

## Operational Services

### Environmental Quality of Buildings and Grounds <sup>1</sup>

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.<sup>2</sup> Before pesticides are used on District premises, the Superintendent or designee shall notify employees and parents/guardians of students as

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<sup>1</sup> State and/or federal law control this policy's content and require districts to:

1. Have a procedure to comply with the Structural Pest Control Act (~~225 ILCS 235/~~) and the Lawn Care Products Application and Notice Act (~~405/415 ILCS 5/10-20.4-65/~~). See 4:160-AP, ~~Administrative Procedure—Environmental Quality of Buildings and Grounds.~~
2. Designate a staff person to be responsible for district compliance with the safety acts listed in #1 above. This policy designates the superintendent or designee.

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

1. Several federal laws regulate asbestos as a hazardous substance, the most significant for schools being the Asbestos Hazard Emergency Response Act of 1986. 15 U.S.C. § 2641 et seq. The Asbestos Abatement Act, 105 ILCS 105/, requires schools to perform a variety of functions regarding asbestos.
2. The Indoor Air Quality Act, 410 ILCS 87/. The Ill. Dept. of Public Health Guidelines for Indoor Air Quality are advisory, i.e., not enforceable.  
[www.idph.state.il.us/envhealth/factsheets/indoorairqualityguide\\_fs.htm](http://www.idph.state.il.us/envhealth/factsheets/indoorairqualityguide_fs.htm)
3. The Smoke-Free Illinois Act, 410 ILCS 82/, bans tobacco smoking inside schools.
4. The Structural Pest Control Act, 225 ILCS 235/ requires the Ill. Dept. of Public Health to establish guidelines for an integrated pest management program for schools. See: [www.idph.state.il.us/envhealth/ipm/index.htm](http://www.idph.state.il.us/envhealth/ipm/index.htm), or [www.idph.state.il.us/envhealth/entpestshs.htm](http://www.idph.state.il.us/envhealth/entpestshs.htm).
5. Notices to employees and parents/guardians before pesticide applications are required by the Structural Pest Control Act (~~225 ILCS 235/10.3/~~). The Lawn Care Products Application and Notice Act requires similar notices but only to parents/guardians (~~415 ILCS 65/3/~~).
6. 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 ~~4:150, Facility Management and Building Program Programs.~~
7. The Green Buildings Act requires all new State-funded building construction and major renovation projects to meet specified environmental requirements (~~20 ILCS 3130/~~). Waivers may be granted by the Capital Development Board in certain situations (~~Id.~~).
8. The Ill. legislature recommended that each occupied school building be tested every ~~five~~ years for radon and provided a process for the screening in 105 ILCS 5/10-20.48.

Employers must provide all employees with an education and training program with respect to all toxic substances to which an employee is routinely exposed while working (~~820 ILCS 255/16/; 23 Ill.Admin.Code §1.330/~~). However, this section and most of the Toxic Substances Disclosure to Employees Act (820 ILCS 255/) are **inoperative**; its implementing rules (56 Ill.Admin.Code Part 205) were repealed. Instead, the Ill. Dept. of Labor enforces the federal Occupational Safety and Health Administration Hazard Communication Standards at 29 C.F.R. §1910.1200 (~~820 ILCS 255/1.5/~~). Thus, school districts must follow the federal disclosure and training requirements.

<sup>2</sup> A board persuaded by #8 in the above footnote may add the following option:

If economically feasible, the Superintendent or designee shall manage the testing of each occupied school building for radon pursuant to Section 10-20.48 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. §1910.1030, Occupational Exposure to Bloodborne Pathogens, as adopted by the Illinois Department of Labor, §6 Ill.Admin.Code §350.300(e)-700(b).  
29 C.F.R. §1910.1200, Occupational Safety and Health Administration Hazard Communication Standards, as adopted by 820 ILCS 255/1.5, Toxic Substances Disclosure to Employees Act.  
20 ILCS 3130/, Green Buildings Act.  
105 ILCS 5/10-20.17a; 5/10-20.48; ~~135/; and~~  
105 ILCS 135/, Toxic Art Supplies in Schools Act.  
105 ILCS 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. (*inoperative*)  
23 Ill.Admin.Code §1.330, ~~Toxic Materials Training.~~

Commented [DJ1]: Prior citation was repealed and renumbered.

CROSS REF.: 4:150 (Facility Management and Building Programs), 4:170 (Safety)

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~~3~~ Different requirements pertain to the notices in the Structural Pest Control Act (225 ILCS 235/10.3) and the Lawn Care Products Application and Notice Act (415 ILCS 65/3(f-)). 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~~four business days before application is required by Lawn Care Products Application and Notice Act; notice at least ~~2~~two business days is required by the Structural Pest Control Act.  
~~If a registry is maintained, replace the following alternative is used, omit the policy's last sentence with this alternative:~~  
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.