

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1502

Short Title: Schoolchildren's Health Act. (Public)

Sponsors: Representatives Martin, McLawhorn, Lucas (Primary Sponsors); Alexander, B. Allen, Bordsen, Carney, Coleman, Faison, Fisher, Glazier, Goodwin, Hackney, Harrell, Harrison, Justice, Parmon, Ross, Sherrill, Vinson, Wainwright, Weiss, Wiley, Womble, Wray, Wright, and Yongue.

Referred to: Education.

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.

- 1 Since this is a voluntary agreement, only a State ban will ensure that
2 arsenic treated wood is not used on school grounds in the future.
- 3 (2) Additionally, back stock arsenic-treated wood is still on the market in
4 some places.
- 5 (3) A ban of CCA (copper chromated arsenate) treated wood for use in
6 public schools is a reasonable safeguard measure.
- 7 (b) Mercury. –
- 8 (1) Mercury is a potent brain toxin, and children, whose brains are still
9 developing, are most vulnerable to its effects.
- 10 (2) Once introduced into the human body, mercury interferes with brain
11 development and can lead to a number of developmental problems,
12 including delayed language acquisition, impaired memory, learning
13 disabilities, and attention deficient disorder.
- 14 (c) Diesel Exhaust Fumes. –
- 15 (1) Because children's respiratory systems are still developing and they
16 breathe more rapidly, children are more susceptible to air pollution
17 than the average adult.
- 18 (2) Diesel exhaust poses a particular risk to children, because it contains
19 significant levels of small particles, known as fine particulate matter.
20 This particulate matter is so fine that it can pass through the nose and
21 throat and lodge in the lungs, possibly causing long-term adverse
22 health effects.
- 23 (3) Particulate matter from diesel exhaust is associated with asthma and
24 has been found to increase the risk of lung disease and heart disease.
25 Additionally, it can bind to pollen in the air, further exacerbating
26 allergies and asthma.
- 27 (4) School bus idling and queuing (nose-to-tail lineup of buses)
28 dramatically increase the concentrations of detrimental particulate
29 pollution inside school buses.
- 30 (d) Pesticides. –
- 31 (1) Because children's bodies are still developing, exposure to pesticides
32 can have serious impacts on their long-term health.
- 33 (2) Schools may subject themselves to liability for immediate injuries to
34 students, faculty, or other staff resulting from improper management of
35 toxic chemicals, such as pesticides.
- 36 (3) Schools can reduce or even eliminate the risks of pesticides by using
37 simple, low-cost methods, such as Integrated Pest Management (IPM).
- 38 (4) With proper training, planning, and effective communication among
39 affected parties, IPM can prevent pest problems, reduce the need for
40 pesticide applications, and greatly improve the quality of the school
41 environment.
- 42 (e) Mold and Mildew. –

- 1 (1) Mold and mildew problems occur in schools when moisture gets into
2 the structure, thereby creating a friendly environment for excessive
3 mold and mildew growth.
- 4 (2) Parents and school officials have become more aware of the health
5 risks of mold, such as allergic reactions in children and adults, as the
6 public has become more aware of the problems associated with certain
7 molds.

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

9 "(33) Duty to Protect the Health of School-Age Children from Toxins at
10 School. – The State Board shall address public health and
11 environmental issues in the classroom and on school grounds by doing
12 all of the following:

- 13 a. Develop recommended procedures for sealing existing arsenic-
14 treated wood in playground equipment, or establish a time line
15 for removing existing arsenic-treated wood on school grounds.
- 16 b. Ban bulk elemental mercury or chemical mercury compounds
17 for use in a primary or secondary classroom and require local
18 boards, by January 1, 2006, to remove from all primary and
19 secondary schools and properly dispose of all bulk elemental
20 mercury, chemical mercury, and bulk mercury compounds used
21 as teaching aids in science classrooms, not including
22 barometers.
- 23 c. Establish a model policy for adoption by local school boards
24 that reduces school bus exhaust and prohibits unnecessary bus
25 engine idling in order to lower the chance that diesel exhaust
26 fumes will reach children and school personnel.
- 27 d. Develop guidelines for schools to notify parents and school
28 staff, at least 72 hours in advance of pesticide application,
29 regarding pesticide use on school property.
- 30 1. Provide blanket notification to all parents though written
31 notification, automated phone messages, or any other
32 mechanism a school district has in place to notify all
33 parents.
- 34 2. Establish a notification registry through which interested
35 parents would sign up to be notified any time pesticides
36 are to be used on school grounds.
- 37 3. Exempt from the notification requirements under this
38 sub-subdivision the application of the following types of
39 pesticide products: antimicrobial cleansers, disinfectants,
40 self-contained baits, and crack-and-crevice gel
41 treatments, and any pesticide products classified by the
42 United States Environmental Protection Agency as
43 belonging to the U.S. E.P.A. Toxicity Class IV,

1 "relatively nontoxic" (bearing no required signal word on
2 the product's label).

3 e. Adopt the model Integrated Pest Management (IPM) policy for
4 school districts that was developed in 2004 by a stakeholders
5 group and led by the School Integrated Pest Management
6 Program at North Carolina State University. As used in this
7 sub-subdivision, 'Integrated Pest Management' or 'IPM' means
8 the comprehensive approach to pest management that combines
9 biological, physical, chemical, and cultural tactics as well as
10 effective, economic, environmentally sound, and socially
11 acceptable methods to prevent and solve pest problems and that
12 emphasizes pest prevention and provides a decision-making
13 process for determining if, when, and where pest suppression is
14 needed and what control tactics and methods are appropriate.

15 f. Study methods for mold and mildew prevention and mitigation
16 and direct that these findings be incorporated into the public
17 school facilities guidelines."

18 **SECTION 4.** G.S. 115C-47 is amended by adding a new subdivision to read:

19 "(45) To Address Public Health and Environmental Issues in the Classroom
20 and on School Grounds. – Local boards shall prohibit the use of copper
21 chromated arsenate treated wood on school grounds and shall not
22 purchase for use in a primary or secondary classroom bulk elemental
23 mercury or chemical mercury compounds. By January 1, 2006, local
24 boards shall remove from all primary and secondary schools and
25 properly dispose of all bulk elemental mercury, chemical mercury, and
26 bulk mercury compounds used as teaching aids in science classrooms,
27 not including barometers. Local boards shall implement the policies,
28 guidelines, and procedures developed by the State Board to protect the
29 health of school-age children from toxins at school under
30 G.S. 115C-12(33)."

31 **SECTION 5.** This act becomes effective October 1, 2005.