



Early Learning Division | 775 Summer St NE, Suite 300, Salem, OR 97301

Phone: 503-373-0066 | Fax: 503-947-1955

TO: Early Learning Council

FROM: Miriam Calderon, Early Learning System Director
Dawn Woods, Child Care Director

RE: Rules requiring testing water for lead in licensed and regulated child care facilities.

DATE: January 25, 2018

Process

The Early Learning Division posted rules requiring lead testing in child care facilities on December 5, 2017. After appearing in the Secretary of State's bulletin on January 1, 2018, public comment was accepted by the Division until 5pm January 21, 2018. The Early Learning Division received 92 pages of testimony between January 9th and January 21st. In light of the testimony received, staff requested additional time to work with the Oregon Health Authority (OHA) to review the public testimony and ensure that any rules the Early Learning Council adopts are consistent with OHA recommendations and align with partnering agencies, such as the Oregon Department of Education. This additional time will not delay the date in which providers must be in compliance with the rules.

Because the Division and OHA will continue to review these rules, the public testimony deadline has been extended until 5pm January 25, 2018. Members of the public who have testified before the Council or plan to submit testimony electronically will have their testimony included in this rule revision process. The Early Learning Division is working jointly with the OHA, particularly relying on its expertise in the health sector, to refine these rules to keep children safe and healthy while in child care.

Next Steps

The Early Learning Division will incorporate public testimony into these rules and share this revised draft with the Oregon Health Authority by the end of January. Division staff will convene a small workgroup with OHA to review these revisions and make additional changes before presenting the rules for the Council to adopt at the February 22, 2018 Early Learning Council meeting.



Implementation & Timeline

The rules in their current form will be effective upon passage, requiring child care facilities to be in compliance with the rules by September 30, 2018. You can find a copy of the original rules that were posted on our website: <https://oregonearlylearning.com/public-testimony-Lead-Testing/>. The Early Learning Division's Office of Child Care will begin informing child care providers of the new requirements and provide both training and technical assistance upon the passage of these rules in February. Staff are being trained on providing technical assistance to providers and the Division is working to ensure its data system will be able to capture the lead results providers are required to send. The Division will also be working on the necessary translations for materials once the rules are passed by the Council. As such child care providers will begin submitting lead testing results in April – although they are welcome to begin testing sooner – and the Office of Child Care will conduct ongoing follow-up to ensure providers have completed the lead testing by September 30, 2018.

The Division has already posted information on lead poisoning prevention on our website:

<https://oregonearlylearning.com/lead-poisoning-prevention/> and have flyers and letters prepared for distribution pending the passage of the final rule set. Additional information and resources will continue to be added to the website and shared with providers as available.

