



## **Recent Green Child Care Related Legislation**

**January, 2009**

### **Toys:**

Although the burden is placed on *toy manufacturers*, child care providers should know that their current toys may have lead or phthalates that have been banned in future products. As of February 10, 2009, any toy or any other product intended for children 12 and under cannot contain any component or material with more than 600 parts per million (ppm) of lead. The lead limit phases down to 300 ppm by August 14, 2009; and finally, the limit phases down to 100 ppm by August 14, 2011.

Also, after August 14, 2009, the federal standard for lead in paint on children's products phases down from the current 600 ppm to 90 ppm. The lead standards apply to all children's products sold after February 9, regardless of when they were manufactured.

The new law bans three phthalates, di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), and benzyl butyl phthalate (BBP), at concentrations of more than 0.1% in toys or child care articles (defined as products designed "to facilitate sleep or the feeding of children age 3 and younger, or to help such children with sucking or teething.") The law also establishes an interim ban, pending review by scientific advisors, on three other phthalates, diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), at concentration so more than 0.1%, in toys that can be mouthed and in child care articles.

The phthalate standard is also effective February 10. However, CPSC has stated that the new phthalate rules apply only to products manufactured after February 9, 2009, ie, products with phthalates can be sold after that date if they were manufactured before February 9. This decision has raised concern among some members of Congress, who say that their intent was to stop the sale of products with phthalates regardless of when they were manufactured.

Also, it is now against California law (AB 1108) to sell any phthalate-containing children's product regardless of when it was manufactured.

Providers in Alameda County can have current toys tested by the Center for Environmental Health at Community locations listed at :

[http://www.ceh.org/index.php?option=com\\_content&task=view&id=342&Itemid=247](http://www.ceh.org/index.php?option=com_content&task=view&id=342&Itemid=247) or to find out more call 510) 655-3900

*For more information, call or see Center for Environmental Health,*

[http://www.ceh.org/index.php?option=com\\_content&task=view&id=354&Itemid=259](http://www.ceh.org/index.php?option=com_content&task=view&id=354&Itemid=259)

## **Pest Management (from UCSF Child Care Health Program, Vickie Leonard RN PhD):**

2007 California Law AB 2865, the Healthy Schools Act was extended to child care programs. This law ensures that parents and staff in schools and child care centers are notified of pesticide use and promotes safer pest prevention practices.

### **What does the law require?**

- Notification. Every year, each ECE program must provide to staff and parents written information on what pesticides it expects to apply in the coming year.
- Registry. Each ECE program must allow parents and staff to sign up to be notified ahead of time each time a pesticide is used in the program.
- Warning Signs. Every ECE program must put up warning signs around each area where pesticides will be applied. These signs should be in place 24 hours before and stay in place 72 hours after pesticides are used. These signs should be large enough that they prevent any adult from accidentally entering areas where pesticides have been used.
- Record Keeping. Every ECE program must keep records of what pesticides have been used at the facility for the past four years and the records must be available to anyone who asks to see them.
- Pesticide Prohibition. Some pesticides are never allowed to be used in ECE settings. For a list of these pesticides, go to [www.schoolipm.info](http://www.schoolipm.info) and, click on “AB 405 List of Prohibited Pesticides.”
- Property Owners. If the owner of a property where a child care program is located uses pesticides, they must provide written notice to the child care facility at least 120 hours before they apply a pesticide.
- Information. The California Department of Pesticide Regulation (DPR) must provide information to child care programs on the least harmful methods for getting rid of pests in ECE programs. For samples of the required signs, letters to parents and notifications for use by child care centers, see the DPR School IPM website: [www.schoolipm.info](http://www.schoolipm.info)

### **Resources and References**

CCHP Health and Safety Note: Keeping Children Safe from Pests and Pesticides available at [www.ucsfchildcarehealth.org](http://www.ucsfchildcarehealth.org)

UC Davis Statewide Integrated Pest Management Program: [www.ipm.ucdavis.edu/](http://www.ipm.ucdavis.edu/)

Head Start Performance Standard 1304.53 (a)(10)(viii)

Title 22 California Child Care Licensing, regulations 101238 and 101239.

Caring for Our Children, National Health and Safety Performance Standards:

Guidelines for Out of Home Child Care Programs, Second Edition,  
standard 5070

## **Lead/Contractors (New Construction)**

Federal law requires that individuals receive certain information before renovating six square feet or more of painted surfaces in a room for interior projects or more than twenty square feet of painted surfaces for exterior surfaces in housing, child care facilities and schools built before 1978. Renovators of child care facilities, including preschools and kindergarten classrooms and the families of children under the age of six that attend those facilities; renovators must provide a copy of a specific federal pamphlet—“Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools” ([www.epa.gov/lead](http://www.epa.gov/lead)) to child care facilities and general renovation information to families whose children attend those facilities. **Beginning in April, 2010 federal law will require contractors who disturb lead-based paint in homes, child care facilities and schools built before 1978 to be certified and follow specific work practices to prevent lead contamination.**