

Updates to

6 CCR 1010-7, Health and Sanitation of Child Care Facilities in the State of Colorado

Recorded Webinar

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Overview

- Stakeholder process
- Changes that provide clarity
- Changes that remove burden
- New requirements
- Contact information



Stakeholder Process

- 2024 — **Collected Proposed Changes**
Between February through August 2024, the Colorado Department of Public Health and Environment (CDPHE) collected and reviewed proposed changes from stakeholders. Every comment was reviewed and the draft regulation was developed.
- 2024 — **Stakeholder Meetings**
CDPHE held 3 stakeholder meetings between August through October 2024 to discuss every proposed change of the regulation. Stakeholders included child care providers and other subject matter experts. Consensus was achieved among stakeholders.
- 2024 — **Request for Rulemaking**
CDPHE staff had a request for rulemaking hearing with the Board of Health on December 18, 2024. The Rulemaking Hearing was scheduled for February 19, 2025.
- 2025 — **Rulemaking Hearing**
The proposed changes were adopted by the Board of Health on February 19, 2025 and the effective date of the updated regulation is April 14, 2025.



The Regulation

- All requirements are effective on April 14, 2025
- The official regulation will be posted in two locations on April 14, 2025:
 1. The [Colorado Department of Public Health and Environment](#) website;
and
 2. The [Secretary of State](#) website

Tip: Download a copy of the regulations and use the search function (Ctrl+F) if you are looking for a specific requirement.



Changes That Provide Better Clarity



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Changes for Clarity

Section of Regulation	Change
Throughout	Distinction between the Colorado Department of Early Childhood (CDEC) and the Colorado Department of Human Services (CDHS).
Throughout	Change of terms. “Potentially Hazardous Food” to “Time and Temperature Control for Safety Food (TCS)”.
Throughout	Change of terms. “Breast Milk” to “Human Milk”.
Throughout	Reorganized or moved requirements for a better flow of the regulation.
7.3(A)(2)	Variances can not be granted for requirements in the Colorado Revised Statutes or a referenced regulation.
7.4	New definitions for Asbestos Containing Material and Child Occupied Facility.



Changes for Clarity

Section of Regulation	Change
7.4	Updated definitions of different facility types to align with CDEC and CDHS definitions as well as added the definition of a Part Day Mobile Preschool and a Respite Child Care.
7.4	Clarification of what is meant by an infant, toddler, and a school age child.
7.4	Removed definitions that were no longer mentioned in the regulation.
7.4(A)(31)	New definition. Low Hazard Body Fluid means body fluids without blood such as saliva, nasal discharge, eye discharge, sweat, tears, and human milk.
7.7.1(D)	Added “throughout the child care facility” when referencing odor masking products that are not approved.



Changes for Clarity

Section of Regulation	Change
7.8.1(C)	Added “including off site activities and when away from basecamp” regarding when drinking water needs to be available.
7.8.4(A)	Clarifies that composting toilets are not approved.
7.8.5(A)	Clarification that handwashing and bathing facilities must be permanently installed and functioning properly.
7.10.4(D)(1)	For non-life threatening emergencies, the poison control center shall be consulted for guidance about any exposure to toxic substances or any potential poisoning emergency.



Changes for Clarity

Section of Regulation	Change
7.12.14(C)(1-10)	Clarification on stand up diaper procedures to include that the surface the child stands on must be nonporous and easily cleanable and that the floor/mat must be cleaned and disinfected if it is visibly soiled.
7.14.2(H)	Clarifies that only individuals meeting the requirements of 4 CCR 754-1, <i>Radon Professionals Rules and Regulations</i> , can perform radon tests. Added that radon tests completed prior to July 1, 2022 are acceptable. It was also added that programs located within schools may follow the testing timelines in the school regulations.

[Diaper Changing Procedure](#)

[Radon Testing Guidance](#)



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Changes for Clarity

Expansion of Section for Sensory Tables:

Section of Regulation	Change
7.9.4(A)(2)(b)	Sensory tables when filled with dry materials shall be cleaned and sanitized at least weekly.
7.9.4(A)(2)(c)	Change of term from “organic” to “food item” in regard to items that need to be discarded after one week.
7.9.4(A)(2)(d)	Any item such as, but not limited to, sand, cardboard, paper, or similar shall be discarded whenever it is visibly soiled, contaminated with either high or low hazard body fluids, or in poor repair.
7.9.4(A)(2)(e)	Clarifies that hard and soft materials need to be laundered or cleaned and sanitized at the frequency required for the age group.



Changes for Clarity

A definition of a an outbreak and further clarity on reporting were added:

Section of Regulation	Change
7.4(A)(33)	Outbreak means an increase in disease symptoms or illness regardless of a clinical diagnosis or laboratory testing in staff/children at more than expected levels. As few as two individuals (children or staff) in the same group with similar symptoms may constitute an outbreak.
7.10.1(C)	Disease outbreaks shall immediately be reported to the Department <u>and shall not be delayed due to lack of diagnostic testing. Cases and outbreaks of</u> reportable communicable disease shall be reported to the Department in the time frame stipulated by 6 CCR 1009-1, <i>Regulations Pertaining to Epidemic and Communicable Disease Control</i> .



Changes That Remove Burden



Changes That Remove Burden

Section of Regulation	Change
Throughout	Change in the minimum water temperature at handwashing sinks and bathing areas from 90° F to 85° F.
7.7.1(A)(9)	Wall carpeting used for acoustical or educational purposes may be permissible in classrooms, provided it is tightly woven, in good repair, and is able to be easily cleaned, and disinfected, or removed and replaced. Can not be installed in kitchens, restrooms, utility or mechanical rooms, around diaper changing areas and sinks, or in laundry areas.
7.8.1(D)	Change in the amount of time to boil water in back country to 1 minute below 6,500 feet and 3 minutes at elevations above 6,500 feet rather than 1 minute per 1,000 feet in elevation.
7.8.6(A)(4)	Removed the specific laundry temperatures. Use the highest heat settings available.



Changes That Remove Burden

Section of Regulation	Change
7.10.5(F)	Common touch surfaces may be disinfected rather than sanitized at the discretion of the staff in children’s resident camps and 24-hour facilities serving school age children provided manufacturer instructions are followed.
7.10.6(B)(2)	If a disinfectant is used on a toy/table/food contact surface, the disinfectant can be rinsed with water rather than washed, rinsed, and sanitized after unless otherwise stated on the labeled instructions.
7.10.6(D)(2)	Test kits are no longer required for disinfectants mixed at the facility as long as they are mixed according to the labeled instructions and used or discarded within 7 days, unless otherwise specified by the manufacturer. Please note, test kits are still required for sanitizers mixed at the facility.



Changes That Remove Burden

Section of Regulation	Change
7.11.2(A)(5)(a)	The specific temperatures for domestic dish machines was removed. The approval criteria is that the dish machine is 1. National Sanitation Foundation (NSF) certified; <u>or</u> , 2. A functioning heat sanitizing cycle is utilized; <u>or</u> , 3. A functioning heated dry cycle is utilized.
7.11.3	Parameters for commercial ventilation in kitchens was removed. The requirement now states that commercial ventilation shall be installed and used when required by the local building or fire codes.
7.11	The specific criteria for commercial vs domestic kitchen requirement was removed. We will follow the referenced Colorado Retail Food Establishment Regulations that states equipment used for cooling, heating food, holding cold and hot foods shall be sufficient to maintain temperatures.



Changes That Remove Burden

The infant feeding section was reorganized for readability to separate the specific requirements for infant formula vs. human milk.

Section of Regulation	Change
7.12.3(D)	Freshly expressed human milk may be stored at room temperature for up to four hours or refrigerated.
7.12.3(D)(2)	Human milk that has been warmed or leftover from a feeding (child did not finish the bottle) may be stored at room temperature for up to two hours. Any contents remaining after two hours shall be discarded. Please note, the requirement to discard formula is still one hour after the feeding.
7.12.3(F)	Clarification that bottles shall never be returned to the refrigerator after being heated or after a feeding.



Changes That Remove Burden

Section of Regulation	Change
7.14.2(G)	Added “child-occupied” child care facilities built before 1978 to the requirements for protection against lead based paint. Applies to facilities with children under seven years of age.
7.14.2(H)(4)	Removed requirement for children’s resident camps to test for radon.
7.15	Added a new section for Mobile Part-Day Preschool Programs.



New Requirements



New Requirements

Section of Regulation	Change
7.6.1(A)(3)	Items capable of collecting water present in outdoor play areas shall be self-draining or emptied at the end of each day to prevent a breeding ground for mosquitoes and other pests unless otherwise approved by the Department.
7.8.5(A)(3)	A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.
7.8.6(A)(4)	A laundry sanitizer shall be used when items are contaminated with high hazard body fluids. Bleach or a product labeled as a laundry sanitizer is sufficient.
7.10.3(D)	When hand sanitizer is approved for use it must contain at least 60% ethyl or isopropyl alcohol.



New Requirements

Section of Regulation	Change
7.9.4(A)(2)(f)	The use of sensory tables is prohibited if a suspected or confirmed outbreak is occurring at the facility. These activities shall not resume until the Department provides approval or upon outbreak closure.
7.9.5(A)(4)	In resident camps and 24-hour facilities there shall be one bed, cot, or mat for every 50 children the facility is licensed for.
7.10.1(C)(8)	Child care facilities shall have written procedures for staff to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the child care facility. The procedures shall address the specific actions staff must take to minimize the spread of contamination and the exposure of staff, children, food, food contact surfaces, and other surfaces to vomitus or fecal matter. ⁱ

ⁱA sample policy is posted on the [CDPHE website](#).



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New Requirements

- Between 2014 and 2023 there were 406 outbreaks of norovirus in child care facilities. Norovirus accounted for 79.5% of all gastrointestinal illness outbreaks.

Section of Regulation	Change
7.10.6(A)(1)	The disinfectant used must be effective against Norovirus. Please note, bleach when mixed as a disinfectant is effective against norovirus.

Resources:

1. Learn more about [Norovirus](#).
2. [Disinfectants](#) that have been reviewed by CDPHE and meet the approval criteria in the regulations.
3. Environmental Protection Agency (EPA), [List G](#), Disinfectants Effective Against Norovirus.



New Requirements

Section of Regulation	Change
7.12.2(B)	Shoes worn outside of an infant classroom shall be covered or removed when entering an infant classroom.
7.13.1(B)(2)(a)	Changed “discouraged” to “prohibited” for poultry, reptiles, and amphibians in classrooms with children first grade and older that have frequent hand to mouth behaviors.
7.13.3(D)	Animal enclosures and supplies may not be washed in food preparation or food storage areas.
7.13.4(A)(1)	Added handling “animal feed/treats” as a required time to wash hands.
7.14.2(G)(3)	Reference to the pre-renovation education required when painted surfaces are disturbed in Child-Occupied Facilities built before 1978.



New Requirements

- The referenced [Colorado Retail Food Establishment Regulations](#) changed significantly with the adoption of the Food and Drug Administration (FDA) Food Code in 2019.
 - In the interim, we have issued interpretive memos to address the items that were required and not required in child care facilities until we could revise the regulations.
 - Now that we have revised the regulations, these rules apply except where indicated.
 - The referenced regulations are more flexible in a lot of areas and that is why so many sections in the child care regulations were removed.
 - However, there are some new requirements/restrictions.



New Requirements

- Child care facilities that do not have a Retail Food Establishment (RFE) license are exempt from the following requirements in the RFE regulations:
 - A certified food protection manager is not required.ⁱ
 - Sanitizing solutions shall meet the requirements specified in Section 7.10.5.
 - Employee restrooms shall be determined by the licensing agencies.
 - Animals may be allowed on the premises as specified in Section 7.13.
 - Children may use the same room for eating and sleeping.
 - The written procedure for handling the clean up of a vomiting or diarrheal incident shall be in accordance with Section 7.10.1(C)(8).
 - Additional allowances in sections 7.11.2 - 7.11.4.

ⁱ Food safety training is strongly recommended for staff members responsible for preparing meals and snacks. A low cost training is available at statefoodsafety.com.



New Requirements

RFE Regulation	Change
3-801.11(A)	Only pasteurized juice may be served in facilities that care for children nine years old and younger.
3-801.11(B)	Pasteurized eggs must be used if more than one raw egg is combined if the facility serves a highly susceptible population. ⁱ
4-302.13(B)	An irreversible registering temperature indicator is required if using a commercial high temperature sanitizing dish machine.

ⁱHighly Susceptible Population means persons who are more likely than other people in the general population to experience foodborne disease because they are:

1. **Immunocompromised; preschool age children, or older adults; and**
2. **Obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care centers.....**



New Requirements

RFE Regulation	Change
3-302.11(A)(1)(d)	Raw animal foods must be stored separately from unwashed fruits and vegetables.
3-401.15(A)	Cooking instructions on commercially packaged foods must be followed unless the manufacturer states it can be consumed without further cooking.
3-501.17	All facilities must follow date marking ⁱ requirements.
3-602.12	Customers must be notified of major food allergens used as ingredients. No additional steps are required if your program collects information about children's allergies at enrollment and uses this information in menu planning.

ⁱDate marking guidance can be found on the CDPHE website. Specific guidance is available for [child care](#) and [RFE](#).



Questions



Contacts for Questions

Contact CDPHE with questions at cdphe_iepu@state.co.us or (303)692-3645, option 3, if your facility is located in one of the counties listed below.

Clear Creek	Ouray
Dolores	Park
Gilpin	Pitkin
Hinsdale	Rio Blanco
Mineral	San Juan
Moffat	San Miguel

Contact your Local Public Health Agency (LPHA) if your facility is located in any other county.

[LPHA contact information](#)



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Thank you!

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