



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING

RICK SNYDER  
GOVERNOR

BRIAN J. WHISTON  
STATE SUPERINTENDENT

**FISCAL YEAR 2016  
CHILD AND ADULT CARE FOOD PROGRAM  
OPERATIONAL MEMORANDUM #19**

**TO:** Child and Adult Care Food Program Institutions

**FROM:** Marla J. Moss, Director  
Office of School Support Services

**DATE:** August 8, 2016

**SUBJECT: Resources for Making Potable Water Available in Schools and Child Care Facilities**

The Food and Nutrition Service (FNS) of the United States Department of Agriculture (USDA) issued this memorandum to remind child nutrition program operators of the potable water requirement and to identify resources (see attachment) that can be used by schools and child care facilities in meeting this requirement. Amendments to the Richard B. Russell National School Lunch Act in the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, established the requirement for making potable water available to children in the National School Lunch Program (NSLP) and the Child and Adult Care Food Program (CACFP).

Schools participating in the NSLP must make potable water available to children at no charge where meals are served during the meal service. Similarly, child care centers, day care homes, at-risk afterschool programs, and shelters participating in the CACFP (child care facilities) must make potable water available to children, as nutritionally appropriate, throughout the day and at meal times. FNS has provided program-specific guidance on the potable water requirements. See SP 28-2011, *Child Nutrition Reauthorization 2010: Water Availability During National School Lunch Program Meal Service* ([http://www.fns.usda.gov/sites/default/files/SP28-2011\\_osr.pdf](http://www.fns.usda.gov/sites/default/files/SP28-2011_osr.pdf)), July 12, 2011, revised ([http://www.fns.usda.gov/sites/default/files/SP28-2011\\_osr.pdf](http://www.fns.usda.gov/sites/default/files/SP28-2011_osr.pdf)); and CACFP 20-2011, *Child Nutrition Reauthorization 2010: Water Availability in the Child and Adult Care Food Program* (<http://www.fns.usda.gov/sites/default/files/CACFP-20-2011.pdf>), May 11, 2011.

**Ensuring Availability of Potable Water**

Most child nutrition program operators, including schools, centers, and family day care homes, obtain drinking water through a public water system. Public water systems are required to ensure that the water provided meets federal and state

**STATE BOARD OF EDUCATION**

JOHN C. AUSTIN – PRESIDENT • CASANDRA E. ULBRICH – VICE PRESIDENT  
MICHELLE FECTEAU – SECRETARY • PAMELA PUGH – TREASURER  
LUPE RAMOS-MONTIGNY – NASBE DELEGATE • KATHLEEN N. STRAUS  
EILEEN LAPPIN WEISER • RICHARD ZEILE

608 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909  
[www.michigan.gov/mde](http://www.michigan.gov/mde) • 517-373-3324

drinking water standards. However, plumbing systems within facilities also can affect the quality of the drinking water. In some instances, the plumbing systems within facilities may expose the water to contamination, including lead contamination.

The U.S. Environmental Protection Agency (EPA) regulates public water systems and provides resources related to safe drinking water. The EPA recommends that all schools and child care facilities routinely test drinking water for lead and perform regular maintenance to ensure that drinking water is safe. To learn more, visit the [EPA Drinking Water Requirements website \(https://www.epa.gov/dwreginfo/lead-drinking-water-schools-and-child-care-facilities\)](https://www.epa.gov/dwreginfo/lead-drinking-water-schools-and-child-care-facilities).

Child nutrition program operators who test tap water and water fountains that will be used by participants in care should contact the supervising officer for the local health department or the public water provider for information about certified laboratories that can test for contaminants.

### **Allowable Costs Related to the Availability of Potable Water**

For the majority of child nutrition program operators, FNS expects the potable water requirement to result in the incursion of minimal or no costs. However, costs related to the purchase of potable water for consumption by participants in care, or water testing services, would be considered an allowable use of nonprofit food service account funds if the costs are determined to be reasonable, necessary, and allocable to the federal meal programs (see 2 CFR 200.404 and 200.405).

First, the cost must represent an activity or function that is generally recognized as reasonable and necessary for the operation of the meal program. The cost must be essential to fulfill regulatory requirements for proper and efficient administration of the CACFP funds. A cost is considered necessary if it is needed for operation of the CACFP.

Second, the cost must be allocable. That is, if it benefits both the CACFP and other activities, it can be distributed to each in reasonable proportion to the benefit received. If a cost benefits two or more purposes or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to each based on the proportional benefit.

In general, nonprofit school food service account funds and nonprofit CACFP food service account funds may not be used for costs that add materially to the value of the school building, related facilities, and child care facilities, or appreciably prolong their intended life, such as remediation of facility plumbing. Consistent with government-wide requirements for the use of federal funds, NSLP regulations at 7 CFR 210.14(a) prohibit the use of nonprofit school food service account funds to purchase land or buildings (except with FNS prior approval) or to construct buildings. The use of nonprofit school food service account funds for capital improvements is therefore prohibited. Costs associated with remediation or repair to a child care facility or school building plumbing would add to the permanent value of the child care facility or school building and should therefore be borne by the school district's or child care facility's general fund.

However, equipment to filter water (e.g., a reverse osmosis filter system in a school or child care facility kitchen) could meet the reasonable and necessary tests if the program participants are the primary, if not exclusive, beneficiaries. Whether it does so depends on the cost, the need for such equipment, and if the CACFP operator can demonstrate that:

- it has sufficient funds
- the CACFP operator is lacking in capital improvement funding
- the expenditure is necessary to carry out the mission of the CACFP program

It is difficult to assess reasonableness without knowledge of the specific cost and an understanding of that cost. Many costs must be analyzed on a case-to case basis in order to determine if the cost is truly reasonable; in such cases, the CACFP operator must consult with and obtain approval from the Michigan Department of Education prior to initiating any expenditure.

Attached to this memo are links to resources CACFP operators can access to learn more about safe drinking water and testing for lead and other contaminants, and to obtain additional technical assistance.

For questions regarding this memorandum, contact CACFP at 517-373-7391.

Attachment

## Water Quality Resources

Below is information about federal agencies that provide technical assistance and helpful resources relating to the provision of safe drinking water.

### **U.S. Environmental Protection Agency (EPA)**

The EPA regulates drinking water based on the requirements of the Safe Drinking Water Act. The EPA has developed numerous resources to assist the public in ensuring that drinking water is safe.

- [Drinking Water Best Management Practices for Schools and Child Care Facilities Served by Municipal Water Systems](http://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100HGM8.txt)  
(<http://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100HGM8.txt>)
- [Lead in Drinking Water at Schools and Child Care Facilities](https://www.epa.gov/dwreginfo/lead-drinking-water-schools-and-child-care-facilities)  
(<https://www.epa.gov/dwreginfo/lead-drinking-water-schools-and-child-care-facilities>)
- [Drinking Water Requirements for States and Public Water Systems](https://www.epa.gov/dwreginfo)  
(<https://www.epa.gov/dwreginfo>)
- [Drinking Water Regulatory Information](https://www.epa.gov/dwreginfo/drinking-water-regulatory-information)  
(<https://www.epa.gov/dwreginfo/drinking-water-regulatory-information>)
- Safe Drinking Water Hotline: (800) 426-4791

### **U.S. Department of Health & Human Services, Centers for Disease Control and Prevention (CDC)**

- [CDC Potable Water Resource](http://www.cdc.gov/healthyschools/npao/pdf/water_access_in_schools.pdf)  
([http://www.cdc.gov/healthyschools/npao/pdf/water\\_access\\_in\\_schools.pdf](http://www.cdc.gov/healthyschools/npao/pdf/water_access_in_schools.pdf))
- [Increasing Access to Drinking Water in Schools](http://www.cdc.gov/healthyschools/npao/pdf/water_access_in_schools.pdf)  
([http://www.cdc.gov/healthyschools/npao/pdf/water\\_access\\_in\\_schools.pdf](http://www.cdc.gov/healthyschools/npao/pdf/water_access_in_schools.pdf))

### **U.S. Department of Education**

The Readiness and Emergency Management for Schools (REMS) Technical Assistance Center offers a variety of federal agency partner resources related to planning for technological hazards that may affect school districts, schools, institutions of higher education (IHEs), community partners, and parents.

- [REMS Technical Assistance Center](http://rem.ed.gov/AddressingTechHazardsThatMayImpactStudentsandStaff.aspx)  
(<http://rem.ed.gov/AddressingTechHazardsThatMayImpactStudentsandStaff.aspx>)

### **American Academy of Pediatrics (AAP)**

On May 5, 2016, AAP issued a Policy Statement which recommends that state and local governments take steps to ensure that water fountains in schools do not exceed water lead concentrations of 1 ppb.

- [Prevention of Childhood Lead Toxicity](http://pediatrics.aappublications.org/content/early/2016/06/16/peds.2016-1493)  
(<http://pediatrics.aappublications.org/content/early/2016/06/16/peds.2016-1493>)

## **USDA National Agricultural Library**

The Water Quality Information Center (WQIC) supports USDA's plan to address water quality concerns. The center collects, organizes, and communicates scientific findings, educational methodologies, and public policy issues related to water resources.

- [Water Quality Information Center](http://wqic.nal.usda.gov/water-quality) (<http://wqic.nal.usda.gov/water-quality>)

## **USDA Rural Development**

Through Rural Utilities Service Water and Environmental Programs (WEP), rural communities can obtain technical assistance and financing necessary to develop drinking water systems. WEP also provides funding to organizations that provide technical assistance and training to rural communities in relation to their water activities.

- [Water & Environmental Programs](http://www.rd.usda.gov/programs-services/all-programs/water-environmental-programs) (<http://www.rd.usda.gov/programs-services/all-programs/water-environmental-programs>)

Emergency Community Water Assistance Grants help eligible communities prepare for, or recover from, an emergency that threatens the availability of safe, reliable drinking water.

- [Emergency Community Water Assistance Grants](http://www.rd.usda.gov/programs-services/emergency-community-water-assistance-grants) (<http://www.rd.usda.gov/programs-services/emergency-community-water-assistance-grants>)