

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

2

HOUSE BILL 1502
Committee Substitute Favorable 5/23/05

Short Title: Schoolchildren's Health Act.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO ENACT THE SCHOOLCHILDREN'S HEALTH ACT OF 2005.

Whereas, when school is in session, children spend 30% to 50% of their time at school; and

Whereas, it is incumbent upon State government to address public health and environmental issues in the classroom and on school grounds in order to protect the health of school-age children; and

Whereas, inexpensive and easy measures can be taken to provide a healthier learning environment for our children, and, in some instances, these measures actually offer a school district cost savings; and

Whereas, on March 4, 2004, a stakeholders group consisting of the Department of Public Instruction, the Department of Agriculture and Consumer Services, the North Carolina Cooperative Extension Service, the Agricultural Resources Center, the North Carolina Parent Teacher's Association, the N.C. Pest Control Association, The North Carolina State School Boards Association, Inc., and other entities signed a memorandum of understanding establishing their support for Integrated Pest Management (IPM) and creating a model school IPM policy; Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1. This act may be cited as the Schoolchildren's Health Act of 2005.

SECTION 2. The General Assembly makes the following findings:

(a) Arsenic-Treated Wood. –

(1) Effective 2004, arsenic-treated wood for residential uses has been removed from the marketplace under a voluntary agreement between the United States Environmental Protection Agency and the industry. Since this is a voluntary agreement, only a State ban will ensure that arsenic-treated wood is not used on school grounds in the future.

(2) Additionally, backstock arsenic-treated wood is still on the market in some places.

- 1 (3) A ban of CCA (chromated copper arsenate) treated wood for use in
2 public schools is a reasonable safeguard measure.
- 3 (b) Mercury. –
- 4 (1) Mercury is a potent brain toxicant, and children, whose brains are still
5 developing, are most vulnerable to its effects.
- 6 (2) Once introduced into the human body, mercury interferes with brain
7 development and can lead to a number of developmental problems,
8 including delayed language acquisition, impaired memory, and
9 learning disabilities.
- 10 (c) Diesel Exhaust Fumes. –
- 11 (1) Because children's respiratory systems are still developing and they
12 breathe more rapidly, children are more susceptible to air pollution
13 than the average adult is.
- 14 (2) Diesel exhaust poses a particular risk to children, because it contains
15 significant levels of small particles, known as fine particulate matter.
16 This particulate matter is so fine that it can pass through the nose and
17 throat and lodge in the lungs, possibly causing long-term adverse
18 health effects.
- 19 (3) Particulate matter from diesel exhaust is associated with asthma and
20 has been found to increase the risk of lung disease and heart disease.
21 Additionally, it can bind to pollen in the air, further exacerbating
22 allergies and asthma. Diesel exhaust is also known to contain several
23 human carcinogens.
- 24 (4) School bus idling and bus queuing (nose-to-tail lineup of buses)
25 dramatically increase the concentrations of detrimental particulate
26 pollution inside school buses.
- 27 (d) Pesticides. –
- 28 (1) Because children's bodies are still developing, exposure to pesticides
29 can have serious impacts on their long-term health.
- 30 (2) Schools may subject themselves to liability for immediate injuries to
31 students, faculty, or other staff resulting from improper management of
32 toxic chemicals such as pesticides.
- 33 (3) Schools can reduce or even eliminate the risks of pesticides by using
34 simple, low-cost methods, such as Integrated Pest Management (IPM).
- 35 (4) With proper training, planning, and effective communication among
36 affected parties, IPM can prevent pest problems, reduce the need for
37 pesticide applications, and greatly improve the quality of the school
38 environment.
- 39 (e) Mold and Mildew. –
- 40 (1) Mold and mildew problems occur in schools when moisture gets into
41 the structure, thereby creating a friendly environment for excessive
42 mold and mildew growth.
- 43 (2) Parents and school officials have become more aware of the health
44 risks of mold, such as allergic reactions in children and adults, as the

1 public has become more aware of the problems associated with certain
2 molds.

3 **SECTION 3.** G.S. 115C-12 is amended by adding a new subdivision to read:

4 "(33) Duty to Protect the Health of School-Age Children From Toxicants at
5 School. – The State Board shall address public health and
6 environmental issues in the classroom and on school grounds by doing
7 all of the following:

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

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

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

20 d. Establish guidelines for Integrated Pest Management consistent
21 with the policy of The North Carolina School Boards
22 Association, Inc., as published in 2004. These guidelines may
23 be updated as needed to reflect changes in technology.

24 e. Establish guidelines for notification of students' parents,
25 guardians, or custodians as well as school staff of pesticide use
26 on school grounds."

27 **SECTION 4.** G.S. 115C-47 is amended by adding four new subdivisions to

28 read:

29 "(45) To Address the Use of Pesticides in Schools. – Local boards of
30 education shall adopt policies that address the use of pesticides in
31 schools. These policies shall:

32 a. Require the principal or the principal's designee to annually
33 notify the students' parents, guardians, or custodians as well as
34 school staff of the schedule of pesticide use on school property
35 and their right to request notification. Such notification shall be
36 made, to the extent possible, at least 72 hours in advance of
37 nonscheduled pesticide use on school property. The notification
38 requirements under this subdivision do not apply to the
39 application of the following types of pesticide products:
40 antimicrobial cleansers, disinfectants, self-contained baits and
41 crack-and-crevice treatments, and any pesticide products
42 classified by the United States Environmental Protection
43 Agency as belonging to the U.S.E.P.A. Toxicity Class IV,
44 "relatively nontoxic" (no signal word required on the product's

1 label). Nothing in this sub-subdivision shall be construed to
2 create a private cause of action against any local board of
3 education, its agents, or its employees.

4 b. Require the use of Integrated Pest Management. As used in this
5 sub-subdivision, "Integrated Pest Management" or "IPM"
6 means the comprehensive approach to pest management that
7 combines biological, physical, chemical, and cultural tactics as
8 well as effective, economic, environmentally sound, and
9 socially acceptable methods to prevent and solve pest problems
10 that emphasizes pest prevention and provides a decision-making
11 process for determining if, when, and where pest suppression is
12 needed and what control tactics and methods are appropriate.

13 (46) To Address Arsenic-Treated Wood in the Classroom and on School
14 Grounds. – Local boards of education shall prohibit the purchase or
15 acceptance of chromated copper arsenate-treated wood for future use
16 on school grounds. Local boards of education shall seal existing
17 arsenic-treated wood in playground equipment or establish a time line
18 for removing existing arsenic-treated wood on playgrounds, according
19 to the guidelines established under G.S. 115C-12(33). Local boards of
20 education are encouraged to test the soil on school grounds for
21 contamination caused by the leaching of arsenic-treated wood.

22 (47) To Address Mercury in the Classroom and on School Grounds. –
23 Local boards of education are encouraged to remove and properly
24 dispose of all bulk elemental mercury, chemical mercury, and bulk
25 mercury compounds used as teaching aids in science classrooms, not
26 including barometers. Local boards of education shall prohibit the
27 future use of bulk elemental mercury, chemical mercury compounds,
28 and bulk mercury compounds used as teaching aids in science
29 classrooms, not including barometers.

30 (48) To Address Exposure to Diesel Exhaust Fumes. – Local boards of
31 education shall adopt policies and procedures to reduce students'
32 exposure to diesel emissions."

33 **SECTION 5.** G.S. 115C-47(45)b., as enacted by Section 4 of this act,
34 becomes effective October 1, 2010. The remainder of this act becomes effective
35 October 1, 2005.