

FAQs – Sampling at Schools and Child Care Facilities

NOTE: The provisions of 40 CFR §141.92 do not apply to a school or child care facility that is already regulated as a public water system. The provisions do apply to community waterworks that serves water to a school or child care facility.

1. **When is the list of schools and child care facilities due?** The Lead and Copper Rule Revisions (LCRR) require community waterworks to develop and maintain a list of schools and child care facilities that meet the following criteria:
 - Were constructed and did not have full plumbing replacement before January 1, 2014, or the date the State adopted standards that meet the definition of lead free in accordance with SDWA section 1417, as amended by the Reduction of Lead in Drinking Water Act, whichever is earlier.
 - Are served by a lead, GRR, or an unknown service line.

The initial list must be submitted to the state by November 1, 2027. Within five years of November 1, 2027, and at least once every five-year period after, all community water systems (CWSs) must either certify in writing to the State there have been no changes to the list of schools and child care facilities or submit a revised list to the State.

2. **What is the definition of a school?** School means any building(s) associated with public, private, or charter institutions that primarily provides teaching and learning for elementary or secondary students.
3. **What is the definition of an elementary school?** The Lead and Copper Rule Revisions state that an Elementary school means a school classified as elementary by state and local practice and composed of any span of grades (including pre-school) not above grade 8. The State Board of Education defines "Elementary school" in 8VAC20-131-5 as a public school with any grades kindergarten through 5.
4. **What is the definition of a secondary school?** The Lead and Copper Rule Revisions state that a Secondary school means a school comprising any span of grades beginning with the next grade following an elementary or middle school (usually 7, 8, or 9) and ending with or below grade 12. Both junior high schools and senior high schools are included. The State Board of Education defines "Secondary school" in 8VAC20-131-5 as a public school with any grades 9 through 12.
5. **What is the definition of a child care facility?** Child care facility means a location that houses a licensed provider of child care, day care, or early learning services to children, as determined by the State, local, or tribal licensing agency.
6. **What if a facility provides both child care and teaching/learning services?** It is classified as a school if primary activities are teaching and learning.
7. **Which facilities must be sampled?** Elementary schools and child care facilities.

8. **Which facilities would be considered an “elementary school” and require sampling?** A water system will need to classify the identified schools. See the examples below:

Description	Possible Local Name	LCRR Classification	LCRR Sampling Mandatory
Preschool	Preschool	Elementary School	Yes
Kindergarten – 3 rd grade	Primary School	Elementary School	Yes
Kindergarten – 5 th grade	Elementary School	Elementary School	Yes
Kindergarten – 6 th grade	Elementary School	Elementary School	Yes
Kindergarten – 12 th grade	Combined School	Elementary School	Yes
4 th – 6 th grades	Elementary School	Elementary School	Yes
6 th – 8 th grades	Middle School	Elementary School	Yes
7 th – 8 th grades	Junior High School	Secondary School	On Request
9 th – 12 grades	High School	Secondary School	On Request

9. **Are there some exclusions?** Schools and child care facilities constructed or had full plumbing replacement on or after January 1, 2014, and are not served by a lead, GRR, or an unknown service line.
10. **When must a waterworks update or revise the list of schools and child care facilities?** A water system shall either confirm that there have been no changes to its list of schools and child care facilities served by the system or submit a revised list within five years of November 1, 2027, and at least once every five-year period after.
11. **Which facilities must be contacted about health risks?** CWSs must contact all schools and child care facilities identified by the system with information about health risks from lead in drinking water and steps consumers can take to reduce their exposure.
12. **What information about health risks must be shared?** EPA has established specific language and content which must be shared. This includes, but is not limited to, health effects of lead, sources of lead, steps the consumer can take to reduce their exposure to lead in drinking water, and how to contact the waterworks for more information. Further details can be found at 40 CFR 141.85(a)
13. **Which facilities must be contacted about sampling?** Contact elementary schools, child care facilities, secondary schools that are eligible to be sampled for lead by the water system shown in Table 2 located on the second page of [EPA’s Final Lead and Copper Rule Improvements Technical Fact Sheet](#).
14. **What is the sampling protocol?** Per EPA’s 3Ts for Reducing Lead in Drinking Water Toolkit, collect a first draw sample, 250 mL in volume, from the cold water. The water must remain stationary in the plumbing system for at least 8 hours, but no more than 18 hours. Analyze for lead by a method approved for drinking water per 40 CFR 141.89.

15. **When do I have to start collecting lead samples from the schools?** All elementary schools and child care facilities served by a community waterworks must be sampled at least once during the first five years after November 1, 2027.
16. **What is the timing for lead samples from schools and child care facilities?** Community water systems must collect samples from at least 20 percent of elementary schools served by the system and 20 percent of child care facilities served by the system per year, until all schools and child care facilities on the list have been sampled or declined to participate. This sampling would be January 2028 through December 3032. After a public water system has completed one required cycle of sampling, a public water system must sample at the request of an elementary school or child care facility. A public water system is not required to sample an individual school or child care facility more than once every five years.
17. **How do I get the sample containers?** Sample containers are provided by the laboratory contracted to analyze the drinking water samples. Keep in mind that samples must be 250 mL in volume, which is different than Lead and Copper Rule tap samples. Drinking water samples must be analyzed by the Virginia Division of Consolidated Laboratory Services (DCLS) or by a private laboratory that has been certified by DCLS. If you opt to use a private laboratory, make sure to check that the private laboratory is certified by DCLS and can analyze for lead by a method approved for drinking water per 40 CFR § 141.89. A list of certified private labs can be found here:
<https://dgs.virginia.gov/division-of-consolidated-laboratory-services/certification-accreditation/find-a-lab/>.
18. **Who may collect the samples?** Water systems, school or child care facility staff, or other appropriately trained individual may collect samples.
19. **Is funding available to support lead sampling at schools and child care facilities?** The Office of Drinking Water facilitates a [grant program](#) aimed at providing funding, technical assistance, and guidance for schools and daycares seeking to test their drinking water for lead. Upon enrolling, our partners at 120Water will provide everything needed for facilities to sample. All **public** PreK-12 schools, licensed childcare facilities, or regulated child care programs are encouraged to apply.
20. **Can the grant program provide funding for religiously exempt child care facilities?** Yes, religiously exempt child care facilities are now eligible to apply for the grant program. The Virginia Department of Health's Grant Program is made possible by the Water Infrastructure Improvements for the Nations (WIIN) Act. Due to new interpretations of WIIN grant implementation guidelines, unlicensed but regulated childcare facilities are eligible to apply for the sampling program. This includes religiously exempt child day centers, voluntarily registered home-based child cares, and certified preschools.

21. What are the required sampling locations in schools and child care facilities?

Community water systems must collect five samples per school and two samples per child care facility at outlets typically used to provide water for human consumption. The outlets cannot have point-of-use (POU) devices. Sample at the following types and number of outlets:

	Schools	Child Care Facilities
Number of Samples	5 samples	2 samples
Location	• 2 samples at drinking water fountains, • 1 sample at kitchen faucet used for food or drink prep, • 1 classroom faucet or other outlet used for drinking, and • 1 nurse's office faucet, as available	• 1 at drinking water fountain and • 1 at kitchen faucet used for food or drink preparation, or 1 classroom faucet or other outlet used for drinking

If any school or child care facility has fewer than the required number of outlets, the CWS must collect samples at all outlets used to provide water for human consumption.

Although this is a minimum requirement, our office supports the complete evaluation of all potable outlets within a facility. We do recognize the burden that this may place on larger facilities, but the grant program can help offset the sampling costs.

22. What if schools and child care facilities request lead sampling? Water systems shall conduct lead sampling when requested by the facility. If a water system receives requests from more than 20 percent of the schools and child care facilities identified in the list of schools and child care facilities in any of the five years following the compliance date, the water system may schedule the requests that exceed 20 percent for the following year. A water system is not required to sample an individual school or child care facility more than once every five years.

23. What about secondary schools? Water systems shall also conduct lead sampling at secondary schools they serve on request. If a water system receives requests from more than 20 percent of secondary schools identified in the list of schools in any of the five years following the compliance date, the water system may schedule the requests that exceed 20 percent for the following year and is not required to sample an individual secondary school more than once in the five-year period.

24. I have some schools that are waterworks on a well and some that are connected to a community system. Do I have to do the lead sampling for all of them? The provisions of 40 CFR §141.92 do not apply to a school or child care facility that is already regulated as a public water system. The provisions do apply to a school or child care facility that is served by community waterworks.

25. Is it the waterworks' job to provide the sample kits and take samples at the school (school served by a community waterworks)? It is the waterworks' responsibility to ensure the requirements of 40 CFR §141.92, which includes public education and lead monitoring, are completed. This includes providing sample kits and working with each school to ensure the samples are collected, and if necessary, collect the samples.

Although schools and childcare facilities are not regulated under this authority, assistance may be available through sharing in sampling and laboratory costs. Some schools may have independently sampled and can provide historical analytical results. We encourage collaborative approaches that involve community organizations, academic institutions, government agencies, and other stakeholders to ensure timely solutions.

26. Can community waterworks begin the lead sampling at schools and child care facilities now? The Office of Drinking Water recommends public water systems start reaching out to schools and childcare facilities now to establish partnerships. We encourage plan development, sampling in accordance with 40 CFR §141.92, and recordkeeping as soon as possible to alleviate future burdens.

The State may issue a written waiver or partial waiver to the waterworks if some or all schools are participating in a lead sampling program that satisfies specific conditions listed in 40 CFR §141.92. This includes sampling sponsored by the ODW School and Child Care Lead Testing and Reduction Grant Program. Waivers may be issued for sampling that occurred between January 1, 2021, and the future compliance date.

If schools and childcare facilities have not already completed such sampling, we encourage them to enroll in ODW's grant program. Public water systems serving these facilities are also eligible to enroll in the grant program.

27. What happens if we find lead in the samples? If lead is found in any water sample, the Office of Drinking Water recommends taking actions to avoid lead exposure. The higher the concentration of lead, the more strongly we recommend action. In general, when laboratory results (following the EPA's 3Ts protocol) indicate:

- Non-Detect – Practice “no cost” clean water habits (e.g., use cold water for consumption)

- Less than 10 ppb – Implement risk mitigation (e.g., flushing program implementation)
- Greater than 10 ppb – Stop use of water source, implement risk mitigation strategies, and employ remediation activities as needed (e.g., fixture and/or plumbing replacement)

28. Is there funding available for remediation activities? The Office of Drinking Water has made funding available and is soliciting applications for projects that include the removal and/or replacement of lead-containing drinking water fixtures, fountains, outlets, and plumbing materials. These funds are awarded on a competitive basis and provided as 100% principal forgiveness (grant). When schools determine they need plumbing improvements, they should also explore funding sources with their district and governing boards. For more information on remediation and replacement activities, you may reach out to VDH ODW's lead testing program at leadtestingprogram@vdh.virginia.gov.

29. How long do records need to be kept? Each water system shall retain records for no fewer than 12 years.

30. Who do you reach out to if you still have questions? You can email the VDH ODW's lead testing program at leadtestingprogram@vdh.virginia.gov.

This FAQ document does not replace or supersede the requirements of the EPA Lead and Copper Rule or guidance published by the EPA. You may find more information on the requirements at 40 CFR § 141.92 or [EPA's Final Lead and Copper Rule Improvements Technical Fact Sheet: Lead in Schools and Child Care Facilities](#).