# FAQs – Sampling at Schools and Child Care Facilities

**NOTE:** The provisions of § 22.1-135.1 and § 22.1-289.057 of the Code of Virginia do not apply to a school or child care facility that is already regulated as a Non-transient Non-community public water system. The provisions do apply to a school or child care facility that is (1) classified as a Transient Non-community public water system or (2) served water by a public water system.

1. **What is the definition of a school?** School means any building(s) associated with public, private, or charter institutions that primarily provides teaching and learning for elementary or secondary students.
2. **What is the definition of an elementary school?** The Environmental Protection Agency states that an Elementary school means a school classified as elementary by state and local practice and composed of any span of grades (including pre-school) not above grade 8. The State Board of Education defines "Elementary school" in 8VAC20-131-5 as a public school with any grades kindergarten through 5.
3. **What is the definition of a secondary school?** The Environmental Protection Agency states that a Secondary school means a school comprising any span of grades beginning with the next grade following an elementary or middle school (usually 7, 8, or 9) and ending with or below grade 12.

Both junior high schools and senior high schools are included. The State Board of Education

defines “Secondary school" in 8VAC20-131-5 as a public school with any grades 9 through 12.

1. **What is the definition of a child care facility?** Child care facility means a location that houses a licensed provider of child care, day care, or early learning services to children, as determined by the State, local, or tribal licensing agency.
2. **What if a facility provides both child care and teaching/learning services?** It is classified as a school if primary activities are teaching and learning.
3. **Which facilities must be sampled?** Elementary schools and child care facilities.
4. **Which facilities would be considered an “elementary school” and require sampling?** See the examples below:

|  |  |  |  |
| --- | --- | --- | --- |
| **Description** | **Possible Local Name** | **EPA Classification** | **Sampling**  **Mandatory** |
| Preschool | Preschool | Elementary School | Yes |
| Kindergarten – 3rd grade | Primary School | Elementary School | Yes |
| Kindergarten – 5th grade | Elementary School | Elementary School | Yes |
| Kindergarten – 6th grade | Elementary School | Elementary School | Yes |
| Kindergarten – 12th grade | Combined School | Elementary School | Yes |
| 4th – 6th grades | Elementary School | Elementary School | Yes |
| 6th – 8th grades | Middle School | Elementary School | Yes |
| 7th – 8th grades | Junior High School | Secondary School | Encouraged |
| 9th – 12 grades | High School | Secondary School | Encouraged |

1. **Are there some exclusions?** Schools and child care facilities constructed or had full plumbing replacement on or after September 4, 2018, which is when Virginia limited water pipes and fittings to no more than 0.15% lead, are excluded from the lead monitoring and public education requirements.
2. **Which facilities must be contacted about health risks?** Contact elementary schools, secondary schools and child care facilities with information about health risks from lead in drinking water after any sampling event and at least annually.
3. **What information about health risks must be shared?** EPA has established specific language and content which must be shared. This includes, but is not limited to, health effects of lead, sources of lead, steps the consumer can take to reduce their exposure to lead in drinking water, and how to contact the water providers for more information. Further details can be found at 40 CFR 141.85(a)
4. **What is the sampling protocol?** Per EPA’s 3Ts for Reducing Lead in Drinking Water Toolkit, collect a first draw sample, 250 mL in volume, from the cold water. The water must remain stationary in the plumbing system for at least 8 hours, but no more than 18 hours. Analyze for lead by a

method approved for drinking water per 40 CFR 141.89.

1. **How do I get the sample containers?** Sample containers are provided by the laboratory contracted to analyze the drinking water samples. Keep in mind that samples must be 250 mL in volume and follow the EPA’s 3Ts for Reducing Lead in Drinking Water protocol. Drinking water samples must be analyzed by the Virginia Division of Consolidated Laboratory Services (DCLS) or by a private laboratory that has been certified by DCLS. If you opt to use a private laboratory, make sure to check that the private laboratory is certified by DCLS and can analyze for lead by a method approved for drinking water per 40 CFR § 141.89. A list of certified private labs can be found here: [https://dgs.virginia.gov/division-of-consolidated-laboratory-services/certification-](https://dgs.virginia.gov/division-of-consolidated-laboratory-services/certification-accreditation/find-a-lab/) [accreditation/find-a-lab/.](https://dgs.virginia.gov/division-of-consolidated-laboratory-services/certification-accreditation/find-a-lab/)
2. **Who may collect the samples?** Water systems, school or child care facility staff, or other appropriately trained individual may collect samples.
3. **Is funding available to support lead sampling at schools and child care facilities?** The Office of Drinking Water facilitates a [grant program](https://www.vdh.virginia.gov/drinking-water/school-and-child-care-lead-testing-and-reduction-grant-program/) aimed at providing funding, technical assistance, and guidance for schools and daycares seeking to test their drinking water for lead. Upon enrolling, our partners at 120Water will provide everything needed for facilities to sample. Currently, all public PreK-12 schools and licensed daycare facilities are encouraged to apply.
4. **What are the required sampling locations in schools and child care facilities**? Our office supports the complete evaluation of all potable outlets within a facility. We do recognize the burden that this may place on larger facilities, but the grant program can help offset the sampling costs. In general, a minimum of five samples per school and two samples per child care facility at outlets

typically used to provide water for human consumption must be collected. The outlets cannot have point-of-use (POU) devices. Sample at the following types and number of outlets:

|  |  |
| --- | --- |
| **School (5 samples)** | **Child Care facility (2 samples)** |
| 2 – drinking water fountains | 1 – drinking water fountain |
| 1 – kitchen faucet\* | 1 – kitchen faucet\* or classroom\*\* |
| 1 – classroom faucet or other outlet\*\* |  |
| 1 – nurse’s office faucet |  |

\*Used for drinking or cooking

\*\*used to provide water for human consumption

1. **Will there be training on this?** Members of the ODW School and Child Care Lead Testing and Reduction Grant Program provide a monthly informational webinar to all enrolled schools and childcare facilities. These presentations provide a basic overview of the program, assist prospective stakeholders with necessary information that is required during the sampling process, introduce data collection technology, and educate enrollees on the risks of lead in

drinking water. An example recording of the informational webinar can be found on the [program](https://www.vdh.virginia.gov/drinking-water/school-and-child-care-lead-sampling-projects/) [website.](https://www.vdh.virginia.gov/drinking-water/school-and-child-care-lead-sampling-projects/)

# I have some schools that are waterworks on a well and some that are connected to a community system. Do I have to do lead sampling for all of them? The provisions of § 22.1-135.1 and § 22.1-289.057 of the Code of Virginia do not apply to a school or child care facility that manages their own water supply and is already regulated as a public water system. The provisions do apply to a school or child care facility that is served by a community waterworks.

1. **Is it the public waterworks’ job to provide the sample kits and take samples at the school or child care facility (i.e. school served by a community waterworks)?** It is the school or child care facility’s responsibility to ensure the requirements of § 22.1-135.1 and § 22.1-289.057 of the Code of Virginia are completed. The VDH program provides free sampling kits and technical assistance for facilities to sample facility faucets and fountains for lead presence. Once samples are collected, facility managers can use prelabeled return boxes to send samples to our state contracted labs for testing.

Although public water systems are not regulated under this authority, assistance may be available through sharing in sampling and laboratory costs. Some public water systems may have independently sampled and can provide historical analytical results. We encourage collaborative approaches that involve community organizations, academic institutions, government agencies, and other stakeholders to ensure timely solutions.

1. **What happens if we find lead in the samples?** If lead is found in any water sample, the Office of Drinking Water recommends taking actions to avoid lead exposure. The higher the concentration of lead, the more strongly we recommend action. In general, when laboratory results (following the EPA’s 3Ts protocol) indicate:
   * Non-Detect – Practice “no cost” clean water habits (e.g., use cold water for consumption)
   * Less than 10 ppb – Implement risk mitigation (e.g., flushing program implementation)
   * Greater than 10 ppb – Stop use of water source, implement risk mitigation strategies, and employ remediation activities as needed (e.g., fixture and/or plumbing

replacement)

1. **Is there funding available for remediation activities?** The Office of Drinking Water has made funding available and is soliciting applications for projects that include the removal and/or replacement of lead-containing drinking water fixtures, fountains, outlets, and plumbing materials. These funds are awarded on a competitive basis and provided as 100% principal

forgiveness (grant). When schools determine they need plumbing improvements, they should also explore funding sources with their district and governing boards. More information on

remediation and replacement activities can be found on our School and Child Care Lead Testing and Reduction Grant Program [website](https://www.vdh.virginia.gov/drinking-water/school-and-child-care-lead-remediation-projects/).

1. **How do I find our facility state ID number?**

You may find your facility ID# by searching for your facility on the Virginia Department of Social Services website located [here](https://www.dss.virginia.gov/facility/search/cc.cgi). Please note that your facility ID# is the same as the license #.

1. **Our members are all aged five and older. Does the lead testing requirement apply to our program?**

The Department of Education is requiring lead sampling at all licensed child care facilities as a requirement for licensing.

1. **How often do we need to test for lead?**

Your facility should be tested at least once, per guidance’s [§ 22.1-289.057](https://law.lis.virginia.gov/vacode/title22.1/chapter14.1/section22.1-289.057/) and [§ 22.1-135.1.](https://law.lis.virginia.gov/vacode/title22.1/chapter9/section22.1-135.1/#:~:text=%C2%A7%2022.1%2D135.1.,Potable%20water%3B%20lead%20testing)

1. **How much does it cost to test without grant money?**

Costs will vary by laboratory, depending upon the extent of the services to be provided (e.g., if only analyses are conducted or if other services such as sample collection are provided), and some laboratories may have bulk analysis rates for a large number of samples. A per outlet cost is difficult to determine without context. A list of lead certified labs located in Virginia can be found on the DCLS website. Our office does not endorse or recommend any particular laboratory as long as sample analysis is conducted in accordance with EPA Method 200.8.

1. **How long do records need to be kept?** Each water system shall retain records for no fewer than 12 years.
2. **If we only use filter pitchers for drinking water, what do we sample?** You will need to sample from the outlet that provides water to the pitcher, so that we know what the water is like going into the pitcher.
3. **Our childcare facility has only children over the age of 5, do requirements apply?**

All licensed child day programs must comply with the law, regardless of the age(s) of the children served. All Religious Exempt Child Day Centers and Certified Preschools are required to comply with the law if they serve preschool-aged children.

1. **Is a specific kind of test required? Can we use test strips?**

Testing of samples must be done by a lab accredited through the Virginia Division of Consolidated Lab Services (DCLS), which may then submit the results of lead testing to us at VDH. Lead test strips are not suitable as they’re not as sensitive or accurate for testing requirements. We need quantitative results, in order for samples to count towards compliance in accordance with to [§ 22.1-135.1](https://law.lis.virginia.gov/vacode/title22.1/chapter9/section22.1-135.1/#:~:text=%C2%A7%2022.1%2D135.1.,Potable%20water%3B%20lead%20testing) and [§ 22.1-289.057](https://law.lis.virginia.gov/vacode/title22.1/chapter14.1/section22.1-289.057/) of the Code of Virginia. If you are looking for direction on how to sample please refer to the [EPA 3T's](https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water) process.

1. **We already have our water checked monthly/yearly; can we submit the results of that testing?**

You may submit results for testing already done to satisfy the requirements if the contaminants sampled for include lead, and if the samples were tested by a DCLS approved laboratory, and if the sampling was done after 2021.

1. **Do we need to test at public schools we run after school and summer camp programs?**

Public schools are required already to sample for lead in their facilities. Coordinate with your school to ensure that the relevant fixtures and outlets have been or will be sampled.

1. **Our school is inside a church building. While we primarily use the lower level, staff and students sometimes use the upstairs facilities. May we include all taps in the building in the testing, or is intended to be limited to the water sources that the students use on a regular basis?**

The facility should test at areas designated for consumption in the licensed facility. If children go to other sections of the building and use fixtures in accordance to [§ 22.1-289.057](https://law.lis.virginia.gov/vacode/title22.1/chapter14.1/section22.1-289.057/), then those should be tested as well.

1. **Do buildings built after 2010 need to test?**

Yes, you will still have to test. In 2018 Virginia limited water pipes and fittings to no more than 0.15% lead. Lead pipes, solder, and fittings were required to be “lead-free” after 1986. At the time, “lead-free” was defined as containing less than 8 percent lead. It was only in 2014 that allowable lead levels in plumbing and fixtures dropped to 0.25 percent. I would recommend using 2014 as your cut-off point unless you have further information on the plumbing materials. You should follow up with your VDOE licensing contact for specific requirements.

1. **If I have 3 buildings will all buildings be required to test?**

If all 3 buildings serve water to children from fixtures designated for consumption in the licensed facility, then yes it is recommend sampling at all buildings in accordance with [§ 22.1-135.1](https://law.lis.virginia.gov/vacode/title22.1/chapter9/section22.1-135.1/#:~:text=%C2%A7%2022.1%2D135.1.,Potable%20water%3B%20lead%20testing) and [§ 22.1-289.057](https://law.lis.virginia.gov/vacode/title22.1/chapter14.1/section22.1-289.057/) of the Code of Virginia.

1. **They only use portable sink for washing hands. Does it still need to be sampled?**

Yes, handwashing is included in DOE's definition of consumption.

1. **We share a space with a church, do we need to sample their fixtures too?**

The facility should test at areas designated for consumption in the licensed facility. If children go to other sections of the building and use fixtures in accordance to [§ 22.1-289.057](https://law.lis.virginia.gov/vacode/title22.1/chapter14.1/section22.1-289.057/), then those should be tested as well.

1. **What if they only use the dishwasher?**

You should test sink associated with dishwasher.

1. **We use a portable sink, where do we test the water?**

You should test at the water source that was used to fill the portable sink.

1. **Does the center have to collect their own samples or do they have to find a lead testing company?**

You are not required to collect the samples yourself. We only ask that you develop and implement a plan to test potable water. If you do use outside sources for testing, remember to follow the EPA's 3T's guidance found [here](https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water). You must also use a State accredited lab for sampling results, that list can be found [here](https://dgs.virginia.gov/division-of-consolidated-laboratory-services/certification-accreditation/find-a-lab/). Management of lead in drinking water supplied in Virginia schools and child care facilities is mandated by Virginia regulations [§ 22.1-135.1](https://law.lis.virginia.gov/vacode/title22.1/chapter9/section22.1-135.1/#:~:text=Each%20local%20school%20board%20shall,or%20kitchen%20taps%2C%20classroom%20combination) and [§ 22.1-289.057](https://law.lis.virginia.gov/vacode/title22.1/chapter14.1/section22.1-289.057/).

1. **The Early Childhood programs throughout the Diocese of Richmond are part of the private school sector and are either Religious Exempt or Licensed programs. Since we are a part of the private sector, do we have a different set of logistics for testing and reporting?**

All Religious Exempt Child Day Centers and Certified Preschools are required to comply with the law if they serve preschool-aged children. There is not a required test method but we do suggest to follow the EPA 3T's method (found here) for testing, and make sure to use a state accredited lab (found here).

1. **Can you provide me the points on where the water is to be tested?  Should it be at the farthest point or at every sink and water fountain?**

You should test all spots for human consumption within the facility.

1. **Is this required for ALL child care centers? Or just existing centers?**

All licensed child day programs that serves preschool-age children shall develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency must comply with the law.

1. **Are new centers also required to complete lead water test?**

In 2018 Virginia limited water pipes and fittings to no more than 0.15% lead. Lead pipes, solder, and fittings were required to be “lead-free” after 1986. At the time, “lead-free” was defined as containing less than 8 percent lead. It was only in 2014 that allowable lead levels in plumbing and fixtures dropped to 0.25 percent. I would recommend using 2018 as your cut-off point unless you have further information on the plumbing materials. You should follow up with your VDOE licensing contact for specific requirements.

1. **Do we need to test every sink that is used for potable water or can we just test a sampling of them?**

A minimum of two samples, at outlets typically used to provide water for consumption, must be collected. Our office recommends that you sample at all potable outlets within your facility. This helps ensure that you know what the water quality is at each outlet. Water leaving an unused classroom sink will likely be different than the sink in the kitchen. We do recognize the burden that this may place, but the grant program can help offset the sampling costs. If you do decide to sample at just a few, I recommend that you collect samples at the most frequently used fixtures.

**This FAQ document does not replace or supersede the requirements of § 22.1-135.1 and § 22.1-289.057 of the Code of Virginia.**