

FEB 1 2001
STATE GOVERNMENT

HOUSE FILE 158
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and JOCHUM

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to proper methods of chemical management,
2 establishing the comprehensive safe chemical management in
3 schools program, and making an appropriation.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 158

1 Section 1. Section 89B.8, subsection 1, Code 2001, is
2 amended to read as follows:

3 1. An employee in this state has the right to be informed
4 about the hazardous chemicals to which the employee may be
5 exposed in the workplace, the potential health hazards of the
6 hazardous chemicals, and the proper handling techniques for
7 the hazardous chemicals, including but not limited to proper
8 protective equipment, proper storage, and safe disposal
9 methods. An employer shall provide or make available to an
10 employee information as required by this chapter. Except as
11 explicitly exempted, this chapter applies to all employers in
12 the state.

13 Sec 2. Section 100.31, unnumbered paragraph 3, Code 2001,
14 is amended to read as follows:

15 The state fire marshal or the fire marshal's deputies shall
16 cause each public or private school, college or university to
17 be inspected at least once every two years to determine
18 whether each school meets the fire safety standards of this
19 Code and is free from other fire hazards, including those
20 associated with improper chemical management practices.

21 ~~Provided, however, that~~ However, such inspections shall be
22 made by fire department inspectors in cities which that employ
23 fire department inspectors ~~shall cause such inspections to be~~
24 ~~made~~.

25 Sec. 3. Section 100.35, unnumbered paragraph 1, Code 2001,
26 is amended to read as follows:

27 The fire marshal shall adopt, and may amend rules under
28 chapter 17A, which include standards relating to exits and
29 exit lights, fire escapes, fire protection, fire safety,
30 hazardous chemical management practices, and the elimination
31 of fire hazards, in and for churches, schools, hotels,
32 theaters, amphitheaters, hospitals, health care facilities as
33 defined in section 135C.1, boarding homes or housing, rest
34 homes, dormitories, college buildings, lodge halls, club
35 rooms, public meeting places, places of amusement, apartment

1 buildings, food establishments as defined in section 137F.1,
2 and all other buildings or structures in which persons
3 congregate from time to time, whether publicly or privately
4 owned. Violation of a rule adopted by the fire marshal is a
5 simple misdemeanor. However, upon proof that the fire marshal
6 gave written notice to the defendant of the violation, and
7 proof that the violation constituted a clear and present
8 danger to life, and proof that the defendant failed to
9 eliminate the condition giving rise to the violation within
10 thirty days after receipt of notice from the fire marshal, the
11 penalty is that provided by law for a serious misdemeanor.
12 Each day of the continuing violation of a rule after
13 conviction of a violation of the rule is a separate offense.
14 A conviction is subject to appeal as in other criminal cases.

15 Sec. 4. Section 256.11, subsections 3 and 4, Code 2001,
16 are amended to read as follows:

17 3. The following areas shall be taught in grades one
18 through six: English-language arts, social studies,
19 mathematics, science, health, human growth and development,
20 physical education, traffic safety, music, and visual art.
21 The science curriculum shall include the topics of science
22 safety and proper hazardous waste management. The health
23 curriculum shall include the characteristics of communicable
24 diseases including acquired immune deficiency syndrome. The
25 state board as part of accreditation standards shall adopt
26 curriculum definitions for implementing the elementary
27 program.

28 4. The following shall be taught in grades seven and
29 eight: English-language arts; social studies; mathematics;
30 science; health; human growth and development, family,
31 consumer, career, and technology education; physical
32 education; music; and visual art. The science curriculum
33 shall include the topics of science safety and proper
34 hazardous waste management. The health curriculum shall
35 include the characteristics of sexually transmitted diseases

1 and acquired immune deficiency syndrome. The state board as
2 part of accreditation standards shall adopt curriculum
3 definitions for implementing the program in grades seven and
4 eight. However, this subsection shall not apply to the
5 teaching of family, consumer, career, and technology education
6 in nonpublic schools.

7 Sec. 5. Section 256.11, subsection 5, paragraph a, Code
8 2001, is amended to read as follows:

9 a. Five units of science including physics and chemistry;
10 the units of physics and chemistry may be taught in alternate
11 years. The science curriculum shall include the topics of
12 science safety and proper hazardous waste management.

13 Sec. 6. Section 280.14, Code 2001, is amended to read as
14 follows:

15 280.14 SCHOOL REQUIREMENTS.

16 1. The board or governing authority of each school or
17 school district subject to the provisions of this chapter
18 shall establish and maintain adequate administration, school
19 staffing, personnel assignment policies, teacher
20 qualifications, certification requirements, facilities,
21 equipment, grounds, graduation requirements, instructional
22 requirements, instructional materials, maintenance procedures
23 and policies on extracurricular activities. In addition the
24 board or governing authority of each school or school district
25 shall provide such principals as it finds necessary to provide
26 effective supervision and administration for each school and
27 its faculty and student body. An individual who is employed
28 or contracted as a superintendent by a school or school
29 district may also serve as an elementary principal in the same
30 school or school district.

31 2. The board of directors of each school district and the
32 authorities in charge of each accredited nonpublic school
33 shall meet the criteria for conditionally exempt small
34 quantity generators of hazardous waste as set forth in 40
35 C.F.R. § 261.5, by the United States environmental protection

1 agency.

2 Sec. 7. NEW SECTION. 455F.12 COMPREHENSIVE SAFE CHEMICAL
3 MANAGEMENT IN SCHOOLS PROGRAM ESTABLISHED -- APPROPRIATION.

4 1. A comprehensive safe chemical management in schools
5 program is established within the department to provide for
6 training in safe chemical management for school district
7 personnel, or for a pollution prevention curriculum at each
8 attendance center in a school district, for on-site
9 identification and management of radioactives and potential
10 explosives in school districts, and for grants for the safe
11 disposal of hazardous materials found in school district
12 attendance centers.

13 2. There is appropriated from the rebuild Iowa
14 infrastructure fund to the department of natural resources for
15 each fiscal year of the fiscal period beginning July 1, 2001,
16 and ending June 30, 2006, the sum of seven hundred ninety-
17 three thousand dollars for the comprehensive safe chemical
18 management in schools program.

19 3. Moneys appropriated for purposes of the comprehensive
20 safe chemical management in schools program shall be allocated
21 and used as follows:

22 a. Twenty-four thousand dollars of the funds appropriated
23 annually shall be allocated to the department, the department
24 of public health, or the department of public safety, as
25 appropriate, for the disposal of radioactive or explosive
26 materials found in school district attendance centers during a
27 hazardous materials inspection.

28 b. Three hundred thirty-four thousand dollars of the funds
29 appropriated annually shall be allocated to provide
30 comprehensive hazardous materials management training and risk
31 assessment to participating school districts. Persons who are
32 employed by a school district and receive training pursuant to
33 this paragraph shall, at a minimum, conduct an inspection of
34 each attendance center located in the district to identify and
35 mark household hazardous materials, complete an inventory of

1 all chemicals maintained at the attendance center, and enter
2 the materials identified into a database, and shall notify
3 appropriate state agencies for disposal assistance.

4 c. Three hundred sixty thousand dollars of the funds
5 appropriated annually shall be allocated to the department to
6 provide grants to school districts for hazardous materials
7 disposal. A participating school shall match state assistance
8 received for purposes of this paragraph in the amount of
9 twenty cents for every eighty cents received in state
10 assistance. A school is exempt from the match requirement if
11 the school implements a small scale or microscale chemistry
12 experimentation curriculum or a pollution prevention
13 curriculum prior to applying for a grant for hazardous
14 materials disposal.

15 d. Seventy-five thousand dollars of the funds allocated
16 annually shall be allocated to the department for
17 administration of the comprehensive safe chemical management
18 in schools program.

19 4. The department shall develop a list of approved
20 hazardous waste facilities that meet the criteria for
21 conditionally exempt small quantity generators of hazardous
22 waste set forth by the United States environmental protection
23 agency. A participating school district shall enter into a
24 contract with an approved facility for disposal of unwanted
25 hazardous materials.

26 5. Notwithstanding section 8.33, unencumbered or
27 unobligated funds appropriated under subsection 2 remaining on
28 June 30 of the fiscal year for which the funds were
29 appropriated shall not revert but shall be available for
30 expenditure for the following fiscal year for the purposes of
31 subsection 3, paragraph "b", "c", or "d".

32 6. The department shall prepare and submit annually a
33 report on the progress and financial status of this program to
34 the general assembly by January 15.

35 Sec. 8. STATE MANDATE FUNDING SPECIFIED. In accordance

1 with section 25B.2, subsection 3, the state cost of requiring
2 compliance with any state mandate included in this Act shall
3 be paid by a school district from state school foundation aid
4 received by the school district under section 257.16. This
5 specification of the payment of the state cost shall be deemed
6 to meet all the state funding-related requirements of section
7 25B.2, subsection 3, and no additional state funding shall be
8 necessary for the full implementation of this Act by and
9 enforcement of this Act against all affected school districts.

10 EXPLANATION

11 This bill relates to hazardous chemical management by state
12 employees and school districts. The bill provides that each
13 state employee has the right to be informed about the
14 hazardous chemicals to which the employee may be exposed in
15 the workplace, including proper protective equipment, storage,
16 and disposal methods; expands the inspection requirements of
17 the state fire marshal's office and local fire inspectors to
18 include fire hazards associated with improper chemical
19 management practices; requires the state fire marshal to adopt
20 standards relating to hazardous chemical management practices;
21 requires that the science curriculum used in grades 1 through
22 12 include the topics of science safety and proper hazardous
23 waste management; requires schools and school districts to
24 meet the criteria for conditionally exempt small quantity
25 generators of hazardous waste under federal regulations, and
26 appropriates \$793,000 annually, or \$3,965,000 over a five-year
27 period, from the rebuild Iowa infrastructure fund of the state
28 for the establishment, administration, and implementation of
29 the comprehensive safe chemical management in schools program.

30 The bill also allocates \$334,000 annually to provide
31 comprehensive hazardous materials management training to
32 participating school districts. Persons who receive training
33 must inspect each attendance center located in a district to
34 identify and mark household hazardous materials, complete an
35 inventory of all chemicals maintained at the attendance

1 center, and enter the materials identified into a database,
2 and must notify appropriate state agencies for disposal
3 assistance.

4 The bill also allocates \$360,000 annually to provide grants
5 to school districts for hazardous materials disposal. School
6 districts must contract with a facility approved by the
7 department for the disposal of unwanted hazardous materials.
8 A school district must commit a 20 cent local match for every
9 80 cents of state financial assistance received for hazardous
10 materials disposal, except that a school that has the
11 curriculum in place prior to applying for a disposal grant is
12 exempt from the match requirement.

13 The bill allocates \$24,000 annually for the disposal of
14 radioactive or explosive materials found in school district
15 attendance centers during a hazardous materials inspection.

16 The department is allocated \$75,000 annually for the
17 administration of the program. Funds remaining at the end of
18 the fiscal year do not revert but remain available for
19 training or for grants for implementation of the small or
20 microscale chemistry curriculum or for disposal of hazardous
21 waste materials.

22 The bill may include a state mandate as defined in Code
23 section 25B.3. The bill requires that the state cost of any
24 state mandate included in the bill be paid by a school
25 district from state school foundation aid received by the
26 school district under Code section 257.16. The specification
27 is deemed to constitute state compliance with any state
28 mandate funding-related requirements of Code section 25B.2.
29 The inclusion of this specification is intended to reinstate
30 the requirement of political subdivisions to comply with any
31 state mandates included in the bill.

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