MAINE STATE LEGISLATURE

Hazardous Chemicals in Our Schools

Report to the Joint Standing Committee on Natural Resources

Resolve, Directing the Departments of Education and Environmental Protection to Implement Procedures to Remove Hazardous Materials from Maine Schools (pursuant to LD 1157)

January 2006

STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023

JOHN ELIAS BALDACCI
GOVERNOR

SUSAN A. GENDRON
COMMISSIONER

TO: Senator Scott W. Cowger, Chair
Representative Theodore S. Koffman, Chair
Members of the Joint Standing Committee on Natural Resources

FROM: Susan A. Gendron, Commissioner, Department of Education
David P. Littell, Commissioner, Department of Environmental Protection

DATE: January 26, 2006

SUBJECT: Hazardous Chemicals in Our Schools, Report to the Joint Standing Committee on Natural Resources

We are pleased to forward "Hazardous Chemicals in Our Schools: A Report to the Joint Standing Committee on Natural Resources".

The Report summarizes the actions taken and subsequent recommendations of the Department of Education and the Department of Environmental Protection pursuant to the provisions of Resolve, 2005, Chapter 93 with regard to the identification and removal of hazardous materials from Maine schools.

We look forward to presenting this report to you on January 31, discussing the results and responding to any questions you may have.

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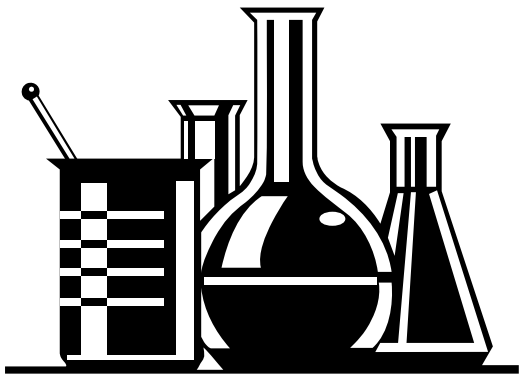

I. Executive Summary

In 2005, the Maine Legislature approved Chapter 93, *Resolve, Directing the Department of Education and the Department of Environmental Protection To Implement Procedures To Remove Hazardous Materials from Maine Schools*. In response to this resolve, the Departments of Education and Environmental Protection have worked with Maine's 359 middle and high schools to inventory laboratory chemicals in the schools, remove those that pose immediate risk, and establish management plans for all chemicals. Through this initiative, the Departments identified 157 schools with chemicals whose risk outweigh their educational utility in secondary schools.

The Department of Education also convened a stakeholder group to review its Chapter 161, *Purchase and Storage of Hazardous Chemicals* rule, and hosted interdepartmental meetings of all agencies that regulate chemicals in schools to improve coordination and communication on issues related to school chemical management.

As a result of these efforts, the Departments of Education and Environmental Protection have developed two recommendations for consideration by the Legislature:

1. Require school systems to have an environmental health and safety manager on-staff to coordinate and manage environmental health and safety in their buildings, including oversight of the chemical management programs. The State should promote regionalization, provide monetary incentives for regional/efficient approaches, and ensure that the position be funded under the essential program and services (EPS) formula for school funding.
2. Create a full-time position within the Department of Education to assist school systems with developing, implementing, and monitoring environmental health and safety programs in public schools.

This report provides information on the Departments' activities related to chemicals in schools, the current state of chemical management in schools, and the rationale for these recommendations.

II. Background

Maine's public schools are places where there are a variety of chemicals for educational and maintenance purposes (Appendix A). While chemicals may be of value, they must be properly stored and used to allow us the benefits they provide without posing unwarranted risk. Medical evidence suggests that developing youth are more susceptible to health risks from exposure to chemicals than adults, warranting heightened awareness that chemicals in schools must be properly managed.

The Joint Standing Committee on Natural Resources considered LD 1157 "An Act to Protect Children from Toxic Chemicals in Schools" during the 1st Regular Session of the 122nd Legislature. The proposed legislation was introduced after the Maine Department of Environmental Protection (DEP) worked with 80 Maine secondary schools to identify and remove mercury and other hazardous chemicals for proper disposal, and discovered that the majority of school systems were not in compliance with multiple state chemical regulations. The DEP found that most of Maine's secondary schools have unwanted, expired, high risk chemicals that pose health and environmental risks. Budget constraints and a lack of understanding of the hazards by both school administrators and staff contributed to the low compliance rate.

LD 1157 as revised became 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 B). The Resolve incorporates May 2005 recommendations on chemical management from the Commissioners of Education and Environmental Protection (Appendix C).

The Commissioners' letter proposed that the Departments:

- investigate, by receipt of required chemical inventories, any current chemical hazards in public schools;
- ensure that identified hazards were remediated in a timely fashion;
- initiate a review of the Department of Education's Chapter 161, *Purchase and Storage of Hazardous Chemicals* rule; and
- review agency roles and responsibilities with regard to chemicals in schools and recommend changes to current programs, as warranted.

The Committee directed the Departments to report back to the Legislature in January 2006. Although the Resolve targets public schools, recommendations are expected to be of relevance to both public and privates schools in Maine.

III. Evaluation of Chemicals in Schools, and Remediation of Hazards

To initiate the evaluation of chemicals in schools, the Department of Education (DOE) issued an informational letter dated June 9, 2005 to all school superintendents. This letter required: a) lab chemical inventories, due to the DOE by September 21, 2005; b) school systems to fund necessary routine chemical clean-outs, accessing DOEs Revolving Renovation Fund in emergency situations; c) identification of chemical hygiene officers and development of chemical hygiene plans for schools with science laboratories; d) a purchasing process to screen chemicals; and e) chemical clean-outs conducted according to DEP rules. The letter also informed superintendents that the process to revise Chapter 161 would begin in the fall of 2005.

Additionally, the Department of Education sponsored a Superintendent's Workshop on October 15, 2005 attended by 189 school administrators and staff. The workshop provided detailed overviews of applicable state chemical regulations (Appendix D) presented by staff from each of the four state agencies that regulate chemicals in public schools (Department of Education, Department of Environmental Protection, Department of Labor, and Department

of Agriculture). The workshop was valuable in terms of information dissemination and discussion of relevant issues.

In November 2005, the Department of Education sent out 88 Notices of Violation to school systems that either had not sent a lab chemical inventory form or sent a letter stating that no chemical program/storage area existed for their school building. In January of 2006, 21 subsidy withholding letters were sent to school systems that still had not submitted lab inventories. The subsidy letters advised that state subsidy withholdings were possible unless the inventories were submitted quickly. The letters had the desired effect, and all school systems in Maine have either submitted an inventory or are currently developing an inventory for submittal by the end of January. By January 11, 2006, the Department of Education had received 286 chemical inventories (all but 10) from 359 public high and middle schools. Sixty-four school buildings have no chemistry programs. Other components of school systems' chemical management plans (chemical hygiene plans, training, purchase and storage protocols, Integrated Pest Management programs, and waste streams) and compliance rates were not evaluated due to time and resource constraints.

Using the inventories submitted by the schools, the Department of Education set up a database to import data and identify categories of chemicals. The DOE then electronically sent information to the Department of Environmental Protection for review. Initial analysis of the laboratory inventory data indicated that nearly 44% of those inventories contained chemicals that may pose an unwarranted, high risk to students and staff (Appendix E).

After extensive review, the DEP categorized the chemicals as follows:

> Category 1: Imminent Threat: immediate response is required (within the week). Chemicals in this category are immediately dangerous to life due to their shock sensitivity. Chemicals posing an imminent threat should be dealt with by a bomb squad as soon as possible. *Four (4) schools had lab chemicals that fell into this category. Bomb squads successfully detonated the chemicals at three of the schools. The remaining*

school stated that the chemical is in good condition and within the manufacturer's expiration date, so no action is necessary.

Category 2: High Risk - potential imminent threat: short-term response is required (immediate assessment and, if not posing an imminent threat, disposal within a month). Chemicals in this category are of high risk due to their potential for shock sensitivity. Chemical condition needs to be assessed to ascertain whether the material poses an imminent threat or can wait for the specialized hazardous materials team to take care of the disposal. *Twenty-three (23) schools listed Category 2 lab chemicals (five of these schools made a mistake on their inventory and did not actually have these chemicals). All schools were notified by phone and in writing that these chemicals require immediate assessment, isolation, and technical assistance from DEP, and short-term disposal by a DEP approved contractor.* For most of these chemicals, only on-site inspections will determine the actual risk.

Category 3: High Risk - no imminent threat: response is required within 6 months. This category includes lab chemicals that are generally stable but potentially hazardous or that have other attributes such that the risk is thought to outweigh the educational utility in a secondary school setting (toxic, carcinogenic, mutagenic, teratogenic), but they do not pose an immediate threat to building occupants,. *Presently one hundred thirty-one (131) schools have lab chemicals in this category.* The Departments of Education and Environmental Protection will work cooperatively to ensure that these schools have conducted regional clean outs by August 31, 2006. The next annual report to the Legislature will include progress made in this area.

Category 4: Low Risk: response is not critical as these chemicals are appropriate for school science curriculums when managed safely. This category includes chemicals that should pose low risk to building occupants if they are stored and disposed of properly. *Presently, one hundred thirty (130) school buildings have lab chemicals that only fall in this category.*

Chemistry labs were identified as the highest risk areas in schools for chemical exposure, and initial inventories were limited to the chemical labs, although Chapter 161 applies to all school chemicals. Inventories of the remaining school chemicals (art rooms, maintenance areas, etc.) will be required by the end of 2006.

Chemical inventories provide limited information to determine how safely chemicals are stored and managed in public schools. Inventories alone do not provide sufficient information regarding compatible storage of multiple chemicals, container condition, and chemical procedures such as transport and transfer of chemicals to and from the storeroom to the classroom. On-site technical assistance and monitoring inspections are necessary to determine actual conditions in public schools. Neither the state nor local jurisdictions currently have resources available to provide on site technical and monitoring services.

IV. Review of Chapter 161

During the fall of 2005, the Department of Education convened a stakeholder group to discuss revisions to Chapter 161. The group was comprised of staff from all applicable state regulatory agencies, superintendents recommended by the Maine School Management Association, a high school principal, a facility director, and a representative of the Maine Education Association (Appendix F). The group met several times and provided valuable insight and comments regarding effective state regulatory efforts for chemicals in public schools.

Importantly, the group realized that initiating the revision process for Chapter 161 signaled the need to look at chemicals broadly and to encourage development of model(s) that better promote sustainability and coordinated efforts to manage environmental health and safety, including chemicals, in schools.

Department of Labor rules require chemical hygiene officers (CHOs) in schools with laboratories and that the CHO be an employee of the district (not a contracted or regional position). This requirement did facilitate discussion that forced broader thinking in terms of comprehensively managing chemicals in schools. Once the full scope of the chemical

management issues was discussed, the group agreed that a position of district or regional environmental health and safety manager would be warranted.

The group also agreed that a coordinated state program to assist public schools with the development and implementation of environmental health and safety programs is critical to success, and that the Department of Education is the appropriate agency for the additional full-time position. The position should also coordinate chemical disposal activities and monitor for compliance with Chapter 161.

Finally, the group exchanged ideas about the best way to disseminate information regarding chemicals in public schools to local emergency responders. The group thought that local emergency responders may want information about chemicals in their local schools and that it is primarily a local issue. The newly created position in DOE would encourage school systems to communicate with local emergency responders.

V. Agency roles related to chemical management in schools.

Beginning in July of 2005, the Department of Education conducted informational meetings with the Maine School Management Association and its Executive Committee, and the Departments of Agriculture, Labor, and Environmental Protection. The purposes of these meetings were to discuss various roles and responsibilities and to share information. They were valuable in terms of partnering with other agencies, understanding rules, roles and responsibilities, and sharing information.

Over the past year, the Department of Environmental Protection has continued to provide technical assistance to schools performing chemical clean-outs. The DEP has also developed a draft informational manual to assist schools with chemical compliance and other environmental issues. In addition, the Departments of Environmental Protection and Labor continued to provide training for chemical hygiene officers during 2005.

VI. Recommendations

Managing chemicals properly takes substantial resource commitments on the part of the school systems. Although significant strides have been made during the past six months to strengthen current chemical management programs, more work needs to be done. Currently neither the state nor many local school systems have the dedicated resources necessary to effectively manage chemicals in a comprehensive and coordinated fashion. Sustainability of these programs in public schools has been lacking and needs to be addressed as a key goal for program success. To help correct the current situation and to promote proactive, comprehensive, sustainable environmental health and safety programs in public schools, the Departments of Education and Environmental Protection, as well as the Chapter 161 stakeholders group, recommend the following actions be taken immediately.

Recommendation #1: Require schools systems to have an environmental health and safety manager on-staff to coordinate and manage environmental health and safety in their buildings, including oversight of the chemical management programs. The State should promote regionalization, provide monetary incentives for regional/efficient approaches, and ensure that the position be funded under the essential program and services (EPS) formula for school funding.

Explanation: Schools now are required to comply with a vast array of environmental health and safety regulations, including but not limited to chemical regulations. These regulations are complex but necessary to provide safe learning environments for children and staff. Often the mandated position of chemical hygiene officer is assigned additional tasks related to overall chemical management in a school system. Some, if not most, of the personnel in these roles are not sufficiently trained or knowledgeable to administer a comprehensive chemical management program. Therefore, other persons in the system must be assigned those other chemical management duties and the result is often an uncoordinated/ineffective chemical management program. The best way to manage chemicals in schools is in a coordinated and comprehensive fashion with a specific and fully qualified person (environmental health and safety manager) tasked with managing and leading the chemical management program in each school system. The State should ensure that these positions are funded under the essential programs and services (EPS) funding formula so that it is a funded

mandate. Regional environmental health and safety managers are a possible model to assist smaller school systems with financing that staff position, while gaining the advantages and effectiveness of a highly qualified environmental health and safety professional at the local level. Only through the use of designated, trained, and knowledgeable employees will the environmental health and safety programs be sustainable.

Recommendation #2: Create a full-time position within the Department of Education to assist schools systems with developing, implementing, and monitoring environmental health and safety programs in public schools. This position could provide referrals for technical assistance to state agencies with related environmental health and safety regulations, including chemical regulations. This position would also monitor for compliance with Chapter 161 regulations, coordinate statewide hazardous waste disposal activities, and promote communication concerning hazardous chemicals in schools with local emergency responders.

Explanation: Coordination of regulatory activities at the state level with respect to management of chemicals in public schools was a core recommendation of the stakeholders group. Currently four state agencies regulate environmental health and safety regulations, including chemicals, in schools in a somewhat varying and uncoordinated fashion, leading to some confusion and frustration in the school systems. The stakeholders group recommended that one agency should be designated as the lead agency for schools with respect to environmental health and safety, including chemical management. The group thought that the Department of Education was the appropriate agency for the position due to its core mission of ensuring safe learning environments, its relationship with schools, and its ability to provide financial disincentives for non-compliance with applicable "health and safety" rules. This position would also create, coordinate, and ensure the continuity of annual regional hazardous waste clean-outs for school systems. This position also would encourage school systems to communicate with their local emergency responders to inform them of the locations of potentially hazardous chemicals in their school buildings.

VII. Conclusions

Approximately 44% of Maine's public middle and high schools have lab chemicals on their inventory lists that fall into unacceptable, high risk categories. Management of the broad array of chemicals and compliance with applicable environmental health and safety regulations continues to be an area of concern. Proactive/compliant environmental health and safety programs, including lab chemical management programs, are critical and essential to safeguard students and staff. On-going and sustainable efforts need to be put forth at both the state and the local level to develop better environmental health and safety programs and to monitor and continuously improve these programs. The vast majority of current programs are inadequate in the areas of training, program development, implementation, and compliance with applicable regulations. Public schools currently administer chemical management programs in an uncoordinated and disjointed fashion. To build sustainable environmental health and safety programs in public schools, environmental health and safety managers should be required at the local level, through local, regional, or state funding models. Coordinating environmental health and safety activities (monitoring and technical assistance) can most effectively be accomplished at the state level within the Department of Education, through a proposed new position. Finally, the Department of Education should provide yearly updates to the Legislature (for five years) to determine the effectiveness of the recommendations made and the compliance rates of public schools.

Appendix A- Use of Chemicals in Schools

Chemicals are commonly used and stored in Maine's public schools. Chemicals are stored and used not only in areas, such as science labs commonly associated with chemicals, but also in other areas of schools such as custodial closets, maintenance shops, art rooms, vocational educational areas, and administrative offices. Chemicals are routinely used to clean schools, to finish floors, to augment automotive repair and body work courses, to prepare and clean up art projects, and to conduct science courses. Chemicals, in general, provide benefit and value, but there are inherent risks. Risks vary with each chemical and are primarily divided into two categories: physical and health hazards. Physical hazards include among others, explosions, flammability, oxidization, corrosivity, and reactivity. Health hazards include acute and chronic toxicity, radioactivity, and carcinogenicity. Balancing these risks of exposure with the benefits of their use is the key challenge schools face. In some cases, the best way to reduce the risk of a particular chemical may be to reduce or eliminate it altogether. In other cases, proper storage, use, and disposal may well be the best course of action. However, it should be noted that elimination or reduction of the risk associated with the chemicals, and not elimination of the chemical's use altogether, is the primary goal. This is particularly true with laboratory chemicals where there is a real value to working with and understanding the chemicals in a controlled lab/experimental situation rather than by learning with video teaching or teacher-led experiments. It is therefore imperative that public schools learn currently accepted chemical management protocols, develop risk-based environmental health and safety plans and programs, then implement, monitor and continuously improve these plans and programs in the future.

Appendix B - Resolve

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.

Appendix C - Commissioners' Proposal Letter

TO: Senator Scott W. Cowger, Chair
Representative Theodore S. Koffman, Chair
Members of the Joint Standing Committee on Natural Resources

FROM: Susan A. Gendron, Commissioner, Department of Education
Dawn R. Gallagher, Commissioner, Department of Environmental Protection

DATE: May 10, 2005

SUBJECT: Proposal to Remove Hazardous Chemicals From Schools

In response to the provisions of L.D. # 1157 An Act To Protect Children from Toxic Chemicals in Schools and the Natural Resources Committee's directive to the Department of Education and the Department of Environmental Protection to develop a proposal to resolve the issues, we propose the following:

Short Term:

By May 31, 2005, the Commissioner of the Department of Education will write an Informational Letter to superintendents of schools informing them of their obligation under Title 20-A, M.R.S.A., Section 4001 and Department of Education rules Chapter 161, and

- Will inform superintendents of her intention to enforce Chapter 161 with the assistance of the Department of Environmental Protection, with all provisions of Title 20-A, Section 6801, including the withholding of subsidy if necessary;

- Will inform superintendents that they are obligated to pay for the removal of chemicals from science labs, mercury labs, maintenance areas, art program areas, administrative areas, custodial areas, vocational education areas, and other academic areas, from existing and future budgets in accordance with subsidy provisions of Essential Programs and Services;

- Will inform superintendents that they may qualify for funds under the School Revolving Renovation Fund under Priority I – Life Safety Projects;

- Will inform superintendents that they will submit an annual chemical inventory of their hazardous chemicals to the Department of Education to be shared with and reviewed by the Department of Environmental Protection, and the Department of Labor by September 30, 2005, and annually thereafter;

- Will inform superintendents of the schools already identified by the Department of Environmental Protection's inspection report to be in violation of state law and regulation

that they must remove hazardous chemicals between June 1, 2005 and December 1, 2005 using the vendor already under contract with the Department of Environmental Protection or other vendors that meet the requirements of Title 38-A, M.R.S.A. These chemical clean-outs should be coordinated regionally as a more efficient use of State and local resources;

- The remainder of Maine's schools will follow a removal schedule based on their submitted chemical inventories and chemical hygiene plans; and

- Plans will be reviewed by the Department of Education, Department of Environmental Protection, and Department of Labor. Incomplete or "red flag" issues will be reviewed by the Department of Education and the Department of Environmental Protection and corrections made.

Timeline:

- May 31, 2005 – The Department of Education issues an Informational Letter with deadline for submission of required information;

- May 31, 2005 (ongoing) – School Revolving Renovation Fund Applications for assistance available;

- July 1, 2005 – The Department of Education has hired or contracted with any necessary support staff to assist with Chapter 161 implementation and rewriting;

- September 21, 2005 – Required materials due at the Department of Education to be shared with and reviewed by the Department of Environmental Protection and the Department of Labor;

- October 31, 2005 – School administrative units notified of non-compliance and intent to invoke Title 20-A, Section 6801;

- November 30, 2005 – School administrative units out of compliance are notified;

- December 31, 2005 – Regional clean ups are effected by the Department of Environmental Protection and the Department of Education;

- May 1, 2006 (and subsequent years) – Cycle is repeated.

The Department of Education and the Department of Environmental Protection will prioritize staff time or provide staff or contracted services as appropriate in the implementation stage requiring additional State Agency planning, oversight, or enforcement. All parties will work together to complete the details of the procedures and to simplify the process.

Long Term:

The Department of Education, Department of Environmental Protection, Department of Labor, Department of Agriculture, and Maine School Management Association will do a review of rules Chapter 161, and amend the rules as appropriate through the APA process to include the following consideration:

- The appropriate role of each State Agency and the schools in meeting the requirements of Chapter 161;

- Certification of training for the current hazardous chemical official of each school or a science teacher and chemical management training for those who need it;

- Whether the school's chemical inventory needs to be sent to the local emergency responders;

- The Department of Education and the Department of Environmental Protection will provide an annual update to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Natural Resources.

Appendix D – Regulatory Overview/Applicability

Four state agencies regulate chemicals in Maine public schools. The rules are somewhat complex; no one agency has jurisdiction over all applicable rules. A very brief synopsis of the agencies and applicable rules is as follows:

(1) Department of Education: Chapter 161 - "Purchase and Storage of Hazardous Chemicals".

The Department of Education has regulatory authority regarding the purchase and storage of chemicals in public schools. Chemicals include substances with physical and/or health hazards associated with them and may be found in various areas of public schools like science labs, vocational education areas, maintenance and custodial areas, and art and photo rooms. Important provisions of this rule require schools to develop and use a chemical purchasing screening process, to purchase a maximum two year supply of any chemical, to conduct annual chemical inventories, to store chemicals securely, safely, and compatibly, and to have spill control equipment and materials available.

(2) Department of Agriculture: Chapter 27 - "Standards for Pesticide Applications and Public Notification in Schools".

The Department of Agriculture regulates the use of pesticides in/around public and private schools, applicator notification requirements each school year, and training/certification standards for applicators. Pesticides include chemical types such as herbicides, rodenticides, insecticides, and some cleaning agents. Important provisions of this rule require schools to appoint a school employee as an integrated pest management (IPM) coordinator; to develop an IPM policy after reviewing applicable regulations; to use pesticides with only properly certified and trained people as part of an IPM program, and consistent with state regulations; to notify parents and building occupants about the IPM plan and planned or conducted pesticide applications; and to maintain application records for 2 years.

(3) Department of Environmental Protection: Chapters 850 to 857 - "Hazardous Waste Rules".

The Department of Environmental Protection has regulatory authority over several types of chemicals in schools. These types of chemicals include hazardous and universal wastes, including mercury and polychlorinated biphenyls, asbestos, and lead. Chapters 850-857 "Hazardous Waste Rules" regulate storage, manifesting, and disposing of hazardous wastes (paints, solvents, lab chemicals, oils, degreasers, printing supplies, pesticides, flammable liquids, and listed wastes), universal wastes (cathode ray tubes, fluorescent bulbs or lamps, most batteries other than alkaline or car batteries, mercury containing devices, PCB ballasts), and mercury. Most school complexes generate less than ½ drum of hazardous waste monthly and most dispose of that waste before accumulating more than 1 drum. Therefore, schools are generally considered to be small quantity generators (SQG) which have far less regulatory requirements

than large quantity generators. Storage, labeling, manifesting, spill reporting and clean up, and disposal requirements exist in rule for both hazardous and universal wastes streams. Mercury is also regulated under the same rules, and elemental and mercury compounds have been banned from purchase in schools.

(4) Department of Labor: Adopted OSHA Regulations "1910.1200 and 1910.1450".

The Department of Labor has broad regulatory authority regarding chemicals in school buildings pursuant to their adoption of OSHA's Hazard Communication Regulation ("Haz Com", 1910.1200) and, very limited but quite specific, regulatory authority regarding science laboratories pursuant to their adoption of OSHA's Lab Standard Regulation ("Lab Standard", 1910.1450). The Haz Com standard requires the evaluation of potential chemical hazards and the communication of such hazards to employees. Training, labeling, material safety data sheets (MSDS), and written hazard communication plans are requirements of Haz Com. The Lab Standard regulates employee monitoring, training, and safety procedures in all labs, including schools. Important requirements of the lab standard for public schools include that school systems must: appoint and train an employee as a chemical hygiene officer (CHO); must develop, implement, and update a chemical hygiene plan (CHP); must compile annual inventories; and must ensure that vents and hoods meet standards and are operational.

Appendix E - Schools receiving chemical hazard correspondence

<u>Notices of Violation</u> – dated November 17, 2005
Total School Systems: 88
Total Schools: 113

A D Gray Middle School
Adams School
Airline Community School
Alexander Elementary
Athens Elementary School
Auburn Middle School
Bath Middle School
Beals Elementary School
Beech Hill School
Blue Hill Consolidated School
Brewer High School
Brewer Middle School
Brooklin School
Bucksport High School
Bucksport Middle School
Cape Elizabeth High School
Cape Elizabeth Middle School
Carrabec Community School
Carrabec High School
Center Drive School
Central High School
Central Middle School
Cherryfield Elementary
China Middle School
Daniel W Merritt School
Dedham School
Eastport Elementary School
Edmunds Consolidated School
Ella Lewis School
Ellsworth High School
Ellsworth Middle School
Erskine Academy
Fort O'Brien School
Foxcroft Academy
Fryeburg Academy
Gardiner Regional Middle School
Georgetown Central School
Governor Baxter School for the Deaf
Greely Middle School
Greenville Middle/High School
Hampden Academy
Hancock Grammar School
Harmony Elementary
Helen S Dunn Elementary School
Hermon High School
Hichborn Middle School
Jay High School
Jay Middle School
John Bapst Memorial High School
Jonesboro Elementary School
Jonesport Elementary School
Jordan-Small Middle School
Kennebunk High School
King Middle School
Lake Region High School
Lake Region Middle School
Lamoine Consolidated School
Lawrence Jr High School
Lee Academy
Liberty School
Lincoln Academy
Lincoln Middle School
Loranger Middle School
Lubec Consolidated School
Madawaska Middle/High School
Maine Central Institute
Maine School of Science & Math
Maranacook Community Middle Sch
Massabesic High School
Massabesic Jr High School
Mattanawcook Academy
Medomak Valley High School
Middle School of the Kennebunks
Milbridge Elementary School
Mildred L Day School
Minot Consolidated School
Mountain Valley Middle School

Mt Jefferson Jr High School
North Haven Community School
Old Orchard Beach High School
Orono High School
Orono Middle School
Oxford Hills Comprehensive H S
Palermo Consolidated School
Penobscot Elementary School
Perry Elementary School
Philip W Sugg Middle School
Reeds Brook Middle School
Rockland District High School
Rockland District Middle School
Rose M Gaffney School
SAD 70 Elementary School
Samuel L Wagner Middle School
Sanford Jr High School
Scarborough High School
Scarborough Middle School
Searsport District Middle School
Sedgwick Elementary School
Skowhegan Area Middle School
Somerville Elementary School
Sumner Memorial High School
Thornton Academy
Union Elem & Gaul Middle Schs
Veazie Community School
Washburn District Elem School
Washburn District High School
Washington Academy
Waterville Junior High School
Windsor Elementary School
Winslow Junior High School
Wiscasset High School
Wiscasset Middle School
Woolwich Central School

<u>Subsidy Withholding Letters</u> dated January 4, 2006
Total School Systems: 21
Total Schools: 28

Airline Community School
Athens Elementary School
Beals Elementary School
Beech Hill School
Bucksport High School
Bucksport Middle School
Cape Elizabeth High School
Cape Elizabeth Middle School
Ella Lewis School
Greenville Middle/High School
Hancock Grammar School
Jay High School
Jay Middle School
Jonesport Elementary School
Lamoine Consolidated School
Lincoln Academy
Massabesic High School
Massabesic Jr High School
Mildred L Day School
Mt Jefferson Jr High School
Palermo Consolidated School
Rockland District Middle School
Rose M Gaffney School
SAD 70 Elementary School
Sedgwick Elementary School
Somerville Elementary School
Waterville Junior High School
Wiscasset Middle School

<u>Imminent Hazard Letters</u> (Cat 2) dated January 11, 2006
Total Schools: 23

Bangor High
Bonny Eagle High
Brunswick High
Falmouth High

Freeport High
Gardiner Area High
Gorham Middle School
Kennebunk High
Madison Area High
Maine School of Science & Math
Messalonskee High
Mountain Valley High
Mt Ararat High
Nokomis Regional High
Old Town High
Oxford Hills High
Penobscot Valley High
Robert W Traip Academy
South Portland High
Waterville High
Windham High
York High
York Middle

Summary of Lab Chemical Inventory Data

(data available from DOE upon request)

Total number of middle and high schools - 359

Category 1 schools: Imminent health threat; Bomb Squad removal performed - 3

Category 2 schools: High hazard; immediate assessment warranted - 23

Category 3 schools: High hazard; disposal within 6 months - 131

Category 4 schools: Low risk; safe storage and usage - 130

Schools with no labs - 64

Appendix F - Chapter 161 Revisions Stakeholders Group

Ed Antz Judy Malcolm Scott Brown Harvey Boatman Brenda Ringrose	Staff	Maine Department of Education
Ann Pistell	Staff	Maine Department of Environmental Protection
Steve Greeley Dale Siulinski	Staff	Maine Department of Labor
Kathy Murray, PhD	Staff	Maine Department of Agriculture
Jack Turcotte	Superintendent	Sanford School Department, Sanford
Quenten Clark	Superintendent	MSAD 58, Phillips
Emil Genest	Assistant Superintendent	MSAD 22, Hampden
James Anastasio	Principal	Cony High School, Augusta
Scott Mckernan	Facility Manager	Brunswick School Department, Brunswick