

MAINE STATE LEGISLATURE

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

September 11, 2006

Commissioner Susan A. Gendron
 Department of Education
 23 State House Station
 Augusta, ME 04333-0023

Commissioner David P. Littell
 Department of Environmental Protection
 17 State House Station
 Augusta, ME 04333-0017

Subj: Coordination of Enforcement Efforts to Remove Hazardous Materials from Schools

Dear Commissioner Gendron and Commissioner Littell:

During this past legislative session, the Joint Standing Committee on Education and Cultural Affairs received the "*Hazardous Chemical in Our Schools*" report from the Department of Education and the Department of Environmental Protection as required by Resolve 2005, Chapter 93 (please see enclosed).¹ While Education and Cultural Affairs Committee members were pleased to learn of the progress made by the Department of Education and the Department of Environmental Protection in working with other state agencies and local school administrative unit officials to identify and remove hazardous materials from Maine schools, we remain concerned that a significant number of schools are not in compliance with State requirements related to the purchase, use and storage of chemicals and other hazardous materials.

We write on behalf of the Education and Cultural Affairs Committee to urge the Department of Education and the Department of Environmental Protection to continue to coordinate State efforts to enforce statutory and regulatory requirements related to the purchase, use and storage of chemicals and other hazardous materials in Maine public schools. Even as we recognize that the short-term efforts described in the "*Hazardous Chemical in Our Schools*" report have been effective in coordinating State enforcement and providing technical assistance to school officials, we respectfully request that your agencies continue their coordination and enforcement efforts with a

¹ Resolve 2005, Chapter 93, "Resolve, Directing the Department of Education and the Department of Environmental Protection To Implement Procedures To Remove Hazardous Materials from Maine Schools" was enacted during the First Special Session of the 122nd Legislature.

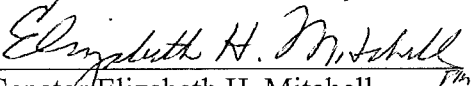
strategic focus on regional screening activities and any necessary follow-up with those school administrative units that have previously been determined to be in non-compliance with State requirements. Education and Cultural Affairs Committee members also request that your agencies continue to collaborate with your colleagues at the Department of Labor, the Department of Agriculture and the Bureau of General Services within the Department of Administrative and Financial Services to coordinate the regulation and oversight of State requirements related to the purchase, use and storage of chemicals and other hazardous materials in our schools.

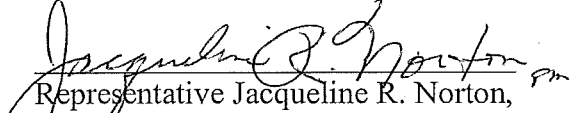
Please find enclosed a copy of the May 10, 2005 memorandum regarding your agencies short-term and long-term initiatives to address the use and storage of chemicals and other hazardous materials in our schools. We urge your agencies to continue to implement these initiatives, (as outlined on pages 15-17). We further recommend that the Commissioner of Education continue to use the enforcement measures available under 20-A MRSA, section 6801-A should the Department of Education find that a school administrative unit is not in compliance with the program, reporting or other requirements of pertinent State law or regulations.

Finally, Education and Cultural Affairs Committee members request that you report back to the 123rd Legislature by February 28, 2007 to the joint standing committee of the legislature that has jurisdiction over education and cultural affairs on the status of the continued cooperation and enforcement efforts of your agencies and other key state and local stakeholders in addressing these important matters.

On behalf of the Education and Cultural Affairs Committee, we want to thank you and your colleagues for your leadership in implementing these initiatives. Please feel free to contact either one of us should you have any questions regarding this matter.

Sincerely yours,


Senator Elizabeth H. Mitchell,
Senate Chair


Representative Jacqueline R. Norton,
House Chair

Enclosures: Resolve 2005, Chapter 93, Resolve, Directing the Department of Education and the Department of Environmental Protection To Implement Procedures To Remove Hazardous Materials from Maine Schools

Appendix C – Commissioners' Proposal Letter ("*Hazardous Chemical in Our Schools*" Report, January 2006)

cc: Commissioner Laura Fortman, Department of Labor
Commissioner Seth H. "Brad" Bradstreet, III, Department of Agriculture
Members, Joint Standing Committee on Education and Cultural Affairs
Phillip McCarthy, Legislative Analyst, Office of Policy & Legal Analysis

RESOLVES
First Special Session of the 122nd

CHAPTER 93
H.P. 800 - L.D. 1157

Resolve, Directing the Department of Education and the Department of Environmental Protection To Implement Procedures To Remove Hazardous Materials from Maine Schools

Sec. 1. Implementation of proposal. Resolved: That the Department of Education and the Department of Environmental Protection shall implement the proposal dated May 10, 2005 and presented to the Joint Standing Committee on Natural Resources on May 10, 2005 regarding the removal of hazardous materials from schools. The objective of the proposal includes achieving compliance with the Maine Revised Statutes, Title 20-A, section 4001 and Chapter 161 of the rules administered by the Department of Education; and be it further

Sec. 2. Report and recommendations. Resolved: That, by January 15, 2006, the Department of Education and the Department of Environmental Protection shall jointly report to the Joint Standing Committee on Natural Resources on the effectiveness of the efforts undertaken pursuant to this resolve. If changes in procedures, rules or law are needed, the report must include recommendations for changes.

Effective September 17, 2005.
