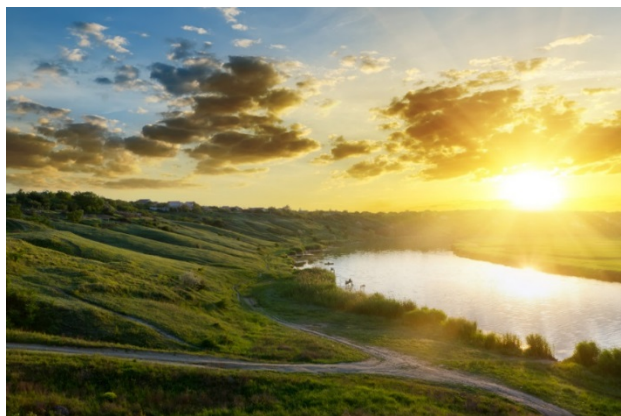


The Aurora Report

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HazCom and Prop 65

Seeing Double Yet??



California has nothing if not regulations. We have federal regs, such as the Hazard Communication Standard/Right-to-Know (aka **HazCom**), which everyone has to abide by, and California has its own state versions (usually stricter). And we have state-only regs, such as Proposition 65 ("**Prop 65**"), unique to California, at least today. HazCom applies anywhere hazardous materials (chemicals) are present, which includes school facilities, and is regulated by the U.S. Occupational Safety and Health Administration (OSHA) and Cal/OSHA. Prop 65 applies to businesses in California that use chemicals known to cause cancer, birth defects, or other reproductive harm, and is administered by the California Office of Environmental Health Hazard Assessment (OEHHA), which is part of Cal/OSHA. And both regulations include chemicals that are cancer-causing (carcinogens). Both require notification to those potentially exposed, using signage, Safety Data Sheets (SDSs), or other means. But are they redundant? Contradictory? **Not for schools.** Public schools/school districts are **exempt** from Prop 65 requirements, except regarding non-school district employees (contractors). However, public school districts still fall under the provisions of HazCom for their employees and students, which includes all of the chemicals on the Prop 65 list. Confused yet? We aim to simplify this conundrum.

Federal and state **HazCom** regulations require school districts to conduct annual district-wide Hazardous Materials Inventories to identify and quantify hazardous materials, which are any items or agents (biological, chemical, radiological, and/or physical) that have the potential to cause harm to humans, animals, or the environment, either by themselves or through interaction with other factors. They can be "health hazards" or "physical hazards," including carcinogens, toxic agents, irritants, corrosives, sensitizers, combustibles, explosives, flammables, oxidizers, pyrophorics, unstable-reactive, or water-reactive. Many products commonly used in schools have these properties, such as cleaning fluids, art supplies, automotive products, pesticides/herbicides/fungicides/rodenticides, even hand sanitizers. Schools can have hundreds of these chemicals, and each product needs to come with a detailed Safety Data Sheet (**SDS**) to keep on site for employees and others. Schools are required to train their employees on safe use of these chemicals. **There are many other requirements.**

California's **Proposition 65** regulation contains a list of almost 900 chemicals that cause cancer, birth defects,

(Continued on Page 2)



HazCom and Proposition 65 – Continued

or other reproductive harm, and requires businesses to provide warnings to Californians about significant exposures to these chemicals. The list contains a wide range of naturally occurring and synthetic chemicals that include additives or ingredients in pesticides, common household products, food, drugs, dyes, or solvents. Prop 65 chemicals may even be byproducts of chemical processes, such as motor vehicle exhaust.

Prop 65 warnings are placed on product labels or posted as signage or distributed at a workplace, a business, or in rental housing. **Prop 65 signs are everywhere in California.** But they are not in schools, because OEHHA has declared that public schools and other public institutions and agencies are exempt from the Prop 65 regulations, **except where contractors are concerned.** Non-school district employees/contractors need to be warned about any Prop 65 chemicals they may encounter during their work at the school facility, and the contractors themselves must provide warnings to school employees about any chemicals they bring on site that could potentially expose school district employees. These warnings are typically given by showing the SDSs that come with the chemicals, which contain in-depth information on the hazards.

Wait--what about the **Integrated Pest Management (IPM)** Program, schools may ask? How does this fit into our regulatory mix? IPM came about as a result of the Healthy School's Act (HSA) and is administered by the California Department of Pesticide Regulation (DPR). DPR's School IPM Program applies to K-12 public schools and all childcare centers, public or private. Beginning July 1, 2016, school IPM coordinators (now required) and anyone who may apply a pesticide at a school or child care center must take a DPR-approved training course before making a pesticide application. There are requirements for temporary signage, notification, training, and reporting.

There is a list of 20 absolutely prohibited pesticides. All this sounds very much like Prop 65—and HazCom.

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Art Smarts: Banned Art & Craft Materials in K-6

California law prohibits the purchase of art or craft materials containing toxic substances for use by students in grades K-6. The Office of Environmental Health Hazard Assessment (OEHHA) developed a list of **765 art and craft materials that cannot be purchased for use in grades K-6.** This list (oehha.ca.gov/risk-assessment) is a resource to assist schools in complying with the purchasing requirements. The law also requires that art products purchased for use by students in **grades 7-12** are properly labeled to inform users of long-term (chronic) health risks and instructions for safe use. These purchasing requirements apply to schools, school districts, and governing authorities of private schools.



Newly added June 2018: Board Dudes Dry Erase Markers • Expo Dry Erase Markers (scented ink) • Playskool Crayons (36 count)

Although not required by law, avoiding art materials that appear on the OEHHA list when purchasing for use by students in grades 7-12 is a good precautionary measure. Teachers and students should carefully read and follow instructions for safe use. ***Aurora ESI will be flagging these chemicals on the hazardous materials inventories that we conduct for school districts, as we do for the Prop 65 chemicals and for retrograde chemicals.*** This will assist school districts in complying with the law and in being proactive in the use of chemicals.

Aurora ESI is happy to assist you with identification, removal, and, if applicable, disposal of prohibited/discouraged art and craft materials at your school district. Our Hazardous Waste Management services are as applicable to arts as they are to sciences. Give us a call or email today.

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Intertwined regulations, much like highways that intersect, take you around and about; if you make the wrong assumption or decision, you could end up in the wrong place. A place of non-compliance, with hundreds of thousands of dollars spent annually on a two-ton binder with nothing but disclaimers, DIY research, and threats of increased premiums to protect your liability exposure. Not to mention penalties, fines, and lawsuit payouts.

A few weeks ago, a judge and jury awarded a northern California school district groundskeeper (who was a full-time IPM coordinator) **\$289M in damages** after he alleged that use of Monsanto's popular weed killer **Roundup** gave him cancer. The active ingredient in Roundup, **glyphosate**, was added to the Prop 65 list just last summer. Roundup is not even on the 20 prohibited chemicals list for schools. But as a school employee, of more importance is, did the district provide the training and the knowledge of the chemicals, including Roundup, that the groundskeeper used (HazCom)? Although in this case, Monsanto was ordered to pay the award, school districts could be the second string of deep pockets, so to speak.

HazCom and Prop 65 have created a good deal of misunderstanding, inaccurate reporting, and **over-compliance** at many California public schools. Aurora ESI understands your need to comply and we understand the applicability of HazCom, Prop 65, and IPM regulations better than anybody. **We are environmental, health, and safety compliance experts.** Our team of diverse, cross-trained environmental professionals will reduce your 3-ring binder of inaccurately-reported materials and regulations, help keep you in compliance, and save you hundreds of thousands of dollars in the process. There is no contradiction, redundancy, or conundrum in our interpretation and applicability of laws and regulations. Give us a call at **(855) 500-2374** or email us at info@auroraesi.com to inquire about an independent review of your Environmental Health & Safety Program.

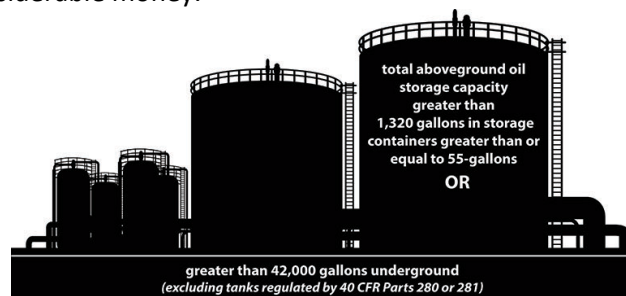
Is Your SPCC Plan Up to Snuff?

Rules are actually less burdensome now...

Many businesses and school districts have aboveground storage tanks (ASTs), underground storage tanks (USTs), and other containers of at least 55 gallons in capacity that store some kind of oil or petroleum product (unleaded gasoline, diesel, motor/lube oil, waste oil, etc.). The U.S. Environmental Protection Agency (EPA) introduced the oil spill prevention program in 1973, which includes the **Spill Prevention, Control, and Countermeasure (SPCC)** rules. The SPCC rule helps facilities prevent a discharge of oil into navigable waters or adjoining shorelines (including creeks). The Certified Unified Program Agencies (CUPA), usually the County, inspects for compliance with the SPCC regulations, which include regular integrity inspections, testing, recordkeeping, training, and many other requirements.

SPCC regulations have become **less burdensome** over the years, and since your SPCC Plan needs to be reviewed every five years (minimum), it is in your best interest to know that, for instance, review and certification by a Professional Engineer (PE) is not necessary for non-technical amendments to a Plan, such as personnel changes. These are called administrative changes or amendments, and do not require PE certification, since they do not increase or decrease the volume of oil or change spill prevention procedures or equipment.

Even new SPCC plans may not need to be reviewed and certified by a PE. The rule provides simplified spill prevention requirements for "qualified facilities," which have to do with the amount of oil storage on site and the spill history. The owner or operator of a qualified facility can **self-certify** the facility's SPCC Plan. Some qualified facilities can even use a fill-in-the-blank type **template** provided by the EPA instead of writing a full-blown Plan. These measures can save you considerable money.



Aurora ESI has SPCC experts on hand to answer your questions or review your Plan. Streamlining the regulatory compliance process and saving you time and money are our specialties. Feel free to contact us about your SPCC Plan at **(855) 500-2374** or email us at info@auroraesi.com.



UPCOMING TRAINING

Aurora ESI's upcoming school training sessions per location are listed below. Cost is per person. Be certain to contact your School Program Coordinator at (855) 500-2374 to reserve your seat. Classes sell out fast!

COURSE	San Francisco 150 Executive Park Blvd San Francisco, CA 94134	Oakland 220 Fourth Street Oakland, CA 94607	Martinez 601 Ferry Street Martinez, CA 94553	Sacramento 3009 Douglas Blvd Roseville, CA 95661
Lab Safety Training	October 26 November 27	October 29 November 28	October 30 November 29	November 1 December 4
Hazardous Waste Generator Training	October 29 November 28	October 30 November 29	October 31 November 30	November 2 December 5
HazCom Training	October 29 November 28	October 30 November 29	October 31 November 30	November 2 December 5

Coming in December...

The **4Q2018 Aurora Report** will focus on Integrated Pest Management (IPM) – those pesky pests! What you should be doing to comply. *Parents are watching.* 🕶️

Blisters, rashes, illness: Suit blames chemicals at school
January 4, 2018



Posted January 1, 2013

Concern over pesticide use at schools rises

Parents are becoming more aware as some schools in the state are not moving to reduce pesticide use

Until she read a newspaper article about pesticide use on school grounds, Marla Zando of Scarborough was unaware that chemicals used on playgrounds or ballfields could hurt children.

"I really, really never had thought about it," she said. "And I sort of think of myself as being environmentally aware," but "wow, it was really eye-opening. I really was clueless, very, very clueless."

www.auroraesi.com

DO I REALLY HAVE TO COMPLY WITH ALL OF THESE REGULATIONS??

There are 1,026 school districts in the State of California. This means that at any one snapshot in time, 6.2 million students are attending class at 10,473 schools. There are 313,989 teachers, and an uncounted number of non-teaching staff such as groundskeepers, custodians, and others. School districts have a clear mandate from the federal and state governments to protect all of these individuals from physical and health hazards.

Source of statistics: www.cde.ca.gov

dpr California Department of
Pesticide Regulation

