

Document Status: Draft Update

OPERATIONAL SERVICES

4:160 Environmental Quality of Buildings and Grounds

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.

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.

Pesticides

Pesticides will not be applied on the paved surfaces, playgrounds, or playing fields of any school serving grades K-8 during a school day or partial school day when students are in attendance for instructional purposes.^{PRESSPlus1} Additionally, the application of any Restricted use pesticides ~~will not be~~ is prohibited applied on or within 500 feet of school property during normal school hours. Before pesticides are used on District premises, the Superintendent or designee shall notify employees and parents/guardians of students as required by the Structural Pest Control Act, [225 ILCS 235/](#), and the Lawn Care Products Application and Notice Act, [415 ILCS 65/](#).

For purposes of this section of the policy, "pesticide" does not include an antimicrobial agent, such as disinfectant, sanitizer or deodorizer or insecticide and rodenticide in bait form.

The District will provide written or telephonic notification to all parents and guardians of students prior to pesticide application on school property. Written or email notification will be provided in one or more of the following: newsletter, calendar, or other correspondence currently published by the School District such as the District website at least four (4) business days prior to the application of the pesticide.

Prior written or email notice is not required in the event of an imminent threat to health or property. In those circumstances, the Superintendent, or designee, shall sign a statement describing the circumstances giving rise to the imminent threat and provide written notice as soon as practicable.

Coal Tar Sealant

Beginning on 1-1-23, b Before coal tar-based sealant products or high polycyclic aromatic hydrocarbon sealant products are used on District premises, the Superintendent or designee shall notify employees and parents/guardians of students in writing or by telephone as required by the Coal Tar Sealant Disclosure Act.

Toxic Hazards

These hazards exist in chemicals, pesticides, and other substances used in the school setting such as in laboratories, science classrooms, kitchens, and in the cleaning of rooms and equipment.

The Board will appoint an employee to serve as Toxic Hazard Preparedness (THP) Officer. The THP Officer will:

- A. Conduct a training program for all District employees that consists of the "Right to Know" training offered by the Illinois Department of Labor and includes such topics as detection of hazards, explanation of the health hazards to which they could be exposed in their work environment, and the District's plan for communication, labeling, etc. ([23 Ill.Admin.Code 1.330](#));
- B. Ensure that any staff member who applies pesticides on District property meets the requirements established by the State;
- C. Maintain a registry of parents and employees who have registered to receive written notification prior to the application of pesticide(s);
- D. Provide written notification, except as authorized by State law, at least four (4) days before any pesticide is applied, which identifies the date of the application, the name and telephone number of the school personnel responsible for the pesticide application;
- E. Identify potential sources of toxic hazard in cooperation with material suppliers who shall supply the THP Officer with Safety Data Sheets (SDSs);
- F. Maintain a current file of MSDS for all hazardous materials present on District property.

In fulfilling these responsibilities, the THP Officer may enlist the aid of county and municipal authorities and, if possible, the owners or operators of identified potential sources of toxic hazard.

Asbestos

In its efforts to comply with Asbestos Hazard Emergency Response Act (AHERA) and the Illinois Occupational Safety and Health Act (IOSHA), the Board recognizes its responsibility to:

- A. Inspect all District buildings for the existence of asbestos or asbestos-containing materials;
- B. Take appropriate actions, in accordance with State law and EPA regulations, based on the inspections;

- C. Establish a program for dealing with friable asbestos, if found;
- D. Maintain a program of periodic surveillance and inspection of facilities or equipment containing asbestos;
- E. Comply with EPA regulations governing the transportation and disposal of asbestos and asbestos-containing materials.

The Superintendent, or designee, shall appoint a person to develop and implement the District's Asbestos-Management Program which will ensure proper compliance with Federal and State laws and the appropriate instruction of staff and students.

The Superintendent, or designee, shall also ensure that, when conducting asbestos abatement projects, each contractor employed by the District is licensed pursuant to the Illinois Department of Health Regulations.

Nothing in this policy should be construed in any way as an assumption of liability by the Board for any death, injury, or illness that is the consequence of an accident or equipment failure or negligent or deliberate act beyond the control of the Board or its officers and employees.

The District may provide, however, legal representation and indemnification against civil liability with regard to claims or actions resulting from or arising out of negligence or alleged negligence of those persons responsible for inspecting, monitoring, removing, treating asbestos or material containing asbestos, or supervising these activities, provided the employee was performing the duties while in the course of his/her employment or while acting within the scope of his/her authority. The District reserves the right to deny representation and indemnification in those circumstances wherein the employee's actions demonstrate gross negligence or willful and wanton misconduct.

Lawn Care Products

State law requires the District to notify parents and employees of the application of lawn care products, which includes fertilizers and pesticides, on school property. In accordance with State law, the District will provide written notification to all parents and guardians of students prior to pesticide application on school property. Such written notification will be provided in one or more of the following: newsletter, calendar, newspaper, email, at least four (4) business days prior to the application of the pesticide. Prior written notice is not required in the event of an imminent threat to health or property. In those circumstances, the Superintendent, or designee, shall sign a statement describing the circumstances giving rise to the imminent threat and provide written notice as soon as practicable.

Integrated Pest Management

In accordance with Illinois regulations, the District will use this Integrated Pest Management Program. It is the policy of this School District to implement Integrated

Pest Management procedures to effectively manage pests and minimize exposure of students, faculty, and staff to pesticides.

Pests

Section 3.07 of the Structural Pest Control Act (the "Act") defines "pests" to "include arthropods, (insects, spiders, mites, ticks and related pests), wood infesting organisms, rats, mice, nuisance birds and any other obnoxious or undesirable animals in, or under structures, but does not include bacteria or other micro-organisms on or in living man or other living animals." [225 ILCS 235/3.07](#). It is the policy of the School District to control pests in the school environment.

Pesticides

Section 3.22 of the Act defines "general use pesticide" as "any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest." [225 ILCS 235/3.25](#). It is the policy of this School District to control pesticides in the school environment to limit exposure for students, faculty and staff.

Integrated Pest Management

Integrated Pest Management ("IPM") is an effective and environmentally sensitive approach to pest management that relies on a combination of common-sense practices. Current, comprehensive information on the life cycles of pests and their interactions with the environment are used, in conjunction with available pest control methods including pesticides, to manage pest damage by the most economical means and with the least amount of hazard to people, property and the environment. The choice of using a pesticide will be based on a review of all available options and a determination that these options alone are not acceptable, feasible or adequate. Non-chemical pest management methods will be used when possible.

IPM Coordinator

The School District shall appoint the Director of Facility Operations as IPM Coordinator who shall have primary responsibility for ensuring that the School District's IPM policy is carried out.

Integrated Pest Management Procedures

- A. The IPM Coordinator will periodically inspect and monitor pest management issues and receive reports from staff regarding these issues.
- B. The School District will establish pest tolerance thresholds and response times for common pests. If pest populations exceed the threshold level then control measures will be taken.

- C. The School District shall primarily use non-chemical prevention methods, such as sanitation and exclusion, and nontoxic, biological, cultural or mechanical pest management methods for reducing pest population, whenever possible.
- D. When other pest prevention and non-chemical control measures have failed to reduce pests below tolerance thresholds or it is determined that a pesticide must be used, then pesticides will be used.
- E. Even when a pesticide must be used, products that are the least harmful to human health and the environment will be used. The application of pesticides is subject to all applicable federal and State laws and regulations and District policies.
- F. Pesticides will be used only if containerized baits, or for spot-treatments targeting insect infestations or problem areas where a minimal amount of material can be used. Routine spraying of pests is prohibited. Rodent baits shall not be used unless in tamper resistant bait boxes. Routine general spraying on non-target pests is prohibited.
- G. Only individuals trained in the principles and practices of the IPM or appropriately licensed or certified in the commercial control pesticides business under the Act may apply pesticides on District property.
- H. The IPM Coordinator will review this program, on at least an annual basis, and update it as deemed appropriate.

Education and Notice Procedures

- A. Parents/Guardians will be informed annually about the School District's policy.
- B. The School District shall notify students' parents, faculty, and staff of upcoming pesticide treatments in accordance with Policy 4:160.
- C. School District staff and faculty will receive information and/or training on their role in the IPM plan.

Recordkeeping

- A. A pest management log will be maintained for each property.
- B. Pesticide use records will also be maintained.
- C. A logbook containing:
 - 1. Inspection sheets;
 - 2. A copy of the material and safety data sheet for each pesticide product used on site, and the date and amount of each.

Radon Testing

Due to the health risks associated with exposure to radon in indoor air, the District has decided to test every occupied school building every five (5) years pursuant to rules established by the Illinois Emergency Management Agency ("IEMA"). For new schools, the District will use radon resistant new construction techniques, as established by the

United State Environmental Protection Agency in Radon Prevention in the Design and Construction of Schools and Other Large Buildings.

Test results will be made available to the public in response to a FOIA request. Test results will be reported to the Illinois State Board of Education.

The District will designate an outside contractor to perform testing and report results to the District.

LEGAL REF.:

[105 ILCS 5/10-20.17a](#); [5/10-20.48](#).

[29 C.F.R. §1910.1030](#), Occupational Exposure to Bloodborne Pathogens, as adopted by the Illinois Department of Labor, [56 Ill.Admin.Code §350.700\(b\)](#).

[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 135/](#), Toxic Art Supplies in Schools Act.

[105 ILCS 140/](#), Green Cleaning School Act.

[105 ILCS 160/](#), Pesticide Application at Schools Act.

[225 ILCS 235/](#), Structural Pest Control Act.

[415 ILCS 60/14](#), Illinois Pesticide Act.

[415 ILCS 65/](#), Lawn Care Products Application and Notice Act.

[410 ILCS 170/](#), Coal Tar Sealant Disclosure Act.

[820 ILCS 255/](#), Toxic Substances Disclosure to Employees Act. (*inoperative*)

[23 Ill.Admin.Code §1.330](#).

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

PRESSPlus Comments

[PRESSPlus 1](#). Updated in response to the Pesticide Application at Schools Act

(PASA), 105 ILCS 160/, added by P.A. 103-496. Areas prohibited from treatment include paved surfaces, playgrounds and playing fields, where children are typically present.

Pesticides is not specifically defined in PASA; however, the Illinois Pesticide Act (IPA) defines both *pesticides* and the subcategory of *restricted use pesticides*. 415 ILCS 60/4. PASA therefore appears broader than the IPA because it applies to all pesticides, including those that are not restricted use pesticides. However, PASA is narrower than the IPA in two ways. First, PASA's geographic scope is narrower than the IPA because PASA does not apply to "areas of school grounds where children are typically not present, including, but not limited to flower beds and lawns surrounding the school not used as playing fields." Second, PASA is narrower in that its prohibition is only in effect when students are in attendance for instruction, compared to the IPA prohibition that applies during *normal school hours* and could extend beyond instructional hours. For ease in administering these slightly different standards, an elementary or unit district may want to follow the more restrictive geographic and temporal prohibitions in the IPA but apply them to all types of pesticides. See also footnote 4 of sample policy 4:160, *Environmental Quality of Buildings and Grounds*, and sample administrative procedure 4:160-AP, *Environmental Quality of Buildings and Grounds*, available at PRESS Online by logging in at www.iasb.com. **Issue 113, October 2023**