

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

FINAL

REGULATORY IMPLEMENTING ORDER

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

I. Summary of the Evidence and Information Submitted

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.

Notice of the proposed regulation was published in the Delaware State News on November 22, 2006, and in the News Journal on January 18, 2007 in the form hereto attached as *Exhibit "A"*. No comments were received.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 885 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.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 885. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 885 attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 885 hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. Text and Citation

The text of 14 **DE Admin. Code** 885 amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 885 in the *Administrative Code of Regulations* for the Department of Education.

V. Effective Date of Order

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on February 9, 2007. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 9th day of February 2007.

Department of Education

Valerie A. Woodruff, Secretary of Education

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~~

5 4.0 Inventory of Surplus Chemicals

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.

6 5.0 Disposal of Surplus Non ~~h~~Hazardous Chemicals

~~6.1~~ 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. 1432 (03/01/07) (Final)