Information Sheet – 10/8/19 - Board of Trustees Meeting

TO: Board of Trustees Item: 8.2

FR: Celli Coeville

DATE: October 4, 2019

RE: Board Policy and Administrative Regulation Revision, BP/AR 3514.1, Hazardous Substances, Consider for Adoption

The Board Policy and Administrative Regulation, BP/AR 3514.1, for Hazardous Substances are being updated to reflect the most current CSBA versions.

I've attached the updated CSBA Board Policy and Administrative Regulation samples, as well as the current District Board Policy and Administrative Regulation.

Recommended Action: Approve the revised Board Policy/Administrative Regulation, BP/AR 3514.1, Hazardous Substances

CSBA Sample
Board Policy
Hazardous Substances

BP 3514.1
Business and Noninstructional Operations

Note: The following optional policy may be revised to reflect district practice.

The Governing Board desires to provide a safe school environment that protects students and employees from exposure to any potentially hazardous substances used in the district's educational program and in the maintenance and operation of district facilities and equipment.

(cf. 3514 - Environmental Safety)
(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4157/4257/4357 - Employee Safety)
(cf. 5141.22 - Infectious Diseases)
(cf. 5142 - Safety)

Insofar as reasonably possible, the Superintendent or designee shall minimize the quantities of hazardous substances stored and used on school property. When hazardous substances must be used, the Superintendent or designee shall give preference to materials that cause the least risk to people and the environment.

(cf. 3510 - Green School Operations)
(cf. 3514.2 - Integrated Pest Management)

Note: Pursuant to Education Code 49401.5, districts may request consultation services from the Department of Industrial Relations, Division of Occupational Safety and Health, to ensure that hazardous materials are being used and stored safely in schools. See the accompanying administrative regulation for legal requirements related to storage and disposal of hazardous substances.

The Superintendent or designee shall ensure that all potentially hazardous substances on district properties are inventoried, used, stored, and regularly disposed of in a safe and legal manner.

The Superintendent or designee shall develop, implement, and maintain a written hazard communication program in accordance with 8 CCR 5194 and shall ensure that employees, students, and others as necessary are fully informed about the properties and potential hazards of substances to which they may be exposed.

(cf. 1240 - Volunteer Assistance)

***Note: The following paragraph is for use by districts that offer science laboratory classes, at

any grade level, that expose employees to hazardous substances. Pursuant to 8 CCR 5191, any employer that maintains a workplace where there is laboratory use of hazardous chemicals (i.e., where relatively small quantities of hazardous chemicals are used but not produced) is required to have a written chemical hygiene plan to protect employees. See the accompanying administrative regulation for required program components.***

Note: In addition, Education Code 49340-49341 encourage educational efforts to increase awareness of students and staff dealing with hazardous materials in school laboratories in order to minimize injuries, loss of property, and classroom disruptions. For further information about safe handling of potentially hazardous substances in science laboratory classes, see the California Department of Education's Science Safety Handbook for California Public Schools.

The Superintendent or designee shall develop specific measures to ensure the safety of students and staff in school laboratories where hazardous chemicals are used. Such measures shall include the development and implementation of a chemical hygiene plan in accordance with 8 CCR 5191 and instruction to students about proper handling of hazardous substances.

(cf. 6142.93 - Science Instruction)

Note: The following paragraph may be revised to reflect the grade levels offered by the district. Education Code 32064 prohibits the use of arts and crafts materials containing toxic substances in grades K-6, and requires that any materials with toxic substances used in grades 7-12 meet specified labeling standards that inform users of the long-term health risks and provide instructions for safe use. For additional information and a list of materials prohibited in grades K-6, see the California Office of Environmental Health Hazard Assessment publication Art and Craft Materials in Schools: Guidelines for Purchasing and Safe Use.

The Superintendent or designee shall not order or purchase for use in grades K-6 any arts and crafts materials containing a substance determined by the California Office of Environmental Health Hazard Assessment to be toxic. The Superintendent or designee shall not purchase any such toxic material for use in grades 7-12 unless it includes a warning label as specified in Education Code 32065 that identifies any toxic ingredients, warns of potential adverse health effects, and describes procedures for safe use and storage. (Education Code 32064)

Legal Reference:
EDUCATION CODE
32060-32066 Toxic art supplies in schools
49340-49341 Hazardous substances education
49401.5 Legislative intent; consultation services
49411 Chemical listing; compounds used in school programs; determination of shelf life; disposal
FOOD AND AGRICULTURAL CODE
12981 Regulations re pesticides and worker safety
HEALTH AND SAFETY CODE

25163 Transportation of hazardous wastes; registration; exemptions; inspection
25500-25520 Hazardous materials release response plans; inventory
108100-108515 California Hazardous Substances Act
LABOR CODE
6360-6363 Hazardous Substances Information and Training Act
6380-6386 List of hazardous substances
CODE OF REGULATIONS, TITLE 8
339 List of hazardous substances
3203 Illness and injury prevention program
3204 Records of employee exposure to toxic or harmful substances
5139-5230 Control of hazardous substances, especially
5154.1-5154.2 Ventilation
5161 Definitions
5162 Emergency eyewash and shower equipment
5163 Control of spills
5164 Storage of hazardous substances
5191 Occupational exposure to hazardous chemicals in laboratories; chemical hygiene plan
5194 Hazard communication
CODE OF REGULATIONS, TITLE 22
67450.40-67450.49 School hazardous waste collection, consolidation, and accumulation facilities

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Science Safety Handbook for California Public Schools, 2012
CALIFORNIA OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT PUBLICATIONS
Art and Craft Materials in Schools: Guidelines for Purchasing and Safe Use, September 17, 2016
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://cde.ca.gov
California Office of Environmental Health Hazard Assessment: http://www.oehha.ca.gov
Department of Industrial Relations, Cal/OSHA: http://www.dir.ca.gov/dosh

CSBA Sample
Administrative Regulation
Hazardous Substances

AR 3514.1
Business and Noninstructional Operations

Cautionary Notice: Government Code 17581.5 relieves districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2018 (SB 840, Ch. 29, Statutes of 2018) extends the suspension of these requirements through the 2018-19 fiscal year. As a result, certain provisions of the following administrative regulation related to the removal of chemicals may be suspended.

Note: Education Code 49411 requires the California Department of Education (CDE), in cooperation with the Department of Industrial Relations (DIR), to develop a list of chemical compounds used in school programs, including the potential hazards and estimated shelf life of each compound. The applicable list is the list prepared by DIR pursuant to Labor Code 6382 and provided in 8 CCR 339.

Hazardous substance means a substance, material, or mixture which is likely to cause illness or injury by reason of being explosive, flammable, poisonous, corrosive, oxidizing, an irritant, or otherwise harmful. Hazardous substances, as identified by the Department of Industrial Relations, are listed in 8 CCR 339. (8 CCR 339, 5161)

Storage and Disposal of Chemicals

The Superintendent or designee shall adopt measures to ensure that hazardous substances on any district property are stored and disposed of properly in accordance with law. Such measures shall include, but are not limited to, the following: (8 CCR 5164)

1. Substances which react violently or evolve toxic vapors or gases when mixed, or which in combination become toxic, flammable, explosive, or otherwise hazardous, shall be separated from each other in storage by distance, partitions, secondary containment, or otherwise so as to preclude accidental contact between them.

2. Hazardous substances shall be stored in containers which are chemically inert to and appropriate for the type and quantity of the hazardous substance.

3. Containers of hazardous substances shall not be stored in such locations or manner as to result in physical damage to or deterioration of the container or where they are exposed to heat sufficient to rupture the container or to cause leakage.

4. Containers used to package a substance which gives off toxic, poisonous, corrosive, asphyxiant, suffocant, or anesthetic fumes, gases, or vapors in hazardous amounts, excluding small quantities of such materials kept in closed containers or materials kept in tank cars or trucks, shall not be stored in locations where it could be reasonably anticipated that persons would be exposed.

(cf. 3514 - Environmental Safety)

Note: Pursuant to Education Code 49411, the County Superintendent of Schools may implement a system for disposing of chemicals from schools within the county or may allow districts to arrange for the disposal of chemicals. The following paragraph may be revised to reflect local practice.

The Superintendent or designee shall regularly remove and dispose of all chemicals whose estimated shelf life has elapsed. (Education Code 49411)

Hazard Communication Program

Note: Districts are required to have a written hazard communication program that addresses the categories specified in items #1-7 below. Optional language provided below within each category may be revised to reflect district practice. For assistance complying with legal requirements, districts may consult CSBA's HazMat Communications Program.

The district's written hazard communication program shall include at least the components listed below and shall be available upon request to all employees and their designated representatives. The program shall apply to any hazardous substance which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a reasonably foreseeable emergency resulting from workplace operations. (8 CCR 5194)

1. Container Labeling

No container of hazardous substance, unless exempted by law, shall be accepted by the district or any district school unless labeled, tagged, or marked by the supplier with the identity of the hazardous substance, hazard warning statements, and the name and address of the chemical manufacturer or importer. No label on an incoming container shall be removed or intentionally defaced unless the container is immediately marked with the required information.

Whenever hazardous substances are transferred from their original containers to other containers, the secondary containers shall likewise be labeled with the identity and hazard warning statement, unless the substances are intended only for the immediate use of the employee who performs the transfer.

2. Safety Data Sheets

***Note: Pursuant to 8 CCR 5194, districts are required to maintain a safety data sheet (SDS) (formerly called a "material safety data sheet") for each hazardous substance they use. The SDS

is generally prepared by the manufacturer or importer and must include the types of information specified in 8 CCR 5194.***

Upon receiving a hazardous substance or mixture, the Superintendent or designee shall ensure that the manufacturer or importer has furnished a safety data sheet (SDS) as required by law. If the SDS is missing or obviously incomplete, the Superintendent or designee shall, within seven working days of noting the missing or incomplete information, request a new SDS from the manufacturer or importer. If a response is not received within 25 working days, the Superintendent or designee shall send a copy of the district's written inquiry to the California Occupational Safety and Health Division (Cal/OSHA). (8 CCR 5194)

Note: Pursuant to 8 CCR 5194, districts must ensure that all SDS are readily accessible. Alternatives to paper copies are allowable as long as no barrier to immediate access in each workplace is created by such options. Online and SDS-on-demand programs for this purpose are available through CSBA.

The Superintendent or designee shall maintain the required SDS for each hazardous substance in the workplace and shall ensure that it is readily accessible to employees in their work area during working hours. The SDS may be maintained in paper copy, electronically, or through other means, provided that employees have immediate access and understand how to use the alternative system.

3. Employee Information and Training

Note: The information and training required pursuant to 8 CCR 5194, as described below, must be provided to employees who could be exposed to hazardous substances under normal conditions of use or in a reasonably foreseeable emergency. The district should make an assessment for each employee as to whether he/she is expected to use any chemicals in the performance of his/her job duties or if there is the potential for exposure because of the existence of chemicals in the workplace.

Employees shall receive information and training on hazardous substances in their work area at the time of their initial assignment and whenever a new hazard is introduced into their work area. The information and training shall include, but are not limited to, the following topics: (8 CCR 5194)

a. The requirements of 8 CCR 5194, including employee rights described therein

b. The location and availability of the district's written hazard communication program, including the list of hazardous materials and all SDS

c. Any operations in the work area where hazardous substances are present

d. The physical and health effects of the hazardous substances in the work area

e. Methods and observations that may be used to detect the presence or release of hazardous

substances in the work area

f. Measures that employees can take to protect themselves from exposure to hazardous substances, including specific procedures the district has implemented to protect employees, such as appropriate work practices, emergency procedures, and personal protective equipment to be used

g. How to read and use the labels and SDS

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

4. List of Hazardous Substances

Note: 8 CCR 5194 requires that a complete list of hazardous substances be provided within the written hazard communication program, preferably with an indication of the work area(s) where the substances are found. This list may also be provided here.

The written hazard communication program shall include a list of the hazardous substances known to be present in the workplace as a whole or for individual work areas. (8 CCR 5194)

5. Hazardous Nonroutine Tasks

Note: Pursuant to 8 CCR 5194, the written hazard communication program must include methods the employer will use to inform employees of the hazards of nonroutine tasks and the hazards associated with substances contained in unlabeled pipes in their work areas. The following paragraph may be revised to reflect district practice.

When employees are required to perform hazardous nonroutine tasks or to work on unlabeled pipes that contain hazards, they shall first receive information about the specific hazards to which they may be exposed during this activity and the protective/safety measures which must be used, such as ventilation, respirators, other personal protective equipment, and/or the presence of another employee. They shall also receive information about emergency procedures to follow if accidentally exposed to the hazardous substance.

6. Information to Contractors

To ensure that outside contractors and their employees work safely in district facilities, the Superintendent or designee shall inform contractors of hazardous substances which are present on the site and precautions that they may take to lessen the possibility of exposure. It shall be the contractor's responsibility to disseminate this information to his/her employees and subcontractors.

Chemical Hygiene Plan

Note: The following section is for use by districts that offer science laboratory classes, at any grade level, that expose employees to hazardous chemicals. Pursuant to 8 CCR 5191, any employer maintaining workplaces where there is laboratory use of hazardous chemicals is required to have a written chemical hygiene plan with the components listed below.

The district's chemical hygiene plan shall address exposure to hazardous chemicals in school laboratories and shall include the following components: (8 CCR 5191)

1. Standard operating procedures relevant to safety and health considerations to be followed when laboratory work involves the use of hazardous chemicals

2. Criteria that the district will use to determine and implement control measures to reduce exposure to hazardous chemicals, including engineering controls, the use of personal protective equipment, and hygiene practices

3. A requirement that protective equipment comply with state regulations and that specific measures be taken to ensure proper and adequate performance of such equipment

Note: 8 CCR 5191 requires that the chemical hygiene plan include the provision of specified information and training to employees working in laboratories, as provided in items #4 and 5 below. Many of these topics are the same as those required to be included in the hazard communication program pursuant to 8 CCR 5194 (see item #3 of the section "Hazard Communication Program" above). The district may combine the training and information required by 8 CCR 5191 and 5194 provided that all required topics are addressed.

4. Provision of specified information at the time of an employee's initial assignment to a work area where hazardous chemicals are present and prior to assignments involving new exposure situations

Note: Pursuant to 8 CCR 5191, the district has discretion to determine the frequency of the employee training described in item #5 below. The following item may be revised to reflect district practice.

5. Provision of specified employee training in accordance with the schedule determined by the Superintendent or designee

6. The circumstances under which a particular laboratory operation, procedure, or activity shall require prior approval of the Superintendent or designee before implementation

7. Provisions for medical consultations and examinations whenever there is evidence, as specified, that the employee may have been exposed to a hazardous chemical

8. Designation of an employee, who is qualified by training or experience, to serve as the district's chemical hygiene officer to provide technical guidance in the development and implementation of the chemical hygiene plan

9. Provisions for additional employee protection for work with particularly hazardous substances, as specified

The plan shall be readily available to employees and employee representatives, and, upon request, to Cal/OSHA. (8 CCR 5191)

The Superintendent or designee shall review and evaluate the effectiveness of the chemical hygiene plan at least annually and shall update it as necessary. (8 CCR 5191)

HAZARDOUS SUBSTANCES

The Board of Trustees recognizes that potentially hazardous substances are used in the daily operations of our schools. The Superintendent or designee shall ensure these substances are inventoried, used, stored and regularly disposed of in a safe and legal manner.

Insofar as possible, the Superintendent or designee shall minimize the quantities of hazardous substances stored on school property and shall substitute less dangerous materials for hazardous substances.

Hazard Communication Program

The Superintendent or designee shall develop, implement and monitor a written hazard communication program in accordance with state law. As part of this program, he/she shall ensure that employees are fully informed about the properties and potential hazards of substances to which they may be exposed and that material safety data sheets are readily accessible to them.

Teachers shall instruct students about the importance of proper handling, storage, disposal and protection when using any potentially hazardous substance.

(cf. 3514 - Environmental Safety)
(cf. 4157/4257/4357 - Employee Safety)
(cf. 5141.23 - Infectious Disease Prevention)
(cf. 6161.3 - Toxic Art Supplies)

Legal Reference:

EDUCATION CODE
49341 Legislative findings
49401.5 Legislative intent; consultation services
49411 Chemical listing; compounds used in school programs; determination of shelf life; disposal
FOOD AND AGRICULTURE CODE
12981 Regulations re pesticides and worker safety
HEALTH AND SAFETY CODE
25163 Transportation of hazardous wastes; registration; exemptions; inspection
25500-25520 Hazardous materials release response plans; inventory
LABOR CODE
6360-6363 Hazardous Substances Information and Training Act
CODE OF REGULATIONS, TITLE 8
5194 Hazard Communication

HAZARDOUS SUBSTANCES

The disposal of chemicals may be accomplished in accordance with removal and disposal systems established by the County Office of Education or by permission of the County Superintendent of Schools. (Education Code 49411)

Hazard Communication Program

The written hazard communication program shall be available upon request to all employees and their designated representatives. (8 CCR 5194)

The following materials are exempted from the hazard communication program and this district regulation: hazardous wastes; tobacco products; wood and wood products; manufactured articles; food, drugs and cosmetics intended for personal consumption by employees while in the workplace; and substances used in compliance with regulations issued by the Department of Pesticide Regulation pursuant to Food and Agriculture Code 12981.

1. Container Labeling

   Except for consumer products, pesticides, alcoholic beverages, and food, drug and additive products which are already labeled in compliance with federal law, no container of hazardous substance shall be accepted by schools or the district unless labeled by the supplier with the following information:

   a. Identity of the hazardous substance(s)

   b. Hazard warning statements

   c. Name and address of the chemical manufacturer or importer

   Whenever hazardous substances are transferred from their original containers to other containers, the secondary containers shall likewise be labeled with the identity and hazard warning statement.

2. Material Safety Data Sheets

   Upon receiving a hazardous substance or mixture, the Superintendent or designee shall ensure that the manufacturer has also furnished a Material Safety Data Sheet (MSDS) as required by law. If the MSDS is missing or obviously incomplete, the Superintendent or designee shall request a new MSDS from the manufacturer and shall notify the California Occupational Safety and Health Division (Cal/OSHA) if a complete MSDS is not received.

HAZARDOUS SUBSTANCES (continued)

The Superintendent or designee shall maintain copies of the MSDS for all hazardous substances and ensure that they are kept up to date and available to all affected employees during working hours. He/she shall review each incoming MSDS for new and significant health or safety information and shall disseminate this information to affected employees.

3. Employee Information and Training

Employees shall receive inservice training on hazardous substances in their work area at the time of their initial assignment and whenever a new hazard is introduced into their work area. This training shall include but is not limited to: (8 CCR 5194)

a. An overview of the requirements of California's Hazard Communication Regulation (8 CCR 5194), including employee rights described therein

b. The location, availability and content of the district's written hazard communication program

c. Information as to any operations in the employees' work area where hazardous substances are present

d. The physical and health effects of the hazardous substances in the work area

e. Techniques and methods of observation that may determine the presence or release of hazardous substances in the work area

f. Methods by which employees can lessen or prevent exposure to these hazardous substances, such as appropriate work practices, use of personal protective equipment and engineering controls

g. Steps the district has taken to lessen or prevent exposure to these substances

h. Instruction on how to read labels and review the MSDS for appropriate information

i. Emergency and first aid procedures to follow if exposed to the hazardous substance(s)

HAZARDOUS SUBSTANCES (continued)

In addition, employees shall receive training on how to operate the computers or fax machines that provide access to MSDS files

4. List of Hazardous Substances

For specific information about the hazardous substances known to be present in the district and schools, employees may consult the MSDS.

5. Hazardous Nonroutine Tasks

When employees are required to perform hazardous nonroutine tasks, they shall first receive information about the specific hazards to which they may be exposed during this activity and the protective/safety measures which must be used. They shall also receive information about emergency procedures and the measures the district has taken to lessen the hazards, including ventilation, respirators, and the presence of another employee.

6. Hazardous Substances in Unlabeled Pipes

Before starting to work on unlabeled pipes, employees shall contact their supervisors for information as to the hazardous substance(s) contained in the pipes, the potential hazards, and safety precautions which must be taken.

(cf. 3514 - Environmental Safety)

7. Informing Contractors

To ensure that outside contractors and their employees work safely in district buildings and schools, the Superintendent or designee shall inform these contractors of hazardous substances which are present on the site and precautions that employees may take to lessen the possibility of exposure. It shall be the contractor's responsibility to disseminate this information to his/her employees and subcontractors.