

34:5-10.1

LEGISLATIVE HISTORY CHECKLIST
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(Hazardous materials--child care centers)

NJSA: 34:5-10.1

LAWS OF: 1997 **CHAPTER:** 364

BILL NO: S246

SPONSOR(S): Zane and others

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Health

SENATE: Human Services

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
Second reprint enacted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** January 12, 1998

SENATE: May 22, 1997

DATE OF APPROVAL: January 19, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

KBP:pp

§§1-5
C. 34-5A-10.1
To
34:5A-10.5
§6
Note To §§1-5

P.L. 1997, CHAPTER 364, *approved January 19, 1998*
Senate, No. 246 (*Second Reprint*)

1 AN ACT concerning the use or storage of certain hazardous substances
2 in public schools, private schools, and child care centers and
3 supplementing Title 34 of the Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in this act:

9 "Child care center" means a child care center licensed pursuant to
10 the provisions of P.L.1983, c.492 (C.30:5B-1 et seq.);

11 "Hazardous substance" means any substance, or substance in a
12 mixture, included on the hazardous substance list developed by the
13 Department of Health ²and Senior Services ²pursuant to the "Worker
14 and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et
15 seq.).

16 "Hazardous substance" shall not include:

17 (1) Any article containing a hazardous substance if the hazardous
18 substance is present in a solid form which does not pose any acute or
19 chronic health hazard to any person exposed to it;

20 (2) Any hazardous substance constituting less than one percent of
21 a mixture unless the hazardous substance is present in an aggregate
22 amount of 500 pounds or more in a container in a public or private
23 school or child care center building;

24 (3) Any hazardous substance which is a special health hazardous
25 substance constituting less than the threshold percentage established
26 by the Department of Health ²and Senior Services ²pursuant to
27 P.L.1983, c.315 (C.34:5A-1 et seq.), for that special health hazard
28 substance when present in a mixture;

29 (4) Any hazardous substance present in the same form and
30 concentration as a product packaged for distribution and use by
31 consumers and which is not a product intended primarily for

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHU committee amendments adopted May 2, 1996.

² Assembly AHL committee amendments adopted December 15, 1997.

- 1 commercial use;
- 2 (5) Any fuel in a motor vehicle;
- 3 (6) Tobacco or tobacco products;
- 4 (7) Wood or wood products;
- 5 (8) Foods, drugs, or cosmetics;
- 6 (9) Hazardous substances which are an integral part of a building's
- 7 structure or furnishings;
- 8 (10) Products which are personal property and are intended for
- 9 personal use; and
- 10 (11) Any substance used in the routine maintenance of a public or
- 11 private school or child care center building ²or its grounds², any
- 12 substance used in a classroom science laboratory, ²any substance used
- 13 in a school occupational training facility, including laboratories and
- 14 shops,² and any substance used in the normal operation of the
- 15 classrooms or administrative offices of a public or private school or
- 16 child care center ¹, including any substance used in the heating or
- 17 cooling of the school or child care center¹;

18 "Hazardous substance fact sheet" means the hazardous substance

19 fact sheets prepared by the Department of Health ²and Senior

20 Services² pursuant to the "Worker and Community Right to Know

21 Act," P.L.1983, c.315 ¹[(C.35:5A-1 et seq.)] (C.34:5A-1 et seq.);¹

22 "Public school or private school" have the same meaning as set

23 forth in N.J.S.18A:1-1.

24

25 2. a. No person shall use ¹[or store, or cause]¹ or allow the use

26 ¹[or storage]¹ of ¹[,]¹ any hazardous substance in or on any building

27 ¹or grounds¹ used as a public school, a private school, or child care

28 center at any time when children are expected to be present in the

29 building. ¹The provisions of this subsection shall not apply when an

30 emergency condition, as deemed by the Board of Education ²or the

31 chief school administrator² in the case of any public school, or the

32 person having responsibility for the operation of any private school or

33 child care center, necessitates the use of a hazardous substance when

34 children are present.¹

35 b. Any person who uses or stores, or causes or allows the use or

36 storage of any hazardous substance in or on any building ¹or grounds¹

37 used as a public school, a private school, or child care center ¹[when

38 children are not expected to be present in the building,]¹ shall ensure

39 that ¹[adequate ventilation is used in the building to prevent exposure

40 to the hazardous substance by children when children are expected to

41 return to the building] the use or storage of that hazardous substance

42 is in compliance with the ²[exposure standards] regulations² adopted

43 by the Department of Health ²and Senior Services² pursuant to

44 section 5 of P.L. , c. (C.)(now before the Legislature as this

45 bill)¹.

1 3. ¹a. The Board of Education ²or the chief school administrator²
2 in the case of any public school, or the person having responsibility for
3 the operation of any private school or child care center, shall ¹[send a
4 written notice to a parent or guardian of each child attending the
5 school or child care center prior to the use or storage of any hazardous
6 substance in the school or child care center building. The notice shall
7 be delivered to a parent or guardian at least two days prior to the use
8 or storage of the hazardous substance the building. The notice, shall
9 not be required to be sent in those instances where children are not
10 expected to be in the school or child care center building within 24
11 hours after the use or storage of the hazardous substance. The notice
12 shall specify the name of the hazardous substance to be used or stored,
13 the location of the intended use or storage, and the date of the last
14 anticipated use or storage. The notice shall also state that a hazardous
15 substance fact sheet for each hazardous substance to be used or stored
16 will be made available upon request, at no charge, by the Board of
17 Education in the case of a public school, or person having
18 responsibility for the operation of any private school or child care
19 center, as appropriate.] post on a bulletin board located in the public
20 or private school or child care center a notice of any construction or
21 other activity to take place at that school or child care center that will
22 involve the use of a hazardous substance. The notice shall state the
23 activity to be conducted and the hazardous substances to be used. The
24 notice shall be posted at least two days prior to the construction or
25 other activity except where an emergency condition, as deemed by the
26 Board of Education ²or the chief school administrator² in the case
27 of any public school, or the person having responsibility for the
28 operation of any private school or child care center, prevents the two
29 day notice in which case the notice shall be posted as soon as
30 practicable.

31 b. The Board of Education ²or the chief school administrator² in
32 the case of any public school, or the person having responsibility for
33 the operation of any private school or child care center shall make
34 available to any person who requests it, the hazardous substance fact
35 sheet for any hazardous substance being stored on site or that is being
36 used in or on the school or center building or grounds during any
37 construction or other activity.

38 c. The Board of Education ²or the chief school administrator² in
39 the case of any public school, or the person having responsibility for
40 the operation of any private school or child care center shall, at least
41 once per year, send a notice to a parent or guardian of each child
42 attending the school or child care center, which notice may be
43 contained in the school's or center's annual handbook, stating that
44 notice of any construction or other activities involving the use of any
45 hazardous substances will be posted on a bulletin board in the school
46 or child care center, that hazardous substances may be stored at the

1 school or child care center at various times throughout the year, and
2 that hazardous substance fact sheets for any of the hazardous
3 substances being used or stored are available at the school or child
4 care center.¹

5
6 4. The ¹[Department of Health] local health agency for the
7 jurisdiction in which the public or private school or child care center
8 is located¹ shall enforce the provisions of this act. Whenever, on the
9 basis of information available, ¹[the Commissioner of Health] a local
10 health agency¹ finds that a person has violated any of the provisions of
11 ¹[this act]P.L. .c. (C.)(now before the Legislature as this bill)¹,
12 the ¹[commissioner] local health agency¹ may bring an action in a
13 court of competent jurisdiction to impose a civil penalty for that
14 violation. Any person who violates any provision of this act shall be
15 subject, upon order of a court, to a civil penalty not to exceed \$2,500
16 for each day during which the violation continues. Any penalty
17 imposed pursuant to this section may be collected, and any costs
18 incurred in connection therewith may be recovered, in a summary
19 proceeding pursuant to "the penalty enforcement law" (N.J.S. 2A:58-1
20 et seq.). The Superior Court shall have jurisdiction to enforce "the
21 penalty enforcement law."
22

23 5. The Department of Health ²and Senior Services ² ¹ in
24 consultation with the Departments of Education ², Human Services²
25 and Environmental Protection, and within 180 days of the enactment
26 of P.L. .c. (C.)(now before the Legislature as this bill),¹
27 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
28 c.410 (C.52:14B-1 et seq.), regulations necessary to implement the
29 provisions of this act ²which are consistent with federal and State
30 indoor air quality standards and standards governing the exposure of
31 children to hazardous substances as they are adopted by the federal
32 government². ²[¹These regulations shall contain exposure standards for
33 the use or storage of hazardous substances in public and private
34 schools and in child care centers. The exposure standards shall consist
35 of ventilation requirements, use and access limitation restrictions, and
36 any other measure designed to prevent any exposure by children to a
37 hazardous substance to be used in a public or private school or in a
38 child care center or to ensure that any such exposure is at levels
39 deemed safe by the Department of Health. The exposure standards
40 shall take into account the ages of the children expected to be in or on
41 the building or grounds, the location and types of hazardous
42 substance being used or stored, the anticipated use of the buildings or
43 grounds at the time the hazardous substances will be used or stored,
44 and any other factor the Department of Health deems relevant to the
45 safe use or storage of hazardous substances in a public or private
46 school or child care center.¹²

1 6. This act shall take effect 180 days following enactment.

2

3

4

5

6 Prohibits use or storage of certain hazardous substances, except in
7 emergent situations, in schools and child care centers when children
8 are present.

1 act. Whenever, on the basis of information available, the
2 Commissioner of Health finds that a person has violated any of the
3 provisions of this act, the commissioner may bring an action in a court
4 of competent jurisdiction to impose a civil penalty for that violation.
5 Any person who violates any provision of this act shall be subject,
6 upon order of a court, to a civil penalty not to exceed \$2,500 for each
7 day during which the violation continues. Any penalty imposed
8 pursuant to this section may be collected, and any costs incurred in
9 connection therewith may be recovered, in a summary proceeding
10 pursuant to "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.).
11 The Superior Court shall have jurisdiction to enforce "the penalty
12 enforcement law."

13

14 5. The Department of Health shall adopt, pursuant to the
15 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
16 seq.), regulations necessary to implement the provisions of this act.

17

18 6. This act shall take effect 180 days following enactment.

19

20

21

STATEMENT

22

23 This bill is intended to protect children from exposure to potentially
24 dangerous chemicals that may be used in schools or at child care
25 centers. While there are laws that protect adults from chemical
26 exposure in the workplace, there are no federal or State laws designed
27 to protect children from such exposure in schools or child care centers.
28 Rather than attempt to set complicated limits for the safe exposure by
29 children for every possible substance, this bill prohibits circumstances
30 that may lead to any exposure by children and ensures that parents and
31 guardians are made aware of any potential for exposure.

32 Specifically, this bill would prohibit the use or storage of certain
33 hazardous substances in schools and child care centers when children
34 are present. This bill would also require that proper ventilation be
35 employed when hazardous substances are used or stored in a school
36 or center so as to avoid exposure of the substances to children when
37 they return to the school or center. If a hazardous substance is to be
38 used or stored when children are not present, but children are expected
39 to be present within 24 hours of the use or storage, a notice would be
40 required to be sent to a parent or guardian of each child indicating the
41 substance to be used, the location of the use or storage, the time of the
42 last use or storage, and stating the availability of hazardous substance
43 fact sheets.

44 The bill provides that the Department of Health would enforce its
45 provisions by bringing an action in Superior Court to impose civil
46 penalties. A penalty may be imposed for up to \$2,500 per day for each

1 day the violation continues. The department is also authorized to issue
2 implementing regulations.

3 This bill incorporates the existing list of hazardous substances
4 created by the Department of Health pursuant to the "Worker and
5 Community Right to Know Act" as the basis for the substances that
6 cannot be used or stored in a school or center. Certain exemptions are
7 provided from the list so that the use of commonly used substances by
8 science laboratories, school offices and classrooms, cafeterias, and
9 maintenance workers would not be subject to the act's provisions. The
10 bill uses the hazardous substance fact sheets, created pursuant the
11 "Worker and Community Right to Know Act" as the basis for the
12 information to be given parents and guardians. By using existing
13 definitions and standards, the bill avoids unnecessary duplication of
14 administrative effort and cost.

15

16

17

18

19 Prohibits use or storage of certain hazardous substances in schools and
20 child care centers when children are present.

[Passed Both Houses]

[Second Reprint]

SENATE, No. 246

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators ZANE, Casey, Adler, McGreevey, Assemblymen
Stuhltrager, Geist, Barnes Assemblywomen Buono, Weinberg,
Assemblymen Blee and Dalton

1 AN ACT concerning the use or storage of certain hazardous substances
2 in public schools, private schools, and child care centers and
3 supplementing Title 34 of the Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. As used in this act:

9 "Child care center" means a child care center licensed pursuant to
10 the provisions of P.L.1983, c.492 (C.30:5B-1 et seq.);

11 "Hazardous substance" means any substance, or substance in a
12 mixture, included on the hazardous substance list developed by the
13 Department of Health ²and Senior Services ²pursuant to the "Worker
14 and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et
15 seq.).

16 "Hazardous substance" shall not include:

17 (1) Any article containing a hazardous substance if the hazardous
18 substance is present in a solid form which does not pose any acute or
19 chronic health hazard to any person exposed to it;

20 (2) Any hazardous substance constituting less than one percent of
21 a mixture unless the hazardous substance is present in an aggregate
22 amount of 500 pounds or more in a container in a public or private
23 school or child care center building;

24 (3) Any hazardous substance which is a special health hazardous
25 substance constituting less than the threshold percentage established
26 by the Department of Health ²and Senior Services ²pursuant to

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHU committee amendments adopted May 2, 1996.

² Assembly AHL committee amendments adopted December 15, 1997.

1 P.L.1983, c.315 (C.34:5A-1 et seq.), for that special health hazard
2 substance when present in a mixture;

3 (4) Any hazardous substance present in the same form and
4 concentration as a product packaged for distribution and use by
5 consumers and which is not a product intended primarily for
6 commercial use;

7 (5) Any fuel in a motor vehicle;

8 (6) Tobacco or tobacco products;

9 (7) Wood or wood products;

10 (8) Foods, drugs, or cosmetics;

11 (9) Hazardous substances which are an integral part of a building's
12 structure or furnishings;

13 (10) Products which are personal property and are intended for
14 personal use; and

15 (11) Any substance used in the routine maintenance of a public or
16 private school or child care center building ²or its grounds², any
17 substance used in a classroom science laboratory, ²any substance used
18 in a school occupational training facility, including laboratories and
19 shops,² and any substance used in the normal operation of the
20 classrooms or administrative offices of a public or private school or
21 child care center ¹, including any substance used in the heating or
22 cooling of the school or child care center¹;

23 "Hazardous substance fact sheet" means the hazardous substance
24 fact sheets prepared by the Department of Health ²and Senior
25 Services² pursuant to the "Worker and Community Right to Know
26 Act," P.L.1983, c.315 ¹[(C.35:5A-1 et seq.)] (C.34:5A-1 et seq.);¹

27 "Public school or private school" have the same meaning as set
28 forth in N.J.S.18A:1-1.

29

30 2. a. No person shall use ¹[or store, or cause]¹ or allow the use
31 ¹[or storage]¹ of ¹[,]¹ any hazardous substance in or on any building
32 ¹or grounds¹ used as a public school, a private school, or child care
33 center at any time when children are expected to be present in the
34 building. ¹The provisions of this subsection shall not apply when an
35 emergency condition, as deemed by the Board of Education ²or the
36 chief school administrator² in the case of any public school, or the
37 person having responsibility for the operation of any private school or
38 child care center, necessitates the use of a hazardous substance when
39 children are present.¹

40 b. Any person who uses or stores, or causes or allows the use or
41 storage of any hazardous substance in or on any building ¹or grounds¹
42 used as a public school, a private school, or child care center ¹[when
43 children are not expected to be present in the building,]¹ shall ensure
44 that ¹[adequate ventilation is used in the building to prevent exposure
45 to the hazardous substance by children when children are expected to
46 return to the building] the use or storage of that hazardous substance

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 246

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 15, 1997

The Assembly Health Committee reports favorably and with committee amendments Senate Bill No. 246 (1R).

As amended by the committee, this bill is intended to protect children from exposure to potentially dangerous chemicals that may be used in schools or at child care centers. While there are laws that protect adults from chemical exposure in the workplace, there are no federal or State laws designed to protect children from such exposure in schools or child care centers.

Specifically, this bill prohibits the use of any hazardous substance in or on any building or grounds used as a public school, private school or child care center at any time when children are present. However, this provision would not apply if an emergency condition necessitates the use of a hazardous substance when children are present.

Any person who uses or stores, or causes or allows the use or storage of any hazardous substance in or on any building or grounds used as a public school, private school or child care center shall ensure that the use or storage of that substance is in compliance with the regulations adopted by the Department of Health and Senior Services pursuant to the provisions of this bill.

The Board of Education or the chief school administrator in the case of a public school, or the person responsible for the operation of a private school or child care center, is required to post on a bulletin board located in the school or child care center, a notice of any construction or other activity to take place that would involve the use of a hazardous substance. The notice shall include the type of activity and the hazardous substances to be used. Posting shall occur at least two days prior to the construction or other activity, except in an emergency condition. In such cases, the notice shall be posted as soon as practicable.

Upon request, the Board of Education or the chief school administrator in the case of a public school, or the person having responsibility for the operation of any private school or child care

center, shall make available the hazardous substance fact sheets for any hazardous substance being used or stored on site. In addition, an annual notice shall be sent to a parent or guardian of any child attending the school or child care center, which may be contained in the school's or center's annual handbook, advising that notices will be posted on a bulletin board in the school or child care center, that hazardous substances may be stored at various times throughout the year, and that hazardous substance fact sheets are available at the school or child care center.

The bill provides that local health agencies would enforce the bill's provisions by bringing an action in Superior Court to impose civil penalties. A penalty may be imposed for up to \$2,500 per day for each day the violation continues.

This bill incorporates the existing list of hazardous substances created by the Department of Health and Senior Services pursuant to the "Worker and Community Right to Know Act" as the basis for the substances that cannot be used or stored in a school or center. Certain exemptions are provided from the list so that substances used in the routine maintenance of schools or centers or their grounds, substances used by science laboratories or school offices and classrooms, substances used in a school occupational training facility, including laboratories and shops, and substances used in the heating or cooling of the school or child care center would not be subject to the bill's provisions. The bill uses the hazardous substance fact sheets created pursuant to the "Worker and Community Right to Know Act" as the basis for the information to be given parents and guardians. By using existing definitions and standards, the bill avoids unnecessary duplication of administrative effort and cost.

The bill directs the Department of Health and Senior Services, in consultation with the Departments of Education, Human Services and Environment, to adopt regulations necessary to implement the bill's provisions which are consistent with federal and State indoor air quality standards and standards governing the exposure of children to hazardous substances as they are adopted by the federal government.

The committee adopted amendments to:

- provide that the chief administrator of a public school, in lieu of the board of education, may deem that an emergency condition necessitates the use of a hazardous substance when children are present, and may also be responsible for posting a notice, making information available to anyone who requests it, and informing the parent or guardian of each child, regarding hazardous substances which may be used or stored at the school;
- exempt from the definition of "hazardous substance" in section 1 of the bill, any substance used in the routine maintenance of the grounds, as well as the buildings, of a school or child care center, and any substance used in a school occupational training facility, including laboratories and shops;

- require the Department of Health and Senior Services to consult with the Department of Human Services, as well as with the Departments of Education and Environmental Protection, when adopting regulations necessary to implement the bill's provisions;
- require these regulations to be consistent with federal and State indoor air quality standards and standards governing the exposure of children to hazardous substances as they are adopted by the federal government;
- delete the requirement in section 5 that the Department of Health and Senior Services develop regulations containing exposure standards for the use or storage of hazardous substances in public and private schools and in child care centers; and
- update references to the "Department of Health" as the "Department of Health and Senior Services."

As reported by the committee, this bill is identical to Assembly Bill No. 1652 Aca (Stuhltrager/Geist), which the committee also reported favorably on this date.

SENATE HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 246

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 2, 1996

The Senate Human Services Committee reports favorably and with committee amendments Senate Bill No. 246. As amended by the committee, this bill is intended to protect children from exposure to potentially dangerous chemicals that may be used in schools or at child care centers. While there are laws that protect adults from chemical exposure in the workplace, there are no federal or State laws designed to protect children from such exposure in schools or child care centers.

Specifically, this bill prohibits the use of any hazardous substance in or on any building or grounds used as a public school, private school or child care center at any time when children are present. However, this provision would not apply if an emergency condition necessitates the use of a hazardous substance when children are present.

Any person who uses or stores, or causes or allows the use or storage of any hazardous substance in or on any building or grounds used as a public school, private school or child care center shall ensure that the use or storage of that substance is in compliance with the exposure standards adopted by the Department of Health, pursuant to the provisions of this bill.

The Board of Education or the person responsible for the operation of the private school or child care center is required to post on a bulletin board located in the school or child care center, a notice of any construction or other activity to take place that would involve the use of a hazardous substance. The notice shall include the type of activity and the hazardous substances to be used. Posting shall occur at least two days prior to the construction or other activity, except in an emergency condition. In such cases, the notice shall be posted as soon as practicable.

Upon request, the Board of Education or the person having responsibility for the operation of any private school or child care center shall make available the hazardous substance fact sheets for any hazardous substance being used or stored on site. In addition, an annual notice shall be sent to a parent or guardian of any child

attending the school or child care center, which may be contained in the school's or center's annual handbook, advising that notices will be posted on a bulletin board in the school or child care center, that hazardous substances may be stored at various times throughout the year, and that hazardous substance fact sheets are available at the school or child care center.

The bill provides that local health agencies would enforce the bill's provisions by bringing an action in Superior Court to impose civil penalties. A penalty may be imposed for up to \$2,500 per day for each day the violation continues.

This bill incorporates the existing list of hazardous substances created by the Department of Health pursuant to the "Worker and Community Right to Know Act" as the basis for the substances that cannot be used or stored in a school or center. Certain exemptions are provided from the list so that the use of substances in the routine maintenance of schools, the use of substances by science laboratories or school offices and classrooms, and substances used in the heating or cooling of the school or child care center would not be subject to the bill's provisions. The bill uses the hazardous substance fact sheets, created pursuant to the "Worker and Community Right to Know Act" as the basis for the information to be given parents and guardians. By using existing definitions and standards, the bill avoids unnecessary duplication of administrative effort and cost.

The Department of Health, in consultation with the Departments of Education and Environment, shall adopt regulations necessary to implement the bill's provisions. These regulations shall contain exposure standards which shall consist of ventilation requirements, use and access limitation restrictions, and any other measure designed to prevent exposure or to ensure that any such exposure is at levels deemed safe by the Department of Health. These exposure standards shall take into account the ages of the children, the location and types of hazardous substances, the anticipated use of the buildings or grounds at the time the substances will be used or stored, and any other factor the department deems relevant to the safe use or storage of hazardous substances in public or private schools or child care centers.

The committee adopted amendments to:

- include the grounds of a school within the provisions of the bill.
- provide an exemption from the prohibition on the use of any hazardous substances when children are present, if an emergency condition necessitates the use of a hazardous substance when children are present.
- provide for exposure standards for the use or storage of hazardous substances, which would be included in regulations to be adopted by the Department of Health, in consultation with the Departments of Education and Environment.
- allow for the storage of hazardous substances, in accordance with the exposure standards set by regulation.

- provide that any person who uses or stores hazardous substances shall ensure that the use or storage is in compliance with the exposure standards.
- modify the notification procedures to require a posting on a bulletin board in the school or child care center advising of construction or other activities that will involve the use of a hazardous substance.
- notify parents annually of the posting requirement and of the availability of hazardous substance fact sheets, and that hazardous substances may be stored at various times throughout the year.
- change enforcement responsibility from the Department of Health to local health agencies.
- provide that the hazardous substance fact sheet be provided to parents or guardians by the local health agency rather than the Board of Education.
- include substances used in heating or cooling of the school or child care center on the list of exemptions to a hazardous substance.

The committee adopted a technical amendment to reflect the statutory citation for the "Worker and Community Right to Know Act."