



Day Care Screening Assessment For Environmental Risk

Protocol to Identify and Address
Licensed Child Day Cares
On or Near Locations with Chemical Contamination

FINAL

March 2010

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Background

In 2006, there was a highly publicized closure of a day care in New Jersey that had been operating for 2 years in a former thermometer factory that was contaminated with mercury. Prompted by this incident, the Environmental and Occupational Health Assessment Program (EOHA) met with staff of the Child Day Care Licensing Program/Community-Based Regulation Section (CBR) in late 2007 to discuss ways to identify whether any licensed day cares in CT were operating in buildings or on land that could be contaminated because of former industrial/manufacturing use. At that meeting, it was decided that as an initial step, CBR would immediately begin comparing the address of a new day care license applicant with addresses of properties on the “List of Contaminated or Potentially Contaminated Sites in Connecticut”¹ (hereafter referred to as the “DEP Sites List”). CBR would then refer any address match to EOHA for further follow-up. Within a short period of time following implementation of this initial cross-checking procedure, CBR made two referrals to EOHA. One of the referred properties was a site that was found to need environmental assessment and cleanup before a permanent day care license could be issued. This prompted EOHA and CBR to jointly develop a more formal protocol for identifying not only new day cares, but existing day cares that might be located on or near sites that might have chemical contamination at levels that could pose a health threat to children (and child care workers).

It is important to identify day cares with hazardous contamination because children spend large amounts of time at day cares. In addition, children are more vulnerable to harmful effects from exposure to hazardous chemicals than adults because their bodies are still growing and developing, they play more intensely on the ground, and they have more hand-to-mouth contact.

There are various circumstances that could result in chemical contamination being present on a property or in buildings used for a day care. Day cares often seek to locate in areas close to commercial and retail development, transportation hubs and town centers. Day care operators may unwittingly select land or buildings for their day care center that were previously used for industrial or manufacturing purposes. They also may locate on former agricultural land where pesticides may be present in soil. Local land use/zoning boards may not know that they should ask questions about past industrial, manufacturing or agricultural uses of a property before granting a permit for day care operation. Past industrial, manufacturing or agricultural uses could have involved the use, storage or disposal of hazardous chemicals in buildings or on land around the buildings. These past practices may result in chemical contamination in soil or groundwater on the property or on interior buildings surfaces.

Another circumstance that could result in contamination on a day care property is when past (or current) operations on a nearby property cause groundwater contamination and the contaminated groundwater migrates beneath the day care property. People at the day care could be exposed if

¹ The “List of Contaminated or Potentially Contaminated Sites in Connecticut” is maintained by the CT Department of Environmental Protection and is available at http://www.ct.gov/dep/cwp/view.asp?a=2715&depNav_GID=1626&q=325018).

chemicals in the groundwater volatilize and migrate into the day care building through cracks or other openings in the basement or foundation.

Lastly, if a business that uses hazardous chemicals (such as a nail salon, shoe repair or dry cleaner) is operating within the same building complex as a day care, the indoor environment of the day care could be adversely impacted by chemicals used by the business.

This protocol does not cover asbestos or lead paint in buildings, or contamination in private well water. Connecticut's child day care licensing process already has procedures for identifying and addressing these environmental issues. In addition, this protocol focuses on child day care centers² and group day care homes³, not family day care homes⁴. This is because family day care homes typically operate in residential structures on residential property, which are much less likely to have past industrial/manufacturing uses that could have resulted in residual hazardous chemicals on the property. In contrast, day care centers and group day care homes are more likely to be sited on commercial property, which is more likely to have an industrial past use than residential property.

Overview of Protocol

This protocol was developed jointly by CBR and EOHA to establish a process to identify licensed day cares where residual chemicals from past or current industrial operations could pose an exposure concern for children and day care workers. Day cares of potential concern identified using this protocol will receive follow-up by EOHA for environmental contamination issues.

The following four procedures are used to identify day cares with potential environmental concerns. Each of them is discussed in detail in the next section of this document.

- (1) Licensed day cares in the database maintained by CBR are electronically compared with properties in the DEP Sites List to identify day cares within a specific radius of DEP sites with potential contamination.
- (2) New day care applications will be continue to be manually cross-checked by CBR staff against the DEP Sites List.
- (3) As part of the existing day care inspection process, inspectors will use an Environmental Issues Referral Form to help them identify obvious characteristics that could indicate that land or buildings were previously used for industrial operations. Inspectors will also identify certain types of businesses located within the same building complex as the day care whose use of hazardous chemicals could impact the day care.
- (4) As part of the licensing process, day care center applicants will provide information about past ownership and use of land and buildings planned for day care use.

² A child day care center offers care to more than 12 children outside their own homes on a regular basis (CT General Statutes, Sec. 19a-77 (1), September 2007).

³ A group day care home offers care to not less than 7 nor more than 12 children on a regular basis (CT General Statutes, Sec. 19a-77 (1), September 2007). Some group day care homes operate in a private family home and some do not.

⁴ A family day care home offers care in a private family home, for not more than 6 children who are not in school full time (CT General Statutes, Sec. 19a-77 (1), September 2007).

This Protocol relies heavily, but not entirely, on the DEP Sites List as a source of information for the location of properties in Connecticut that may be contaminated with hazardous materials. This is because the DEP Sites List is not a complete database of all properties where hazardous chemicals may have been used, stored or disposed. A property where contamination is limited to the interior of a building and has not migrated outside, will not be on DEP's List. Former agricultural land that could be contaminated with pesticides will not, in most cases, be on DEP's List. Properties with contamination that originated from another property also may not be on the Sites List. Finally, properties that do not meet a specific regulatory definition for inclusion in DEP's Hazardous Waste Program also will not be on the List. Because DEP's Sites List is not complete, the Protocol relies on two additional procedures to identify properties of potential concern that do not appear on DEP's List (i.e., environmental issues referral form for inspectors and property history questionnaire for day care center applicants).

Protocol to Identify and Address Licensed Child Day Cares On or Near Locations With Chemical Contamination

1. Comparison of Licensed Day Care Database and DEP Hazardous Waste Sites List

EOHA will electronically compare the day care database with the DEP sites list. This comparison will occur annually (or more frequently if determined necessary). EOHA plans to geocode the databases to allow comparisons to be made between the databases based on geographic distance rather than just an address match. Initially, EOHA plans to identify licensed day cares within a distance of 400 feet (approximately one-eighth of a mile) from a site in DEP's list. This distance was selected because of consideration of the groundwater volatilization pathway of exposure. As mentioned previously, industrial operations on a nearby property could contaminate groundwater. Contaminated groundwater could migrate to a day care property and the chemicals in groundwater could volatilize and get into a day care building through cracks or other openings in the basement or foundation. Comparison of day care and site locations using geographic distance (rather than address match) will allow us to capture day cares located close to a site but not on the same street.

Through this database comparison process, EOHA will identify address "matches" of day cares and waste sites. For all "matches," EOHA will use readily available information to rule out (if possible) the presence of contamination at the day care site. This initial information review can be done quickly and EOHA anticipates that it will be able to rule out most of the "matches" at that step⁵. EOHA will use the general referral form (included as Attachment A) to document (for CBR files) the outcome of the initial information review follow-up step.

If a day care - waste site match cannot be ruled out at the initial follow-up step, EOHA will identify and coordinate whatever additional work it deems necessary to understand whether there are contaminants at the day care that could pose a health threat and if so, what activities are needed to mitigate the hazard. EOHA will work with DEP, the property owner(s), local health department, environmental consultants, CBR, the day care operator and any other appropriate entities to ensure that actions are taken to identify and abate any environmental contamination hazards. The types of activities that EOHA will coordinate may include the following.

⁵ The DEP site list includes current *and former* hazardous waste sites, underground oil/gas storage tanks and chemical spill incidents. There is no mechanism for removing sites from the list. Many of the address matches are former sites or underground storage tank issues that already have been addressed and pose no threat.

- gathering more detailed information about a waste site property from DEP staff, local health department staff and/or environmental consultants involved with the property,
- performing site records review in the DEP file room,
- conducting site visit(s)⁶,
- coordinating the collection of environmental samples,
- coordinating environmental cleanup actions, and
- coordinating implementation of any other actions needed to identify environmental contamination or mitigate exposure to contamination.

During this more detailed follow-up phase, EOHA will be in close communication with CBR staff as to the status of activities. During this process, EOHA will take the lead role on risk communication activities with the day care operator, staff and parents, and others. EOHA will ensure that environmental data, planned actions and other information about the environmental situation are communicated to the day care in a clear and timely manner. At the conclusion of this phase of activities, EOHA will use the general referral form to document the outcome of the activities.

2. Cross-check new day care applications

CBR will continue its practice of manually cross-checking the address of new day care applicants against the DEP Sites List. Address cross-checking will be performed for group day care homes and day care centers, not family day care homes. If a day care is on the same street as a DEP site, CBR will refer the property to EOHA for follow-up. CBR will use the general referral form in Attachment A to refer a day care property to EOHA. Follow-up by EOHA (and documentation that a follow-up is complete) will proceed in the same manner as described in #1 above. When the geocoding of sites and day cares is complete and electronic comparison of the databases is possible, EOHA will discuss with CBR whether the manual cross-checking procedure for new applicants needs to be continued.

3. Environmental Issues Referral Form for Day Care Inspectors

In an effort to identify day cares of potential environmental concern that are not on the DEP Sites List, this protocol provides an Environmental Issues Referral Form (included in Appendix B) to help day care inspectors identify land and buildings where residues of hazardous chemicals may exist. Inspectors should also observe, to the best of their ability, whether there are businesses using hazardous chemicals that are located immediately adjacent to the day care center, and in the same building complex as the day care. A list of such businesses is included in the Inspection Referral Form in Appendix B.

During regularly scheduled inspections of new and existing day care centers and group day care homes, inspectors should use the Inspection Referral Form as a guide, to assist them in identifying day cares where there could be environmental issues that need follow-up by EOHA. Inspectors do not need to use the Inspection Referral Form when inspecting family day care

⁶ All site visits of day cares will be coordinated in advance with CBR, DEP and the local health department, as needed.

homes. Inspectors also do not need to use the Inspection Referral Form when inspecting group day care homes that operate in a residence.

If an inspector observes any of the items on the Referral Form, they will refer the property to EOHA for follow-up. Follow-up (and documentation of follow-up) will proceed in the same manner as described in #1 above. EOHA has already provided initial training to inspectors on use of the Inspection and General Referral Forms (as well as the overall protocol). EOHA will provide additional training to inspectors on an as needed basis. EOHA advises that inspectors not use the Inspection Referral Form before they have received training.

It is not expected that the Inspection Referral Form will enable an inspector to necessarily identify all buildings or properties with a previous industrial use. Rather, it is intended to assist inspectors in identifying the most obvious characteristics that could signal the presence of hazardous chemicals on a property or inside a building. The Referral Form should be used by CBR inspectors who are conducting new or repeat inspections of day care centers. EOHA will be available to assist inspectors if they have questions about whether a day care needs to be referred to EOHA.

The reason that the Environmental Issues Referral Form for inspectors is important is because the DEP Sites List contains many, but not all the properties where hazardous chemicals may have been used, stored or disposed. Specifically, the DEP Sites List may not include: (1) former industrial or manufacturing buildings in which contamination is limited to the building interior, (2) contamination on land that does not meet a certain statutory definition for inclusion in DEP's waste site cleanup program, (3) former agricultural land that could be contaminated with pesticides, and (4) properties that are impacted by chemicals originating from adjacent businesses or sites.

4. Property History Questions for Day Care Applicants

This protocol includes a mechanism for gathering information pertaining to past ownership and uses of a property planned for day care center or group day care home use. Appendix C is a Property History Questionnaire that will be included as an attachment to the application for day care centers and group day care homes. The questionnaire collects information from the day care applicant pertaining to how the property and buildings occupied by the day care were used in the past. Some past uses of buildings and land could have left residual chemicals that could be a concern for children attending the day care. Information collected on the questionnaire will be used to determine whether EOHA needs to initiate environmental follow-up. If the applicant of the group day care home plans to operate his/her day care in a private residential home, he/she need not complete the questionnaire. As stated previously, residential structures on residential property are unlikely to have past industrial/manufacturing uses that could have resulted in residual hazardous chemicals on the property. Residences are also unlikely to be within the same building complex as a business using hazardous chemicals (such as a nail salon).

The property history questionnaire provides guidance for the day care applicant on sources of information for finding property history information. The questionnaire requests that applicants use a reasonably diligent level of inquiry and go as far back in time as readily available information allows.

CBR will review the property history questionnaire as part of their existing license review process. CBR will forward a questionnaire to EOHA for further review if: (1) any of the past uses in question #3 are checked, (2) any environmental documents are checked in question #5, or (3) the answer for question #6 is yes. If answers to the property history questions are unknown or don't know, the questionnaire does not need to be forwarded to EOHA. EOHA will provide CBR with regular updates and recommendations throughout its review and follow-up of the referred questionnaire.

This type of environmental inquiry is a very common process required for many real estate property transactions. It is likely that at least some of the property history information being requested has already been collected by the owner of the property (which may be the day care applicant's landlord). The Property History Questionnaire recommends that the day care applicant contact their local health department as well as planning/zoning and building departments in their town for information about past uses of the property. It is not anticipated that completing the property history questionnaire will be overly burdensome for day care center license applicants. However, if an applicant is not able to obtain property history information, there are places on the questionnaire where they can check "unknown" or "do not know." It is not intended that answering "unknown" or "do not know" will delay processing of the license application or be the sole cause for denying an application.

Appendix B

Environmental Issues Referral Form for Inspections of Day Care Centers and Group Day Care Homes

The following Inspection Referral Form is intended for use by day care inspectors during regularly scheduled inspections of day care centers and group day care homes (not family day care homes). The form includes property and building attributes that could suggest a former or current industrial, manufacturing and/or agricultural use and which may warrant follow-up by EOHA. The form also includes businesses using hazardous chemicals that could impact a day care center if the business is co-located in the same building or complex as the day care. Inspectors do not need to use this Inspection Referral Form when inspecting group day care homes that operate in a private residence.

Name of Day Care _____
Name of Inspector _____ Date of Inspection _____
Address of Day Care _____

Instructions: If item is observed, check applicable box. Space is provided at the end of the form for any additional information you think would be helpful. Taking a photograph or making a simple sketch can be helpful. You do not need to complete this form if no items are observed.

1. Outdoor Property

The following items are visible at the property where the day care center is located.

- Metal Drums or Barrels
- Old car/vehicle parts
- Discarded White Goods (i.e., old appliances)
- Construction and Demolition debris pile (e.g., bricks/concrete, wood, plaster/drywall, plumbing fixtures, roofing, glass, electrical wiring, piping, asphalt pavement, insulation).
- Barn(s), farm machinery/equipment

2. Day Care Building(s)

The following are visible at the building within which the day care center operates.

- Loading dock, large delivery doors
- Old Mill Building/Mill Complex
- Old brick construction, resembles old factory building

3. Adjacent Businesses

The following businesses are operating immediately adjacent to the day care, **and** within the same building or building complex as the day care. For example, if a day care is located next door to a dry cleaner but the dry cleaner is in a separate building, do not check the box. If a day care center is located within the same strip mall building complex as a nail salon/hair salon, but the nail salon is several (or more) doors away from the day care center, do not check the box. However, if a day care center is next door to a nail salon/hair salon **and** within the same strip mall building, check the nail salon box.

- Dry Cleaner
- Nail Salon/Hair Salon
- Auto Repair/Auto Painting Shop
- Copy/Print Shop

Provide additional information on the reverse side, if necessary.

For Office Use Only		
Referred to EOHA	Date:	Ref. By:
EOHA Follow-up Complete Date:		Rec'd By:
Follow-up Comments:		

Appendix C
Property History Questions for Child Day Care Center and Group Day Care Home Applicants

This attachment collects information about how the property and buildings that your day care center occupies were used in the past. Some past uses such as agricultural or manufacturing/industrial could have left chemicals behind on the land or in the buildings. The information you provide will help the Department of Public Health identify whether residual chemicals may be present at your day care property and will help the Department ensure that actions are taken (if needed) to make the property safe. Please note that if you are Group Day Care Home applicant and your program will operate in a private residential structure, you do not need to complete this form.

Please answer the questions to the best of your ability and go back in time as far as readily available information allows. If, after a reasonable level of effort, you are not able to obtain information about the history of your property, you can check "unknown." It is not intended that answering "unknown" or "do not know" will delay processing of a license application or be the sole cause for denying an application.

We strongly recommend that you talk with the following people to help you complete this questionnaire.

- Your landlord (if applicable)
- Local health department. For help finding your LHD: https://www.han.ct.gov/local_health/localmap.asp
- Town Planner/Town zoning office
- Town Engineer/Town Building Department

Other resources that may be helpful to you:

- Town tax assessor
- Town land records
- Local fire marshal
- Local economic development agency

If you have questions about completing this form, please contact Sharee Rusnak of the Environmental and Occupational Health Assessment Program at 860-509-7742 or sharee.rusnak@ct.gov. For answers to all other questions regarding day care licensing regulations, requirements and applications, call the help desk at 1-800-509-8045.

General Information

Applicant Name _____
Name of Day Care _____
Day care Address _____

Property History Questions

1. Current owner of day care property _____
2. Day care building was constructed in what year? _____
3. Was the day care land or buildings ever used in the past for any of the following? Check box if Yes.

- | | |
|---|--|
| <input type="checkbox"/> Dry Cleaner | <input type="checkbox"/> Metal Plating |
| <input type="checkbox"/> Gas Station | <input type="checkbox"/> Shooting Range |
| <input type="checkbox"/> Auto Repair/Auto Painting Shop | <input type="checkbox"/> Farming/Agriculture |
| <input type="checkbox"/> Landfill/Dump | <input type="checkbox"/> Hair Salon/Nail Salon |
| <input type="checkbox"/> Factory/Manufacturing/Industrial | <input type="checkbox"/> Unknown |

4. For any past use boxes you check, provide additional information, to the best of your ability. Attach additional pages if providing information for more than one type of past use.

- a. Name of property owner _____
- b. Owned/operated during what years? _____
- c. Company/Business Name _____
- d. If factory/manufacturing past use, describe the type of manufacturing/products manufactured. For any other past uses, provide details about the business, if known. _____

5. Have any of the following documents ever been prepared for the day care property?

- Phase I Environmental Site Assessment
- Phase II Environment Site Assessment
- Phase III Environmental Site Assessment
- Unknown

If yes, are they available?

- YES
- NO
- DON'T KNOW

6. Have you seen anything on your day care property that makes you think that hazardous chemicals could have been used there in the past? For example, metal barrels or drums, discarded car parts, construction debris, farm equipment?

- YES
- NO
- DON'T KNOW

If Yes, please provide further details _____

For Office Use Only

Referred to EOHA Date:
EOHA Follow-up Complete Date:
Follow-up Comments:

Ref. By:

Rec'd By: