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| **Food and Nutrition – Meal and snack schedule** | | | | |
| **Family Home WAC** | **Center WAC** | **Proposed WAC** | **Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language** | **Conflicts with ECEAP, Head Start, Schools District Standards and Practices** | | |
| WAC 170-296A-7625  Meal and snack schedule.  (1) The licensee must offer meals and snacks to the children in care at intervals of at least two hours apart and no more than three hours unless the child is asleep.  (2) The licensee must offer a snack to children arriving from school. | WAC 170-295-3150  How many meals and snacks must I serve?  (1) The number of meals or snacks you must serve is based on the number of hours you are open.   |  |  | | --- | --- | | If you are open: | You must serve at least: | | (a) Nine hours or less | (i) Two snacks and one meal; or  (ii) One snack and two meals. | | (b) Over nine hours | (i) Two snacks and two meals; or  (ii) Three snacks and one meal. |   (2) You must also offer:  (a) Food at intervals not less than two hours and not more than three and one-half hours apart;  (b) Breakfast or snack to children in morning care whether or not the child ate before arriving at the center;  (c) Breakfast to the child in nighttime care if the child remains at the center after the child's usual breakfast time;  (d) A snack or meal for children arriving after school;  (e) Dinner to children in nighttime care if the children are at the center after their usual dinnertime or have not had dinner; and  (f) An evening snack to children in nighttime care. | **170-300-0180**  **Meal and snack schedule.**  An early learning provider must serve meals and snacks to children in care as follows:   1. Children in care for nine hours or less:    1. At least one meal and two snacks; or    2. Two meals and one snack. 2. Children in care for more than nine hours:    1. Two meals and two snacks; or    2. Three snacks and one meal. 3. After school snack, dinner, evening snack, and breakfast:   (i) A snack or meal must be provided to a child that arrives to the early learning program after school;  (ii) Dinner must be provided to children in nighttime care if a child is at an early learning program after his or her dinnertime, or has not had dinner;   * 1. An evening snack must be provided to children in nighttime care;   2. Breakfast must be provided to children in nighttime care if a child remains in care after the child’s usual breakfast time; and   3. A breakfast or morning snack must be available to children in care.   Weight #5     1. Meals and snacks must be served not less than two hours and not more than three hours apart. Weight #5 2. An early learning provider must offer daily opportunities after a meal or snack for developmentally appropriate tooth brushing activities that are safe, sanitary, educational and with parental permission. Toothbrushes must be stored in a manner that prevents cross contamination. Weight #1 |  |  | | |
| **Justification:**  The proposed regulation, 170-300-0180 Meal and snack schedule, is proposed to have four revisions including specifying that 1) dinner must be served if a child is at a program after dinner and has not eaten; 2) breakfast must be served for children who are in night-time care and still at the program during breakfast; 3) snacks/meals must be served at least every 3.5 hours; and 4) oral hygiene and education must be offered after meals and snacks.  The first two items, which provide for dinner service if a child is in care at or after dinnertime, and breakfast service for children in overnight care who are still there at that time, are consistent with the focus in *Caring for Our Children, 3rd Edition* on the provision of food multiple times during an eight hour period, other than while sleeping, as discussed in Standard 4.2.0.5, Meal and Snack Patterns. Children who are participating in overnight or extended hours care must have their food and nutrition needs met, and these proposed regulations help assure that this is done.  The third item is addressed in *Caring for Our Children, 3rd Edition*, Standard 4.2.0.5: Meal and Snack Patterns, and this proposal improves on Caring for our Children. Caring for Our Children sets the interval for providing children with food as follows: “Children should be offered food at intervals at least two hours apart and not more than three hours apart unless the child is asleep.”  The fourth item is addressed in *Caring for Our Children, 3rd Edition*, STANDARD 9.2.3.14: Oral Health Policy, which indicates that “The program should have an oral health policy that includes the following:….d) Implementation of daily tooth brushing or rinsing the mouth with water after eating; and i) Age-appropriate oral health educational activities.” The rationale indicates that “Good oral hygiene is as important for a six month- old child with one tooth as it is for a six-year-old with many teeth. Tooth brushing and activities at home may not suffice to develop the skill of proper tooth brushing or accomplish the necessary plaque removal, especially when children eat most of their meals and snacks during a full day in child care.”  According to the American Academy of Pediatrics (AAP), the top dental problem among preschoolers is tooth decay. The AAP claims decay in baby teeth can negatively affect permanent teeth and lead to future dental problems. The American Dental Association suggests that an oral hygiene routine (i.e. regular tooth brushing) can help prevent babies from getting cavities or tooth decay.  The cost to comply with proposed WAC 170-300-0180(3) cannot be reduced because toothbrushes and toothpaste are typically available from market retailers. Under the proposed rule, an early learning licensee is only required to offer daily opportunities for children to brush teeth. Licensees may also choose to purchase toothbrushes and toothpaste for children to use during these opportunities. The Department of Early Learning believes imposing this new rule is necessary to ensure the health and safety of children by fostering the opportunity for children to routinely brush their tooth to prevent cavities and tooth decay.  Proposed WAC 170-300-0180 is a no cost or low cost requirement for center and family home early learning programs to provider children with opportunities to brush their teeth after snacks or meals. Requiring licensees to provide this opportunity, even if supplying toothbrushes and toothpaste, is not expected to exceed the minor cost threshold for businesses in the industry. | | | | | |

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| **Food and Nutrition – Menus, milk, and food** | | | | |
| **Family Home WAC** | **Center WAC** | **Proposed WAC** | **Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language** | **Conflicts with ECEAP, Head Start, Schools District Standards and Practices** | |
| WAC 170-296A-7500  Food must meet USDA guidelines.  The licensee must provide meals and snack foods to children in care according to the current edition of the U.S. Department of Agriculture (USDA) - Child and adult care food program (CACFP) charts for the ages of children in the licensee's care.  WAC 170-296A-7600  Serving milk.  (1) The licensee must serve milk according to the ages of the children in care. The licensee is responsible to serve:  (a) Breast milk or formula to children from birth to twelve months old. The parent or guardian may request breast milk or formula be served to their child after the child turns twelve months of age.  (b) Whole pasteurized milk to children from twelve months through twenty-four months old if the child is ready to be served whole milk.  (c) Pasteurized milk or pasteurized milk product to children over twenty-four months old.  (2) Variations of subsection (1)(a), (b), or (c) of this section require a written statement from the child's health provider. | WAC 170-295-3140  What kind of milk can I serve?  (1) Only pasteurized milk or pasteurized milk products can be served to children in your care.  (2) Nondairy milk substitutes may be served only with written permission of the child's parent for children over the age of twelve months.  (3) The amount of required milk fat in the milk product is determined by the child's age:   |  |  | | --- | --- | | If the age of the child is: | Then the fat content of the milk must be: | | (a) Under 12 months | Full strength formula or full strength breast milk unless there is specific written instructions from a licensed health care provider. | | (b) Between 12 months and 24 months | Full strength whole milk or breast milk unless there is specific written instruction from a licensed health care provider. | | (c) Over 24 months | With or without fat content of providers or parents choice. |   WAC 170-295-3160  What kind of food and menus must I have?  (a) Prepare, date, and conspicuously post menus one week or more in advance, containing the meals and snacks to be served;  (b) Provide two weeks or more of meal and snack menu variety before repeating the menu;  (c) Keep six months of past menus on-site for inspection by the department;  (d) Make substitutions of comparable nutrient value and record changes on the menu, when needed;  (e) Provide daily a minimum of one serving of Vitamin C fruit, vegetable, or juice;  (f) Provide three or more times weekly foods high in Vitamin A; and  (g) Maintain at least a three day supply of food and water for emergency purposes based on the number of children in child care.  (2) Meals eaten at the center must contain the following:  (a) Each breakfast meal the child eats at the center must contain:  (i) A fruit or vegetable or one hundred percent fruit or vegetable juice.  (ii) A dairy product (such as milk, cheese, yogurt, or cottage cheese).  (iii) A grain product (such as bread, cereal, rice cake or bagel).  (b) Each lunch and dinner meal the child eats at the center must contain:  (i) A dairy product (such as milk, cottage cheese, yogurt, cheese);  (ii) Meat or meat alternative (such as beef, fish, poultry, legumes, tofu, or beans;  (iii) A grain product (such as bread, cereal, bagel, or rice cake);  (iv) Fruits or vegetables (two fruits or two vegetables or one fruit and one vegetable to equal the total portion size required). When juice is served in place of a fruit or vegetable it must be one hundred percent fruit or vegetable juice.  (3) When meals are not provided by the center you must:  (a) Notify parents in writing that meals they provide for their children must meet the daily nutritional requirements;  (b) Provide adequate refrigeration for keeping potentially hazardous foods (such as meats of any type, cooked potato, cooked legumes, cooked rice, sprouts, cut melons or cantaloupes, milk, cheese);  (c) Refrigerate foods requiring refrigeration at 45 degrees Fahrenheit or less and keep frozen foods at 10 degrees Fahrenheit or less until they are cooked or consumed.  (4) Each snack the child eats at the center must include at least two of the following four components:  (a) A milk product (such as milk, cottage cheese, yogurt, cheese);  (b) A meat or meat alternative (such as meat, legumes, beans, egg);  (c) A grain product (such as cereal, bagel, rice cake or bread); and  (d) Fruit or vegetable.  (5) Each snack or meal must include a liquid to drink. The drink could be water or one of the required components such as milk, fruit or vegetable juice.  (6) You may allow parents to bring in snacks for all the children that may not meet the nutritional requirements on special occasions such as birthdays. The snacks provided by parents must be limited to store purchased:  (a) Uncut fruits and vegetables; and  (b) Foods prepackaged in original manufacturer's containers.  (7) If a child has a food allergy or special menu requirements due to a health condition, you must:  (a) Receive written directions from the child's health care provider and parent to provide nutritional supplements (such as iron), a medically modified diet (such as a diabetic or an allergy diet). For allergy diets, the parent and child's health care provider must identify the foods the child is allergic to;  (b) Post each child's food allergies in locations where food is prepared and served;  (c) Include the allergies on the individual health care plan;  (d) Specify an alternative food with comparable nutritive value; and   1. Notify staff of the allergies and reactions. NOTE: You can require parents to supply food for supplements and special diets. | **170-300-0185**  **Menus, milk, and food.**  To ensure proper nutrition of children in care, an early learning provider must comply with the child nutrition requirements described in this section.   * + - 1. Meals, snack foods, and beverages provided to children in care must comply with the requirements contained in the most current edition of the USDA Child and Adult Care Food Program (CACFP). Weight #5      * + - 1. Meals, snack foods, and beverages provided to children in care must comply with the requirements contained in the USDA Crediting Handbook for the CACFP, which describes what food and beverages meet meal pattern requirements. Weight #5       2. An early learning provider must provide children’s parents or guardians the dates each particular menu is in effect. Weight #1       3. Food and beverage substitutions to a scheduled menu must be of equal nutritional value pursuant to subsection (1). Weight #1       4. An early learning provider must only serve water, milk or 100% fruit or vegetable juice. Weight #5   (6) An early learning provider must limit the consumption of 100% fruit juice to no more than 4-6 ounces per day for children between one and six years old, and 8-12 ounces per day for children seven through twelve years old. Weight #1   1. An early learning provider must serve a fruit or vegetable as one of the two required components during at least one snack per day. Weight #1 |  |  | |
| **Justification:**  There are six proposed revisions in this area and they include: 1) not providing the same meal or snack menu in any two week period; 2) providing parents/guardians with the dates for menus; 3) posting substitutions and ensuring that they are of equal nutritional value; 4) prohibiting service of drinks with high sugar content including, but not limited to, fruit drinks, sports drinks, sweetened tea, vitamin waters, sodas, or flavored milks; 5) limiting the consumption of 100% fruit juice to no more than 4 ounces per day for children between one and five years old, and 6 ounces per day for children over five years old and 6) limiting serving of certain highly processed meats or fried food to no more than once a week.  *Caring for Our Children, 3rd Edition* incorporates the Child Care and Adult Food Program guidelines as its guidelines for meal content. CACFP regulations are found at <https://www.gpo.gov/fdsys/pkg/FR-2016-04-25/pdf/2016-09412.pdf>. The proposed regulations help provide consistency with the CACFP regarding variety of foods and limitations on sugary drinks. DEL looks to current scientific knowledge about how diet and nutrition contribute to childhood obesity. The requirements in this proposed WAC section—particularly those concerning sugary beverages—are consistent with current knowledge that promotes healthy eating habits for young children.  Providing parents/guardians with menus and their dates of use, as well as posting substitutions and ensuing equal nutritional value is found in *Caring for Our Children, 3rd Edition* STANDARD 4.2.0.9: Written Menus and Introduction of New Foods, which calls for “written menus showing all foods to be served…and should make the menus available to parents/guardians. The facility should date and retain these menus …. [and menus should be]amended to reflect any and all changes in the food actually served. Any substitutions should be of equal nutrient value.”  Fruit juice is addressed at Standard 4.2.0.7: 100% Fruit Juice, which states “Juice consumption should be no more than a total of four to six ounces a day for children aged one to six years. This amount includes juice served at home. Children ages seven through twelve years of age should consume no more than a total of eight to twelve ounces of fruit juice per day.” | | | | |

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| **Food and Nutrition – Food allergies and special dietary needs** | | | | |
| **Family Home WAC** | **Center WAC** | **Proposed WAC** | **Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language** | **Conflicts with ECEAP, Head Start, Schools District Standards and Practices** | |
|  |  | **170-300-0186**  **Food allergies and special dietary needs.**   1. An early learning provider must obtain written instructions (The Individual Care Plan) from the child's health care provider and parent or guardian when caring for a child with a food allergy or special dietary requirement due to a health condition. The Individual Care Plan (WAC 170-300-0300(3)) must: 2. Identify foods that must not be consumed by the child and steps to take in the case of an unintended allergic reaction; 3. Identify foods that can substitute for allergenic foods; and 4. Provide a specific treatment plan for the early learning provider to follow in response to an allergic reaction. The specific treatment plan must include the names of all medication to be administered, directions for how to administer the medication and directions related to medication dosage amounts. The specific treatment plan must also describe allergic reactions and symptoms associated with the child’s particular allergies. Weight #8      1. An early learning provider and staff must arrange with the parents or guardians of a child in care to ensure the early learning program has the necessary medication, training, and equipment to properly manage a child’s food allergies. Weight #8 2. If a child suffers from an allergic reaction, the early learning program staff must promptly administer medication pursuant to the instructions in the Individual Care Plan. Weight #8 3. Early learning program staff must immediately notify the parents or guardians of a child if it is suspected or appears that any of the following occurred, or is occurring:   (a) The child is having an allergic reaction; or  (b) The child consumed or came in contact with a food identified by the parents or guardians that must not be consumed by the child, even if the child is not having or did not have an allergic reaction.  Weight #8   1. Early learning program staff must immediately contact 911 whenever epinephrine or other lifesaving medication has been administered. Weight #8 2. Early learning program staff must notify the parents or guardians of enrolled children of the program’s food allergy policies. Weight #7 3. Early learning program staff must review each child’s Individual Care Plan for food allergies prior to serving food to children. Weight #8 4. An early learning provider must post individual children’s food allergies or special dietary needs in a classroom or wherever food is prepared and served. The list must be posted in a location easily viewable by early learning staff but not viewable by children in care, parents, guardians, or other members of the public. Weight #7 5. To ensure proper treatment of an allergic reaction during field trips, early learning program staff must carry children’s written Individual Care Plans, a mobile phone, and children’s medication. Weight #8 |  |  | |
| **Justification:**  A revision is proposed on food allergies and special dietary needs at 170-300-0186. It calls for 1) written instructions from the child’s health provider and parent or guardian when caring for a child with a food allergy or special dietary requirement due to a health condition; 2) the program to have the necessary medication, training, and equipment to properly manage a child’s food allergies; 3) use of the written plan if a child suffers from an allergic reaction; 4) notification to parent if the child has an allergic reaction or consumes food associated with a child’s allergies; 5) notification of 911 whenever epinephrine or other lifesaving medication has been administered; 6) notification of parents/guardians on the food allergy policies of the program; 7) review of a child’s written instructions around food allergies; 8) posting of a child’s food allergies or special dietary needs; 9) individual written care plan, medication and mobile phone to be used on field trips.  This proposed standard is derived from *Caring for Our Children, 3rd Edition* Standard 4.2.0.10: Care for Children with Food Allergies, which details the provisions noted in the proposed regulation. | | | | |

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| **Food and Nutrition – Parent or guardian provided food and Written Food Plans** | | | | |
| **Family Home WAC** | **Center WAC** | **Proposed WAC** | **Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language** | **Conflicts with ECEAP, Head Start, Schools District Standards and Practices** | |
| WAC170-296A-7525  Parent or guardian-provided food  (1) A parent or guardian may provide alternative food for their child if a written food plan is completed and signed by the parent or guardian and the licensee.  (2) A written food plan is not required for infant formula, breast milk or baby food supplied by the child's parent or guardian.  (3) A written food plan may include accommodations for:  (a) The child's medical needs;  (b) Special diets;  (c) Religious or cultural preference; or  (d) Family preference.  (4) The licensee must supplement the food provided by the parent or guardian with foods listed in the USDA CACFP requirements if the food provided by the parent or guardian does not meet the nutritional needs of the child. | WAC 170-295-3160 (3)(a)-(c)  (3) When meals are not provided by the center you must:  (a) Notify parents in writing that meals they provide for their children must meet the daily nutritional requirements;  (b) Provide adequate refrigeration for keeping potentially hazardous foods (such as meats of any type, cooked potato, cooked legumes, cooked rice, sprouts, cut melons or cantaloupes, milk, cheese);  (c) Refrigerate foods requiring refrigeration at 45 degrees Fahrenheit or less and keep frozen foods at 10 degrees Fahrenheit or less until they are cooked or consumed.  (6) You may allow parents to bring in snacks for all the children that may not meet the nutritional requirements on special occasions such as birthdays. The snacks provided by parents must be limited to store purchased:  (a) Uncut fruits and vegetables; and  (b) Foods prepackaged in original manufacturer's containers.  170-295-3180  What are approved food sources?  (2) Prepare all food on site unless it is provided by a:  (b) Parent for individual children. | **170-300-0190**  **Parent or guardian provided food and Written Food Plans.**  (1) An early learning provider may allow or require parents or guardians to provide food or other special dietary items for their child if a Written Food Plan is completed and signed by the provider and parent or guardian. Weight #5  (2) A Written Food Plan may include, but is not limited to, accommodations for a child’s:  (a) Special feeding needs;  (b) Special diets;  (c) Religious or cultural preferences; or  (d) Family preference. Weight #5  (3) An early learning provider must supplement a child’s diet to satisfy USDA CACFP requirements if food provided by a parent or guardian does not satisfy these requirements. Weight #5  (4) On special occasions, such as birthdays, an early learning provider may allow parents or guardians to bring in snacks that may not satisfy the nutritional requirements for all children. The snacks provided by parents must be limited to store purchased:  (a) Uncut fruits and vegetables; and  (b) Foods prepackaged in original manufacturer's containers. Weight #4 |  |  | |
| **Justification:**  In this proposed regulation, addressing food provided by parents and guardians, there are two proposed additions. The first specifies that the program may require a signed plan for parents or guardians bringing in food, and the second indicates that on special occasions parent or guardians may bring in snacks that do not satisfy nutritional requirements. However, these snacks must be limited to those that are store purchased.  *Caring for Our Children, 3rd Edition*, Standard 4.6.0.1: Selection and Preparation of Food Brought From Home, indicates the need to have a written plan for food that is provided by parents or guardians, stating “The parent/guardian may provide meals for the child upon written agreement between the parent/guardian and the Staff.” This same standard discusses that “The facility, in collaboration with parents/guardians and the food service staff/nutritionist/registered dietitian, should establish a policy on foods brought from home for celebrating a child’s birthday or any similar festive occasion. Programs should inform parents/guardians about healthy food alternatives like fresh fruit cups or fruit salad for such celebrations. Sweetened treats are highly discouraged, but if provided by the parent/guardian, then the portion size of the treat served should be small.” Caring for Our Children notes, in Standard 4.6.0.2 that not all jurisdictions permit home-made food for sharing, and in this instance, DEL is adopting the more protective standard for snacks to be shared.  Pursuant to the Washington State Department of Health Food and Beverage Workers’ Manual, May 2013 (DOH 332-036) food prepackaged in the manufacturer’s containers allows consumers to be informed of the nutritional value of the food, the ingredients of the food product, and the date the food expires. Labels improve safety by helping people avoid food allergies or spoiled food, which could cause injury or illness—especially to young children. Bringing in uncut fruit and vegetables helps prevent issues such as cross contamination from the knife or home kitchen. Uncut and fruits and vegetables can be properly cleaned and inspected in the child care kitchen. | | | | |
| **Food and Nutrition – Food service, equipment, and practices** | | |
| **Family Home WAC** | **Center WAC** | **Proposed WAC** | **Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language** | **Conflicts with ECEAP, Head Start, Schools District Standards and Practices** | |
| WAC 170-296A-7650  (1) The licensee or staff may:  (a) Serve each child individually; or  (b) Serve family style in serving containers that allow each child the opportunity to serve themselves.  (f) Be respectful of each child's cultural food practices; and  (g) Sit with children during meals when possible.  WAC 170-296A-7675  Food handler permits  (1) New license applicants must obtain a current state food handler permit prior to being licensed.  (2) By March 31, 2013, every licensee must obtain and maintain a current state food handler permit.  (3) When the licensee is not present, one staff person with a current state food handler permit must be present whenever food is prepared or served to children in care.  (4) The licensee or staff person with a current state food handler permit must prepare or supervise preparation of all food served to children in care.  (5) The licensee must keep a copy of each individual's food handler permit on file. | WAC 170-295-3170  What are the food service standards I am required to meet?  You must maintain on site at least one person with a Washington state department of health food handler's permit to:  (1) Monitor and oversee food handling and service at the center; and  (2) Provide orientation and ongoing training as needed for all staff involved in food handling. Anyone cooking full meals must have a food handlers permit. | **170-300-0195**  **Food service, equipment, and practices.**   1. Early learning program staff, including volunteers, must: 2. Comply with the DOH’s current Washington State Food and Beverage Workers’ Manual; and 3. Observe food preparation services. Weight #6 4. Snacks and meals must be prepared and served by a program staff person who possesses a valid and current Food Worker card, unless the food is provided pursuant to WAC 170-300-0196(3). Weight #6 5. An early learning provider must: 6. Provide durable and developmentally appropriate individual eating and drinking equipment, or developmentally appropriate single use disposable items; 7. Clean and sanitize eating and drinking equipment after each use; 8. Ensure plastic eating and drinking equipment does not contain BPA (a chemical used in hard plastic bottles and as a protective lining in food and beverage cans) or have cracks or chips; 9. Use gloves, utensils, or tongs to serve food; 10. Serve each child individually or serve family style dining, allowing each child the opportunity to practice skills such as passing shared serving bowls and serving themselves; 11. Serve meals or snacks on plates, dishware or trays; 12. Sit with children during meals and snacks and engage in pleasant conversation, if family style dining is not possible; and 13. Be respectful of each child's cultural food practices.   Weight #5 |  |  | |
| **Justification:**  The proposed regulation, 170-300-0195 Food service, equipment, and practices, as four proposed additions, which are 1) the requirement of staff with valid, current food worker card to prepare and serve food; 2) prohibition of products with BPA or with cracks and chips for food service; 3) use of gloves, tongs or spoons to serve food and; 4) being respectful of children’s cultural food practices.  *Caring for Our Children, 3rd Edition* Standard 4.4.0.1 addresses staffing for food preparation. This standard states, “Trained personnel are essential workers in the food service of facilities to assure the maintenance of nutrition standards required in these facilities.” DEL is addressing this by requiring the use of a valid, current food worker card issued by the Washington State Department of Health (DOH).  In the proposal to prohibit use of BPA serving pieces, or those with cracks and chips, *Caring for Our Children, 3rd Edition* covers this in two standards. Standard 4.5.0.1: Developmentally Appropriate Seating and Utensils for Meals, notes that “Eating utensils should be unbreakable, durable, attractive, and suitable in function, size, and shape for use by children” which supports DEL’s proposal to eliminate use of products with cracks or chips for food service. Further details are provided at STANDARD 4.5.0.2: Tableware and Feeding Utensils, which provides that “Dishes should have smooth, hard, glazed surfaces and should be free from cracks or chips. Sharp edged plastic utensils (intended for use in the mouth) or dishes that have sharp or jagged edges should not be used….[and] made of heavy weight paper, food-grade medium weight or BPA- or phthalates-free plastic) should be permitted for single service if they are discarded after use.”  Food handling is addressed at Standard 4.7.0.1 which says, in the comment “The use of serving utensils should be encouraged to minimize food handling by children.” Standard 4.9.0.2 is even more explicit, indicating “Staff members may not contact exposed, ready-to-eat food with their bare hands and should use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.”  Chapter 4 of *Caring for Our Children, 3rd Edition*, at 4.1, noted the importance of culture and food, “Early food and eating experiences form the foundation of attitudes about food, eating behavior, and consequently, food habits. Responsive feeding, where the parents/guardians or caregivers/teachers recognize and respond to infant and child cues, helps foster trust and reduces overfeeding. Sound food habits are built on eating and enjoying a variety of healthful foods. Including culturally specific family foods is a dietary goal for feeding infants and young children.”  The early learning guidelines of the state, as well, stress the importance of meeting the individual and cultural developmental needs of children. See Washington State Early Learning and Development Guidelines Birth through 3rd Grade 2012. Likewise, in the 23 meetings in April and May 2016, 467 stakeholders shared their feedback on a set of proposed licensing standards drafts, representing all types of early learning providers and a wide variety of racial, ethnic, cultural, refugee and immigrant, income, and linguistic communities including Native American, African-American, Hispanic/Latino, Asian, Yakama Nation, East African, Filipino, Spanish-speaking, Somali-speaking, Oromo-speaking and Russian-speaking. Honoring family culture was an important theme and recommendation of these stakeholders, as was the need to support ongoing child development. | | | | |

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| **Food and Nutrition – Food sources** | | | | |
| **Family Home WAC** | **Center WAC** | **Proposed WAC** | **Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language** | **Conflicts with ECEAP, Head Start, Schools District Standards and Practices** | |
| WAC 170-296A-7550  Home canned foods.  The licensee must not serve home canned foods due to the risk of botulism poisoning. | WAC 170-295-3180  What are approved food sources?  You must:  (1) Prepare or serve food that is not tampered with or spoiled and is obtained from an approved source including, but not limited to, a licensed caterer, a food service company or a grocery store. Food sources that are not approved include:  (a) Left over food that was previously served from outside your center;  (b) Home canned, frozen or prepared food unless it is for the person's own children;  (c) Donated food from restaurants or caterers that was previously served;  (d) Game meat that has not been inspected by the USDA; and  (e) Donated meat, fish, poultry or milk that is not from a source inspected for sale.  (2) Prepare all food on site unless it is provided by a:  (a) Licensed satellite kitchen, catering kitchen or other source licensed by the local health jurisdiction; or  (b) Parent for individual children.  (3) Have a signed contract or agreement with any satellite kitchen or the catering service that you use. Your contract must include written proof that the caterer and the method of transporting the food are approved by the local health jurisdiction as meeting the requirements of the department of health, chapter [246-215](http://apps.leg.wa.gov/WAC/default.aspx?cite=246-215) WAC.  (4) Have a written policy if you use a satellite kitchen that describes:  (a) A description of how food will be handled once it is on-site; and  (b) What back up system you will use if the food does not arrive, not enough food arrives, or the food cannot be served. | **170-300-0196**  **Food sources.**   1. Food prepared and served from an early learning program must not be tampered with or spoiled. Weight #8 2. Food prepared and served from an early learning program must be obtained from an approved source licensed and inspected by the local health jurisdiction, the Washington State Department of Agriculture (WSDA), or the USDA. Food items not approved to be served to children in care include:   (a) Meat, fish, poultry, eggs, or milk that has not been inspected by the USDA or WSDA;  (b) Home canned food;  (c) Game meat or other meat that has not been inspected by the WSDA or USDA;  (d) Leftover food that was previously served from outside of the early learning program; or  (e) Food from roadside stands selling without a permit.  Weight #7  (3) Food not prepared on-site by early learning program staff pursuant to WAC 170-300-0195(2) must be provided by:  (a) A licensed food service establishment, kitchen, or catering business that meets DOH food service requirements (chapter 246-215 WAC) and is regularly inspected by a local health jurisdiction; or  (b) A parent or guardian for his or her own children. Weight #6  (4) Fruits and vegetables (produce) grown on site in a garden as part of an early learning program may be served to children as part of a meal or snack. Prior to preparing and serving:   * 1. The produce must be thoroughly washed and scrubbed in running cold water to remove soil and other contaminants.   2. Damaged or bruised areas on the produce must be removed.   3. Produce that shows signs of rotting must be discarded. Weight #6 |  |  | |
| **Justification:**  In this proposed regulation addressing food sources, there is a proposal to prohibit use of tampered with or spoiled food. In addition, there is a further clarification about sources of inspection for food, and a prohibition on use of leftover food that was previously served from outside of the early learning program; donated food; or food from roadside stands selling without a permit. This proposal also includes the inclusion of a food service worker unless food is prepared by licensed food establishments, or brought in by parents or guardians; and specification about using food that is grown at an on-site garden.  *Caring for Our Children, 3rd Edition* Standard 4.9.0.3: Precautions for a Safe Food Supply provides the basis for the prohibition on using spoiled or tampered food. The basis for the proposals around leftover foods, foods that are donated, and food from non-permitted roadside stands all come from the focus on potential harm to children from contaminated food. Standard 4.9.0.3 addresses this in detail, as does Standard 4.9.0.4, on leftovers, noting the potential for physical harm to children from tainted food. For example, “Safe handling of all food is a basic principle to prevent and reduce foodborne illnesses. For children, a small dose of infectious or toxic material can lead to serious illness. Some molds produce toxins that may cause illness or even death (such as aflatoxin or ergot). (Standard 4.9.0.3) The United States Food and Drug Administration (FDA) inspects food facilities, monitor food products, writes food-safety regulations, and offers guidance to the food industry on how to produce and sell the safest food products. Similarly, the USDA inspects meat, poultry, and egg products to ensure the safe production and resale these types of food. DEL believes the best way to ensure food safety at Washington’s early learning programs is to require food to meet the strict production and handling requirements created by the FDA and USDA. Foods that meet these health and safety standards are not contaminated or past their expiration date.  *Caring for Our Children, 3rd Edition* Standard 4.9.0.3 also addresses the need to attend to any food grown on-site, noting that “All fruits and vegetables should be washed thoroughly with water prior to use.” | | | | |

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| **Food and Nutrition – Safe food practices** | | | | |
| **Family Home WAC** | **Center WAC** | **Proposed WAC** | **Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language** | **Conflicts with ECEAP, Head Start, Schools District Standards and Practices** | |
| WAC 170-296A-7680  Safe food handling  (1) The licensee and staff must follow the safe food storage, preparation, cooking, holding proper temperature, and serving guidelines in the current edition of the food workers manual prepared by the state department of health.  (2) The licensee and staff must:  (a) Wash their hands as required under WAC [170-296A-3675](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-3675); and  (b) Not prepare food when ill with vomiting or diarrhea. | WAC 170-295-3190  How can I be sure that the food I serve is safe?  (1) Program staff must follow the safe preparation, cooking, and serving guidelines in the current edition of the food workers manual prepared by the state department of health.  (2) You must develop a system to record the temperature of each perishable food once it arrives from a satellite kitchen or a catering service. The system must include keeping records on site for six months with the following information:  (a) The name and the temperature of the food;  (b) The date and time the temperature was checked; and  (c) The name and signature or recognized initials of the person who is checking and recording the food temperatures.  (3) You may serve previously prepared food that has not been previously served if it was stored at the proper temperature for less than forty-eight hours after preparation. Leftover foods or open foods in the refrigerator must be labeled with the date that they were opened or cooked.  WAC 170-295-3200  How do I safely store food?  You must store food:  (1) In the original containers or in clean, labeled containers that are airtight and off the floor;  (2) In a manner that prevents contamination from other sources;  (3) In an area separate from toxic materials such as cleaning supplies, paint, or pesticides;  (4) That is not past the manufacturer's expiration or freshness date;  (5) In a refrigerator or freezer if cooling is required;  (6) Raw meat, poultry or fish in the refrigerator, below cooked or ready to eat foods;  (7) Foods not requiring refrigeration at least six inches above the floor in a clean, dry, ventilated storeroom or other areas; and  (8) Dry bulk foods not in their original containers, in containers with tight fitting covers. Containers must be labeled and dated.  WAC 170-295-3210  How do I safely thaw foods?  You must thaw food by one of the following methods:  (1) In a refrigerator;  (2) Under cool running water, in a pan placed in a sink with the stopper removed;  (3) In a microwave, if the food is to be cooked immediately; or  (4) As part of the continuous cooking process. | **170-300-0197**  **Safe food practices.**  (1) Early learning provider staff must wash their hands prior to handling, preparing, and serving food, and ill staff members must not handle, prepare, or serve food. Weight #7  (2) An early learning provider and staff must comply with the safe food storage, preparation, cooking, proper holding temperature, serving, and dishwashing guidelines in the current Washington State Food and Beverage Workers’ Manual prepared by DOH. Weight #7  (3) For all foods in the early learning provider’s possession, including foods offered by the provider or given to an enrolled child by a parent or guardian, the provider must:  (a) Provide appropriate refrigeration to preserve foods from spoiling. Foods that may be subject to spoiling include, but are not limited to, meats, cooked potatoes, cooked legumes, cooked rice, sprouts, cut melons, cut cantaloupes, milk, and cheese; and  (b) Refrigerate foods requiring refrigeration at 41 degrees Fahrenheit or less and freeze foods required to be frozen at 10 degrees Fahrenheit or less. Foods required to be frozen must not be allowed to thaw until such food is being prepared for immediate consumption.  Weight #7  (4) Stored food must be described as follows:  (a) Food must be in original containers or in clean, labeled, dated, and airtight food grade containers. If refrigeration is not required, the container must be stored at least six inches off the floor;  (b) Food must be stored in a manner that prevents contamination from other sources;  (c) Food and food service items (such as utensils, napkins, and dishes) must not be stored in an area with toxic materials (such as cleaning supplies, paint, or pesticides);  (d) Food that is past the manufacturer's expiration or “best served by” date must be discarded; and  (e) Raw meat must be stored in the refrigerator or freezer below cooked or ready to eat foods.  Weight #7   1. For food requiring temperature control, a center early learning program must maintain a food temperature log by using a calibrated and working metal stem-type or digital food thermometer. Weight #5 2. Prior to storing leftover food in a refrigerator or freezer, an early learning provider must label the food with the date and time the leftover food was opened or cooked. Weight #5   (7) An early learning provider may serve leftover food that originated from the early learning program if:  (a) The food was not previously served; and  (b) It was stored at the proper temperature for less than 48 hours after preparation. Weight #5  (8) Frozen food must be thawed by one of the following methods:  (a) In a refrigerator;  (b) Under cool running water inside a pan placed in a sink with the drain plug removed; or  (c) In a microwave if the food is to be cooked immediately as part of the continuous cooking process. Weight #6 |  |  | |
| **Justification:**  This proposed regulation, 170-300-0197 Safe food practices, addresses some additional areas, including 1) stipulating that ill food members cannot handle or prepare food; 2) specifying the use of refrigeration for certain foods; 3) labeling any leftover food that is saved; 4) setting forth conditions for use of leftover food; and 5) indicating acceptable methods for defrosting food.  The first proposal, that relates to food handling by those who are ill, is covered at *Caring for Our Children, 3rd Edition* STANDARD 4.9.0.2: Staff Restricted from Food Preparation and Handling, which says “Anyone who has signs or symptoms of illness, including vomiting, diarrhea, and infectious skin sores that cannot be covered, or who potentially or actually is infected with bacteria, viruses or parasites that can be carried in food, should be excluded from food preparation and handling.”  The United State Department of Agriculture (USDA) states that refrigeration slows bacteria growth. Specifically, “bacteria grow most rapidly in the range of temperatures between 40 and 140 degrees Fahrenheit”. Accordingly, the USDA suggests setting a refrigerator at 40 degrees or below to protect most foods. Use of refrigeration is addressed at *Caring for Our Children, 3rd Edition* STANDARD 4.8.0.6: Maintaining Safe Food Temperatures, which indicates that “The facility should use refrigerators that maintain food temperatures of 41°F or lower in all parts of the food storage areas, and freezers should maintain temperatures of 0°F or lower in food storage areas.” *Caring for Our Children, 3rd Edition* Standard 4.9.0.3: Precautions for a Safe Food Supply notes that many categories of food require refrigeration or freezing immediately until use and that list includes, from “Meat, fish, poultry, milk, and egg products.” The proposed regulation also addresses methods for defrosting, which are covered in this same standard, permitting defrosting “In the refrigerator; under cold running water; as part of the cooking process, or by removing food from packaging and using the defrost setting of a microwave oven.”  Standard 4.9.0.5: Preparation for and Storage of Food in the Refrigerator is the source for the proposal on labeling leftover foods. It says “Any pre-prepared or leftover foods that are not likely to be served the following day should be labeled with the date of preparation before being placed in the refrigerator.”  The Washington State Department of Health Food and Beverage Workers’ Manual, May 2013 (DOH 332-036) allows cooked, leftover food that was not already served to be repackaged, refrigerated or frozen, and served at a later date. The purpose of not allowing a provider to re-serve food that was already served (i.e. food left on people’s plates) is to limit or prevent bacteria growth in the food. Repackaging and re-serving food that has already been served and partially eaten by others would increase the bacteria in the food, creating a greater risk or illness in young children. The proposal on leftover food derives from the Caring for Our Children standard of the same name, STANDARD 4.9.0.4: Leftovers. It says “Food returned from individual plates and family style serving bowls, platters, pitchers, and unrefrigerated foods into which microorganisms are likely to have been introduced during food preparation or service, should be immediately discarded. Unserved perishable food should be covered promptly for protection from contamination, should be refrigerated immediately, and should be used within twenty-four hours. “Perishable foods” include those foods that are subject to decay, spoilage or bacteria unless it is properly refrigerated or frozen.” | | | | |

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| **Food and Nutrition – Food preparation areas** | | | | |
| **Family Home WAC** | **Center WAC** | **Proposed WAC** | **Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language** | **Conflicts with ECEAP, Head Start, Schools District Standards and Practices** | |
| WAC 170-296A-7700  Washing dishes  The licensee or staff must wash dishes thoroughly after each use by one of the following methods:  (1) Automatic dishwasher, using the sanitizing cycle if available; or  (2) Handwashing method, by immersion in hot soapy water, rinse, sanitize as provided in WAC [170-296A-0010](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-0010) and air dry.  WAC 170-296A-7725  Food containers and utensils  (1) The licensee must not use or allow cookware containers to be used to cook or reheat food in a microwave oven, unless the container is labeled by the manufacturer as "for microwave use," "microwave safe," or similar labeling.  (2) The licensee may use disposable serving containers, dishes and utensils that are sturdy, used only once and thrown away after use.  (3) The licensee must keep sharp utensils and other utensils that may cause serious injury or a choking hazard inaccessible to children when the utensils are not in use.  WAC 170-296A-7750  Food preparation area  (1) The licensee or staff must clean and sanitize food preparation and eating surfaces as provided in WAC [170-296A-0010](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-0010) before and after use. The licensee's food preparation area must:  (a) Have surfaces that are free of cracks and crevices; and  (b) Have a floor area made of a material that is resistant to moisture.  (2) The licensee must not allow pets in the food preparation area while food is being prepared or served.  (3) The licensee may use the kitchen for other child care activities provided there is continual supervision of the children. | WAC 170-295-3220  What type of kitchen material and equipment is required?  You need the following equipment to cook and serve meals without restrictions on the type of menus or foods that you can cook, serve or store:  (1) Kitchen walls, counter tops, floors, cabinets and shelves that are:  (a) Maintained in good repair to include being properly sealed without chips or cracks;  (b) Moisture resistant; and  (c) Maintained in a clean and sanitary condition.  (2) A range with a properly vented hood or exhaust fan, except when serving only snacks;  (3) A refrigerator, freezer or a combination refrigerator with sufficient space for proper storage and cooling of food;  (4) Handwashing facilities located in or adjacent to the food preparation area with handwashing procedures posted at each sink used for handwashing and followed by all persons who participate in food preparation.  (5) A method to clean and sanitize equipment using:  (a) A two compartment sink and an automatic dishwasher capable of reaching a temperature of 140 degrees Fahrenheit; or  (b) The means to appropriately clean and sanitize dishes and utensils through the use of a three compartment sink method where sink one is used to wash, sink two is used to rinse, and sink three contains a sanitizing ingredient;  (6) You may use a microwave oven to reheat foods if the food is:  (a) Rotated or stirred during heating;  (b) Covered to retain moisture; and  (c) Held for two minutes prior to serving to allow the temperature to spread evenly throughout the food.  WAC 170-295-3230  What type of eating and drinking equipment must I provide?  (1) You must provide eating and drinking equipment that is:  (a) Cleaned and sanitized between use by different children;  (b) Free from cracks or chips;  (c) Individual; and  (d) Developmentally appropriate.  (2) You must not directly serve food on the table without a plate or paper napkin;  (3) You must use gloves, tongs, or spoons to serve food; | **170-300-0198**  **Food preparation areas.**  (1) An early learning provider or staff must clean and sanitize food preparation areas and eating surfaces before and after each use. Weight #7  (2) In an early learning program’s food preparation area, kitchens must:   1. Have walls, counter tops, floors, cabinets, and shelves that are:   (i) Maintained in good repair including, but not limited to, being properly sealed without chips, cracks, or tears; and  (ii) Moisture resistant.   1. Have a properly maintained and vented range hood, exhaust fan, or operable window; and 2. Have a properly maintained and working refrigerator, freezer, or a combination refrigerator and freezer with sufficient space for proper storage and cooling of food. Weight #6 3. A center early learning program must have:    1. A handwashing sink separate from dishwashing facilities;    2. A food preparation sink located in the food preparation area; and    3. A method to clean and sanitize dishes, pans, and kitchen utensils and equipment in the food preparation area using: 4. A two-compartment sink and an automatic dishwasher that reaches at least 155 degrees Fahrenheit; or 5. A three-compartment sink method (sink one is used to wash, sink two is used to rinse, sink three contains a sanitizer, and the dishes are allowed to air dry). Weight #6 6. A family home early learning provider must:    1. Clean and sanitize a sink immediately before using it to prepare food;    2. Use a colander to prevent food and kitchen utensils from touching the sink basin; and    3. Dishes, pans, and kitchen utensils must be: 7. Cleaned and sanitized by an automatic dishwasher that reaches at least 155 degrees Fahrenheit; or 8. Hand washed, rinsed, sanitized, and allowed to air dry Weight #6   (5) An early learning provider may use the kitchen for supervised cooking or food preparation activities with children in care. Weight #4 |  |  | |
| **Justification:**  Proposed regulation 170-300-0198 Food preparation areas is proposed to now specify that food preparation areas must 1) be  maintained in good repair (including sealing and without chips, cracks, or tears) and have a range hood/exhaust fan, working refrigerator and freezer. In addition, for family only, the sink used to prepare food must be thoroughly cleaned and sanitized immediately before use; a colander must be used; and automatic dishwasher must be used for dishes, pans, and other kitchen utensils.  *Caring for Our Children, 3rd Edition* STANDARD 4.8.0.3: Maintenance of Food Service Surfaces and Equipment addresses the adequacy of food preparation areas, consistent with the proposed regulation. Caring for Our Children states “All surfaces that come into contact with food, including tables and countertops, as well as floors and shelving in the food preparation area should be in good repair, free of cracks or crevices, and should be made of smooth, nonporous material that is kept clean and sanitized.”  For family homes, *Caring for Our Children, 3rd Edition* does not generally endorse the use of a sink for more than one purpose. It states, “STANDARD 4.8.0.4: Food Preparation Sinks. The sink used for food preparation should not be used for handwashing or any other purpose. Handwashing sinks and sinks involved in diaper changing should not be used for food preparation. All food service sinks should be supplied with hot and cold running water under pressure.” However, given DEL’s interest in supporting family home care options, DEL is electing to institute sanitation measures and to require a dishwasher. For family homes, the Department has opted for the more restrictive recommendation in Caring for Our Children based on the need for a highly effective cleaning process for dishes. Standard 4.9.0.12: Dishwashing in Small and Large Family Child Care Homes allows for a multi-compartment dishwashing arrangement or a dishwasher. | | | | |