

Good day everyone,

Please see the very important email below regarding renovations to child care facilities. This specific email addresses renovations under the Child Care Strong Grant program. However, the same rules apply to all renovations in child care facilities whether they are paid for by a Child Care Strong Grant or not.

Thank you.

# VERY IMPORTANT

Dear Child Care Providers:

With the initiation of the DHS Child Care Strong Grants, the MSDH Bureau of Child Care Licensure has received many requests to approve renovation projects for child care facilities. We are handling the requests on a first-come-first-served basis. Each request will be reviewed and we will schedule a visit as soon as we can. The requesting provider will be notified of a date and time when we can visit the facility to review the project. **For a renovation to be paid for with Child Care Strong Grant funds, the Department of Human Services requires that the renovation project must be approved by the Bureau of Child Care Licensure.**

“Major renovations” of a licensed child care facility or a building that will be used as a child care facility are mentioned several times in the Child Care Licensure Regulations. Under Federal Regulations, a “major renovation” is any construction that entails the disturbance of a total area of the structure that is larger than a normal interior door. A normal interior door is 96” by 36” or 24 sq. ft. Therefore, if the total renovations to a child care facility disturb more than 24 sq. ft. it is considered to be a “major renovation” and is subject to the requirements stated in the regulations. Below are the regulations regarding “major renovations”. I have highlighted the sections regarding “major renovations”.

NOTE: Grammar corrections have been made to the following sections of the child care licensing regulations.

## Subchapter 11: BUILDING AND GROUNDS

### Rule 1.11.1 Building:

1. A child care facility shall be physically separated from any other business or enterprise. Other occupants, visitors, and/or employees of other businesses or enterprises within the same building shall not be allowed within the physical confines of the child care facility for the purpose of entering the building or exiting the building, or passing through the child care facility for the purpose of gaining access to another part of the building.
2. All child care facility buildings shall meet all fire safety standards listed on the MSDH Form #333 and all applicable local fire safety standards and/or ordinances.
3. No house trailers, relocatable classrooms, or portable buildings shall be used to house a child care facility unless such structure was originally designed specifically for educational purposes and meet the Mississippi State Department of Education's current standards for a relocatable classroom. Further, such portable structures shall meet all applicable fire safety codes.
4. Current licensees operating facilities housed in such structures are exempted from this provision. Any change of ownership, need for a **major renovation**, or other significant change in the facility's status shall revoke such exemption.
5. Plans and specifications shall be submitted to the licensing agency for review and approval on all proposed construction and/or **major renovations**.
9. All parts of the child care facility used by children shall be lead-safe, well lighted, ventilated, and free of hazardous or potentially hazardous conditions, such as but not limited to, open stairs and unprotected low windows.
  - a. All buildings intended for use as a child care facility constructed before 1965 shall be tested for lead. It is the responsibility of the facility applicant/operator to have a lead hazard screen or lead-based paint risk assessment of the facility done by an individual or company certified as a risk assessor by the Mississippi Commission on Environmental Quality. If the facility is found not to be lead-safe, it will not be allowed to operate as a child care facility until all required corrective measures have been taken and the facility is determined to be lead-safe by a certified risk assessor.
  - b. All buildings intended for use as a child care facility, constructed prior to 1978, shall utilize MDEQ Lead-Safe Certified individuals or companies for all **renovation**, repair, and maintenance activities that disturb painted surfaces unless the paint to be disturbed has been documented to be lead-free by an individual or company that is MDEQ Lead-Safe Certified as a risk assessor or inspector.

**NOTE:** It is recommended that child care facility operators contact the **Mississippi Department of Environmental Quality at 601-961-5630** regarding any questions they may have about compliance with the laws and regulations related to lead and lead-based paint.

*Source: Miss. Code Ann. §43-20-8.*

**Rule 1.11.2 Indoor Square Footage:**

8. The licensing agency may re-measure the square footage of licensed operating child care facilities, or such parts impacted by the following circumstances, for purposes of determining licensed facility or classroom capacity only under the following circumstances:
  - (a) **Major renovations;**
  - (b) Significant change in layout and use of space;
  - (c) A change of ownership of an existing facility should the layout or use of space change.

To assist the Bureau in approving your renovation project the provider will need to have everything properly laid out regarding what they want to do.

1. The provider must provide the Bureau of Child Care Licensure proof of when the building was constructed. When the building was first put on the tax roles should also be the year the building was constructed.
2. If your building was constructed before 1978 any “major renovation” as defined above must be done by an MDEQ Certified company or individual. Child care providers can contact MDEQ to obtain a list of certified companies or individuals.
3. The child care provider must present to the licensing official the name and contact information of the certified individual or company that will do the renovation. After the renovation is completed the child care provider must produce documentation that the renovation project was done by an MDEQ certified individual or company.
4. **If the renovation project was not done by an MDEQ certified individual or company the renovation project will not be approved by the MSDH Bureau of Child Licensing and the building cannot be used as a child care facility. In addition, the Bureau will notify MDHS that the renovation project was not properly completed according to State Law and cannot be used as a child care facility.**
5. A detailed written description of what the renovation project entails and a schematic drawing (floor plan) of the project must be sent to the child care licensing official for review before the visit to the facility is made.

6. If it is a “major renovation” as defined above the provider will have to have an acceptable plan regarding how the children will be cared for during the renovation.
7. Children cannot be exposed to major renovations/construction e.g., knocking down walls, adding a room onto the building, reroofing the building, building new fences, having the water, heat, or electricity turned off, etc.
8. If you are contemplating any of these types of renovations you will need to close your facility until all the renovations have been completed and the MSDH Child Care Licensure Bureau has inspected the facility and the facility is authorized to reopen.
9. If you intend to relocate the children while the renovations are in progress you will need to have the relocation site approved before the children are moved. You will also have to let us know how long the relocation will be necessary. Remember, relocation sites have to be inspected and approved by us, properly zoned, have a fire inspection, and meet all licensing requirements before they can be used.
10. Please keep in close contact with your child care licensing official regarding any renovations to your facility. By doing this you should be able to move forward with your renovation project more easily.

**NOTE:** If you have questions/concerns regarding whether or not your renovation project is eligible for reimbursement through the Child Care Strong Grant you will need to contact the Mississippi Department of Human Services – Division of Early Childhood Care and Development.

We appreciate your efforts to provide a better environment for the children you care for. Please be patient and we will get to your request as soon as possible.

Thank you

**INFORMATION SPECIFIC TO RENOVATIONS PLANNED FOR**  
**CHILD CARE FACILITIES BUILT BEFORE 1978**  
**This information is regarding Lead and Asbestos in buildings**  
**constructed before 1978**  
**The procedures described in the flyers are required by State Law**

Attached to this email is information regarding what a provider is required to do if they are planning to renovate a child care facility built before 1978. These are procedures that child care providers must follow before they may renovate any building built before 1978. These procedures are required by State Law.

Please review this material thoroughly. Documentation that these requirements have been followed and met must be submitted to and approved by the Bureau of Child Care Licensure before a child care facility can reopen or serve children after the renovations have been completed.



**STATE OF MISSISSIPPI**

HALEY BARBOUR

GOVERNOR

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

TRUDY D. FISHER, EXECUTIVE DIRECTOR

## **New Mississippi Requirements for Renovation, Repair, and Painting**

Mississippi's new Lead Program for Renovation, Repair and Painting (RRP) went into effect April 9, 2010. This Program was initiated in response to new US EPA regulations intended to protect building occupants and children from lead-based paint hazards.

The new regulations apply to renovation, repair and painting work done for compensation in housing and child-occupied facilities built prior to 1978. They require firms performing renovations in these facilities to be certified by the Mississippi Lead-Based Paint Program, to use a certified renovator on each project, and to train their employees to follow lead-safe work practices.

Housing and child-occupied facilities (such as day-care centers, pre-schools, and kindergartens) built prior to 1978 must be assumed to contain lead-based paint unless testing shows that none exists. This determination may be made by a Mississippi certified lead renovator who has tested the components that will be disturbed by the renovation. A written determination by a Mississippi certified lead inspector or risk assessor may also be used to show that there are no lead painted components in the structure.

If lead-based paint is present or assumed to be present in a facility being renovated, the Program requires that the contractor performing the renovation provide owners and occupants with the pamphlet – "Renovate Right: Important lead Hazard Information for Families, Child Care Providers and Schools." The pamphlet must also be provided to parents and guardians of children under age six who attend pre-school or daycare programs located in a structures built prior to 1978 prior to conducting any renovations. The pamphlet explains the health effects of lead exposure and provides general information on how renovation projects should be conducted in a lead-safe manner.

To get more information on the Renovation, Repair and Painting Program, visit the following website or contact the MS Department of Environmental Quality (MDEQ), Office of Pollution Control, Lead Program by calling 601-961-5171; or visit the following website:

Mississippi Lead-Based Paint Program

[http://www.deq.state.ms.us/MDEQ.nsf/page/Air\\_Lead-BasedPaint](http://www.deq.state.ms.us/MDEQ.nsf/page/Air_Lead-BasedPaint)

OFFICE OF POLLUTION CONTROL

POST OFFICE BOX 2261 • JACKSON, MISSISSIPPI 39225-2261 • TEL: (601) 961-5171 • FAX: (601) 354-6612 • [www.deq.state.ms.us](http://www.deq.state.ms.us)

AN EQUAL OPPORTUNITY EMPLOYER

## **Guidance on how to obtain a Lead-Based Paint Certified Renovator needed for renovations to Child Care Facilities built before 1978.**

If your building was built before 1978 you will be required to obtain a Lead-based Paint (LBP) Renovator before you can do any renovations to your building(s). The Mississippi Department of Environmental Quality (MDEQ) is responsible for the certification of individuals to conduct the LBP renovations. A current list of certified individuals can be found on the MDEQ website at: <https://www.mdeq.ms.gov/air/lead-based-paint/>. This is the home page of the MDEQ LBP program. Approximately halfway down the webpage is a section titled "MDEQ Certification", at the bottom of this section is a link to the list of certified individuals. By following the link, you will be sent to a webpage titled "enSearch Online", this is where you can find the list of certified LBP renovators.

Just below the title "Mississippi Lead-Based Paint Certifications" is a box that lists the certification type and location, the arrow to the right of the listed certification type (Lead Inspector) will drop down a list of certification types, select "Renovator Firm". The location also has a menu that drops down allowing you to choose "instate" or "out of state". Submit your selections by clicking on the "submit" button and the list will be generated. Review both location options as there are several individuals that live outside of Mississippi that frequently perform renovations in Mississippi.

Before you contact a renovation firm, determine the date of construction for the building and the dates of any additions. The date of construction can be obtained from the county tax assessor's office. It is the date the building was added to the tax rolls. Keep in mind, that even if the building was "gutted" and renovated, the documentation that "all the original painted materials were removed" usually does not exist, and therefore all the painted materials that will be disturbed during the renovation may need to be tested to document that they are lead-free.

When you contact a listed renovator firm, explain that you need a renovation of your childcare facility. Describe the renovations that you need done and that the building was built before 1978 so the Lead-based Paint regulations apply. Also, explain that failure to comply with the regulations may jeopardize your license. Contact more than one firm as they do not all charge the same amount. If you had a Lead Inspection completed previously that indicates that no lead is present, please have that information verified by MDEQ. You can scan the report and send it to Dennis Kelly at [dkelly@mdeq.ms.gov](mailto:dkelly@mdeq.ms.gov).

If you have any questions, you can contact Dennis Kelly at MDEQ for additional information or guidance at 601-961-5171 or 877-671-7139.

## **Asbestos Guidance for owners of Child Care Facilities planning renovations to their buildings.**

Note: All childcare facilities are regulated by the Asbestos NESHAPs regulations and must have an Asbestos Inspection completed prior to the start of any renovation activity.

1. Asbestos is a naturally occurring mineral that has been used for centuries. It found widespread use in building products after WWII.
2. Asbestos has not been banned and can be found in products in stores today.
3. Materials that have historically contained asbestos include:
  - a. Plaster
  - b. Vinyl flooring
  - c. Roofing
  - d. Siding
  - e. Pipe insulation, and
  - f. Fireproofing
4. Renovation and demolition activities in most non-residential structures are regulated.
5. **The regulations require an inspection by an MDEQ certified inspector** and often the abatement of the asbestos-containing materials (ACMs).
6. The abatement of ACMs usually requires the use of MDEQ certified abatement contractors and the filing of a notification with MDEQ ten working days before the start of any renovation or demolition activities.
7. The building owner and the contractor are equally liable for any violations of the regulations. The violations can carry serious penalties.
8. Violations of the asbestos regulations are considered violations of state law.
9. **The burning of buildings or building debris is prohibited.**

MDEQ has been given the authority to develop and enforce the asbestos regulations by the state legislature through the following statutes:

The Mississippi Department of Environmental Quality (MDEQ) is responsible for the certification of individuals to conduct the asbestos activities. A current list of certified individuals can be found on the MDEQ website at: [https:// www.mdeq.ms.gov/air/asbestos/](https://www.mdeq.ms.gov/air/asbestos/). This is the home page of the MDEQ asbestos program. There are five links on the page with the last link to a list of individuals certified to conduct asbestos activities. By following the link, you will be sent to a webpage titled "enSearch Online", this is where you can find the list of certified asbestos inspectors. Just below the title "Mississippi asbestos Abatement Certifications" is a box that lists the certification type and location, the arrow to the right of the listed certification type (asbestos Contractor) will drop down a list of certification types, select "Asbestos Inspector". The location also has a menu that drops down allowing you to choose "instate" or "out of state". Submit your selections by clicking on the "submit" button and the list will be generated. Review both location options as there are several individuals that live outside of Mississippi that frequently perform inspections in Mississippi. When you contact a listed asbestos inspector, explain that you need a renovation of your childcare facility. Describe the renovations that you need done. Contact more than one inspector as they do not all charge the same amount

If you have any questions, you can contact Dennis Kelly at MDEQ for additional information or guidance at 601-961-5171 or 877-671-7139.



## How to Protect Your Child from Lead Poisoning:

- Clean children's hands with soap and water or wipes after they play outside, and before meals.
- Give your child a diet rich in vitamin C, calcium and iron to decrease the level of lead in the body.
- Wash children's toys often, and don't store them on porches or window sills.
- Remove old plastic mini-blinds, especially if bought before 1997
- Use a wet mop, wet cloth or wet paper towel with an all-purpose cleaner to clean window sills and floors.
- Keep old windows closed.
- Window sills that have chipped paint or are not very smooth and easy to clean can be covered with contact paper or plastic.
- Use only contractors certified by MDEQ for renovations, repairs and/or painting jobs.



MISSISSIPPI DEPARTMENT OF  
ENVIRONMENTAL QUALITY

For more information, contact the MDEQ  
Lead Program

**Dennis Kelly**

Environmental Administrator

601-961-5630

[dkelly@mdeq.ms.gov](mailto:dkelly@mdeq.ms.gov)

**Tommy Moody**

Environmental Administrator

601-961-5355

[tmoody@mdeq.ms.gov](mailto:tmoody@mdeq.ms.gov)



## Prevent Lead Poisoning

If you own or live in a property built before 1978, here are **Reasons Why You Need to Hire a Lead-Safe Certified Renovation Contractor**



Office of Pollution Control  
Lead Section

P.O. Box 2261

Jackson, MS 39225

<https://www.mdeq.ms.gov/air/lead-based-paint/>

601-961-5171

1-877-671-7139

## Prevent the Spread of Lead Dust Prevent Lead Poisoning

Homes and other structures built before 1978 may contain lead-based paint. If your contractor does not follow lead-safe work practices, lead-containing dust may be spread throughout the building. Exposure to lead dust has been shown to be poisonous to children and adults.

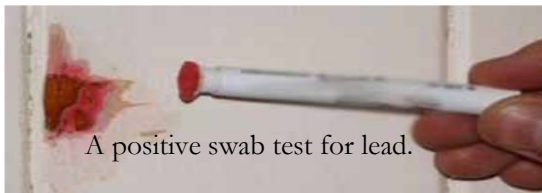
In Mississippi, enforcement of the Renovation, Repair and Painting Rule has been delegated to Mississippi Department of Environmental Quality (MDEQ).

MDEQ's Lead-Based Paint Regulations apply to anyone who receives compensation for work that disturbs more than threshold quantities of paint in or on homes, schools, or childcare facilities.

This includes:

- Painters
- Renovation and Remodeling contractors
- Landlords
- Maintenance workers
- Plumbers and Electricians

Under Mississippi Code Annotated Section 49-17-501 through 49-17-531, anyone performing regulated lead-based paint work must use lead-safe work practices, provide owners and tenants with lead hazard information and be certified by MDEQ.



## If you own property built before 1978, Why you need to hire a lead-safe certified contractor.

### 1. You'll protect children's health.

The MS Lead Regulations protect residents, especially young children, from lead poisoning. Lead harms a child's developing brain and nervous system. It can cause permanent learning, behavior, and medical problems. For example, lead is associated with lowered IQ, criminal behavior, learning disabilities, and problems with attention, memory, growth and hearing.



### 2. You'll protect your own health.

Lead can also cause many health problems in adults. It can raise blood pressure and the risk of a heart attack or stroke. It can decrease brain function making it more difficult to think, learn and remember. Lead can also increase the risk of miscarriage, and cause impotence.

### 3. You'll maintain the safety of your home.

Contractors who are certified in lead safety by MDEQ are trained to avoid creating lead hazards in your home. To become certified, a contractor must take an eight-hour approved course. This course teaches the contractor how to:

- Minimize and contain dust while working,
- Set up a work space to prevent the spread of lead dust,

- Clean up safely after the work is completed,
- Check the work area to make sure that no lead dust remains, and
- Train others who work for the contractor in lead-safe work practices.

### 4. A contractor who has made the effort to become certified by MDEQ has shown professional responsibility.

A contractor who cares about your family's safety is an asset to any job.

### 5. It's the law.

A contractor who violates the lead regulations may be fined up to \$25,000 for each violation. Before beginning work, your contractor must give you a pamphlet titled *Renovate Right*.



### What about the cost?

A contractor who works lead-safe may charge a bit more for the job. It is estimated that the lead-safe requirements will add a relatively small amount to the cost of most jobs. The additional cost covers some materials (such as plastic sheeting) and some extra time to set up, work and clean up safely. But careful contractors already spend time and money to complete a job safely and properly. The lead regulations simply make sure their methods are lead-safe. **Keep in mind: The cost is truly minor compared to the heartache of poisoning a child, family member or pet.**

In addition to the information given above, the Mississippi Department of Human Services- Division of Early Childhood Care and Development has certain rules regarding what renovations can be paid for with Child Care Strong Grant funds. If you have any questions regarding what renovations can be paid for by the Child Care Strong Grant you will need to contact the MDHS- Division of Early Childhood Care and Development at 601-359-4500.

There is additional information given on the MDHS Child Care Strong Website under the FAQs section at <https://www.mdhs.ms.gov/early-childhood-care-development/child-care-strong/>

#### Allowable:

- Upgrading the kitchen to add safe electrical outlets and fix plumbing fixtures.
- Installing new HVAC to improve ventilation.
- Installing smoke detectors, a sprinkler system, or other fire warning devices.
- Installing secure storage for hazardous materials.
- Replacing or installing cabinets to provide adequate storage space for each child's personal belongings.
- Remediating lead paint and/or lead pipes.
- Repainting walls with non-toxic paint.
- Improving food preparation areas.
- Installing room dividers.
- Improving internal play space.
- Installing age-appropriate plumbing, such as child-sized toilets and sinks.
- Purchasing materials and play equipment to improve outdoor spaces.
- Install plexiglass barriers to a program entrance.
- Expand outdoor play and gathering spaces.
- Replacing windows or doors.
- Completing minor roof repairs.
- Removal of non-load bearing walls to create additional space for social distancing.
- Updating the sidewalk to provide a safe pathway for children.
- Installation of rails and ramps to increase accessibility for individuals with disabilities.

#### Not allowable:

- Structural changes to the foundation, roof, floor, exterior, or load-bearing walls of a facility, or the extension of a facility to increase its floor area.
- Extensive alteration of a facility such as to significantly change its function and purpose, even if such renovation does not include any structural change.