

ANNOUNCEMENT

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Pennsylvania Office of Child Development and Early Learning
Bureau of Certification and Bureau of Policy & Professional Development

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Subject: Act 62 of 2020 Fire Safety Requirements for Certified Child Care Facilities

To: Certified Child Care Facilities
Early Learning Resource Centers
Office of Child Development and Early Learning Staff

From: 
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Deputy Secretary, Office of Child Development & Early Learning

PURPOSE

To describe the requirements in Act 62, signed into law July 14, 2020. This act revises fire safety requirements for certified child care facilities regulated under 55 Pa. Code, Chapters 3270, 3280, and 3290 relating to child care centers, group child care homes, and family child care homes. This law requires child care providers to meet requirements as described in detail below. This law was effective Nov. 11, 2020.

BACKGROUND

On Aug. 30, 2019, the Office of Child Development and Early Learning (OCDEL) issued a message to all certified child care facilities relating to fire safety. On Nov. 27, 2019, OCDEL issued a revised message relating to fire safety and the child care facility's responsibility to maintain operable fire detection systems. The fire safety initiative was a result of the tragedy in a Family Child Care Home in Erie, PA, caused by fire. As such, legislators identified the need for laws to strengthen fire safety requirements in certified child care facilities across the commonwealth, resulting in Act 62 of 2020 (Act 62), which revised the statute under the Human Services Code, 62 P.S. § 1016, by adding subsection (c).

The guidance contained in this Announcement replaces the fire safety requirements set forth by OCDEL on [Nov. 27, 2019](#). Regulations referencing Act 62 are also applicable and can be found at 55 Pa. Code §§ 3270.95, 3280.95, and 3290.95.

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- Title 34 Pa. Code § 403.23 is applicable law for child care centers, group child care homes and family child care homes.
- Title 34 Pa. Code Chapter 56 is applicable **only** to family child care homes or group child care homes operating in a residence.
- Title 35 P.S. §1223.6(f.1) (Fire and Panic Act) is applicable **only** to family child care homes.

This guidance also applies to school-age programs not located in a school-building pursuant to 55 Pa. Code 3270.241(b)(5)(i) and 3280.221(b)(5)(i).

DISCUSSION

All certified child care facilities must maintain compliance with the Fire and Panic Act, the Pennsylvania Construction Code, and applicable regulations relating to fire detection devices or systems. Fire detection devices or systems **must** always be operable.

A. Requirements for Certified Family Child Care Homes (FCCH)

Shall manually test all fire detection devices or systems at least once every thirty days, demonstrating the system is operable and maintain a written record of the testing with the facility's fire drill logs.

If the fire detection device or system **cannot** be tested monthly, the facility is required to:

- Have the fire detection device or system tested annually by a fire safety professional.
- Obtain written documentation of the annual test results demonstrating the system is operable, on the Fire Safety Professional's letterhead; and
- Maintain written documentation of annual test results, with the facility's fire drill logs.

FCCH **with interconnected smoke detection devices** shall maintain, with their fire drill logs, proof of purchase, including the date of purchase of the interconnected fire detection device or system.

- Have a smoke detector on each floor and in the basement;
- Smoke detector(s) powered by a non-replaceable lithium battery which meets applicable Underwriters Laboratory standards and has a minimum 10-year limited warranty commencing with the date of purchase
- Alarm is audible to persons in the indoor child care space with all intervening doors closed;

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- Maintain, proof of purchases and date of purchase of all smoke detectors in the home with the fire drill logs
- Have an operable, portable fire extinguisher rated for Class B Fires in the kitchen and other cooking areas; and
- Meet the exiting requirements for an R-3 occupancy and licensure under 55 Pa. Code Chapter 3290 (relating to family child care homes) and 34 Pa. Code Ch. 56 (relating to small group habitation).

FCCH with non-interconnected smoke detection devices shall meet the following requirements:

- Have a smoke detector on each floor and in the basement;
- Smoke detector(s) powered by a non-replaceable lithium battery which meets applicable Underwriters Laboratory standards and has a minimum 10-year limited warranty commencing with the date of purchase;
- Alarm is audible to persons in the indoor child care space with all intervening doors closed;
- Maintain, proof of purchases and date of purchase of all smoke detectors in the home with the fire drill logs;
- Have an operable, portable fire extinguisher rated for Class B Fires in the kitchen and other cooking areas; and
- Meet the exiting requirements for an R-3 occupancy and licensure under 55 Pa. Code Chapter 3290 (relating to family child care homes) and 34 Pa. Code Ch. 56 (relating to small group habitation).

NOTE: OCDEL has updated the fire drill log with appropriate sections for documenting fire drills and testing of the fire detection device or system monthly. See [Appendix 1](#).

If the certified family child care home is **not** in compliance with any of these requirements, an OCDEL certification representative will issue a citation. If the home does not have an operable fire detection system, smoke detection system, and/or fire extinguisher, the regional manager will determine if a complaint should be made to the building code official to determine compliance with Act 62 and any other applicable requirements.

B. Requirements for Certified Group Child Care Homes (Operating in a Residence)

Shall manually test all fire detection devices or systems at least once every thirty days, demonstrating the system is operable and maintain a written record of the testing with the facility's fire drill logs.

If the fire detection device or system **cannot** be tested monthly, the facility is required to:

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- Have the fire detection device or system tested annually by a fire safety professional.
 - Obtain written documentation of the annual test results demonstrating the system is operable, on the Fire Safety Professional's letterhead; and
 - Maintain written documentation of annual test results, with the facility's fire drill logs
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- Have an interconnected fire detection device or system;
 - Maintain proof of purchase and date of purchase of the interconnected fire detection device or system with the fire drill logs;
 - Have an operable, portable fire extinguisher rated for Class B fires in the kitchen and other cooking areas; and
 - Meet the exiting requirements for an R-3 occupancy and licensure under 55 Pa. Code Chapter 3280 (relating to group child day care homes) and 34 Pa. Code Ch. 56 (relating to small group habitation).

NOTE: OCDEL has updated the fire drill log with appropriate sections for documenting fire drills and testing of the fire detection device or system monthly. See [Appendix 1](#).

If the certified group child care home is **not** in compliance with any of these requirements, an OCDEL certification representative will issue a citation. If the certified group child care does not have an operable interconnected fire detection system/device, smoke detection system, and/or fire extinguisher, the regional manager will determine if a complaint should be made to the building code official to determine compliance with Act 62 and any other applicable requirements.

C. Requirements for Certified Child Care Centers (including Child Care Centers located in a school-building) and Group Child Care (NOT Operating in a Residence)

- Shall manually test all fire detection devices or systems at least once every thirty days, demonstrating the system is operable and maintain a written record of the testing with the facility's fire drill logs.
- If the fire detection device or system **cannot** be tested monthly, the facility is required to:
- Have the fire detection device or system tested annually by a fire safety professional.
 - Obtain written documentation of the annual test results demonstrating the system is operable, on the Fire Safety Professional's letterhead; and
 - Maintain written documentation of annual test results, with the facility's fire drill logs

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- Have a fire detection device or system that is operable and properly maintained at all times in compliance with the act of April 27, 1927 (P.L.465, No.299), referred to as the "Fire and Panic Act," the act of November 10, 1999 (P.L.491, No.45), known as the "Pennsylvania Construction Code Act," and applicable regulations;
- Have a valid certificate of occupancy; and
- Maintain proof of purchase of an interconnected fire detection device or system (where applicable), in accordance with 62 P.S. 1016(c)(3).

NOTE: OCDEL has updated the fire drill log with appropriate sections for documenting fire drills and testing of the fire detection device or system monthly. See [Appendix 1](#).

If the certified child care center or group child care (not operating in a residence) is **not** in compliance with any of these requirements, an OCDEL certification representative will issue a citation. If the certified child care center or group child care (not operating in a residence) does not have an operable fire detection device or system, smoke detector or valid certificate of occupancy, the regional manager will determine if a complaint should be made to the building code official to determine compliance with Act 62 and any other applicable requirements.

Requirements During Inspections by OCDEL

All certified child care facilities must demonstrate the fire detection device or system is operable when the OCDEL certification representative conducts an annual inspection and may be required to demonstrate the device or system at other inspections. The OCDEL certification representative will be assessing for compliance with all the components of the requirements outlined above. If the fire detection device or system cannot be tested or demonstrated as operable due to system design (not lack of functionality), then the facility must show the certification representative the documentation of testing by a fire safety professional.

Non-compliance with Act 62

OCDEL citations for non-compliance began Dec. 11, 2020.

Verified non-compliance by OCDEL will result in a citation of 62 P.S. § 1016(c), 55 Pa. Code §§ 3270.95, 3280.95, or 3290.95 relating to fire detection, and/or 55 Pa. Code §§ 3270.21, 3280.20, or 3290.18 relating to general health and safety. When non-compliance with fire safety requirements with respect to smoke detectors under the "Fire and Panic Act" and the "Pennsylvania Construction Code Act" is suspected, notice of any suspected failure to satisfy the safety requirements shall be provided to the building code official by an OCDEL certification representative as a complaint.

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NEXT STEPS

1. Read this Announcement and share it with appropriate staff.
2. Become familiar with the fire safety requirements in your facility with respect to Act 62.
3. Make sure your fire drill log meets the requirements of Act 62. See [Appendix 1](#) for the revised fire drill log developed by OCDEL.

[Appendix 1- Fire Drill Log](#)

Child care facility operators who have comments and questions regarding this announcement should contact the appropriate Regional Office of Child Development and Early Learning:

Central Region 800-222-2117
Northeast Region 800-222-2108
Western Region 800-222-2149.
Southeast Region 800346- 2929