

E-4 (EBAB) Hazardous Materials

Hazardous materials include any substance or mixture of substances that poses a fire, explosive, reactive or health hazard as more fully defined by law. There are many areas of the school operation, from science laboratories and art departments to custodial services and vehicle maintenance, which use a variety of materials that may be hazardous.

The Board, through the superintendent, shall cause to be created procedures which address the purchase, storage, handling, transportation and disposal of hazardous materials for all school facilities and operations including instructional areas. Emergency response actions and evacuation plans shall be coordinated with the procedures.

The procedures shall comply with all local, state and federal laws and regulations which pertain to the safe and proper storage, transportation and disposal of hazardous materials.

The goal of the procedures shall be to set into place an ongoing process by which each location in the district may begin a program of identifying and managing potentially hazardous materials. District personnel shall be encouraged to make less dangerous substitutions for hazardous substances to the extent possible and to minimize the quantities of such substances stored on school property.

Appropriate school personnel shall be trained to take precautions to prevent accidents and to handle them in the event they do occur.

It is not the intent of the Board to expand or modify the district's potential liability exposure through the adoption of this policy. The district's voluntary compliance with any statute or regulation to which it is not otherwise subject shall not be construed to create or assume any potential liability under any local, state or federal law or regulation.

LEGAL REFS.: 42 U.S.C. §6901 (1982 & Supp. III 1985) (*Resource Conservation and Recovery Act [RCRA] and accompanying regulations*)

42 U.S.C. §9601 (1982 & Supp. IV 1986) (*Comprehensive Environmental Response Compensation and Liability Act [CERCLA] and accompanying regulations*)

49 U.S.C. 1801 (*Hazardous Materials Transportation Act*)

C.R.S. [13-21-108.5](#) (*persons rendering assistance relating to discharge of hazardous materials immune from civil liability*)

C.R.S. [24-10-106.5](#) (*duty of care in Colorado Governmental Immunity Act*)

C.R.S. [25-15-101](#) *et seq.* (*state hazardous waste management program*)

C.R.S. [29-22-101](#) *et seq.* (*hazardous substance incidents*)

C.R.S. [42-4-228](#) (*vehicles transporting explosive or hazardous materials*)

C.R.S. [42-4-234](#) (3)

C.R.S. [42-20-101](#) *et seq.* (*Hazardous Materials Transportation Act of 1987*)

6 CCR [1007-3](#), Part 261 (*identification and listing of hazardous waste*)

6 CCR [1010-6](#) (*department of public health and environment rules governing schools*)

8 CCR [1507-1](#) (*operation of commercial vehicles and transportation of hazardous materials*)

NOTE 1: Applicable local fire codes should be added to the above legal references.

NOTE 2: The Colorado Senate strongly encourages school districts to communicate with students and their parents/guardians concerning the types of hazardous materials that are routinely used in maintaining buildings and grounds and those that are routinely used for educational purposes. This information can be distributed to students along with other routine notifications.

Districts are also strongly encouraged to provide advance public notice regarding the use of hazardous materials when the use will occur outside the ordinary course of education programs or routine building and ground maintenance. The notice should be provided to the department of public health and environment, students, staff and community members who may be affected.

NOTE 3: The Colorado Department of Public Health and Environment (CDPHE) has rules and regulations pertaining to schools that require school districts to adopt a “chemical hygiene plan” by January 1, 2016 that addresses all areas of the school where toxic or hazardous substances are used or provided. The plan must be reviewed and updated, as necessary, at least annually. 6 CCR [1010-6](#), Rule 6.12.1(E). Schools must dispose of chemicals prohibited by CDPHE’s rules by January 1, 2017. 6 CCR [1010-6](#), Rule 6.12.3(C).

For information regarding “Chemical Management in Schools,” including guidelines for handling hazardous materials as well as a self assessment tool for determining compliance, visit the Colorado Department of Public Health and Environment, Division of Environmental Health and Sustainability’s website or call 303-692-3645.

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