 2255
 2256 C. ~~Animals.~~ Animals other than non-aggressive fish are prohibited in infant
 2257 nurseries programs.
 2258

7.13.2 Animal Bite Control

- 2259
 2260
 2261 (a) A. All dogs and cats shall have current rabies vaccinations administered by a licensed
 2262 veterinarian. Record of rabies vaccinations shall be available at the child care facility
 2263 whenever the dog or cat is on site.
 2264
 2265 (b) 1. All animal bites involving species that are known reservoirs of rabies, including
 2266 but not limited to dogs, bats, cats, ferrets, raccoons, skunks and foxes, shall be
 2267 immediately reported to the Department or other appropriate agencies.
 2268

~~Maintenances of Enclosures~~

7.13.3 Enclosures

- 2270
 2271
 2272
 2273 (a) A. Enclosures for small animals, such as hamsters, gerbils, guinea pigs, rabbits and the
 2274 like, shall be constructed to be non-absorbent and easily cleanable and shall be
 2275 cleaned as needed so as not to create nuisance conditions. Animal waste, used
 2276 bedding and other waste material shall be removed from the premise and not left to
 2277 accumulate.
 2278
 2279 (b) B. Enclosures for larger animals and poultry shall be cleaned daily to remove animal
 2280 waste, soiled bedding and other debris. Run off from enclosures, barns, corrals, and
 2281 manure storage areas shall be managed in an approved manner so as not to pollute
 2282 wells and waterways. Adequate fly and mosquito control measures shall be utilized as

2283 needed.

2284

2285 ~~(c)~~ C. All animal wastes on outdoor play areas shall be promptly removed and placed in a
2286 closed disposal container.

2287

2288 7.13.4 Child Participation

2289

2290 ~~(a)~~ A. Children's contact with animals, enclosures and waste products shall be supervised.
2291 Children under the age of ~~5~~ five years shall not be involved with the cleaning of animal
2292 enclosures or the removal and handling of animal waste products.

2293

2294 ~~(b)~~ 1. Children and individuals involved with the care, feeding or handling of animals
2295 shall thoroughly wash their hands immediately after any contact with animals,
2296 animal enclosures or animal waste products.

2297

2298 7.13.5 Designated Animal Areas

2299

2300 A. Specific areas shall be designated for animals. Live animals shall be prohibited from
2301 the following areas:

2302

2303 1. Food preparation, food storage and dining areas; and,

2304

2305 2. Areas where children routinely play (e.g., sandboxes, playgrounds).

2306

2307 B. ~~Animal Feed.~~ Animal feed and bedding shall be stored separate from human food, food
2308 supplies and food preparation areas.

2309

2310 ~~(a)~~ 1. Animals shall not be located in food preparation areas nor on eating surfaces.

2311

2312 ~~(b)~~ 2. Animal feed that requires refrigeration may be stored in an impervious
2313 secondary container to separate it from human food and make it inaccessible
2314 to children.

2315

2316 C. ~~Allergies.~~ Location and/or presence of animals shall be determined based on the
2317 protection of the health of children and caregivers with allergies.

2318

2319 7.14 Toxic Materials Management

2320

2321 7.14.1 Insect and Rodent Control

2322

2323 A. Pests shall be managed with integrated strategies for long-term pest suppression,
2324 using the most cost-effective means with the least possible hazard to people,
2325 property, and the environment.

2326

2327 ~~Control.~~

2328

2329 ~~(a)~~ B. The use of poisonous compounds to control weeds, rodents, insects, and other pests
2330 shall be implemented only after other means have been used for control, such as the
2331 elimination of harborages, cleaning food waste, and sealing of ~~ports~~ points of entry.

- 2332 These compounds shall be used according to labeled instructions.
 2333
 2334 (b) C. All food, food utensils, and equipment, bedding, toys, sleeping mats and other
 2335 equipment, materials and items that will come into contact with food or children shall
 2336 be protected during the time pesticide application is conducted. Pesticides shall be
 2337 applied in a manner as to prevent skin contact and other exposure to children or staff.
 2338 Application of pesticides shall not be conducted when children are present.
 2339
 2340 (c) D. Only approved, U.S. Environmental Protection Agency registered insecticides,
 2341 rodenticides, and herbicides may be used. Application must strictly follow all label
 2342 instructions and must be authorized by the director. Rodenticides shall be dispensed in
 2343 tamper proof boxes, shall have a distinctive color so as not to be mistaken for food,
 2344 and shall be in cake or pellet form.
 2345
 2346 (d) E. Restricted pesticides shall be applied only by a certified pest control applicator or under
 2347 the direct supervision of a certified pest control applicator.
 2348

2349 7.14.2 Poisonous or Toxic Materials

- 2350
 2351 A. Presence. There shall be present in child care facilities only those poisonous or toxic
 2352 materials necessary for general maintenance of the building, grounds, and equipment.
 2353 These compounds shall be used according to labeled instructions.
 2354
 2355 B. Plants. Pre-school age children shall be appropriately supervised around any poisonous
 2356 plants either in the child care facility or outdoor areas. Toxic plants are prohibited in
 2357 areas designated for infants and toddlers.
 2358
 2359 C. Containers. Containers of poisonous or toxic materials shall be prominently and
 2360 distinctly labeled for easy identification of contents. Poisonous or toxic materials shall
 2361 not be transferred into food or drink containers.
 2362
 2363 D. Storage. Poisonous or toxic materials shall not be stored or used in a way that could
 2364 contaminate food, food utensils and equipment, bedding, sleeping mats, toys and
 2365 other equipment, materials and items that will come into contact with food or
 2366 children.
 2367
 2368 1. Cleaning materials, sanitizers, disinfectants, detergents, flammable and other
 2369 toxics shall be properly labeled, and stored inaccessible to children.
 2370
 2371 E. Use. Sanitizers, disinfectants, cleaning compounds or other compounds intended for
 2372 use on food contact surfaces, toys and body contact surfaces shall be used in a way
 2373 that does not leave a toxic residue on such surfaces.
 2374
 2375 F. Asbestos. ~~Before the start of~~ Prior to beginning any renovation or demolition activity,
 2376 ~~the components of the a child care facility, to be affected by the renovation or~~
 2377 ~~demolition shall be inspected by a State certified asbestos inspector to determine if~~
 2378 ~~abatement is required. If asbestos is found, it shall be managed in accordance with~~
 2379 ~~the all requirements pursuant to 5 CCR 1001-10, Colorado Air Quality Control~~
 2380 Commission, Regulation Number 8 Part B, including inspection for asbestos containing

2381 materials by a Colorado certified asbestos building inspector and notification, must be
2382 met Colorado Air Quality Control Commission, Regulation Number 8 Part B.

2383

2384 ~~Buildings, or those portions thereof, that were constructed after October 12, 1988,~~
2385 ~~shall be exempt from this inspection requirement if an architect or project engineer~~
2386 ~~responsible for the construction of the building, or a State certified inspector, signs a~~
2387 ~~statement that no asbestos containing material was specified as a building material in~~
2388 ~~any construction document for the building or no asbestos containing material was~~
2389 ~~used as a building material in the building. The Air Pollution Control Division~~
2390 ~~recommends that all buildings be inspected prior to any renovation or demolition~~
2391 ~~activities, regardless of the date of construction.~~

2392

2393 G. For child care facilities built before 1978, all painted surfaces of building components
2394 shall be considered lead-based paint unless a lead-based paint determination deems
2395 otherwise.

2396

2397 1. Sections 7.14.2(H) does not apply if a lead-based paint determination shows
2398 that all painted surfaces of building components which will be disturbed during
2399 the renovation activities are not considered lead-based paint. A lead-based
2400 paint determination must be made either by a certified inspector or risk
2401 assessor pursuant to 5 CCR 1001-23, Colorado Air Quality Control Commission,
2402 Regulation Number 19 Part A, or by a certified renovator pursuant to the U.S.
2403 Environmental Protection Agency Lead Renovation, Repair and Painting
2404 Program regulations found at 40 CFR Part 745, Subpart E. The results of these
2405 determinations shall be on file at each childcare facility and available for
2406 review.

2407

2408 2. Renovation activities that will disturb painted surfaces either deemed to
2409 contain lead or not tested in child care facilities built before 1978 (including
2410 certain repairs and maintenance, and painting preparation activities) shall be
2411 conducted pursuant to the U.S. Environmental Protection Agency Lead
2412 Renovation, Repair and Painting Program regulations found at 40 CFR Part 745,
2413 Subpart E.

2414

2415 H. By May 1, 2017, radon testing shall be conducted as required by this section pursuant
2416 to Department guidance and the procedures described in the American Association of
2417 Radon Scientists and Technologists (AARST) *Protocol for Conducting Radon and Radon*
2418 *Decay Product Measurements In Schools and Large Buildings, 2014, hereby*
2419 incorporated by reference.

2420

2421 1. New child care facilities opening after the effective date of these rules and
2422 regulations shall complete radon tests within six months of occupancy. Child
2423 care facilities remodeled after the effective date of these rules and regulations
2424 shall notify the Department of such remodeling in order that the Department
2425 may assess the need for any additional radon testing.

2426

2427 2. The results of these tests shall be on file at each facility and available for
2428 review.

2429

2430 3. This section shall not apply to non building based programs such as mobile
 2431 school age child care programs.

2432
 2433 I. ~~Urea-Formaldehyde Foam Insulation.~~ The use of urea formaldehyde foam insulation is
 2434 prohibited.

2435
 2436 7.14.3 Art and Science Materials

2437
 2438 A. ~~General.~~ Art and science materials shall be used in a way so as not to constitute a
 2439 hazard to the children or staff. Children using potentially toxic materials shall be
 2440 directly supervised by staff. (For example, shaving cream can be hazardous to
 2441 asthmatic children.) Nontoxic, water-based materials should be used whenever
 2442 possible.

2443
 2444 B. ~~Prohibited Chemicals.~~ The use of concentrated or strong acids and bases; carcinogenic
 2445 materials; toxic organic solvents; materials that produce toxic dusts, and materials
 2446 with heavy metals such as lead, mercury, or cadmium ~~shall be~~ prohibited.
 2447 ~~Nontoxic, water-based materials should be used whenever possible.~~

2448
 2449 C. Storage. Bulk art and science materials shall be stored in original containers, ~~and/or~~
 2450 clearly labeled, and stored in accordance with manufacturer's instructions. ~~Art~~
 2451 ~~materials not readily identifiable by sight shall not be transferred into food or drink~~
 2452 ~~containers.~~ All containers of art and science materials transferred into a secondary
 2453 storage container, unless easily identifiable, must be clearly labeled.

2454
 2455 D. If food items are used as art and science materials they shall be labeled for the
 2456 intended use (e.g., "not for consumption" or equivalent language).

2457
 2458 7.15 Compliance Procedures

2459
 2460 ~~Recommending Approval of Licensure.~~

2461
 2462 (a) A. Prior to recommending approval of a license, the Department shall
 2463 inspect the proposed child care facility to determine compliance with
 2464 these rules and regulations.

2465
 2466 (b) 1. The Department shall recommend approving a license if its inspection
 2467 establishes that the proposed child care facility complies with the
 2468 requirements of these rules and regulations.

2469
 2470 (c) 2. Items deemed not in compliance with the requirements of these rules and
 2471 regulations shall be corrected prior to the Department recommending approval
 2472 of the license. A written plan of correction or timetable for correction may be
 2473 accepted as temporary compliance.

2474
 2475 ~~Recommending Adverse Action of the Licensure~~

2476
 2477 (a) B. The Department may, upon inspection, make a recommendation to the Department of
 2478 Human Services to submit adverse action against a child care facility's license for any

- 2479 violation of ~~Sections 25-1.5-101(1)(a) and 25-1.5-102(1)(a) and (d), C.R.S., or of these~~
 2480 rules and regulations or as otherwise provided by law.
- 2481
- 2482 ~~(b) 1.~~ A copy of the non-compliance inspection report(s) of the child care facility
 2483 shall be forwarded by the Department to the Department Of Human Services
 2484 for review.
- 2485
- 2486 C. ~~Closure.~~ Acting under Section 25-1.5-101(1)(a) and 25-1.5-102(1)(a), C.R.S., the
 2487 Department shall have the power and duty to close a child care facility and forbid the
 2488 gathering of people therein to protect the public health from the cause of epidemic
 2489 and communicable diseases. Immediate closure shall be used only when the situation
 2490 imperatively requires emergency action or the operator has been guilty of deliberate
 2491 and willful violation that poses an imminent health hazard.
- 2492 D. ~~Injunctive Relief.~~ When serious or repeated violations of these rules and regulations
 2493 have been found, the Department may abate the nuisance by seeking injunctive relief
 2494 through judicial means, as provided under Sections 16-13-308 and 16-13-309, 25-1-
 2495 501, et seq., 25-1.5-102, and 25-4-1061, et seq., C.R.S.
- 2496
- 2497 E. ~~Inspection Frequency.~~ An inspection of a child care facility shall be performed prior to
 2498 its opening and at least once every two years thereafter or more often as determined
 2499 by risk.
- 2500
- 2501 F. ~~Access.~~ The Department, after proper identification, shall be permitted to enter any
 2502 child care facility, whether announced or unannounced prior to the visit, during
 2503 business hours and at other times during which activity is evident to determine
 2504 compliance with these rules and regulations. The agents shall be permitted to examine
 2505 documents or true copies of documents that pertain directly to the operation of the
 2506 child care facility as it applies to compliance with these rules and regulations.
- 2507
- 2508 ~~Report of Inspections.~~
- 2509 ~~(a) G.~~ Whenever an inspection of a child care facility is made, the findings shall be recorded
 2510 on an inspection report form. ~~The inspection report form shall summarize the~~
 2511 ~~requirements of these rules and regulations.~~ Inspection remarks shall describe
 2512 violation(s) that exist(s).
- 2513
- 2514 ~~(b) 1.~~ Once the inspection report form is finalized, a A copy of the completed
 2515 inspection report form shall be furnished to the ~~person in charge of the facility~~
 2516 ~~by the end of the next workday following conclusion of the inspection.~~ The
 2517 completed inspection report form is a public document that shall be made
 2518 available for public disclosure to any person who requests it according to law.
- 2519
- 2520 ~~(c) 2.~~ The completed inspection report form is a public document that shall be made
 2521 available for public disclosure, according to law, to any person who requests it.
- 2522
- 2523 ~~Correction of Violations.~~
- 2524

- 2525 ~~(a)~~ 3. The inspection report form shall specify a reasonable period of time for the
 2526 correction of the violations found and correction of the violations shall be
 2527 accomplished within the period specified, in accordance with the following
 2528 provisions:
 2529
- 2530 ~~1)~~ a. If an imminent health hazard exists, such as but not limited to an
 2531 inability to maintain the integrity of potentially hazardous foods,
 2532 sewage backup into the facility, lack of ~~potable~~drinking water, or an
 2533 interruption of water service to the facility for more than ~~2~~two hours,
 2534 the facility shall immediately cease operations unless dismissal of the
 2535 children would be detrimental to their well being or unless an
 2536 alternative plan for operation has been approved by the Department.
 2537 Operations shall not be resumed until authorized by the Department.
- 2538 ~~2)~~ b. All critical violations are to be corrected as soon as possible, but in any
 2539 event, by the date and time specified by the ~~regulatory~~
 2540 ~~authority~~Department.
- 2541 ~~3)~~ c. All other violations shall be corrected by the date and time agreed to or
 2542 specified by the ~~regulatory authority~~Department but no later than 90
 2543 calendar days after the inspection.
- 2544 ~~4)~~ d. The ~~regulatory authority~~Department may approve a compliance
 2545 schedule that extends beyond the time limits specified if a written
 2546 schedule of compliance is submitted by the operator and no health
 2547 hazard exists or will result from allowing an extended schedule for
 2548 compliance.
- 2549
- 2550 ~~(b)~~ 4. The inspection report shall state that failure to comply with any time limits
 2551 may result in the initiation of administrative or legal regulatory action and/or a
 2552 recommendation of adverse action of licensure to the Department Of Human
 2553 Services. An opportunity for appeal of the inspection findings and time
 2554 limitation will be provided if a written request for an administrative hearing is
 2555 filed with the Department within five ~~(5)~~ days following the date of receipt of
 2556 inspection. If the request for a hearing is received, a hearing shall be held no
 2557 sooner than ~~twenty (20)~~ days after the operator is notified of the hearing.
 2558
- 2559 ~~(c)~~ 5. Whenever a child care facility is required, under the provisions of these rules
 2560 and regulations to cease operations, it shall not resume operations until a
 2561 re-inspection determines that conditions responsible for the requirement to
 2562 cease operations no longer exist. Opportunity for re-inspection shall be offered
 2563 within a reasonable time frame.