

HUMAN SERVICES DEPARTMENT [441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 237A.12 and 2008 Iowa Acts, chapter 1187, section 35, the Department of Human Services amends Chapter 110, “Child Development Homes,” Iowa Administrative Code.

This amendment implements a new condition on registration as a child development home for an applicant who provides child care in a home built before 1960. The amendment requires the provider to conduct a visual inspection for lead hazards as evidenced by chipping or peeling paint and to complete interim controls using safe work methods as defined by the Department of Public Health if chipping or peeling paint is found. Providers must meet these requirements before initial registration and before registration renewal. The amendment sets a phase-in period of seven months for compliance for child development homes that are already registered when the rule goes into effect.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on June 3, 2009, as **ARC 7815B**. The Department received three comments on the Notice of Intended Action.

In response to these comments, the Department has changed the cross-reference in subparagraph 110.5(1)“x”(2) to read “as defined by department of public health rules at 641--Chapters 69 and 70.” Rules in 641--Chapter 69, “Renovation, Remodeling, and Repainting--Lead Hazard Notification Process,” also apply to child care facilities. The rule

effective date has also been added to the exception language.

This amendment waives the requirement for interim controls if the chipping or peeling paint is certified as non-lead-based. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted this amendment on August 12, 2009.

This amendment is intended to implement Iowa Code section 237A.12 and 2008 Iowa Acts, chapter 1187, section 35.

These amendments shall become effective on November 1, 2009.

The following amendment is adopted.

Adopt the following **new** paragraph **110.5(1)“x”**:

x. A provider operating in a facility built before 1960 shall assess and control lead hazards before being issued an initial child development home registration or a renewal of the registration. To comply with this requirement, the provider shall:

(1) Conduct a visual assessment of the facility for lead hazards that exist in the form of peeling or chipping paint;

(2) Apply interim controls on any chipping or peeling paint found, using lead-safe work methods in accordance with and as defined by department of public health rules at 641--Chapters 69 and 70, unless a certified inspector as defined in 641--Chapter 70 determines that the paint is not lead-based paint; and

(3) Submit Form 470-4755, Lead Assessment and Control, as verification of the visual assessment and completion of interim controls, if necessary.

EXCEPTION: Providers that have a valid registration on November 1, 2009, shall assess and control lead hazards by June 30, 2010.