**PREPAREDNESS FOR TOXIC HAZARD AND ASBESTOS HAZARD**

Reference: MCL 324.8316, 380.1256

15 USC 2601

20 USC 4022

20 USC 4014

20 USC 4011

20 USC 4011 et. seq.

Asbestos Hazard Emergency Response Act of 1986 (AHERA)

Asbestos School Hazard Abatement Act of 1984

 Asbestos School Hazard Abatement Reauthorization Act of 1990

The Board of Directors is concerned for the safety of the students and staff members and will comply with all Federal and State statutes and regulations concerning hazards resulting from industrial accidents beyond the control of Academy officials and/or from the presence of asbestos materials used in previous construction.

***Toxic Hazards***

These hazards exist in chemicals, pesticides, and other substances used in school settings such as laboratories, science classrooms, and kitchens.Such toxins are also found in the cleaning supplies for the school’s rooms and equipment. The **[ ] Educational Service Provider [ ] School Leader (employed by the Board),**will appoint an employee to serve as Toxic Hazard Preparedness (THP) Officer. The THP Officer will be responsible for the following:

1. *Hazard Determination*

Identifying potential sources of toxic hazards, in cooperation with material suppliers, who shall supply the Toxic Hazard Preparedness Officer with Material Safety Data Sheets (MSDSs). The School Leaderwill rely on MSDSs from material suppliers to meet hazard determination requirements.

1. *Labeling*

Ensuring that all incoming materials are properly labeled with the identity of the chemical, the hazard warning, and the name and address of the manufacturer or responsible party and making certain that any containers to which the materials are transferred are also properly labeled.

1. *Material Safety Data Sheets*

Maintaining a current file of MSDSs for all hazardous materials present on school property. The MSDS files will be kept at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (indicate location),with additional copies for employees’ use will be located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (indicate locations).

MSDSs will be available for review by all employees. Copies will be available upon request of the Toxic Hazard Preparedness Officer. Posters will be displayed, identifying the person responsible for monitoring MSDSs and where MSDSs are located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (indicate locations). When new MSDs are received, notification posters for employees will be displayed in the same location.

The Toxic Hazard Preparedness Office shall contact the supplier, in writing, if a required MSDS is not received and shall promptly procure the MSDS before releasing the material for use.

If he/she is unable to obtain an MSDS from a supplier, he/she should contact MIOSHA’s Occupational Health Division (OHD) or General Industry Safety Division for assistance in obtaining the MSDS.

***Multi-Employer Work Sites – Informing Contractors***

Informing contractors and their employees of any hazardous substances to which they may be exposed; determining measures to be employed to control or eliminate exposure; labeling system for container and pipes used onsite; and informing staff where applicable MSDSs can be reviewed or obtained. Whenever employees may potentially be exposed to hazards brought on site by contractors, the THP Officer will obtain information from the contractor pertaining to the chemicals brought on-site, and the measures that should be taken to control or eliminate exposure the chemicals.

***Employee Information and Training***

Providing information and conducting a training program for all employees on topics such as detection of hazards, explanation of the health hazards to which they could be exposed in their work environment, and the plan for communication and labeling. Information given to employees shall include the following:

A. regulations of MIOSHA’s hazardous communication standard;

B. all operations in the employee’s work area in which hazardous chemicals are present;

C. location and availability of written hazardous communication policy and program,with the list of hazardous chemicals and the MSDSs in the Academy.

Employee training should include the following:

A. techniques used to detect the presence or release of hazardouschemicals in a work area;

B. physical and health hazards of hazardous chemicals;

C. measures the employees should take to protect themselves from these hazards;

D. details of the hazardous communication program including anexplanation of the labeling system and MSDSs and how employeescan obtain and use hazard information.

Employees shall be informed of the employer’s anti-discrimination/discharge policy for employees accessing hazard information and how the employee can contact the Michigan Department of Industry and Consumer Services, Bureau of Safety Regulation and Occupational Health for assistance in obtaining an MSDS if he/she is unable to obtain the MSDS from the employer.

Records of each employee’s hazardous communication training should be maintained, and all new employees should receive training regarding any hazardous chemicals with which they may potentially have contact as part of their job.

***Hazardous non-routine tasks (optional)* –**

Before an employee is required to start a non-routine task (e.g., enter confined space), the employee will be given information about the hazards of the area, including specific chemical hazards, the procedures for protection or safety to lessen the hazard, and measures the company has taken to eliminate or control the hazard.

Any staff member or contractor who applies pesticides on school property shall meet the requirements of AG 8413A, in addition to requirements established by the State. He/She shall provide written notification each year, prior to any application, to all parents and staff members regarding the pesticide to be applied; the type of pesticide; its potential side effects; the location of the application; and the scheduled date of the application.

**END OF OPTION**

In fulfilling these responsibilities, the THP Officer may enlist the aid of county and municipal authorities and, if possible, the owners or operators of identified potential sources of toxic hazard.

**[ ]** At its discretion, the Board may appoint and charge an ad hoc committee of community representatives to assist the THP Officer.

***Asbestos***

In its efforts to comply with Asbestos Hazard Emergency Response Act (AHERA) and the Michigan Occupational Safety and Health Act (MIOSHA), the Board recognized its responsibility to:

[ ] inspect the building for the existence of asbestos or materials containing asbestos;

[ ] take appropriate actions, in accordance with State Law and EPA regulations, based on the inspections;

[ ] establish a program for dealing with friable asbestos, if found;

[ ] maintain a program of periodic surveillance and inspection of facilities or equipment containing asbestos;

[ ] comply with EPA regulations governing the transportation and disposal of asbestos and materials containing asbestos.

The **[ ] Educational Service Provider [ ] School Leader (employed by the Board),**shall appoint a person to develop and implement the Academy’s Asbestos-Management Program to ensure proper compliance with Federal and State laws and appropriate instruction of staff and students. Upon completion the Academy’s Asbestos Plan must be submitted to the Michigan Department of Consumer and Industry Services, Occupational Health Division, Lansing, Michigan 48909.

When conducting asbestos abatement projects, the **[ ] Educational Service Provider [ ] School Leader (employed by the Board),**shall also ensure each contractor employed by the school is licensed, pursuant to the Michigan Department of Health Regulations.

Nothing in this policy should be construed in any way as an assumption of liability by the Board for any death, injury, or illness that may be a consequence of an accident,an equipment failure, anegligent act, or a deliberate act beyond the control of the Board or its officers and **[ ] Educational Service Provider**employees.

However, the Board may provide legal representation and indemnification against civil liability regarding claims or actions resulting from, or arising out of, negligence (or alleged negligence) of persons responsible for inspecting, monitoring, removing, treating asbestos or material containing asbestos or supervising these activities -- provided the employee was performing the duties while in the course of his/her employment or while acting within the scope of his/her authority. The Board reserves the right to deny representation and indemnification in those circumstances wherein the employee’s actions demonstrate gross negligence or willful and wanton misconduct.

**[ ]** This policy may apply to work performed by authorized employees prior to the date of its adoption.