

Part VII.

PHYSICAL ENVIRONMENT AND EQUIPMENT

22 VAC 40-111-240. Home maintenance.

A. Areas and furnishings of the family day home, inside and outside, shall be maintained in a clean, safe, and operable condition. Unsafe conditions shall include, but not be limited to, the presence of poisonous plants; tripping hazards; unstable heavy equipment, furniture, or other items that a child could pull down on himself; splintered, cracked, or otherwise deteriorating wood; chipped or peeling paint; visible cracks, bending or warping, rusting, or breakage of any equipment; head entrapment hazards; and protruding nails, bolts, or other components that could entangle or could snag skin.

Interpretation of § 240 A:

This standard is cited only when there is not another standard that specifically addresses an observed lack of safe maintenance or use of the home, grounds, toys, and equipment.

1. Clean: A family day home will often be untidy due to children's play and activities. The purpose of this standard is to protect children's health and safety by requiring the home, furnishings, equipment, and outside play area to be reasonably clean and free of conditions that would pose safety risks to children.

A clean environment helps to prevent the spread of communicable disease. This includes walls, floors, furniture, fixtures, and equipment. Children will touch any surface they can reach, including floors, which means that all surfaces in a family day home can become contaminated and spread infectious disease agents. Regular and thorough cleaning of rooms prevents the spread of diseases.

It is recommended, although not required by these standards, that sponges not be used for cleaning and sanitizing. This is because sponges harbor bacteria and are difficult to completely clean and sanitize in between cleaning different surfaces.

A family day home is considered unclean if there are any of the following:

- Rotting food or a buildup of food on a surface;*
- A slippery spill on a floor;*
- Mold growing; or*
- A visible buildup of dirt, oil, grime, etc.*

2. Safe and Operable: The family day home must be maintained so that children are not exposed to:

- Broken furniture or furniture that is damaged so that it cannot be effectively cleaned;*
- Torn furniture with exposed foam padding or stuffing;*
- Leaking plumbing other than a leaking faucet;*
- Heat vents that are missing covers;*

Interpretation of § 240 A (continued):

*Holes in walls or ceilings that create a risk of injury to children;
Broken glass; or
Bees' nests.*

The following are unsafe if accessible to children:

a) Poisonous plants: Plants are among the most common household substances that children ingest. Poisonous plants can also cause skin rashes. Poisonous plants include, but are not limited to, English ivy, dumbcane (Dieffenbachia), holly, mistletoe, philodendron, poinsettia, mushrooms, toadstools, oleander, castor beans, poison oak, and poison ivy.

b) Tripping hazards: Floor surfaces in disrepair such as those with loose carpeting or tiles could cause falls and other injuries. Worn carpeting or throw rugs that do not present a tripping hazard would not be cited. Unsecured cords in walking areas in the home can also present a tripping hazard. This standard is not meant to apply to toys and games children in care are using.

c) Unstable heavy furniture: This standard applies to items over 4' in height that are both heavy and unstable and that children could climb up onto or that children would be strong enough to pull over. This includes an unstable piece of furniture less than 4' high if there is something heavy enough to injure a child, such as a television or small refrigerator, on top of the unstable furniture.

d) Splintered, cracked or otherwise deteriorating wood: This standard applies to wooden surfaces such as steps, railings, floor surfaces, furniture, toys, etc.

e) Chipped or peeling paint: Paint chips or peeling paint, especially in houses built before 1978, may contain lead. Lead-based paint swallowed by children can lead to high levels of lead in the blood, which affects the central nervous system and can cause mental retardation. Even at low levels of exposure, lead can cause a reduction in a child's IQ and their attention span, and result in reading and learning disabilities, hyperactivity, and behavioral problems.

f) Visible cracks, bending or warping, rusting, or breakage of any equipment: Equipment must not have missing, bent, broken, or worn out components that could cause equipment to fail. All hardware must be secure, and there must not be missing nuts or bolts that could cause the equipment to fail. Equipment must not have excessive wear that could cause the equipment (or a component of it) to fail. Metal must not be rusted or corroded to the point that it could cause the structure to fail. All equipment and equipment parts must be stable.

g) Head entrapment hazards: Generally, openings that are between 3 ½ inches and 9 inches present a head entrapment hazard to children under 5 years of age because they are large enough to permit a child's body to go through, but are too small to permit the head to go through. When children enter such openings feet first and their feet cannot touch the floor, they may become entrapped by the head and strangle.

Interpretation of § 240 A (continued): This standard about head entrapment applies to equipment and furnishings accessible to children that have openings between 3 ½ and 9 inches such as play equipment, baby gates and enclosures, and beds.

Additional head entrapment hazards include: 1) recliner chairs that have spaces greater than 5 inches between the seat and foot rest when the chair is in the reclined position (5" openings are allowed by recliner manufacturing standards), and 2) other chairs with openings between 3 ½ inches and 9 inches and with seating surfaces tall enough to prohibit the feet of a child sitting in the chair from touching the floor if he should fall through feet first (such as a bar stool).

NOTE: The Uniform Statewide Building Code allows railings inside and outside homes to have 4" openings.

Re: Baby Gates: The older style accordion gates may not be used anywhere in the FDH due to the head entrapment hazard. From the CPSC website, "The U. S. Consumer Product Safety Commission (CPSC) warns of an entrapment and strangulation hazard that exists with accordion-style baby gates manufactured prior to February 1985. These gates have V-shaped openings along the top edge and diamond-shaped openings in the sides that are large enough to entrap a child's head." Use of pressure-mounted gates in areas other than at stair openings is acceptable. Pressure-mounted gates are not to be used at stair openings due to the danger of the gate giving away under a child's weight (at the top of stairs) and also due to guidance from the State Fire Marshal regarding the gate's (at the top or bottom of stairs) impeding egress in case of an emergency.

h) Protruding nails, bolts, or other components that could entangle or could snag skin: This standard applies to protruding nails, bolts, or other components on furnishings and equipment that could entangle a child's clothing or cut or scratch his skin.

Additional information on safety alerts can be found at the following <http://www.cpsc.gov/cpscpub/prerel/prerel.html>

B. No equipment, materials, or furnishings shall be used if recalled or identified by the U.S. Consumer Product Safety Commission as being hazardous.

Interpretation of § 240 B: A list of product recalls can be found at the following website: <http://www.cpsc.gov/cpscpub/prerel/prerel.html>

22 VAC 40-111-250. Hanging, suffocation and strangulation hazards.

A. Hanging items including, but not limited to, window blind or curtain cords, appliance cords, and ropes shall be out of reach of children under five years of age.

Interpretation of § 250 A: This standard only applies if a child under 5 years of age has access to a rope or cord longer than 12" that is attached to a solid structure (for example, a blind or drape cord) or an appliance (for example: loose vacuum, lamp, or TV cords), and pacifier cords longer than 12".

This standard is not meant to prohibit preschoolers from engaging in supervised, age-appropriate activities that involve strings.

B. Children shall be protected from materials that could be swallowed or present a choking hazard. Toys or objects less than 1-1/4 inches in diameter and less than two inches in length shall be kept out of reach of children under the age of three years.

Interpretation of § 250 B: This standard applies to accessible small parts or items that could pose a choking hazard to children under 3 years of age. These items include:

- a) toys with small parts and doll accessories;*
- b) coins;*
- c) safety pins;*
- d) small office supplies (paperclips, tacks, etc.)*
- e) small balls;*
- f) nails, bolts, and screws;*
- g) erasers;*
- h) batteries;*
- i) broken crayons;*
- j) jewelry (rings, earrings, pins, etc.);*
- k) caps for bottles of chocolate syrup, pancake syrup, and soda (children may try to lick the sweet drops out of the caps, which can become lodged in the airway)*
- l) small buttons*
- m) pieces of Styrofoam*

It is recommended, although not required by this standard, that providers:

- a) Never buy vending-machine toys for small children; these toys do not have to meet safety regulations and often contain small parts.*
- b) Make sure small refrigerator magnets are inaccessible to children under 3 years of age.*
- c) Check toys frequently for loose or broken parts - for example, a stuffed animal's loose eye or a broken plastic hinge.*
- d) Warn older children not to leave loose game parts or toys with small pieces in easy reach of children under 3 years of age.*
- e) Safely dispose of all batteries, especially button-cell batteries (like those used for watches)*
- f) Encourage children not to put pencils, crayons, or erasers in their mouths when coloring or drawing.*
- g) Put away all breakable objects and those that are small enough to fit in small mouths.*
- h) Always follow all manufacturers' age recommendations when buying toys. Some toys have small parts that can cause choking, so heed all warnings on a toy's packaging.*

C. Items tied across the top or corner of a crib or playpen or toys hung from the sides with strings or cords shall be removed when the child begins to push up on hands and knees or is five months of age, whichever occurs first.

D. Hood or neck drawstrings shall be removed from a child's clothing prior to a child's using climbing play equipment.

E. Latex gloves, balloons, and empty plastic bags large enough for a child's head to fit inside shall be inaccessible to children under five years of age.

Interpretation of § 250 E: Plastic bags pose a suffocation risk for children. Rubber balloons and latex gloves can cause choking if children accidentally swallow them or bite off parts of them and swallow them.

This standard applies to empty, loose plastic bags only, not plastic bags with something in them, or a supply of unused plastic bags on a roll or in a box. This standard does not apply to latex gloves that are on a changing table, if they are only within reach of the child on the changing tables. This standard does not apply to trash can liners that are inside a trash can.

22 VAC 40-111-260. Drowning hazards.

A. Access to the water in aboveground swimming pools shall be prevented by locking and securing the ladder in place or storing the ladder in a place inaccessible to children.

Interpretation of § 260 A: A nonclimbable barrier at least four feet high such as, but not limited to, a fence with a locked gate or an impenetrable hedge surrounding an aboveground pool would also meet the intent of this standard.

If the aboveground pool is used while children are in care (and children in care are not using the pool), children in care must be kept in a fenced area not including the pool, kept 30 ft away, or the steps/ladder must be inaccessible to children.

B. A nonclimbable barrier at least four feet high such as, but not limited to, a fence or impenetrable hedge shall surround outdoor play areas located within 30 feet of drowning hazards such as, but not limited to, inground swimming or wading pools, ponds, or fountains not enclosed by safety fences. Facilities licensed prior to July 1, 2010 must comply fully with the requirement of this subsection by July 1, 2011.

Interpretation of § 260 B: Safety fences around in-ground swimming pools are required by the Uniform Statewide Building Code "Non-climbable" means that the barrier has no accessible openings (an open gate is an "opening"), handholds, or footholds that can be used by children to climb the barrier. Fencing materials that would be non-climbable include iron, heavy-duty plastic, or non-climbable mesh. Maximum mesh size for chain link fences shall not exceed 1 ¼ inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1 ¼

Interpretation of § 260 B (continued): inches. More information on pool barriers can be found at the following website: <http://www.cpsc.gov/cpsc/pub/pubs/pool.pdf>.

'Drowning hazards' have no minimum depth of water and include water features such as waterfall or goldfish ponds. A small child can drown in 30 seconds in as little as 2 inches of water.

Interpretation of § 260 B (cont.): 'Swimming pool' is defined by the state building code as any structure intended for swimming, recreational bathing, or wading that contains water over 24 inches deep.

'Wading pool' is a pool that contains water 24 inches deep or less. The wading pool referred to in 260 B is an in-ground wading pool.

Compliance Determination for § 260 B: If a pool does not have a safety fence or the fence would allow children access to the pool, contact the local building official.

C. Portable wading pools without integral filter systems shall:

- 1. Be emptied after use by each group of children, rinsed, and filled with clean water, or more frequently as necessary; and**
- 2. When not in use during the family day home's hours of operation, be emptied, sanitized, and stored in a position to keep them clean and dry.**

D. Portable wading pools shall not be used by children who are not potty trained.

Intent of § 260 D: The purpose of this standard is to minimize the risk of spreading disease through shared wading pool water.

E. Bathtubs, buckets, and other containers of liquid accessible to children shall be emptied immediately after use.

Intent of § 260 E: A national study concluded that water in bathtubs presents the greatest drowning risk to infants.

It is nearly impossible for top-heavy infants and toddlers to free themselves if they fall into a bucket head first.

F. Hot tubs, spas, and whirlpools shall:

- 1. Not be used by children in care, and**
- 2. Covered with safety covers while children are in care.**

Interpretation of § 260 F: Not all hot tub, spa, and whirlpool covers are safety covers. In order for a cover to meet the ASTM (American Society of Testing and Materials) requirements for a "Manual Safety Spa Cover," it must meet certain requirements which include performance tests and labeling requirements. Covers must be able to pass tests such as Static Load Tests for weight support, Perimeter Deflection Tests for entry or entrapment between the cover and the side of the spa and Surface Drainage Tests to see if a dangerous amount of rain could collect on the cover's surface. There are also manufacturers' requirements to include labeling

Compliance Determination for §260 F: Determine if

- 1) the hot tub, spa, or whirlpool is covered; and
- 2) the cover has manufacturer's labeling that states 'safety cover'.

22 VAC 40-111-270. Firearms and ammunition.

A. Firearms of every type and purpose shall be stored unloaded in a locked container, compartment, or cabinet, and apart from ammunition.

Interpretation of § 270 A: A 'firearm' is any device which is designed and intended to expel a projectile by action of gunpowder, any other explosive, compressed air, compressed gas or mechanical device. By way of example and not limitation, items that are to be considered firearms under this article include guns, pistols, rifles, shotguns, BB guns, pellet guns, air rifles, paint ball guns and paint ball rifles. The definition of "firearm" shall not be deemed to include items that are traditionally considered to be children's toys when used in the manner for which they were designed.

B. Ammunition shall be stored in a locked container, compartment, or cabinet during the family day home's hours of operation.

C. If a key is used to lock the container, compartment, or cabinet, the key shall be inaccessible to children.

Compliance Determination for § 270: Ask the provider if there are any firearms on the premises of the family day home. If there are firearms, verify that the firearms and ammunition are stored separately in locked containers, compartments, or cabinets. Storage of firearms in a locked closet apart from ammunition would meet the intent of this standard. Storage of ammunition in a separate locked container inside the locked closet where the firearms are stored is acceptable as long as different keys or mechanisms must be used to open the locked ammunition container than must be used to open the locked closet.

If a key is used, determine if it is in a location that is inaccessible to children. Ask provider if firearms are unloaded.

22 VAC 40-111-280. Poisonous materials.

Potentially poisonous substances, materials and supplies such as, but not limited to, cleaning agents, disinfectants, deodorizers, plant care chemicals, pesticides, and petroleum distillates shall be stored away from food in areas inaccessible to children.

Compliance Determination for § 280: A product is poisonous or hazardous and must be stored in areas inaccessible to children if the product is labeled with the statement "Keep out of the reach of children."

Exceptions: Hand sanitizers, liquid hand soaps, and sunscreen labeled "Keep out of reach of children" do not need to be inaccessible to children five years of age or older provided that the products are only used under adult supervision and the labels on the products do not contain any other warning words indicating that the product is toxic.

22 VAC 40-111-290. Sharp objects.

Sharp kitchen utensils and other sharp objects shall be inaccessible to children unless being used by the caregiver or with children under close supervision.

22 VAC 40-111-300. Body fluids contamination.

When any surface has been contaminated with body fluids, it shall be cleaned and sanitized.

Interpretation of § 300: "Body fluids" means urine, feces, vomit, blood, saliva, nasal discharge, and tissue discharge.

"Cleaned" means treated in such a way as to remove dirt and debris by scrubbing and washing with soap and water or detergent solution and rinsing with water.

"Sanitized" means treated in such a way as to remove bacteria and viruses from inanimate surfaces through first cleaning and secondly using a solution of one tablespoon of bleach mixed with one gallon of water and prepared fresh daily or using a sanitizing solution approved by the U.S. Environmental Protection Agency. The surface of the item is sprayed or dipped into the sanitizing solution and then allowed to air dry.

22 VAC 40-111-310. Machinery.

Machinery in operation such as lawnmowers and power tools shall be inaccessible to the children in care.

22 VAC 40-111-320. Fire safety and shock prevention.

A. Small electrical appliances such as, but not limited to, curling irons, toasters, blenders, can openers, and irons shall be unplugged unless being used by the caregiver or with children under close supervision.

Intent of § 320 A: A child may be injured by these appliances and injuries may also occur if a child pulls on the cord causing the appliance to fall on the child or if the child chews on the cord.

§ 250 A requires the cords from these unplugged appliances to be kept out of reach of children under 5 years of age.

B. Child-resistant protective covers larger than 1-1/4 inches in diameter shall be installed on all unused electrical outlets and surge protectors accessible to children under five years of age.

Intent of § 320 B: Preventing children from placing fingers or sticking objects into exposed electrical outlets prevents electrical shock, electrical burns, and potential fires. Oral injuries can also occur when young children insert a metal object into an outlet and try to use their teeth to extract the object. A combination of electricity and mouth moisture closes the electrical circuit and can lead to serious life-long injuries.

Tamper resistant (TR) receptacles are an acceptable alternative to child-resistant protective covers. TR receptacles have an internal mechanism which prevents the insertion of objects into the sockets of the receptacle, therefore protective covers are not needed. "TR" is usually imprinted on the receptacle. If "TR" is not imprinted on the receptacle, the provider should provide documentation that tamper resistant receptacles were installed. USBC requires tamper resistant receptacles on dwelling units constructed after 2008.

C. No electrical device accessible to children shall be placed so that it could be plugged into an electrical outlet while in contact with a water source, such as a sink, tub, shower area, toilet, or swimming or wading pool.

D. Electrical cords and electrical appliances and equipment with cords that are frayed and have exposed wires shall not be used.

E. Radiators, oil and wood burning stoves, floor furnaces, fireplaces, portable electric heaters, and similar heating devices located in areas accessible to children shall have barriers or screens and be located at least three feet from combustible materials.

Intent of § 320 E: These heating devices are all hot enough to burn children when in use. They can also start fires when heating elements, flames, or hot surfaces are too close to combustible materials, including children's clothing, furniture, bed linens, paper, and curtains.

F. Unvented fuel burning heaters shall not be used when children are in care. Unvented fuel burning heaters include, but are not limited to, portable oil-burning (kerosene) heaters; portable, unvented liquid or gas fueled heaters; and unvented fireplaces.

Intent of § 320 F: Proper venting of heating equipment can prevent accumulation of carbon monoxide gas inside a building. Carbon monoxide is a colorless, odorless, poisonous gas formed when heating units that burn fuel with a flame, do not have a sufficient source of combustion air. 'Unvented fireplaces' includes unvented gas fireplaces.

G. Wood burning stoves and fireplaces and associated chimneys shall be inspected annually by a knowledgeable inspector to verify that the devices are properly installed, maintained, and cleaned as needed. Documentation of the inspection and cleaning shall be maintained by the provider.

Interpretation of § 320 G: Wood burning stoves and fireplaces and associated chimneys must be inspected once a year even if the provider states that the stove or fireplace is never used, or is only used in the evenings or when children are not in care. The requirement for inspection applies only to wood-burning stoves and wood-burning fireplaces. If the fireplace is made inoperable through permanently sealing it (not just by placement of furniture or temporarily blocking it), the fireplace does not need to be inspected. An annual inspection means once every 12 months. A new family day home must show documentation of inspection within 12 months prior to the initial licensing inspection.

A "knowledgeable inspector" includes a heating contractor, service person employed by a heating contractor, chimney sweep, and fire department personnel.

Compliance Determination for § 320 G: If the inspection required in 320 G does not "pass", then a fire hazard exists, and fire prevention or building officials must be contacted. Cite 320 I if the provider does not comply with the officials' recommendations or requirements.

H. All flammable and combustible materials such as, but not limited to, matches, lighters, lighter fluid, kerosene, turpentine, oil and grease products, aerosol cans, and alcohol shall be stored in an area inaccessible to children.

I. If there are open and obvious fire hazards, including the absence of fire extinguishers or smoke detectors as required by the Uniform Statewide Building Code and the Statewide Fire Prevention Code, the local fire prevention or building officials, or the State Fire Marshal's office shall be contacted by the department's representative. The provider shall comply with the requirements or recommendations made by the fire prevention or building officials to eliminate fire hazards.

Interpretation of § 320 I: The Uniform Statewide Building Code requires a type ABC portable fire extinguisher having at least a 2A10BC in each kitchen and, at a minimum,

Interpretation of § 320 I (continued): an operable smoke detector properly installed outside of each sleeping area in the immediate vicinity of bedrooms and on each additional floor. Smoke detectors must be battery powered or electric with battery back up.

The State Fire Marshal has provided the following guidance: A typical one story, three bedroom house has a hall leading to the three bedrooms and would require only one smoke detector in the hall in the vicinity of the bedroom doors. If the bedroom doors are sufficiently apart to be outside of the detector's coverage, a second detector is required. If rooms used for sleeping by children in care or by family members are in more than one area of the house, such as at each end of the house, in the basement, and on the second floor, smoke detectors are required outside these areas also.

A smoke detector is also required on each level of the home (basement, first floor, second floor, etc.) even if those areas contain no sleeping rooms.

*A helpful "Fire Safety Checklist" can be found at the following website:
<http://www.cpsc.gov/CPSCPUB/PUBS/556a.html>*

22 VAC 40-111-330. Telephones.

A. A landline telephone, excluding a cordless or cell phone, shall be available, operable, and accessible during the family day home's hours of operation. An operable landline telephone is one that does not require electricity to operate. Cordless or cell phones may be used in addition to the landline telephone.

*Intent of § 330 A: Emergency management authorities recommend a landline telephone because 1) 911 calls made from a landline telephone can be traced back to the location of the call, 2) it does not require recharging (unlike a cell phone), and 3) it will remain operational for a period of time after the loss of electricity (unlike cordless phones that are totally dependent upon electrical power for operation).
A landline telephone refers to a telephone line which travels through wire or optical fiber.*

B. If the telephone number is unlisted, the provider shall ensure that parents and the department have been given the unlisted number in writing.

C. The provider shall inform the department within 48 hours and parents within 24 hours of a change of the telephone number.

22 VAC 40-111-340. Bathrooms.

A. The home shall have an indoor bathroom.

B. The bathroom shall be easily accessible to children two years of age and older.

Interpretation of § 340 B: Young children use the toilet frequently and cannot wait long when they have to use the toilet. A minimum of two toilets is recommended, but not required by these standards, when 10 children or more are in care at one time.

C. The bathroom shall be kept clean and contain a working toilet and sink, toilet tissue, liquid soap, and paper towels.

Interpretation of § 340 C: The toilet tissue, liquid soap, and paper towels must be inside the bathroom.

Liquid hand soap that has a "Keep out of the reach of children" label usually claims to have, at a minimum, antibacterial properties. Although it is best practice to not use these types of liquid soaps, there is no prohibition against their use as long as they are inaccessible to children under 5 years of age. Liquid hand soap labeled "Keep out of reach of children" does not need to be inaccessible to children 5 years of age or older provided that the soap is used under adult supervision and the label on the liquid hand soap does not contain any other warning words indicating that the soap is toxic.

Use of individually assigned cloth towels is prohibited because preventing children from sharing cloth towels is difficult. Shared cloth towels can transmit infectious diseases.

22 VAC 40-111-350. Water supply.

A. The home shall have indoor running water.

B. When water is not obtained from a municipal supply, and the house is not connected to a municipal sewer line, the water supply and septic system of the family day home shall be inspected and approved by the local health official or a private laboratory if there are open and obvious symptoms of water or sewage system problems, such as evidence of cloudy, murky, or muddy water, or sewage back up.

C. Family day homes connected to a municipal water supply and sewer line that have open and obvious symptoms of water or sewage system problems shall have the problems corrected within a time frame established by the local public utility department.

D. There shall be an ample supply of hot and cold water available to children and caregivers for hand washing.

E. Hot water at taps available to children shall be maintained within a range of 105°F to 120°F.

Intent of § 350 E: Tap water burns are the leading cause of nonfatal burns, and children under 5 years of age are the most frequent victims. Water heated to 130 degrees Fahrenheit takes only 30 seconds to burn the skin. Water heated to 120 degrees takes 2 minutes to burn the skin.

Compliance Determination for § 350 E: The thermometer must be held in running water until the temperature on the thermometer stops rising. Due to the variable accuracy of hot water thermometers, the family day home is not considered out of compliance with this standard unless the temperature measures 123 degrees or hotter.

22 VAC 40-111-360. Garbage.

A. Garbage shall be removed on a daily basis from rooms occupied by children and removed from the premises at least once weekly or more often as needed.

B. There shall be a sufficient number of garbage and diaper containers.

Interpretation of § 360 B: There are a sufficient number of containers if no container is overfull or there is no container whose contents cannot be contained with a lid.

C. Children shall not be allowed access to garbage storage areas.

Interpretation of § 360 C: "Garbage storage areas" refer to the places where garbage that is removed from rooms in the home is stored until removed from the premises.

D. Garbage storage areas shall be free of litter, odor, and uncontained trash.

Interpretation of § 360 D: Keeping lids on the trash containers can help control odor and uncontained trash. Lining the containers with plastic bags reduces the contamination of the container itself and reduces the need to wash the container to control odor.

22 VAC 40-111-370. Rodents and insects.

A. The home shall be kept free from rodents and insect infestation.

Intent of § 370 A: Insect infestation means large numbers of insects. Insects and rodents can carry disease and may also sting or bite children. Some insect and rodent feces can also trigger asthma attacks in children. The purpose of this standard is to reduce these potential hazards to children.

Compliance Determination for § 370 A: If there is a problem with rodents or an insect infestation, the provider can confirm she has scheduled an exterminator and is doing extra cleaning if necessary to keep the environment as safe as possible until that time. The licensing inspector will follow up to see if this is done by the scheduled date before citing this standard.

B. No home shall maintain any receptacle or pool, whether natural or artificial, containing water in such condition that insects breeding therein may become a menace to public health.

Interpretation of § 370 B: The family day home must not have a pool, pond, or other large area of stagnant water in which so many insects could breed that they could affect the health of the community.

22 VAC 40-111-380. Space.

The home shall provide each child with adequate space to allow free movement and active play indoors and out.

Intent of § 380: Space in which children can freely move for exercise and development of physical skills is necessary to the well-being of children. Indoor crowding has been shown to be associated with an increased risk of upper respiratory infections. Conflicts between children and behavior problems are more likely to occur in crowded environments and children confined to crowded spaces are more likely to be hurt during activities. Adequate outdoor space for play is necessary for the development of gross motor (large muscle) skills.

Interpretation of § 380:

Indoor play space – These standards do not specify the amount of indoor play space that is required for each child. Adequate space would be an area outside the traffic patterns in the home in which the total number of children in care could play with freedom of movement.

Outdoor play space – These standards do not specify the amount of outdoor play space that is required for each child and the standards do not require the family day home to have outdoor play space on the premises, but the home must provide outdoor play space. The available space must be large enough to permit all children receiving care to run and play freely.

If the provider's home is without any outdoor space for play, the provider must have a feasible plan for providing outdoor play time. The accessibility of public parks and playgrounds is to be explored. The provider's plans for transportation to and from the area and for supervision of children must be evaluated.

Although not required by these standards, the American Academy of Pediatrics and the American Public Health Association recommend 35 square feet of indoor space per child which is free of furniture and equipment, or 50 square feet of space if furniture and equipment are included.

22 VAC 40-111-390. Individual location.

A. Each child who is two years of age and older shall have access to an individual location in which to keep clothing, toys, and belongings.

B. Each child who is under the age of two shall have an individual location in which to keep clothing, toys, and belongings that is accessible to the caregiver and parent.

Intent of § 390: These standards promote organization of a child's personal possessions and prevent the spread of disease such as body lice, scabies, and ringworm which can be transmitted by sharing personal articles.

22 VAC 40-111-400. Heating and cooling.

A. The temperature in all inside areas occupied by children shall be maintained no lower than 65°F.

B. Fans or other cooling systems shall be used when the temperature of inside areas occupied by children exceeds 80°F.

Compliance Determination for § 400 A & B: Licensing inspectors will measure temperature of the inside areas occupied by children only if the areas feel uncomfortably cool or warm. If the areas feel uncomfortable, the inspector will check the home's thermostat and then decide if a more area-specific temperature should be taken. If so, the temperature will be measured at table height in areas occupied by preschool and school-aged children and at the level at which infants and toddlers sleep in areas occupied by infants and toddlers.

If a family day home is unable to meet the temperature requirements due to equipment failure or breakdown, but the provider can confirm she has scheduled a repair, has informed the parents of the situation, and is doing her best in the meantime to maintain a comfort level, the licensing inspector will follow up to see if the repair is completed by the scheduled date before citing a violation of this standard.

22 VAC 40-111-410. Electric fans.

Portable electric fans shall be securely mounted out of the reach of children and shall be equipped with a mesh guard.

Intent of § 410: The purpose of this standard is to protect children from injury due to having a fan fall on them or due to children inserting their fingers or other objects into the moving fan blades.

Interpretation of § 410: Fans that are out of the reach of children must also be placed so that the fan cannot fall on a child. For example, a fan on a table or bookcase may be out of the reach of a child, but the table or bookcase may be unsteady so the fan could fall if the child bumped the table or bookcase. A pedestal fan is not securely mounted.

22 VAC 40-111-420. Lighting.

A. Rooms, halls, and stairways used by children in care shall be lighted with natural or electric lighting for the children's safety and comfort.

Intent of § 420 A: It is important that there be adequate light for children to safely see and for caregivers to adequately supervise children and perform tasks such as diapering. Inadequate artificial lighting has been linked to eyestrain, headache, and non-specific symptoms of illness.

Interpretation of § 420 A: Lighting may be reduced in rooms where children are resting or sleeping, but sufficient lighting must be provided so that caregivers can supervise and attend the children and children can safely exit the room.

Compliance Determination for § 420 A: If needed, adequate lighting will be determined by using simple, printed material in 12-point type and seeing if there is enough light for a caregiver in the room, hall, or stairway to read the material.

B. Entrance and exit ways shall be unobstructed and be lighted with natural or electric lighting.

22 VAC 40-111-430. Stairs.

A. Children under two years of age and children over two years of age who are not developmentally ready to climb or descend stairs without supervision shall not have access to stairs.

B. Accordion expansion gates and pressure mounted gates shall not be used as protective barriers at stair openings.

Intent of § 430 A & B: The purpose of these standards is to protect young children from injuries and falls and to comply with the Uniform Statewide Building Code requirements for unrestricted egress from a home in case of fire.

Accordion gates with large V-shaped openings along the top edge and diamond shaped openings between the slats present entrapment and entanglement hazards resulting in strangulation, chopping or pinching of children who try to crawl through or over the gate. Pressure mounted gates may give way under a child's weight and allow a child to fall.

Interpretation of § 430 A & B: Hardware-mounted gates and hardware-mounted walk-through gates are acceptable types of safety gates. Hardware-mounted gates attach with screws to walls and banisters and usually open and close much like a door. Hardware-mounted walk-through gates also attach with screws to walls and banisters, but only a portion of the gate or "door" swings open and closed instead of the entire gate. These gates must be installed so that they open toward the landing and not toward the stairs. Gates must contain only one latch that is able to be readily opened.

If the family day home is constructed so that hardware-mounted or hardware-mounted walk-through safety gates cannot be installed at stair openings, the provider still must ensure that young children do not have access to stairs. A way this can be done is by properly installing a safety gate at a door to prevent the child from reaching the stairs. Providers do not have to install gates at stairs, but they must ensure that children under age 2 or children over age 2 who are not developmentally ready to climb or descend stairs do not have access to stairs indoors or outdoors.

C. Children over the age of two shall not have access to stairs with three or more risers that do not have protective barriers or guardrails on each side.

D. Protective barriers or guardrails on sides of stairs shall be constructed to prevent a child from climbing over, crawling or falling through, or becoming entrapped.

Compliance Determination for § 430 C & D: Handrails and barriers or guardrails on sides of stairs are required by the Uniform Statewide Building Code (USBC). The USBC requires that openings on guardrails not be greater than 4 inches. The inspector will look to ensure that stairs have barriers or guardrails and that the openings on guardrails are no greater than 4 inches. The inspector will contact the local building official if stairs do not have barriers or guardrails or the openings on guardrails are greater than 4 inches.

22 VAC 40-111-440. Decks and porches.

A. Children shall not have access to decks, porches, lofts, or balconies that do not have protective barriers or guardrails.

Interpretation for § 440 A: A porch, deck, or balcony that is more than 15 ½ inches above the floor or grade below must have a barrier.

B. Protective barriers or guardrails shall be constructed to prevent a child from climbing over, crawling or falling through, or becoming entrapped.

Compliance Determination for § 440 A & B: Barriers or guardrails on sides of decks, porches, lofts, and balconies are required by the Uniform Statewide Building Code (USBC). The USBC requires that openings on guardrails not be greater than 4 inches. The inspector will look to ensure that decks, porches, lofts, and balconies have barriers or guardrails and that the openings on barriers or guardrails are no greater than 4 inches. The inspector will contact the local building official if decks, porches, lofts, and balconies do not have barriers or guardrails or the openings on barriers or guardrails are greater than 4 inches.

22 VAC 40-111-450. Doors and windows.

A. Doors with clear glass panels that reach within 18 inches of the floor shall be clearly marked with decorative objects such as pictures, art work, or decals at the eye level of children in care.

B. Closet doors with latches shall be such that children can open the door from inside the closet.

Intent of § 450 B: Closet doors that can be opened from the inside prevent a child from being trapped in the closet. If a child cannot get into the closet, there is no danger of locking himself in. If a child can enter a closet, the child must be able to unlatch the closet door and exit the closet without assistance.

C. Bathroom doors with locks shall be designed to permit opening of the locked door from the outside with a readily accessible opening device.

Intent of § 450 C: Latches or locks on bathroom doors can allow children privacy when using the toilet, but caregivers must be able to easily open the door from the outside in case the child needs adult assistance.

D. Windows and doors used for ventilation shall be securely screened.

Intent of § 450 D: Screening windows and doors used for ventilation is important to prevent insects or rodents which may bite, sting, or carry disease from getting into the home.

Interpretation of § 450 D: A window or door is securely screened if it has a screen without holes and the screen is attached to the screen frame on all sides.

22 VAC 40-111-460. Animals.

A. Family pets shall not be allowed on any surfaces where food is prepared or served.

Intent of § 460 A: The presence of animals in food preparation or eating areas can increase the risk of contaminating food.

B. A pet or animal present at the home, indoors or outdoors, shall be in good health and show no evidence of carrying any disease.

Intent of § 460 B: The purpose of this standard is to prevent the spread of disease through contact with dirty or ill animals, and to prevent children from being bitten or otherwise injured by a sick animal.

C. Dogs or cats, where allowed, shall be vaccinated for rabies and shall be treated for fleas, ticks, or worms as needed.

D. The provider shall maintain documentation of the current rabies vaccination.

E. Caregivers shall closely supervise children when children are exposed to animals.

F. Children shall be instructed on safe procedures to follow when in close proximity to animals, e.g., not to provoke or startle them or remove their food.

G. Animals that have shown aggressive behavior shall not be kept in the home or on the grounds.

Interpretation of § 460 G: The determination of an animal's aggressive behavior is to be based on that particular animal's behavior and not based on the breed's aggressive tendencies. The American Society for the Prevention of Cruelty to Animals (ASPCA) states, "The ASPCA is opposed to laws that ban or discriminate against specific dog breeds or breed mixes without regard to the temperament and behavior of individual dogs."

H. Monkeys, ferrets, reptiles, psittacine birds (birds of the parrot family), or wild or dangerous animals shall not be in areas accessible to children during the hours children are in care.

Intent of § 460 H: Monkeys, ferrets, reptiles, and psittacine birds have been identified by the American Academy of Pediatrics as being unsuitable for family day homes due to their being a source of illness for people.

Reptiles are cold-blooded air-breathing animals covered with scales, for example: snakes, lizards, and turtles. Reptiles (and amphibians, such as water frogs) have been related to outbreaks of salmonella according to the Centers for Disease Control. Reptiles and amphibians are commonly found in aquariums and terrariums. They carry germs in their bodies that they put into their environments and that can cause serious disease in humans. Touching the animals, their containers, or even the necessary care of these animals by adults where children are in care poses too high a risk to the health

Intent of § 460 H (continued): of young children. It is recommended that family day homes not have amphibians in areas accessible to children.

I. Animal litter boxes, toys, food dishes, and water dishes shall be inaccessible to children.

J. All animal excrement shall be removed promptly, disposed of properly, and, if indoors, the soiled area cleaned.

Intent of § 460 I & J: The purpose of these standards is to prevent the spread of disease to children from animals' toys, food, water, and excrement. A pet's food can become contaminated by standing at room temperature.

Interpretation of § 460 J: Indoor and outdoor areas used by children must be kept free of animal excrement.

22 VAC 40-111-470. Smoking and prohibited substances.

The provider shall ensure that:

1. No person smokes:

- a. Indoors while children are in care,
- b. In a vehicle when children are transported, or
- c. Outdoors in an area occupied by children.

Intent of § 470 1: The hazards of second-hand smoke and the residual toxins from smoking that can trigger allergies and asthma justify the prohibition of smoking anywhere in the family day home while children are in care or in cars when transporting children. Smoking outdoors when children are not present is acceptable.

2. No caregiver is under the effects of medication that impairs functioning, alcohol, or illegal drugs.

Intent of § 470 2: The use of medications or the use of alcohol or illegal drugs can affect a caregiver's ability to care for children and to transport children.

Interpretation of § 470 2: A caregiver who is under the effects of a medication that has impaired her functioning may not care for children in the family day home. A caregiver who is under the effects of alcohol or illegal drugs may not care for children in the family day home.

22 VAC 40-111-480. Play equipment and materials.

A. The family day home shall provide a sufficient quantity and variety of play materials and equipment that shall be readily accessible to children.

B. Equipment and materials used by a child shall be appropriate to the age, size, ability, and interest of the child.

Intent of § 480 A & B: A sufficient quantity of play materials and equipment reduces excessive competition and long waits. Play materials need to be easily accessed and used by all children in order to encourage exploration, independent use, and interaction with other children.

Children need a variety of age-appropriate and developmentally-appropriate toys and materials that they can play with at will. This stimulates their imaginations and allows them to focus on developing self-help skills.

If play equipment and materials are not appropriate to the child's age, size, ability, and interest, he may find a task too difficult and will likely lose confidence and give up instead of returning to an activity.

The family day home must have equipment, supplies, toys, etc. for each age group listed on the license (infants, toddlers, preschool, and school age), whether the provider actually has any children in those age groups or not. If the provider does not want to provide materials for age groups not in care, she can request a modification to the terms of the license.

C. Materials and equipment available shall include, but not be limited to, arts and crafts materials, texture materials, construction materials, music and sound materials, books, social living equipment, and manipulative equipment.

Interpretation of § 480 C: Based on the age of the child, the following are examples of some of the play materials and equipment that must be available:

Construction materials – For use in the act of constructing such building blocks and woodworking materials;

Texture materials - For children being able to use their sense of touch or feeling such as fabrics felt squares, fleece, etc.; cotton balls; sandpaper; and water. Texture materials for school age children, could include stuffed toys, basketball, chalk, sand, etc;

Social living equipment – For use in role-modeling adult professions or actions such as dress-up clothes; dolls, toy household appliances; objects children can use to play store, school, fireman, policeman, etc.;

Manipulative equipment - For use in gaining control of their movements such as rattles, puzzles, pegboards, stacking cubes, shape sorters, etc.

D. Equipment used by children shall be assembled, maintained, and used in accordance with the manufacturer's instructions.

Interpretation of § 480 D: Play equipment must be assembled and anchored in accordance with the manufacturer's instructions. Capacity and weight limitations must be followed.

E. Equipment and materials used by children shall be clean, nontoxic, and free from hazards such as lead paint, sharp edges or points, loose parts, and rust.

Interpretation of § 480 E: All materials manufactured, packaged and sold as art supplies are required to be tested and warning labels must be placed on ALL hazardous art materials. ASTM D - 4236-94 "Standard Practice for Labeling of Art Materials Including Children's Art and Drawing Products" requires testing and labeling for all art materials that are intended for use in the household or by children. That includes items such as: chalks, charcoal, clays, crayons, felt tip markers, finger paints, glues, pastes, pastels, tempera paints, and watercolors. Art materials that are safe for use with children will have the following label: "Conforms to ASTM D-4236." When selecting and using items packaged as art materials, select only those products which are labeled "Conforms to ASTM D-4236." For additional information, the U.S. Consumer Product Safety Commission has a publication "Art and Craft Safety Guide" that may be helpful. <http://www.cpsc.gov/CPSCPUB/PUBS/5015.pdf>

F. Toys mouthed by children shall be cleaned and sanitized daily.

Interpretation of § 480 F: Contamination of toys and other objects in child care areas plays a role in the transmission of disease in family day homes. The purpose of this standard is to prevent the spread of disease. It is recommended, but not required by this standard, that toys mouthed by children be cleaned and sanitized before they are used by other children. The sanitizing solution for cleaning toys is one tablespoon bleach to one gallon water.

Small toys with hard surfaces can be set aside for cleaning by putting them into a dishpan labeled "soiled toys." This dishpan can contain soapy water to begin removal of soil, or it can be a dry container used to hold toys until they can be cleaned and sanitized later. In order to use this method, there must be enough toys to rotate them through the cleaning process. Using a mechanical dishwasher is an acceptable labor-saving approach for plastic toys as long as the dishwasher can clean and sanitize the surfaces.

22 VAC 40-111-490. Indoor slides and climbing equipment.

The climbing portions of indoor slides and climbing equipment over 18 inches high shall not be over bare floor.

Intent of § 490: Research indicates that protective surfacing materials can help disperse the momentum of a falling body thus reducing the risk of life-threatening injuries.

Interpretation of § 490: *Carpeting over bare floor is not a protective surfacing material, unless there are rubber tiles and/or mats on top of the carpet or unless it is installed over unitary shock-absorbing padding. Unitary padding materials are manufactured materials including rubber tiles and mats.*

22 VAC 40-111-500. Outdoor play area and equipment.

A. A nonclimbable barrier at least four feet high such as, but not limited to, a fence or impenetrable hedge shall surround outdoor play areas located within 30 feet of hazards such as, but not limited to, streets with speed limits in excess of 25 miles per hour or with heavy traffic, or railroad tracks. Facilities licensed prior to July 1, 2010 must comply fully with the requirement of this subsection by July 1, 2011.

Intent of § 500 A: *The purpose of this standard is to prevent children from leaving the outdoor play area and to prevent their access to the street and other hazards.*

Interpretation of § 500 A: *“Non-climbable” means that the barrier has no accessible openings, handholds, or footholds that can be used by children to climb the barrier. Fencing materials that would be non-climbable include iron, heavy-duty plastic, or non-climbable mesh. A chain link fence (regardless of the mesh size) is acceptable in this situation if the hazard is not ‘water’ (drowning hazard as discussed in § 260).*

Compliance Determination for § 500 A: *The licensing inspector will assess compliance with this standard by taking at least 4 different measurements of the fence height and averaging them. This means if a fence is short in one section by a very small amount, such as an inch, but overall it averages 4 feet in height, the fence will be considered in compliance.*

The inspector will also look to ensure that gates are not left open while children are at play.

B. The highest climbing rung or platform on outdoor climbing equipment or top of a slide shall not exceed six feet for school age children and four feet for preschool children.

Intent of § 500 B: *The risk of injury is four times greater if a child falls from playground equipment that is more than 5 feet high than from equipment that is less than 5 feet high.*

National SAFE KIDS Campaign (NSKC). Playground Injury Fact Sheet. Washington (DC): NSKC, 2004.

C. Stationary outdoor playground equipment shall:

1. Not be installed over concrete, asphalt, or any other hard surface;

Interpretation of § 500 C 1: Stationary play equipment may be placed on grass, but not placed on concrete, asphalt, dirt, or any other hard surface. Be aware that over time, grass will lose its ability to absorb shock through wear and environmental conditions. Consider providing a protective surfacing material under climbing equipment and equipment with moving parts.

For guidance on the proper installation and maintenance of outdoor playground equipment, the Consumer Product Safety Commission's "Outdoor Home Playground Safety Handbook" is available at the following website:

<http://www.cpsc.gov/cpscpub/pubs/324.pdf>

2. Be placed at least six feet from the perimeter of other play structures or obstacles; and

Interpretation of § 500 C 2. Equipment must be placed at least 6 feet away from the outside edges of other play structures and obstacles such as a house, fence, shed, tree, perimeter timbers or pole.

3. Be firmly anchored with ground supports that are covered with materials to protect children from injury.

Interpretation of § 500 C 3: Equipment must be securely anchored according to the manufacturer's specifications to prevent collapsing, tipping, sliding, moving, or overturning. Stationary outdoor playground equipment is considered firmly anchored if it does not move when shaken.

Interpretation of § 500 C: This standard does not prohibit the use of portable playground equipment, such as "Little Tykes". If portable playground equipment is used for climbing or has swings, it must meet requirements of § 500 C and § 480 D.

D. Outdoor play equipment shall meet the following requirements:

1. "S" hooks shall be tightly closed;

Interpretation of § 500 D 1: Both upper and lower "S" hooks need to be closed, so the opening is less than .04 inch, which is the width of a dime or a credit card.

2. Swings shall have flexible seats of rubber, canvas, or nylon;

Interpretation of § 500 D 2: The swing seats referred to in § 500 D 2 are for single occupancy swings, not teeter totters or lawn swings. The only exception permitted is in § 500 D 3 where nonflexible molded seats are permitted for infants, toddlers, or children with special needs if the caregiver is within arm's reach.

3. Nonflexible-molded seats shall be used only when a caregiver stays within arm's length of any hard-molded swing in use and is positioned to see and protect other children who might walk into the path of the swing;

Interpretation of § 500 D 3: Nonflexible molded swing seats are designed to be used only by infants and toddlers or a child with special needs.

4. Openings above the ground that are closed on all sides shall be smaller than 3-1/2 inches or larger than nine inches to prevent head entrapment hazards;

Interpretation of § 500 D 4: Head entrapment by head-first entry generally occurs when children place their heads through an opening in one orientation, turn their heads to a different orientation, then are unable to withdraw from the opening.

Head entrapment by feet-first entry involves children who generally sit or lie down and slide their feet into an opening that is large enough to permit passage of their bodies (greater than 3½"), but is not large enough to permit passage of their heads (less than 9").

5. Ropes, loops, or any hanging apparatus that might entrap, close, or tighten upon a child shall not be used;

Intent of § 500 D 5: The Consumer Product Safety Commission reported that from January 1990 through August 2000, about 70% of all playground-related deaths occurred in home locations. Almost three-fourths of the deaths in home locations resulted from hanging from ropes, cords, homemade rope swings, and similar items.

6. Equipment with moving parts that might pinch or crush children's hands or fingers shall not be used unless they have guards or covers; and

7. Equipment with platforms and ramps over 30 inches high shall have been designed with guardrails or barriers to prevent falls.

Intent of § 500 D 7: The National Program for Playground Safety (NPPS) recognizes that the behavior of children does not change when they are on elevated play platforms. Touching and/or pushing are common communication methods among children. Therefore, it is important to have protective barriers on play platforms to prevent falls.

E. Sandboxes shall be covered when not in use.

Intent of § 500 E: Uncovered sand is subject to contamination and transmission of disease from animal feces and insects breeding in sandboxes.

It is recommended, although not required by this standard, that providers only use sand that is labeled as a safe play material or sand that is specifically prepared for sandbox use. Sand used as a building material or harvested from a site may contain toxic substances.

F. Trampolines shall not be used during the hours children are in care.

Intent of § 500 F: Trampolines pose serious safety hazards. The hazards that result in injuries and deaths are: falling or jumping off the trampoline; falling on the trampoline springs or frame; colliding with another person on the trampoline; and landing improperly while jumping or doing stunts on the trampoline.

Interpretation of § 500 F: This standard includes full size above-ground trampolines, built in the ground trampolines, and mini-trampolines.

22 VAC 40-111-510. Rest areas.

A. A child shall be provided with an individual crib, cot, rest mat, or bed for resting or napping.

Intent of § 510 A: The purpose of this standard is to prevent the spread of disease due to children sleeping together.

B. Upper levels of double-deck beds shall not be used.

Intent of § 510 B: Falls and entrapment between the mattress and guardrails, bed structures and wall, or between slats from bunk beds are well-documented causes of injury in young children.

C. Occupied cribs, cots, rest mats, and beds shall be:

- 1. At least three feet from any heat-producing appliance; and**
- 2. At least 12 inches from each other.**

Intent of § 510 C: Adequate spacing between sleeping equipment is necessary to reduce the spread of infectious diseases by children breathing in one another's faces during sleep and is also necessary to facilitate evacuation of sleeping children in case of an emergency.

D. Rest mats that are used must have at least an inch of cushioning.

Intent of § 510 D: The purpose of this standard is to provide a comfortable resting place for a child.

E. Rest mats shall be cleaned and sanitized on all sides at least weekly and as needed.

Intent of § 510 E: The purpose of this standard is to prevent the spread of disease since rest mats are placed on the floor.

22 VAC 40-111-520. Cribs.

A. Cribs shall be provided for children from birth through 12 months of age and for children over 12 months of age who are not developmentally ready to sleep on a cot, rest mat, or bed.

Intent of § 520 A: A provider must use a crib for a child less than 12 months of age and for children over 12 months who are not developmentally ready to sleep on a cot, rest mat or bed. For those children over 12 months without a developmental issue, it is up to the provider and parent whether to use a crib and no documentation is necessary.

B. Cribs shall not be used as a play space for infants.

C. Cribs shall:

1. Meet the U.S. Consumer Product Safety Commission standards at the time they were manufactured;

Interpretation of § 520 C 1: New federal regulations now require that all cribs in family day homes must comply with Consumer Product Safety Commission standards, which prohibit the use of drop-sided cribs. These new regulations require compliance beginning 12/28/2012. See <http://www.cpsc.gov/info/cribs/index.html> for further information.

2. Not have been recalled;

3. Have no more than six centimeters or 2-3/8 inches of space between slats;

4. Have mattresses that fit snugly next to the crib so that no more than two fingers can be inserted between the mattress and the crib;

5. Not have end panel cutouts of a size to cause head entrapment; and

6. Not have mesh sides.

D. Double-deck cribs shall not be used.

Intent of § 520 A-D: The purpose of these standards is to prevent injury to children from entrapment, falls, or from other children.

Deaths by asphyxiation resulting from the head or neck becoming wedged in parts of a crib are well-documented. Children have strangled because their shoulder or neck became caught between the mattress and the crib side or caught in a gap between the slats.

E. Crib bumper pads shall not be used.

Intent of § 520 E: Crib bumper pads may cause entrapment of an infant's head resulting in suffocation.

F. Crib sides shall always be up and the fastenings secured when a child is in the crib, except when the caregiver is giving the child immediate attention.

Intent of § 520 F: The purpose of this standard is to prevent injury to children from entrapment, falls, or from other children.

Interpretation of § 520 F: For a caregiver to be considered giving the child immediate attention, the caregiver must be close enough to the crib to ensure the child is protected from entrapment, falls, or other children.

22 VAC 40-111-530. Linens.

A. Cribs, cots, rest mats, and beds when being used for sleeping or napping by children other than infants shall have linens consisting of a top cover and a bottom cover or a one-piece covering that is open on three edges.

B. Cribs when being used by infants shall have a tight-fitting bottom cover.

Intent of § 530 B: The purpose of this standard is to prevent suffocation or strangling.

C. Linens shall be assigned for individual use.

Interpretation of § 530 C: Linens must be changed between uses by different children.

D. Linens shall be clean and washed at least weekly or when soiled.

E. Clean linens shall be used each time a child rests on the bed of a family member.

Intent of § 530 C-E: The purpose of these standards is to prevent the spread of disease.

F. No soft bedding of any kind shall be used under or around infants including, but not limited to, pillows, quilts, comforters, sheepskins, or stuffed toys.

Intent of § 530 F: The purpose of this standard is to prevent suffocation and to reduce the risk of Sudden Infant Death Syndrome (SIDS).

Interpretation of 530 F: If a thin blanket is used in the sleeping area, the infant must be placed at the foot of the crib with the blanket tucked around the crib mattress and the blanket reaching only as far as the infant's chest.

"Sleep sacks" or wearable blankets are not prohibited.

Sleep positioners should not be used; Consumer Reports states "Don't use a sleep positioner to keep your baby on his or her back. Many sleep positioner models, including some made of memory foam, can be lethal; if the infant moves down and presses his or her face against the soft surface, the air passages can be blocked, causing suffocation. Or, babies can "rebreathe" their own carbon dioxide, potentially causing SIDS"

A 7 inch x 7 inch blanket lovey with a stuffed head is not prohibited from infants who are awake, but each lovey should be evaluated for safety to determine if there are choking hazards prohibited in § 250, such as small parts (eyes, ribbon, detachable flowers, etc) or if a loose satin edge could be a strangulation hazard.

G. Children under two years of age shall not use pillows or filled comforters.

Intent of § 530 G: The purpose of this standard is to prevent suffocation and to reduce the risk of Sudden Infant Death Syndrome (SIDS).

H. Pillows, when used for children over two years of age, shall be assigned for individual use and covered with pillowcases.

Intent of § 530 H: The purpose of this standard is to prevent the spread of disease due to children sharing pillows with other children or family members. Pillows must be covered with pillowcases, pillow shams, or other coverings so that the pillows can be kept clean. Pillow coverings must be clean and washed at least weekly or when soiled as required by § 530 D.

I. Mattresses, when used, shall be covered with a waterproof material that can be cleaned and sanitized.

Intent of § 530 I: The purpose of this standard is to prevent the spread of disease.

22 VAC 40-111-540. Infant and toddler equipment.

A. Infant carrier seats, swings, strollers, feeding or activity tables, and high chairs shall be used according to the manufacturer's instructions and when occupied by a child, a safety strap shall be used and securely fastened.

Intent of § 540: The purpose of this standard is to prevent falls and head entrapment.

B. Infant walkers shall not be used.

Intent of § 540 B: Because many injuries, some fatal, have been associated with the use of walkers, and because there is no clear developmental benefit from their use, the American Academy of Pediatrics has recommended that they not be used in family day homes. Walkers are dangerous because they move children around too fast and to hazardous areas. The upright position also brings children close to objects they can pull down on themselves. Walkers are the cause of more injuries than any other baby product.

Interpretation of § 540 B: Use of walkers is prohibited even if the wheels have been removed because children are still placed in an upright position that brings them close to objects they can pull down on themselves.

22 VAC 40-111-550. Play pens.

A play pen where used shall:

- 1. Have either mesh netting with mesh holes smaller than 1/4 inch or slats no more than 2-3/8 inches apart;**
- 2. Have a firm floor with a secured, waterproof pad that is not more than one-inch thick;**
- 3. Have the sides up and the fastenings secured when a child is in the play pen, except when the caregiver is giving the child immediate attention;**
- 4. Be cleaned and sanitized each day of use or more often as needed;**
- 5. Not be occupied by more than one child;**
- 6. Not be used for the designated sleeping area;**
- 7. Not have torn mesh sides or vinyl-covered or fabric-covered rails, protruding rivets on the rails, or broken hinges;**
- 8. Not contain any pillows or filled comforters;**
- 9. Not contain large toys and other objects that can serve as a stepping stool for climbing out when a child can pull to a standing position;**
- 10. Not be used by children who weigh 30 pounds or more; and**
- 11. Not be used by children who are 35 inches tall or taller.**

Interpretation of § 550: For the purpose of these standards, a play pen is not a crib or bassinet, but a play yard with a floor. A "pack-n-play" is a play pen.