

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 create 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.

The District will include in routine notifications to students and their parents/guardians information concerning the types of hazardous materials that are routinely used in maintaining buildings and grounds and those that are routinely used for educational purposes. The District will 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. Such notice will be provided to the Department of Public Health and Environment, students, staff, and community members who may be affected.

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.

Adopted January 23, 2018, by the Board of Education for Mapleton Public Schools.

LEGAL REFERENCES:

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) (*slow-moving vehicles - display of emblem*)

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*)

6 CCR 1010-6, Rule 6.12.1(E) (*school districts shall 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; plan shall be reviewed and updated at least annually*)

6 CCR 1010-6, Rule 6.12.3(C) (*schools must dispose of chemicals prohibited by CDPHE’s rules by January 1, 2017*)

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