



# Senate Public Health and Welfare Committee

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## Summary SB 18 PN 1954

This legislation amends the Human Services Code by requiring individuals obtaining or renewing a license for a children's institution where care is provided in a setting other than a private residence, a boarding home for children, a child day care, a child day care center or a family child care home to test for lead levels in water, paint, dust and soil.

An individual seeking to operate or continuing to operate a:

- children's institution where care is provided to children in a setting other than a private residence,
- boarding home for children,
- child day care,
- child day care center, or
- family child care home

shall submit a lead certification from a Department of Environmental Protection (DEP) accredited individual or laboratory. The certification shall include: lead levels in water; and for a facility built prior to 1978, lead levels in paint, dust and soil. Facilities built prior to 1978 are not required to test for lead levels in paint if the facility has a DEP certification that it has completed a full remediation of all lead paint.

The Department of Human Services (DHS) shall not permit initial operation of any entity if:

- the lead certification states that lead levels in the water are in excess of the level set in the Environmental Protection Agency's (EPA) national primary drinking water regulations; or in excess of the levels set in the DEP's Safe Drinking Water Program or
- for those facilities built before 1978, lead levels in paint, dust or soil are in excess of the EPA's hazard standards.

DHS shall require a corrective plan for children's institutions already operating which exceed the safety standards.

A provisional license shall be issued during the annual renewal of a license for any boarding home for children, child day care, child day care center or family child care home that has levels in excess of the DEP or EPA levels.

The Department shall notify every parent or legal guardian of a child enrolled in a boarding home for children, child day care, child day care center or family child care home of the lead certification results. In addition, the lead certification results shall be posted on the DHS website and the website of the boarding home for children, child day care, child day care center, or family child care home if a publicly accessible website is maintained.

Notwithstanding this act, the Department can still refuse to permit operation under any other applicable statute or regulation.

### **Effective Date**

The responsibility to remediate high lead levels and the associated penalties do not take effect until a Lead Superfund is established and DEP transmits notice to LRB for publication in the Pennsylvania Bulletin.

The remainder of this act takes effect in 90 days.

**Amendment A09089** – Deletes obsolete terms, adds a definition of children's institution, and clarifies that all entities have the same responsibilities of notice to parents and corrective action for high lead levels.