Almost half (40%) of young children in the United States spend their days in licensed child care facilities. Second only to their home, these facilities are where young children occupy most of their time, playing, interacting with others and learning life skills.

There are approximately 266,017 licensed child care centers and child care homes subject to state and local laws. Each state has specific and unique requirements for licensing them. While no federal requirements regulate them, the federal Administration for Children and Families (ACF) and Agency for Toxic Substances and Disease Registry (ATSDR) drafted standards and guidance to help ensure the health and safety of children in child care facilities.

Early care and education (ECE) programs that operate outside of private homes care for larger numbers of children than do home-based ECE programs.

States have enacted laws and policies to limit environmental hazards and promote better health and safety in child care settings. Facilities in 13 states are required to perform environmental tests for issues such as lead-based paint, lead in water, asbestos and radon. Over 40 states require fire, health or building code inspections.

In New Jersey, laws were enacted following an incident in which children in a child care facility were exposed to high levels of mercury. Other states became concerned over lead in drinking water, radon or mercury exposure, or chemical hazards that may be present at child care centers.

Early care and education (ECE) programs that operate outside of private homes care for larger numbers of children than do home-based ECE programs.

Did You Know?

- About 8.3 million U.S. children younger than 5 are cared for in a licensed child care facility.
- Young children may spend 10 hours a day, five days a week in facilities outside their homes.
- About 174,000 children might be exposed to harmful contaminants in early care and education (ECE) centers.
Larger ECE programs are often located in business or commercial structures in nonresidential areas, in contrast to home-based ECE programs that exist primarily in residential areas. Home-based ECE programs are less likely to be located on properties with a past industrial use or near an operating business, such as a nail salon or auto body shop, that could cause harmful environmental exposures.

Home-based ECE programs are not immune from environmental contaminant problems or poor siting decisions, however. Naturally occurring chemical contaminants in groundwater can affect home-based ECE program locations, especially in those that use well water. (Private water supply systems that serve fewer than 25 people are unregulated.)

State Action

An ECE facility developed on the site of a former thermistor factory led the legislature in New Jersey to enact SB 2737 in 2007. The act prohibits buildings being renovated or constructed on contaminated sites to be used as a child care center or for educational purposes. The state also adopted regulations to evaluate indoor air and set standards for building interiors. Most ECEs in the state must perform an environmental assessment on the facility’s site prior to receiving a license. The state may also require an indoor environmental assessment depending on the facility’s prior use.

New York amended the state’s ECE licensing requirements to have operators certify that the program, property and the surrounding environment are free of environmental hazards. The state agency provides a list of potential environmental hazards that may affect a child care center, sources of environmental hazards that may need evaluation and the appropriate state agencies to respond. An environmental inspection and testing are required for sites where current or past use of the property indicates the presence of environmental hazards.

Connecticut adopted the Screening Assessment for Environmental Risk (SAFER) program, which ensures ECE facilities are located away from and free of hazardous chemicals. SAFER reviews the state’s list of hazardous waste sites against its list of licensed ECE facilities to see if any facility is near or on a hazardous waste site. ECE facilities regularly receive environmental inspections to identify any concerns with the property, building or adjacent businesses.

Pennsylvania adopted a policy similar to Connecticut’s. The state department of health’s Healthy and Green Initiative Program cross checks a proposed child care facility location against its database of potentially hazardous sites. The state also has a property history survey to ensure new child care centers avoid sites of former factories, power plants, auto-body shops, dry cleaners and gas stations.

In 2018, Indiana enacted HB 1073, which requires child care facilities to ensure that no conditions exist in or on their grounds that would endanger children’s health, safety or welfare. This includes firearms, weapons, poisons, chemicals, cleaning materials and medications.

Michigan’s SB 181 (2017) revises child care licensing requirements to include the appropriateness, safety, cleanliness and general adequacy of the facility, along with maintaining adequate fire prevention and health standards.

Colorado requires that construction and remodeling of child care facilities are done “in a manner that does not create a health hazard.” Missouri prohibits child care centers from being located in a building or area that is a health hazard. West Virginia requires that child care centers “be located in a relatively noise and pollution free environment.” Washington locates its child care centers on “environmentally safe sites.” Indiana, North Dakota, Oklahoma, North Carolina and Virginia restrict child care centers to sites that protect the health, safety or welfare of children.

So far this year, 17 bills related to environmental hazards at child care centers have been introduced in state legislatures. Pennsylvania is considering SB 430, which provides standards for carbon monoxide alarms in child care facilities. New York is seeking to protect the air quality at licensed child care centers and Head Start centers funded pursuant to federal law (AB 4635, SB 13, SB 82). Indiana’s HB 1433 ensures child care centers comply with the national primary drinking water regulations for lead and copper. Laws on lead hazards, pesticides, radon and drinking water quality at ECE facilities are pending in the legislatures in Connecticut, Iowa, Indiana, Massachusetts, Michigan and New Jersey.

Federal Action

The federal government does not regulate the siting of child care facilities. The Administration for Children and Families (ACF) released a report, Caring for Our Children Basics: Health and Safety Foundations for Early Care and Education (CFOCB), on the minimum health and safety standards experts believe should be in place where children are cared for outside their homes. Child care providers receiving federal ACF block grants or Head Start funds must perform an annual inspection of their facility to ensure compliance with minimum state and federal health, safety and fire standards.

The Agency for Toxic Substances and Disease Registry (ATSDR) produced the Choose Safe Places for Early Care and Education Guidance Manual and currently supports 25 states working to establish programs to ensure safe siting for child care facilities.

Additional Resources

- NCSL Early Care and Education Legislative Database
- NCSL Environmental Health Legislative Database
- “Caring for Our Children Basics,” National Resource Center for Health and Safety in Child Care and Early Education
- “Handling, Storing, and Disposing of Hazardous Materials and Biological Contaminants,” National Center on Early Childhood Quality Assurance
- “Choose Safe Places for Early Care and Education,” Agency for Toxic Substances and Disease Registry

NCSL Contact

Doug Farquhar
303-856-1397