

OFFICE OF THE SUPERINTENDENT

Millburn Public Schools

INFORMATION ITEM

December 7, 2009

To: Board of Education Members

From: Ellen E. Mauer, PhD

Subject: First Reading-Board Policy 4:160-Environmental Quality of Buildings & Grounds

This policy is presented for a first reading. The old one was titled "Hazardous and Infectious Materials" and the state has changed the title to the new one. Other changes include specific language requiring us to let the public know when we are using hazardous materials in pesticides and lawn care. We will present the policy for a second reading and adoption at the next meeting unless you have changes.

Operational Services

Environmental Quality of Buildings and Grounds 1

The Superintendent shall take all reasonable measures to protect: (1) the safety of District personnel, students, and visitors on District premises from risks associated with hazardous materials and (2) the environmental quality of the District's buildings and grounds. 2 Before pesticides are used on District premises, the Superintendent or designee shall notify employees and parents/guardians of students as

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1 State or federal law controls this policy's content. The requirements imposed by 105 ILCS 5/10-20.46, added by P.A. 96-424, and the corresponding compliance methods follow:

1. Districts must adopt a procedure to comply with the Structural Pest Control Act and the Lawn Care Products Application and Notice Act. This policy cross references 4:160-AP, *Administrative Procedure - Environmental Quality of Buildings and Grounds*.
2. A staff person must be designated to be responsible for compliance with the Acts listed in the second sentence of the policy – this policy designates the superintendent or designee.

Many State and federal laws regulate the environmental quality of schools. For example:

1. Owners of underground storage tanks must comply with federal law (Hazardous and Solid Waste Amendments of 1984, Pub.L. No. 98-616), as well as State regulations (41 Ill.Admin.Code Part 170).
2. Several federal laws regulate asbestos as a hazardous substance, the most significant for schools being the Asbestos Hazard Emergency Response Act of 1986. The Asbestos Abatement Act, 105 ILCS 105/, requires schools to perform a variety of functions regarding asbestos.
3. The Indoor Air Quality Act, 410 ILCS 87/, created an advisory council to develop advisory guidance. Ill. Dept. of Public Health Guidelines for Indoor Air Quality:
www.idph.state.il.us/envhealth/factsheets/indoorairqualityguide_fs.htm
4. The Smoke-Free Illinois Act, 410 ILCS 82/, bans tobacco smoking inside schools.
5. The Structural Pest Control Act, 225 ILCS 235/, reenacted by P.A. 96-473, required the Ill. Dept. of Public Health to establish guidelines for an integrated pest management program for schools. See:
www.idph.state.il.us/envhealth/entpestfshts.htm.
6. Notices to employees and parents/guardians before pesticide applications are required by the Structural Pest Control Act (225 ILCS 235/10.3, reenacted by P.A. 96-473). The Lawn Care Products Application and Notice Act requires similar notices but only to parents/guardians (415 ILCS 65/3, amended by P.A. 96-424).
7. The Green Cleaning School Act, 105 ILCS 140/, and Green Cleaning for Elementary and Secondary Schools, 23 Ill.Admin.Code Part 2800, contain guidelines for green cleaning. See policy 150, *Facility Management and Building Program*.
8. The Green Buildings Act requires all new State-funded building construction and major renovation projects to meet specified environmental requirements (20 ILCS 3130/, added by P.A. 96-73). Waivers may be granted by the Capital Development Board in certain situations (*Id.*).
9. The Ill. legislature recommended that each occupied school building be tested every 5 years for radon and provided a process for the screening in 105 ILCS 5/10-20.46, added by P.A. 96-417, eff. 1-1-10.

2 A board persuaded by #9 in the above footnote may add the following option which may be modified (e.g., omit "if economically feasible" or add time periods):

If economically feasible, the Superintendent or designee shall manage the testing of each occupied school building for radon pursuant to Section 10-20.46 of The School Code.

A board may want to add the following option if it is concerned that employees who are eligible for district-paid hepatitis B vaccination are unaware of their eligibility:

The Superintendent or designee shall notify all employees who must be offered, according to State or federal law, District-paid hepatitis B vaccine and vaccination.

required by the Structural Pest Control Act, 225 ILCS 235/, and the Lawn Care Products Application and Notice Act, 415 ILCS 65/. ³

- LEGAL REF.: 29 C.F.R. Part 1910.1030, as adopted by the Illinois Department of Labor, 56 Ill.Admin.Code §350.300(c).
20 ILCS 3130/, Green Buildings Act.
105 ILCS 5/10-20.17a; 5/10-20.46; 135/; and 140/, Green Cleaning School Act.
225 ILCS 235/, Structural Pest Control Act.
415 ILCS 65/, Lawn Care Products Application and Notice Act.
820 ILCS 255/, Toxic Substances Disclosure to Employees Act.
23 Ill.Admin.Code §1.330, Hazardous Materials Training.
56 Ill.Admin.Code Part 205, Toxic Substances Disclosure To Employees.
- CROSS REF.: 4:150 (Facility Management and Building Programs), 4:170 (Safety)
- ADMIN. PROC.: 4:160-AP (Administrative Procedure - Environmental Quality of Buildings and Grounds)

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³ Different requirements pertain to the notices in the Structural Pest Control Act (225 ILCS 235/10.3, reenacted by P.A. 96-473) and the Lawn Care Products Application and Notice Act (415 ILCS 65/3(f), amended by P.A. 96-424). Both require notice to parents/guardians. Notice to employees is only required by the Structural Pest Control Act. For the sake of simplicity, the sample policy requires notice to employees before pesticides are used. Notice at least 4 business days before application is required by Lawn Care Products Application and Notice Act; notice at least 2 business days is required by the Structural Pest Control Act.

If the following alternative is used, omit the policy's last sentence:

The Superintendent or designee shall maintain a registry of employees and parents/guardians of students requesting notification before the application of pesticide(s) and notify those people as required by the Structural Pest Control Act, 225 ILCS 235/, and the Lawn Care Products Application and Notice Act, 415 ILCS 65/.

Be sure the notice provisions in the policy and its implementing administrative procedure are consistent.