

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b)(2) (14 Del.C. §122(b)(2))  
14 DE Admin. Code 885

### PROPOSED

#### Education Impact Analysis Pursuant To 14 Del.C. Section 122(d)

#### 885 Safe Management and Disposal of Chemicals in the Delaware Public School System

##### A. Type of Regulatory Action Required

Amendment to Existing Regulation

##### B. Synopsis of Subject Matter of the Regulation

The Secretary of Education intends to amend 14 DE Admin. Code 885 Safe Management and Disposal of Chemicals in the Delaware Public School System in order to change sections 7.0 and 8.0 Disposal of Surplus Transportable Hazardous Chemicals and Disposal of Surplus Non Transportable Hazardous Chemicals , since no hazardous chemicals are transportable and all hazardous chemicals must be removed by a licensed waste hauler. The dates have also been changed when information on the hazardous chemicals must be reported to the Department of Education.

##### C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation addresses hazardous chemicals not student achievement as measured against state achievement standards.
2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation addresses hazardous chemicals not equitable education issues.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation addresses hazardous chemicals and helps to ensure that all students' health and safety are adequately protected.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses hazardous chemicals not students' legal rights.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation will preserve the necessary authority and flexibility of decision making at the local board and school level.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation will not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.
7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision making authority and accountability for addressing the subject to be regulated will remain in the same entity.
8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The amended regulation will be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies.
9. Is there a less burdensome method for addressing the purpose of the regulation? There is no less burdensome method for addressing the purpose of the regulation.
10. What is the cost to the State and to the local school boards of compliance with the regulation? There may be some additional costs to local school board for complying with this regulation.

## **885 Safe Management and Disposal of Chemicals in the Delaware Public School System**

### **1.0 Mercury and Mercury Compounds**

1.1 Mercury and mercury compounds, both organic and inorganic, shall not be used in the science classrooms in the public schools in Delaware later than January 1, 2005. Instruments which contain mercury such as thermometers, hydrometers, barometers, etc. shall be replaced at all grade levels in order to guard against spillage.

### **2.0 Storage of Chemicals**

2.1 The storage of all chemicals shall conform to the specifications stated in ~~Safety First: Guidelines for Safety in the Science or Science Related Classrooms~~ Safety First: Guidelines for Safety in the Science or Science Related Classrooms.

### **3.0 Inventory of Chemicals, Hazardous and Non ~~h~~Hazardous**

3.1 All laboratories and science storage in the Delaware public schools shall be inventoried each year during the month of ~~March~~ September. The list of the chemicals shall be kept by the school principal. The inventory of chemicals both hazardous and nonhazardous shall contain the following information:

- 3.2 Who may handle the chemical and use it;
- 3.3 The name of the chemical;
- 3.4 The amount on hand;
- 3.5 The location where the chemical is stored;
- 3.6 The date purchased; and
- 3.7 The date discarded.

### **4.0 ~~For Purposes of this Regulation, Surplus Shall Refer to Chemicals Which are No Longer Usable or Needed~~**

#### **~~54.0~~ Inventory of Surplus Chemicals**

~~4.1~~ 4.1 For purposes of this regulation, surplus shall refer to chemicals which are no longer usable or needed.

~~5.4~~ 4.2 Each district and charter school shall prepare a list of surplus chemicals and send a copy to the Education Associate, Science Environmental Education by ~~April~~ October 15 of each year. The Department shall duplicate and disseminate these lists to school districts and charter schools so that they may negotiate, trade or exchange their surplus chemicals.

#### **~~65.0~~ Disposal of Surplus Non ~~h~~Hazardous Chemicals**

~~65.1~~ Disposal of surplus nonhazardous chemicals shall be carried out by the school district and charter school in accordance with procedures outlined in the Flinn Chemical Catalog Reference Manual, using trained staff.

#### **~~7 6.0~~ Disposal of Surplus Non Transportable Hazardous Chemicals**

~~7.1~~ Each district and charter school shall prepare a list of surplus transportable hazardous chemicals and submit it to the Education Associate for Science and Environmental Education by May 15 of each year. These surplus transportable hazardous chemicals, from all districts and charter schools shall be brought to a central facility by district and charter school personnel. The location of this facility and date of aggregation shall be announced annually by the Education Associate for Science and Environmental Education. The Department shall arrange for a licensed waste hauler to take the chemicals to a proper waste facility for disposal. The cost of disposal shall be prorated among the districts and charter schools based upon the weight of the hazardous materials.

6.1 Surplus hazardous chemicals such as diethyl ether, picric acid, benzoyl peroxide and other materials that are listed in Safety First: Guidelines for Safety in the Science or Science Related Classrooms, must be disposed of through the use of a licensed waste hauler.

76.1.1 Each district and charter school shall prepare a list of surplus hazardous chemicals and submit it to the Education Associate for Science and Environmental Education by November 15 of each year. The Department shall arrange for a licensed waste hauler to take the chemicals to a proper waste facility for disposal. The cost of disposal shall be prorated among the districts and charter schools based upon the weight of the hazardous materials.

**8.0 Disposal of Surplus Nontransportable Hazardous Chemicals**

8.1 Surplus nontransportable hazardous chemicals such as diethyl ether, picric acid, benzoyl peroxide and other materials that are listed in ~~Safety First: Guidelines for Safety in the Science or Science-Related Classrooms~~, must be disposed of in a prompt manner through the use of a licensed waste hauler. It is the responsibility of the school districts and charter schools to contact a licensed waste hauler and to pay the cost for removal and disposal.

**8 DE Reg. 346 (08/01/04)**

**10 DE Reg. 952 (12/01/06) (Prop.)**