

Schoolchildren Health

This Act directs the state board of education to address public health and environmental issues in the classroom and on school grounds by doing all of the following:

- develop guidelines for sealing or removing existing arsenic-treated wood in playground equipment;
- establish guidelines to reduce students' exposure to diesel emissions that can occur as a result of unnecessary school bus idling, nose-to-tail parking, and inefficient route assignments;
- study methods for mold and mildew prevention and mitigation and incorporate recommendations into the public school facilities guidelines as needed;
- establish guidelines for Integrated Pest Management within school facilities, and
- encourage local school boards to remove and properly dispose of all bulk elemental mercury, chemical mercury, and bulk mercury compounds used as teaching aids in science classrooms, not including barometers.

Submitted as:

North Carolina

Session Law 2006-143

Status: Enacted into law in 2006.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “The Schoolchildren Health Act.”

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3 Section 2. [*Protecting School-Age Children from Toxicants at School.*] The [State Board
4 of Education] shall address public health and environmental issues in the classroom and on school
5 grounds by doing all of the following:

6 a. Develop guidelines for sealing existing arsenic-treated wood in playground equipment
7 or establish a time line for removing existing arsenic-treated wood on playgrounds and testing the
8 soil on school grounds for contamination caused by the leaching of arsenic-treated wood in other
9 areas where children may be at particularly high risk of exposure.

10 b. Establish guidelines to reduce students' exposure to diesel emissions that can occur as a
11 result of unnecessary school bus idling, nose-to-tail parking, and inefficient route assignments.

12 c. Study methods for mold and mildew prevention and mitigation and incorporate
13 recommendations into the public school facilities guidelines as needed.

14 d. Establish guidelines for Integrated Pest Management consistent with the policy of [state
15 school board association] as published in [insert date]. These guidelines may be updated as
16 needed to reflect changes in technology.

17 e. Establish guidelines for notification of students' parents, guardians, or custodians as
18 well as school staff of pesticide use on school grounds.

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20 Section 3. [*Using Pesticides in Schools.*] Local boards of education shall adopt policies
21 that address the use of pesticides in schools. These policies shall:

22 a. Require the principal or the principal's designee to annually notify the students' parents,
23 guardians, or custodians as well as school staff of the schedule of pesticide use on school property
24 and their right to request notification. Such notification shall be made, to the extent possible, at

25 least [72 hours] in advance of nonscheduled pesticide use on school property. The notification
26 requirements under this subdivision do not apply to the application of the following types of
27 pesticide products: antimicrobial cleansers, disinfectants, self-contained baits and crack-and-
28 crevice treatments, and any pesticide products classified by the United States Environmental
29 Protection Agency as belonging to the U.S.E.P.A. Toxicity Class IV, “relatively nontoxic” (no
30 signal word required on the product’s label).

31 b. Require the use of Integrated Pest Management. As used in this sub-subdivision,
32 “Integrated Pest Management” or “IPM” means the comprehensive approach to pest management
33 that combines biological, physical, chemical, and cultural tactics as well as effective, economic,
34 environmentally sound, and socially acceptable methods to prevent and solve pest problems that
35 emphasizes pest prevention and provides a decision-making process for determining if, when, and
36 where pest suppression is needed and what control tactics and methods are appropriate.

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38 Section 4. [*Arsenic-Treated Wood in the Classroom and on School Grounds.*] Local
39 boards of education shall prohibit the purchase or acceptance of chromated copper arsenate-
40 treated wood for future use on school grounds. Local boards of education shall seal existing
41 arsenic-treated wood in playground equipment or establish a time line for removing existing
42 arsenic-treated wood on playgrounds, according to the guidelines established under [insert
43 citation]. Local boards of education are encouraged to test the soil on school grounds for
44 contamination caused by the leaching of arsenic-treated wood.

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46 Section 5. [*Mercury in the Classroom and on School Grounds.*] Local boards of education
47 are encouraged to remove and properly dispose of all bulk elemental mercury, chemical mercury,
48 and bulk mercury compounds used as teaching aids in science classrooms, not including
49 barometers. Local boards of education shall prohibit the future use of bulk elemental mercury,
50 chemical mercury compounds, and bulk mercury compounds used as teaching aids in science
51 classrooms, not including barometers.

52
53 Section 6. [*Exposure to Diesel Exhaust Fumes.*] Local boards of education shall adopt
54 policies and procedures to reduce students’ exposure to diesel emissions.

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56 Section 7. [*Private Cause of Action Against State Board of Education of Local Boards of*
57 *Education.*] Nothing in this Act shall be construed to create a private cause of action against the
58 [State Board of Education], a local board of education, or their agents or employees.

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60 Section 8. [*Severability.*] [Insert severability clause.]

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62 Section 9. [*Repealer.*] [Insert repealer clause.]

63
64 Section 10. [*Effective Date.*] [Insert effective date.]