



Issuing Letters of Compliance

(December 2016)

for use with

COMAR 13A.17 Letters of Compliance

(as amended effective 7/20/15)

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.01 Building Safety.

A. An operator shall provide a building for a facility that is:

- (1) **Maintained in good repair;**
- (2) **Free from health and safety hazards as identified by the office; and**
- (3) **Clean and free from infestation of insects and rodents.**

INTENT: The physical plant of the facility must be safe for children and must comply with all applicable State and local codes.

INSPECTION REPORT ITEM: "Building Safety"

COMPLIANCE CRITERIA:

- *The facility's physical plant and permanent fixtures are in good repair, clean, free of hazards, and free of any infestation.*
- *All facility areas (especially food preparation areas, storage areas, and bathrooms) are clean and free from insect and rodent infestation, such as:*
 - *Rodent infestation, indicated by signs of dropping, shiny slick runways, greasy rub-marks*
 - *Insect infestation (ants, bees, flies, roaches). Roach droppings appear as powdery black flecks.*

ASSESSMENT METHOD:

- *Inspect the entire exterior and interior of the child care facility to assess the general physical condition of the facility and its fixtures, and determine if there are any obvious safety hazards.*
- *Inspect for cleanliness of the facility.*
- *Inspect for signs of possible infestation by insects or rodents.*

Notes: *Items to be inspected outside and inside the facility include, but are not limited to:*

- *Exterior walls in poor repair*
- *Broken windows*
- *Splintering, rotting, or deteriorating wood*
- *Broken or missing stairs or steps; loose or missing handrails*
- *Broken or improperly hung doors*
- *Torn or missing screens, if windows and/or doors open for ventilation. [Note: If windows are needed to meet the requirement for adequate exchange of air, there must be screens on the windows.]*
- *Protrusions from the building, such as air conditioners that are accessible to children, windows that swing out to open, window boxes, etc.*

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- *Unprotected crawl spaces and window wells*
- *Toxic plants within children's reach [see reference documents in Note below]*
- *Interior walls, floors, ceilings in poor repair (holes in walls, sagging ceilings, loose/frayed/taped carpet, missing floor tiles, etc.)*
- *Water-damaged ceilings, walls, or floors*
- *Exposed electrical wiring or missing outlet or switch plates*
- *Loose or missing handrails on stairs*
- *Wall or ceiling attachments (cabinets, light fixtures, shelves, etc.) in poor condition or broken*

*Note: For identification of toxic and non-toxic plants, see “**Poisonous Plants**” and “**Non-Poisonous Plants**”.*

- B. Except as set forth in §C of this regulation, the operator shall ensure that the facility complies with all applicable State and local codes, including but not limited to zoning, building, plumbing, gas, electrical, sewage disposal, drinking water, environment, health, and fire.**

INTENT: The physical plant of the facility must comply with all applicable State and local codes.

INSPECTION REPORT ITEM: “Building Safety”

COMPLIANCE CRITERIA: Documentation is on file either at the facility or at the Regional Office showing that the facility is in full compliance with all applicable State and local codes.

ASSESSMENT METHOD: Review most recent State/local code authority documentation to determine code compliance status.

Notes:

- *Applicable code compliance documentation typically includes, but is not necessarily limited to:*
 - *Zoning approval (initial letter of compliance application only)*
 - *Building, plumbing, gas, electrical, Use & Occupancy approval (initial letter of compliance application only)*
 - *Fire authority approval (required annually)*
 - *Water and sewage approval (This is periodic approval as required by the local health department if facility is served by private water and/or sewage system. Or, tested every two years for at least well testing if local health department has no periodic test requirement.) Water and sewage approvals are submitted prior to receipt of an Initial letter of compliance, and at least well testing is submitted prior to receipt of a Continuing Full letter of*

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compliance, and with the 24 month maintenance of Continuing Letter of compliance items.

- Water should be tested for:
 - Bacteriological quality,
 - Nitrates (Testing for nitrate is especially important if there are infants under six months of age in care.),
 - Total dissolved solids,
 - pH levels, and
 - Other water quality indicators as required by the local health department.

- C. **A facility for school age children which is located in a school building and operates before and after school hours is not required to comply with any regulation under this subtitle that relates to the physical plant of the facility if the regulation exceeds requirements imposed by the county or the local board of education with respect to the school building.**

INTENT: Physical plant requirements for a school-age facility located in a school are entirely met by complying with all applicable local jurisdiction or board of education requirements.

.02 Accessibility.

The operator shall ensure that an access road on facility property permits passage by emergency vehicles during times when children are in care.

INTENT: There must be safe and clear access to the facility for all vehicles, including emergency vehicles in the event of fire, illness, accident, or some other circumstance that requires immediate evacuation of part or all of those in attendance at the facility.

INSPECTION REPORT ITEM: "Accessibility"

COMPLIANCE CRITERIA:

- The facility has an access road or passageway suitable for vehicles, and
- The road or passageway is safe and unobstructed.

ASSESSMENT METHOD: Inspect the exterior grounds to determine if a suitable vehicular access way is present, and, if so, its condition.

.03 Indoor Space.

- A. **In a nurse school that holds a certificate of approval to operate, or a letter of exemption from approval, that was issued by the State Board of Education before**

December 1, 1971, and is still in effect, a minimum of 30 square feet of floor space shall be provided for each child.

- B. In a nursery school or child care program granted a letter of compliance after December 1, 1971, a minimum of 35 square feet of floor space shall be provided for each child.
- C. The office may not approve a capacity increase for a child care program or a nursery school currently approved, and wishing to maintain approval, to operate with less than 35 square feet per child.

INTENT: Growing children are active children, and the facility must have enough space to ensure that each child in care can safely and successfully participate in the activities of the child care program. Sufficient space prevents overcrowding, which is physically and emotionally damaging. Sufficient space protects children from the effects of overcrowding, which include exhaustion, over-stimulation, aggression, interference with the development of learning skills, lack of privacy, and increased exposure to infectious disease.

INSPECTION REPORT ITEMS: "Indoor Space"

COMPLIANCE CRITERIA: Each area of the facility approved for child care contains at least the minimum required square footage per child. This minimum square footage must represent usable floor space (see §D. below).

ASSESSMENT METHOD: Measure each child care area and compare the result with the approved capacity of that area to determine if the area meets the minimum space requirement.

- D. In calculating the square footage of floor space provided for each child, the following may not be included:
 - (1) Any floor space, rooms, or areas that are not suitable or available for the daily program activities of the children, such as but not limited to columns, vestibules, and corridors, food preparation areas, kitchens, bathrooms, adult work areas, permanently equipped isolation areas or sleeping rooms, storage units, and storage space; and
 - (2) Furniture, except for:
 - (a) Children's chairs and tables which are nonfixed and multipurpose;
 - (b) Moveable equipment used for infant care, such as high chairs and swings;
 - (c) Moveable play equipment;
 - (d) An adult-size rocking chair or other adult-size comfortable chair;
 - (e) An adult-size couch; and
 - (f) Open shelves for children's daily activities.

INTENT: Space that cannot be used by a child to move around in, to participate in program activities, or to use program equipment and materials is not usable space

and therefore cannot be counted toward the minimum square footage requirements set forth in §A and B of this regulation.

*Note: For information about how to calculate floor space, see “**Measuring Space in Child Care Facilities Guidelines**”.*

.04 Building Repair and Maintenance.

Building maintenance, repair, or renovation activity may not occur while a child in care is on the premises if the activity may present a significant risk to child safety or health.

INTENT: Building repairs, renovation, and maintenance that pose a significant risk to children cannot be done when children are in care.

INSPECTION REPORT ITEM: “Building Repair and Maintenance”

COMPLIANCE CRITERIA: Building repairs, renovation, and maintenance that pose a significant risk to children do not take place when children in care are present.

ASSESSMENT METHOD: Observe if children in care are present while building repairs, renovation, and maintenance take place and assess the risk of such activities to children’s safety or health.

.05 Lead-Safe Environment.

- A. A facility operator may not use paint with lead content on any:**
 - (1) Exterior or interior surface of the facility; or
 - (2) Material or equipment used for child care purposes.
- B. If the facility is a pre-1950 residential rental property, which is an affected property as defined by Environment Article, §6-801(b), Annotated Code of Maryland, the operator shall submit a copy of the current lead risk reduction or lead free certificate.**
- C. If the facility was constructed before 1978 and is not certified lead free pursuant to Environment Article, §6804(a)(2)(i), Annotated Code of Maryland, the operator shall:**
 - (1) Ensure there is no chipping, peeling, flaking, chalking, or deteriorated paint on any surface of an interior or exterior area of the facility that is used for child care;
 - (2) If deterioration of a surface in an area used for child care is noted, or if renovation of the premises occurs that disturbs a painted surface, arrange to have a lead dust test:
 - (a) Conducted by an accredited visual inspector pursuant to COMAR 26.16.02.03B to meet the risk reduction standard, if the facility is an affected property; or

- (b) **Conducted in areas used for child care by an accredited risk assessor pursuant to COMAR 26.16.05.11, if the facility is not an affected property; and**
- (3) **If a lead dust test is required under §C (2) of this regulation, obtain:**
 - (a) **A passing score on that test; and**
 - (b) **Verification from the lead inspector performing the test that the requirements of §C (2) and (3)(a) of this regulation have been met.**
- D. In a facility constructed before 1978 and not certified lead free under Environment Article, §6-804(a)(2)(i), Annotated Code of Maryland, when performing renovation which disturbs the painted surface of an interior or exterior area used for child care, the operator shall ensure that the work is performed by an individual accredited to perform the lead paint abatement services using safe work practices as required by Environment Article, Title 6, Subtitle 10, Annotated Code of Maryland, and corresponding regulations.**

INTENT of §§A, B, C, and D: Paint with lead content may not be located in any area of the child care facility, or on any material or equipment used for child care purposes.

- *If the facility is a **residential rental property** and was built or remodeled before 1950, a Lead Risk Reduction or Lead-Free Certificate issued by the Maryland Department of the Environment (MDE) is required. Note: Effective January 2015, this requirement is applicable to residential rental property built or remodeled before 1978.*
- *If the facility was built or remodeled prior to 1978 and there is a deteriorated paint surface in the child care area, the paint must be tested for lead content. The Operator must follow procedures established by the Maryland Department of the Environment (MDE) to remove or repair the paint in accordance with C(2) of this regulations.*

INSPECTION REPORT ITEM: “Lead-Safe Environment”

COMPLIANCE CRITERIA:

- *In a pre-***1950 residential rental** facility:*
 - *A Lead Risk Reduction or Lead-Free Certificate issued by the Maryland Department of the Environment (MDE) exists. ***Note: Effective January 2015 this item is required for pre-1978 residential rental property.***
- *In a pre-1978 facility that **is not** a residential rental property:*
 - *The paint on all interior and exterior child care area surfaces is intact; and*
 - *The paint shows no evidence of deterioration.*

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- *In residential rental and non-residential rental property built in 1978 or after:*
 - *The paint on all interior and exterior child care area surfaces is intact; and*
 - *The paint shows no evidence of deterioration.*

ASSESSMENT METHOD:

- *Review documentation and/or interview Director to determine when the facility was built or last remodeled.*
- *Observe painted surfaces on the interior and exterior child care areas (e.g., walls and ceilings, window frames, doors, entryway porches, etc.) to assess the condition of the paint.*
- *If paint testing and/or removal or repair is required, review documentation from the MDE lead inspector performing the test to determine that the requirements of §§C(2) and (3)(a) of this regulation have been met.*

Note:

- *See "**FAQs on Lead and Lead Poisoning**," for important information about lead poisoning.*

.06 Ventilation and Temperature.

A room may be used for child care only if it:

- Has natural or mechanical ventilation that provides adequate exchange of air to protect a child's health and comfort;**
- Is free of moisture and dampness; and**
- Has a temperature at floor level of not less than 65° F.**

INTENT: Rooms approved for use by children must be adequately ventilated and have humidity and temperature levels that are healthy and conducive to child comfort.

INSPECTION REPORT ITEM: "Ventilation and Temperature"

COMPLIANCE CRITERIA:

Activity rooms and bathrooms have:

- *Natural ventilation by opened windows or doors that are protected with tight-fitting screens; or mechanical ventilation system that provides an adequate exchange of air to eliminate gases, odors, dust, and bacteria;*
- *Humidity levels low enough that surfaces are free of moisture and dampness; and*

- *Floor-level temperatures no lower than 65° F.*

ASSESSMENT METHOD:

- *Identify the type of ventilation system used (if natural ventilation, check for presence of required screens).*
- *Observe walls, floors, and furniture surfaces in approved care areas to determine if moisture is present.*
- *Check floor-level temperatures in approved care areas.*

.07 Water Supply.

- A. **The facility shall have hot and cold running water, with hot water temperature not exceeding 120° F.**
- B. **For each 40 children in care, or fraction thereof, there shall be at least one drinking water source that is:**
 - (1) **Safely accessible to children 2 years old or older without assistance from an adult; and**
 - (2) **Not located in a toilet room or in a sink used for hand washing.**
- C. **Drinking water shall be supplied by:**
 - (1) **An angle-jet drinking fountain with mouth guard;**
 - (2) **Licensed bottled water in the original container;**
 - (3) **Running water supply with individual single service drinking cups; or**
 - (4) **Another method or source approved by the office.**

INTENT: Hot water must be available to facilitate proper hand-washing and hygiene, but the water must not be hot enough to burn a child. Drinking water must be supplied in a way that protects it from contamination and makes it freely available to all children. There must be enough drinking water to meet the needs of all children in attendance.

INSPECTION REPORT ITEM: “Water Supply”

COMPLIANCE CRITERIA:

- *There is hot and cold running water, with hot water temperatures at 120° F or lower.*
- *There is enough drinking water to meet the needs of all children in attendance.*
- *Drinking water is available and accessible to children.*
- *All drinking water comes from an approved source and is protected from contamination.*

ASSESSMENT METHOD: *Observe all water supplies and sources to determine if they are:*

- *Operable and at the proper temperatures,*
- *Appropriate to, accessible to, and sufficient for all children present, and*
- *Safe for consumption.*

- D. **During meals and snacks, water may be served family-style from a pitcher if the water is poured into the pitcher directly from one of the supply sources listed at §C of this regulation.**

.08 Sanitary Facilities and Supplies.

- A. **For every 15 children in care, an operator shall provide one toilet and one sink that are:**

- (1) **Maintained in good operating condition and in a sanitary manner;**
- (2) **Easily accessible to the children; and**
- (3) **Equipped with water-resistant, nonabsorbent platforms which are safely constructed at a height that allows children to use the toilet and sink unassisted.**

INTENT: All children in care must have adequate, approved, and appropriate sanitary facilities and supplies, handwashing facilities, and necessary toileting/handwashing supplies. Toileting and handwashing facilities must be maintained in good operating condition and in a sanitary manner.

INSPECTION REPORT ITEM: *“Appropriate Facilities and Supplies”*

COMPLIANCE CRITERIA:

- *The facility maintains the number of sanitary facilities required.*
- *There is at least 1 toilet and 1 sink available for every 15 children.*
- *The sanitary facilities are maintained in a sanitary manner and are in good operating condition.*
- *The sanitary facilities are accessible to children.*
- *If needed for children to be able to reach the sanitary facilities, water-resistant, nonabsorbent platforms are provided that are safely constructed at a height that allows children to use the toilets and sinks without assistance.*

ASSESSMENT METHOD: *Observe all toileting, and handwashing areas/facilities to determine if the requirements of this regulation have been met.*

- B. **An operator which holds a certificate of approval to operate, or a letter of exemption from approval, that was issued by the State Board of Education before**

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July 1, 1991, and is still in effect may receive a variance from the requirements of §A of this regulation if the office determines that:

- (1) The requirements can be met only with substantial physical modifications to the facility; and**
- (2) Sanitary facilities are accessible to every child in the facility.**

INTENT: An exception has been provided for those operators who were granted approval to operate an educational program prior to July 1, 1991 who are unable to meet the requirement of § B. above, without having to make substantial physical modifications to the structure of the facility.

- C. In each toilet facility accessible to a school age child, the operator shall provide at least one toilet in an enclosed stall or other space affording privacy to the child.**
- D. In a small facility approved for mixed age groups, only one toilet and sink are required.**
- E. A facility licensed for the first time shall provide at least one toilet facility restricted to use by adults that is equipped with a toilet, sink, and toilet supplies, except that this requirement does not apply to:**
 - (1) Small centers; or**
 - (2) Programs that operate 2-1/2 hours or less per session per day.**
- F. Each toilet room shall have:**
 - (1) A floor with a water-resistant, nonabsorbent finish;**
 - (2) Smoothly finished walls with a hard surface; and**
 - (3) Approved and functioning natural or mechanical ventilation.**
- G. Portable toilets, also known as potty-chairs, may not be used in a child care facility.**

INTENT for D. – G. above: The facility must have enough toilets and sinks in full working condition to accommodate the sanitary needs of all children in attendance. Except in specified types of facilities, there must be a separate toilet facility reserved for use by adults. The sanitary facilities must be easily accessible to all approved age groups, and must afford age-appropriate privacy. Bathroom floors and walls must be easy to clean, and bathrooms must be properly ventilated. Potty-chairs are not permitted because they are difficult to keep clean and sanitized.

INSPECTION REPORT ITEM: “Sanitary Facilities and Supplies”

COMPLIANCE CRITERIA:

- *All toilets and sinks are fully functional.*
- *Except in a small facility or a part-day facility, there is one fully functioning separate adult bathroom.*
- *Toilet facilities used by school-age children permit privacy.*
- *Bathroom floors are non-absorbent and easy to clean.*
- *Bathroom walls are smooth and easy to clean.*
- *Bathrooms are properly ventilated.*

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- *Potty-chairs are not used.*

ASSESSMENT METHOD: *Observe all sanitary facilities to determine if they meet all applicable compliance criteria as listed above.*

Note: *When determining the number of toilets, urinals may not be counted as toilets.*

- H. **Each toilet room shall contain individual paper towels, a trash receptacle, soap, and toilet paper.**
- I. **All sanitary supplies in a toilet room shall be available within reach of a child capable of using the toilet unassisted.**
- J. **Toiletry and grooming articles, drinking cups, towels, face cloths, brushes, and combs may not be shared.**

INTENT for H. – J. above: *Adequate and appropriate handwashing and sanitary items must be immediately accessible to children who self-toilet. To help prevent the transmission of disease, the operator must ensure that each child uses only his or her own personal grooming and hygiene items and that drink containers are not shared.*

INSPECTION REPORT ITEM: *“Sanitary Facilities and Supplies”*

COMPLIANCE CRITERIA:

- *Each bathroom used by children who self-toilet is always accessibly equipped with soap, trash receptacle, toilet paper, and paper towels.*
- *Each child uses only his or her own personal grooming and hygiene items.*
- *Drink containers are not shared.*

ASSESSMENT METHOD: *Observe to determine if:*

- *Sanitary supplies are appropriate and accessible.*
- *Children do not share their grooming/hygiene items or drink containers. To obtain additional information, or if observation is not possible, interview facility staff to determine if and how they monitor the children’s use of personal hygiene items and drink containers.*

.09 Lighting.

- A. **There shall be sufficient natural and artificial lighting in all approved areas of the facility to allow proper child supervision and help ensure the safety of each child, employee, and visitor to the facility.**

INTENT: Each part of the approved child care area must have a minimum amount of light that is sufficient for child safety and appropriate to the use of that part or to the activity taking place there.

INSPECTION REPORT ITEM: “Lighting”

COMPLIANCE CRITERIA: In each part of the child care area, lighting is sufficient and appropriate.

ASSESSMENT METHOD: Observe the lighting in each part of the approved area.

- B. **An operator shall use light fixtures with bulbs, lamps, and tubes that are shatter-proof or protected by shields to prevent shattering.**

INTENT: Broken glass from shattered light bulbs or lamps is a serious safety risk to children; therefore, those items must either be shatter-proof or enclosed in a manner that will prevent shattering.

INSPECTION REPORT ITEM: “Lighting”

COMPLIANCE CRITERIA: All bulbs, lamps, and tubes are shatter-proof or suitably enclosed.

ASSESSMENT METHOD: Observe all light fixtures to determine if the bulbs, etc., meet the stated compliance criteria.

- C. **In a room approved for child care that does not have windows, an operator shall provide an approved source of lighting that will operate in case of a power failure.**

INTENT: In a windowless room, there must be emergency lighting to permit the children to evacuate the room safely, if necessary.

INSPECTION REPORT ITEM: “Lighting”

COMPLIANCE CRITERIA: Each windowless room approved for care has a proper source of emergency lighting.

ASSESSMENT METHOD: Observe all windowless child care rooms in the facility to determine if proper emergency lighting is present.

- D. **An operator shall provide adequate outdoor lighting to ensure the safety of persons entering and leaving the facility when it is dark outside.**

INTENT: *When it is dark outside, there must be sufficient light for individuals to see where they are going.*

INSPECTION REPORT ITEM: *“Lighting”*

COMPLIANCE CRITERIA: *The outdoor approaches to the facility are sufficiently lit to allow safe passage.*

ASSESSMENT METHOD: *After dark, observe the outdoor approaches to the facility to determine if they are lit well enough to be safe.*

.10 Telephone and Communication.

- A. **There shall be at least one operable telephone in the facility that is freely and readily available to all facility staff during the approved hours of operation.**

INTENT: *The facility must have at least one operable land-line (hard-wired) telephone or wireless communication device (cell phone) that can be readily accessed by facility employees for general and emergency use.*

INSPECTION REPORT ITEMS: *“Telephone and Communication”*

COMPLIANCE CRITERIA:

- *At least one operable land-line telephone or cell phone is present in the facility.*
- *The landline telephone or cell phone is readily and freely accessible to facility employees.*

ASSESSMENT METHOD: *Observe to determine if a landline telephone or cell phone is present, operable, and freely accessible to facility employees.*

Note:

- *Operators who use cell phones instead of land lines must not have the cell phone’s password protection activated during child care hours. This will ensure that anyone (including a child) who may have to use the phone in an emergency is able to do so.*
- *Employee cell phones may not be used. The operator must provide the phone.*
- *Communication devices must be available for use on the premises of the child care facility, while transporting children and on field trips. Drivers, while transporting children should not operate a motor vehicle while using a mobile telephone or wireless communications device when the vehicle is in motion or a*

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part of traffic, with the exception of use of a navigational system or global positioning system device.

- B. **In a facility with more than two rooms approved for child care, a staff member supervising a group of children in one room shall be able to communicate a request for assistance to a staff member in another room while maintaining continuous supervision of the group.**
- C. **The operator shall provide additional telephones or extensions in the facility as may be required to:**
- (1) **Summon emergency fire and rescue services promptly; and**
 - (2) **Transmit and receive other emergency communications.**

INTENT: If the facility has only one telephone but is constructed or laid out in a manner that hinders immediate access to the telephone, a facility employee who needs to make or receive an emergency communication may be delayed in doing so. The facility must have as many telephones or extensions as necessary to ensure immediate access and prevent any delay.

INSPECTION REPORT ITEM: "Telephone and Communication"

COMPLIANCE CRITERIA: There is a sufficient number of telephones and extensions to ensure prompt emergency communication.

ASSESSMENT METHOD: Observe the number and location of the facility's telephone(s) and extension(s) and compare with the facility's physical size and layout to determine if the number of telephone(s) and extension(s) is sufficient.

.11 General Cleanliness and Disposal of Refuse.

- A. **The entire facility, including floors, walls, ceilings, fixtures, furnishings, materials, and equipment, shall be kept clean and free of infestation.**

INTENT: The facility must be kept clean in order to maintain a healthy environment.

INSPECTION REPORT ITEM: "General Cleanliness and Disposal of Refuse"

COMPLIANCE CRITERIA: All surfaces and equipment clean:

- *Floors, walls, ceilings, fixtures, furnishings, and equipment are free of dirt, grime, grease, and spillage.*
- *Facility areas and rooms are free of accumulated clutter and trash.*

ASSESSMENT METHOD: Observe all areas of the facility to assess cleanliness.

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Notes:

- The operator is expected to follow cleaning procedures and schedules set forth in OCC's "**General Sanitation Guidelines**".
 - Routine cleaning of surfaces, materials, and equipment removes dirt or spills that can harbor bacteria; however, some surfaces and items must also be sanitized with a disinfectant because they are especially likely to become contaminated with high levels of bacteria and serve as vehicles for transmitting illness.
 - Many commercial disinfectants contain additives such as perfume or dye and may leave a chemical residue. This could be harmful to children with asthma or allergies. For this reason, the Facility for Disease Control (CDC) and the American Academy of Pediatrics (AAP) recommend using a solution of household bleach and water for general sanitizing purposes. A properly mixed bleach-and-water solution is non-toxic and evaporates rapidly without leaving a residue.
 - Whenever children are present, bleach solution (or any other approved disinfectant) should be applied by dipping, soaking, or wiping the item or surface with a cloth (but not a sponge, since sponges harbor bacteria and are hard to clean). Spraying is acceptable only when dipping or soaking is not feasible and wiping with a cloth is likely to spread the contamination – for example, when sanitizing diapering stations and toilets.
 - Whenever a disinfectant of any kind is used, there should always be adequate ventilation. This is especially important in confined or enclosed areas such as bathrooms. A child who is asthmatic or sensitive to the disinfectant should be kept away from the immediate area until it can dissipate completely. If this step is not sufficient, the operator or provider should discuss with the child's parent other alternatives for reasonably accommodating the child's sensitivity.
 - If a product is registered with the Environmental Protection Agency's (EPA's) Division for Chemicals and Pesticides, OCC will accept the product. Check the product label to verify that there is an EPA registration number.
- B. **Cleaning may not be conducted while children are present except in emergencies or as clean-up activities that are part of the daily activity program.**

INTENT: Since routine cleaning may involve procedures and cleansing agents that may be hazardous to children, routine cleaning must be done when children are not present.

INSPECTION REPORT ITEM: "General Cleanliness and Disposal of Refuge"

COMPLIANCE CRITERIA:

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- Facility cleaning is done when children are not present.
- No child is present in an area where routine cleaning is being done.

ASSESSMENT METHOD: *If possible, observe to determine if routine cleaning occurs only in areas where children are not present. If observation is not possible, interview facility staff as needed to determine when routine cleaning occurs.*

C. Disposal of Refuse.

- (1) **Each room used for child care shall have a trash container with a disposable liner.**
- (2) **All trash containers in child care areas shall be emptied when full but at least daily.**

INTENT: *Indoor trash containers located in child activity areas must be equipped for daily easy and hygienic trash removal.*

INSPECTION REPORT ITEM: *“General Cleanliness and Disposal of Refuse”*

COMPLIANCE CRITERIA:

- Each indoor trash container is emptied daily.
- There are no full or overflowing trash containers in the child care areas.

ASSESSMENT METHOD: *Observe each trash container in the child activity areas to assess level of contents. Interview facility staff as needed to determine if trash containers are emptied daily.*

- (3) **Refuse that is placed outdoors to await collection shall be stored in receptacles that are:**
 - (a) **Made of tight, nonabsorbent, easily washable materials;**
 - (b) **Covered with tightly fitting lids; and**
 - (c) **Washed and treated with disinfectant when necessary to combat odors and prevent infestation.**

INTENT: *To help prevent infestation by insects and vermin, outdoor trash containers must fully enclose their contents and be easily cleanable.*

INSPECTION REPORT ITEM: *“General Cleanliness and Disposal of Refuse”*

COMPLIANCE CRITERIA:

- *Appropriate receptacles with tight-fitting lids:*

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- *Trash is stored outdoors only in fully enclosing, rigid or semi-rigid containers that are made of metal, plastic, rubber, or a similar impermeable material, and*
- *Each container has a snugly fitting lid or cover.*
- *Clean and sanitized:*
 - *Each outdoor trash container is free of spillage and detritus.*
 - *All trash containers are free of infestation by insects and vermin.*

ASSESSMENT METHOD:

- *Observe outdoor trash containers for suitability and general cleanliness, and to determine if infestation is present.*
- *As necessary, interview facility staff to determine if and how containers are cleaned and sanitized.*

.12 Outdoor Activity Area.

- A. **A child care facility shall have an outdoor activity area on the premises of, adjacent to, or near and safely accessible to the facility that provides adequate usable play space for the approved capacity of the facility.**

INTENT: Children must have an outdoor play area they can use each day that is accessible and large enough to accommodate vigorous play by all children in attendance, and that can be reached easily and without placing any child in danger. The approved outdoor play area must be close enough to the facility that vehicle transportation is not required.

INSPECTION REPORT ITEM: “Outdoor Activity Area”

COMPLIANCE CRITERIA: *There is an outdoor playground that is:*

- *Available for daily use by children in care;*
- *Safely and easily accessible to the children without using vehicle transportation; and,*
- *Large enough to accommodate the play activities of all children in attendance at one time or in shifts.*

ASSESSMENT METHOD: *Observe the outdoor activity area to assess its accessibility and suitability.*

Notes:

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- “Accessible” does not mean that the outdoor playground must necessarily be located on facility property.
- “Accessible” means the outdoor playground needs to be adjacent to, or safely accessible to the facility. Examples of situations that satisfy this accessibility requirement include, but are not limited to, a playground maintained by a school that is next door to the facility and a municipal playground that is located at a short distance from the facility but can easily be reached without risk to any child in care.

B. A facility for which a notice of intent, filed pursuant to COMAR 13A.17.02.02A(1), is received by the office on or after January 1, 2009, shall have an outdoor activity area that provides at least 75 square feet of usable play space for:

- (1) **One half of the approved capacity of the facility; or**
- (2) **Each child, if the facility has an approved capacity of 20 or fewer children.**

INTENT: Children should have adequate space for outdoor activities that will minimize accidents and injuries and will provide ample space for young bodies to engage freely in large muscle development activities. Overcrowding of children on a playground is a frequent contributing factor to child injuries; therefore, it is strongly recommended that the playground area provide at least 75 square feet of play area per child in attendance at the playground.

INSPECTION REPORT ITEM: “Outdoor Activity Area”

COMPLIANCE CRITERIA: *The facility provides at least 75 square feet of usable play space for the maximum number of children who will use the outdoor play area at one time.*

ASSESSMENT METHOD:

- *Determine the square footage of the outdoor play space by multiplying the length by the width.*
 - *If the approved facility capacity is for 21 or more children, compute square footage as follows:*
 1. *Divide the approved capacity number by 2.*
 2. *Multiply that number by 75 to determine the number of square footage of outdoor play space required.*
 3. *Compare the resulting number with the square footage of the outdoor play area to determine if the total square footage of usable play space is at least, or more than the number of square feet required for half of the approved capacity;*

**Or apply an automatic variance as follows:*

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1. Determine the square footage of the outdoor play space by multiplying the length by the width.
 2. Multiply that number by 75.
 3. Determine the maximum number of children who may use the outdoor play space at one time.
- If the approved capacity is for 20 or fewer children:
1. Multiply the approved capacity by 75.
 2. Compare that number with the square footage of the outdoor play area to determine if the total square footage of usable play space is at least, or more than the number of square feet required for the approved capacity.

Notes:

- Public school or municipal playgrounds are not required to be measured. They are appropriate for use.
 - When children are taken to the playground/outdoor play space in shifts, the staff/child ratios must be maintained at all times on the playground/outdoor play space and with the remaining children inside of the facility.
- C. Usable play space may include only the area and the activity equipment approved for use by children in care.
- D. The activity area shall be free from potential hazards to child health or safety.

INTENT: Children must have an outdoor play area they can use each day that is safe.

INSPECTION REPORT ITEM: “Outdoor Activity Area”

COMPLIANCE CRITERIA: There is an outdoor playground that is free of potential safety hazards.

ASSESSMENT METHOD: Observe the outdoor activity area, including equipment fall zones, to determine if it is free from potential hazards to the child’s health or safety.

- The Licensing Specialist shall observe the entire playground area for:
 - Age-appropriate equipment
 - Shock-absorbing surfacing
- Determine if the following safety hazards exist:
 - Unstable equipment
 - Climbing equipment over 7 feet high
 - Equipment or building protrusions that could cause injury or catch on clothing

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- *Standing, stagnant water*
 - *Broken glass*
 - *Toxic materials (including toxic substances such as pesticides that may have been applied to playground areas or fall-zone coverings)*
 - *Fence in disrepair, or the lack of fencing or other suitable barrier to protect children from nearby hazards such as, but not limited to, open bodies of water, construction equipment, or heavy vehicular traffic*
- *If certain types of hazards (for example, swimming pools, heavy vehicular traffic, cliffs or drop-offs, etc.) are near to the facility's outdoor play area, and the play area is on the premises of the facility, OCC may require the operator to erect a fence or other type of barrier to protect the children from these hazards. For additional information about this topic, see "**Barriers to Protect Children from Life-Threatening Safety Hazards**".*

Note:

- *Studies by insurance companies and hospitals have repeatedly shown that playground injuries are among the leading causes of child emergency medical treatments and hospital emergency room admissions. Many of these injuries are attributable to unsafe playground equipment and to the lack of suitable "fall-zones" around swings and climbing devices. See "**Playground Safety**", and "**Playground and Water Safety Guidelines**".*

E. All outdoor activity equipment shall be safe, in good repair, clean, and nontoxic.

INTENT: Children must have outdoor play equipment that is safe, maintained in good repair, clean, and nontoxic.

INSPECTION REPORT ITEM: "Outdoor Activity Area"

COMPLIANCE CRITERIA: Outdoor play equipment is available for daily use by children in care, safe, clean, nontoxic, and free of potential safety hazards.

ASSESSMENT METHOD: Observe the outdoor play equipment to determine if items are safe, maintained in good repair, clean, and nontoxic.

Note: *Equipment must not have:*

- *Broken, missing, or rusted parts*
- *Sharp edges*
- *Crush or pinch points*
- *Rotting, splitting, termite-infested, or excessively worn wooden parts*
- *Loose bolts*
- *Entrapment areas*
- *Frayed cables, open S-hooks, worn ropes that can spread open*

- *Other identifiable hazards*

.13 Swimming Facilities.

- A. **Only swimming facilities meeting applicable local standards of health, sanitation, and safety may be used.**

INTENT: A swimming pool, lake, or body of water may be used by children only if it is approved for swimming by the appropriate local or State government health office or department.

INSPECTION REPORT ITEM: "Swimming Facilities"

COMPLIANCE CRITERIA: The facility can either produce evidence that the swimming facility has been duly approved, or can demonstrate that reasonable efforts have been made by the facility to verify that approval.

ASSESSMENT METHOD: If the operator maintains an on-site swimming pool for use by children in care, review facility documentation to ascertain if the pool is approved by applicable health officials. If the swimming facility is located off-site (e.g., at the local YMCA, etc.), interview the director/designee to find out if and how the facility determined that the swimming facility was duly approved before permitting children in care to use it.

*Note: See "**Playground and Water Safety Guidelines**".*

- B. **An above-ground swimming pool may not be used for swimming activities.**

INTENT: An above-ground pool is not approved for swimming or wading by children in care. The operator may not permit a child in care to use a wading pool (such as a fill-and-drain molded plastic or inflatable pool) that does not have an operable circulation system approved by the local health department. Stagnant (uncirculated) pool water is a potential health hazard because it contaminates quickly.

INSPECTION REPORT ITEM: "Swimming Facilities"

COMPLIANCE CRITERIA: The facility does not use an above-ground swimming pool or a wading pool for swimming or water activities that does not have an operable circulation system approved by the local health department.

ASSESSMENT METHOD: Determine if an above-ground swimming pool, or a wading pool that does not have an operable circulation system that has been approved by the local health department, is used for swimming or water activities by children in care.

*Note: See "**Playground and Water Safety Guidelines**".*