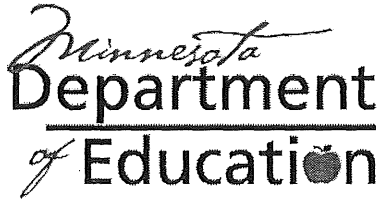


HANDOUT # 1



Response Requested by July 26, 2004
and August 6, 2004

DATE: May 27, 2004

TO: Superintendents of Schools

CONTACT: Business Managers
Facilities and Plant Manager
Health, Safety and Environmental Coordinator

FROM: Chas Anderson, Deputy Commissioner

SUBJECT: Capital Expenditure: Health and Safety Revenue Application, Per MN Stat. § 123B.57

Enclosed you will find documents relating to your District's Health and Safety revenue application for 2004 Pay 2005. Attachments 1 and 2 are mailed directly to the district. The remainder of this packet may be downloaded at website location <http://www.education.state.mn.us/> and click on button "Health & Safety." The file is in PDF format.

List of Attachments:

1. Capital Expenditure: Health and Safety Revenue Application Summary, MN Department of Education (MDE) Form ED-01866-17 (mailed separately, to be returned to the MDE)
2. Fiscal Year 2004-2006 Health and Safety Web Internet Site Instructions (mailed separately)
3. MDE Summary of Allowable Expenditures
4. Environmental Health and Safety Management Model Plan
5. Safety in Science Laboratories Checklist
6. Fire Safety Self Inspection Check List
7. Uniform Financial Accounting and Reporting Standards (UFARS) Finance (FIN) Code 366 Engineering Report and Five Year Plan Forms
8. Steps to Follow for Projects Exceeding \$500,000 Total Cost
9. Changes to FIN Code 352, a detailed explanation
99. Attachment 99 Performance Criteria (to be returned to MDE by July 26, 2004)

The Capital Expenditure: Health and Safety (H&S) Revenue Application (ED-1866) shows your district's previously reported estimates and summary of approved projects for FY 2004 and FY 2005. The H&S website <http://education.state.mn.us/HealthAndSafety/HealthAndSafety.do> shows your district's H&S project detail. Please make corrections to these estimates, including any increases for new FY 2004, FY 2005 or FY 2006 projects. For districts qualifying for aid, either the corrected amounts or the revenue limits with an adjustment for under-levies, will be used to calculate your FY 2004 and FY 2005 aid entitlements. This report will also be used to apply for approval for your FY 2006 health and safety cost estimates. It is important to have the most accurate health and safety cost estimates in the proper fiscal year. The district's proper health and safety cash flow is dependent on the accuracy of the initial and revised health and safety cost estimates.

The "Capital Expenditure: Health and Safety Revenue Application" summary sheet (Attachment 1) and website instruction sheet (Attachment 2) are mailed separately from this letter. Districts must enter or modify individual projects over the internet, then enter summary amounts onto the ED-1866 by finance code and fiscal year, sign and return to the mailing address on the form. Both must reach the MDE by August 6th.

After August 6th, the website will be taken down until August 27th while projects are approved and then restored. A hard copy of project approvals will not be sent to districts due to budget constraints, so districts should print their projects both before and after this date for their records. "NOs" or "NMIs" (need more information) can be reconciled after September 1st. Since the website database is now the master database, changes to data must be made by districts—MDE will not make these changes unless it is not possible for the district to do so. If problems are encountered accessing the website or making changes, recheck the procedures to ensure they match those in Attachment 2. If problems persist, call or e-mail Phil Allmon.

Allowable Projects. Districts should know that, as a result of 2003 Legislature activity, significant changes were made last year to the Health and Safety statute M.S. 123B.57 and Alternative Facilities statute M.S. 123B.59 affecting funding eligibility. The changes enacted last year remain in effect this year. Please evaluate the statutes and this letter carefully. Several categories of work, previously allowed, were disallowed by the Legislature. Attachment 3 "Summary of Allowable Expenditures" and Attachments 4, 5 and 6 describe project and management activities that are allowable and not allowable for Health and Safety funding. Only those activities specified as allowable in these attachments will be approved for a district's application.

Projects That Exceed \$500,000. Some projects may exceed \$500,000 in cost, per building, over one or several years. These must be treated separately in the application process, under M.S. 123B.59 (the Alternative Facilities statute) and also under M.S. 123B.71 (the Review and Comment statute). The steps that must be followed are found in Attachment 8. Attachment 7 has a form to be completed that satisfies the engineering report and five year plan submittals required by M.S. 123B.59 and which will determine whether or not a Review and Comment (R&C) is required under M.S. 123B.71 Subd. 8.

If the project amount or the total of "related" project amounts exceed \$500,000, regardless of the number of years the work may last, a Review and Comment (R&C) under M.S. 123B.71 is required. Projects are related if the work is similar in kind or if the reason for doing one is linked to another. To be considered related, projects must all be funded under M.S. 123B.59 Subd. 1(b) for the same building. Districts must not group together unlike projects to create a project exceeding \$500,000 in order to qualify for Alternative Facilities treatment, nor may they split up a project in order to evade Alternative Facilities and Review and Comment activities. Districts need to set aside 60 days for Review and Comment processing. A PPA (provisional project approval) can be granted if additional time is needed, until November 1, 2004.

FIN Code 352 Changes. The 2003 Legislature consolidated all FIN 352 activities as well as other assorted assessments, investigations, and the purchase of equipment that do not lead to the engineering or construction of a project, into the category of "Health, Safety and Environmental Management." The maximum category allowance remains the same as last year at \$0.089 per district square feet or \$13.50 per student. See Attachment 4 for details. Part of this amount is allowed to provide districts revenue for the State Fire Marshal inspections and H&S Management Assistance programs since separate state funding for these items was discontinued in 2003. Overages to these caps, allowed in previous years, were discontinued effective Pay 2004. The maximum amounts for student count and square footage (e.g. the cap) is established once for each fiscal year. The maximum amounts for FY2005 were established with data current as of Sept. 30, 2003 with 2003 Age and Square Footage and FY2002 AMCPU data. The maximum amounts for FY2006 will be established Sept. 30, 2004 with 2004 Age and Square Footage and FY2003 AMCPU data.

Projects Temporarily Approved until November 1st (Assigned PPA). The MDE may determine that certain projects will require additional reporting or documentation after Sept. 30th: (1) certain FIN 366 projects, (2) certain FIN 363 projects and (3) projects exceeding \$500,000 in cost. To facilitate the process, projects that have a minimal (but not full) level of reporting on these projects received at the MDE by July 25 will receive a provisional approval, marked with a "PPA" designator (provisional project approval) in their project approval area. See Attachments 7 and 8 for details. For FIN 363 projects, State Fire Marshal plan review constitutes the requisite plan review. Districts have until November 1, 2004 to complete and submit the remainder of the required reporting to the MDE. Projects whose completed reporting is received by this date are eligible to have their approvals changed from "PPA" to "YES" and for their funding authority to continue. Otherwise, project approval will revert to "NMI" (needs more information) and funding authority will be rescinded for Pay 2005. Only projects marked PPA on September 30, 2004 may be processed in this manner. All other non-approved projects must wait until Pay 2006 to obtain funding.

General Reporting Requirements.

1. Health and Safety projects must be reported via H&S website by August 6th 4:00 pm.
2. Attachment 99 must be received at MDE by July 26th
3. ED-1866 (Attachment 1) must be received at MDE by August 6th.
4. Name of IAQ Coordinator must be identified in Attachment 99, received at MDE by August 6th.

Additional Reporting Requirements (some or all may apply)

1. Project engineering report received by July 26th for certain FIN 363, 366 work
2. Five Year Plan received by July 26th. Includes five years of H&S projects that exceed \$500,000 and funding information about these projects.
3. Proof of publication of "notice of intended projects."
4. Review and Comment requirements for projects exceeding \$500,000—R&C Mandatory
5. For all HVAC and mold abatement projects: Report information per Attachment 7

Attachment 99 Requirement. As was required last year, the school district board is required to report the status of its Health and Safety program using the turnaround document found in Attachment 99. Attachment 99 must be board-certified and must be received at MDE (with minutes of the board activity attached) no later than July 26, 2004. Please see the first page of Attachment 99 for processing instructions. New projects or changes to current ones for 2004 Pay 2005 will not be approved until this document is received and verified.

H&S Management Assistance. MDE continues to strongly support the Health and Safety Management Assistance (MA) program. All public schools are encouraged to support this program, which is intended to provide assistance and information to public schools in maintaining a strong Health and Safety program. Deficiencies noted in reports prepared by MA staff should be reviewed and included in the district's board-approved, annually submitted Health and Safety program (Attachment 99). The MDE is actively partnering with the regional service cooperatives to ensure the program remains robust, relevant and meets districts' needs.

Requirement for Indoor Air Quality (IAQ) Management Plan -- The requirement for school districts to implement an IAQ Management Plan has been in effect since 1997. To qualify for any new H&S funding since 2002, the district must have a certified IAQ Coordinator, have submitted Attachment #99 and have an operational IAQ Management Plan, as validated by Management Assistance or MDE. Certification occurs as a result of attendance at a Minnesota Department of Health (MDH) training session only. If a district does not have an IAQ Coordinator, the MDH and MDE may schedule a make up training in late August in St. Paul if there is sufficient interest. Contact Phil Allmon or Dan Tranter of the MDH for details.

Violence Prevention. Due to action by the 2003 Legislature, the FIN Code 365 Violence Prevention category is closed to Pay 2004 and beyond projects.

State Fire Marshal (SFM) Inspections and Safety In Science Labs. Recent legislation requires that school districts pay fees to the State Fire Marshal or contract with a local governmental agency for building inspections every three years. Laws 2003 1st Sp. Ch. 2 Art. 4 refers. The school State Fire Marshal inspectors have recently shifted from the MUFC (MN Uniform Fire Code) to the IFC (International Fire Code) as their authority to enforce fire and life safety. Contact the State Fire Marshal field representative for your area if more details are needed on either of these issues.

Appeals Process. Every attempt has been made to maintain consistency with current laws and statutes in the development of this memo. In the event a district has identified a hazard that is not addressed as allowable in this letter, a district may request that the hazard be given funding consideration as a health and safety project. The MDE will not consider appeals for costs specifically excluded but will consider appeals where eligibility is unclear due to language or to the identified hazard. Contact Phil Allmon to initiate agency consideration. All such requests shall be in writing and will be responded to in writing. E-mails are acceptable if the funding is less than \$10,000. In certain cases, a report from a qualified third party evaluator may be required. Written request should contain the following: project number, description and amount, reason for denial, unresolved question(s) for consideration, reason(s) for re-consideration and a specific statement of what action the district requires. The appeal shall be clear as to how the requested approval relates to the statute.

Timelines

- **June 2004.** MDE issues 2004 revenue application packet. 2004 Pay 2005 website is officially open for new project information. MDE mails Attachments 1 & 2.
- **July 1, 2004.** Latest date for bond issuance in order to qualify for debt service equalization aid on Pay 2005 levy.
- **July 26, 2004.** All reporting requirements (see above) to be completed and have arrived at MDE. For projects exceeding \$500,000 take special note of Attachment 8 reporting requirements (includes "notice of intended projects" notification requirement). For FIN Code 363 or 366 projects requiring reporting see Attachment 7.
- **August 6, 2004.** All districts must have completed logging new or revised project information onto the H&S website. All documentation for major projects must be received by this date. Website taken down and all projects are temporarily removed.
- **By August 27, 2004.** Website restored to show approvals, NMIs or NOs. OK to appeal projects flagged NMI (need more information) or NO after this date, but before September 17th.
- **September 17, 2004.** Last day to make any changes to website by the district. Between Sept. 17th and 27th, department review of information provided by the district in order to finalize approvals.
- **September 27, 2004.** Last day capital dataset is updated for levy limit calculations to be certified to the county auditor by September 30, 2004, as provided by M.S. 275.065 Subd. 1.
- **November 1, 2004.** Last day to submit closeout documentation in support of PPAs (provisional approvals)
- **Early November 2004.** 2004 Health and Safety Data Verification information sent to districts for that year's closeout
- **November 30, 2004** Districts have until November 30, 2004 to modify their FY 2004 UFARS numbers.
- **December 17, 2004.** Last day for districts to modify approval of 2003-2004 (and prior year) projects. All projects identified after this date for work claimed in FY 2004 or before will not be honored and processed after this date.
- **December 28, 2004.** Last day agency will reconcile 2004 projects marked "NMI" or "NO."
- **May 2, 2005.** Last day to submit information for Review and Comment for projects affecting Pay 2006 levy.

- **July 1, 2005.** Latest date for bond issuance in order to qualify for debt service equalization aid on Pay 2006 levy.
- **July 25, 2005.** All remaining project reporting requirements to be completed and have arrived at MDE. For projects exceeding \$500,000 take special note of Attachment 8 special reporting requirements (includes "notice of intended projects" notification requirement).
- **August 5, 2005.** All districts must have completed logging new or revised project information onto the H&S website. All documentation for major projects must be received by this date. Website taken down and all projects are temporarily removed.

Sunset. The information in this memo and its attachments officially expires September 30, 2004. Approvals may be given to projects after this date and before the 2005 revenue application letter but they are based on "best estimate" of the contents of the 2005 letter and are approved only to satisfy time-critical needs on the part of the district (e.g. emerging FY 2005 needs). Approval does not guarantee revenue if any enabling statute changes after September 30, 2004. If it is reasonably anticipated that a law change after September 30, 2004 might affect the H&S statutory approval process, the approval process may have to be postponed until the law change is known.

Although the website is "mechanically" open to accept changes, projects identified after September 30, 2004 will not normally be processed until after August 5, 2005. The exception will be for FY 2004 projects being closed out during November-December 2004. To bring agency attention to need for approval before then, the district must contact MDE.

Every attempt has been made to incorporate H&S allowable and non-allowable expenditure information into this packet, so that the MDE program administrator can answer questions by referencing its contents and by giving interpretation, examples, illustrations and precedents. If you have any questions regarding documents, process or interpretations, please contact Phil Allmon at 651/582-8748 or phil.allmon@state.mn.us.

A note on prevailing wage: The MN Supreme court has invalidated legislation (Laws 1997) that required that prevailing wages be paid on all locally funded school construction projects with a value over \$100,000. See Associated Builders and Contractors et. al. v. The Honorable Jesse Ventura et. al. (March 31, 2000). The legislative language requiring prevailing wages remains in M.S. 123B.71 Subd. 2 but is not enforceable due to the court's decision.

ATTACHMENT #3

SUMMARY OF ALLOWABLE EXPENDITURES FOR FISCAL YEARS 2004, 2005, AND 2006 PURSUANT TO MN Stats. §123B.57 and §123B.59

GENERAL

ALTERNATIVE FACILITIES BONDING AND LEVY PROGRAM

The 2003 Legislature made significant changes to both the Health and Safety (H&S) MN Stat. 123B.57 and the Alternative Facilities Bonding and Levy statute M.S. 123B.59. Health and Safety-eligible projects with an estimated cost of **\$500,000** or more per site, approved after February 1, 2003, shall be funded under the Alternative Facilities statute M.S. 123B.59 and not under the H&S statute M.S. 123B.57. All of the conditions specified under M.S. 123B.59 must be met, including "notice of intended projects" processing and five-year plan as well as any engineering reporting. **If the district is considering any projects of this magnitude, contact Phil Allmon at 651/582-8748 or phil.allmon@state.mn.us as soon as possible.**

H&S PROJECTS MUST BE IDENTIFIED (CONTINGENCY NOT PERMITTED)

Work associated with H&S projects shall be identified and known at the time of project submission. Contingency amounts for work not yet identified shall be limited to no more than \$10,000 per building and shall be converted to approvable work, or the approval shall be rescinded.

VIOLENCE PREVENTION FUNDING

FIN CODE 365 has been de-activated. This applies to projects approved after February 1, 2003, for taxes payable in 2004 and later.

PROJECTS LESS THAN \$15,000, STATE BIDDING REQUIREMENTS AND PREVAILING WAGE

Projects costing \$15,000 or less must now be itemized separately by [1] finance code, [2] building and [3] fiscal year. Projects less than \$15,000 may not be listed as a combined total by finance code, building and fiscal year. For projects that exceed \$35,000, state bidding statutes may apply. Consult M.S. 471.345 and M.S. 123B.52 for a determination. For prevailing wage, if the district is eligible for any aid under H&S, prevailing wage requirements under M.S. 177.41—177.44 apply. Also, see the note on prevailing wage on page five.

NEW CONSTRUCTION OR RE-LOCATABLES

Health and Safety revenue may not be used for the construction or betterment of new facilities or the purchase of portable classrooms. It may not be used to pay for construction that results in an increase in square footage of the school facility. Project funding which would have been used for hazards in existing buildings cannot be re-directed to new facilities. Use of H&S funding to purchase storage sheds for hazardous materials shall be considered on a case by case basis, and must be supported by SFM orders.

FEE FOR ENGINEERING

Engineering, design, project management and commissioning fees for abatement or remediation are allowable expenditures of Health and Safety Revenue if there is an accompanying project. The fees for these services should be identified and applied for as a separate project under the same finance code as the project.

SCIENCE LAB SAFETY AUDIT RELATED COSTS

The cost to modify a science lab to meet standards pursuant to M.S.121A.31 is an allowable expenditure of Health and Safety Revenue with written State Fire Marshal (SFM) orders, SFM plan review documentation and agency review of projects that involve major funding. To determine allowable uses of Health and Safety Revenue, Attachment #5 provides guidance to districts [subject to agency review]. Safety in science labs projects should be integrated with the district's Laboratory Safety Standard Chemical Hygiene Plan.

HEALTH, SAFETY, AND ENVIRONMENTAL MANAGEMENT

Per M.S. 123B.56, "Health, Safety and Environmental Management" means activities necessary for a district's compliance with state law and rules of the Departments of Health, Labor and Industry [MN-OSHA], Public Safety [State Fire Marshal] and Pollution Control Agency [MPCA] as well as any related federal standards. These activities are [1] hazard assessment; [2] required training; [3] record keeping and [4] program management. A district's cost to assess compliance and develop written management plans for health, safety and environmental regulations/standards is an allowable expenditure of Health and Safety Revenue under finance code 352. See Attachment #4 for additional details. Using this attachment, a district should evaluate its hazards and adopt written plans and policies. Attachment #99 is submitted to MDE by July 26, 2004 to meet M.S. 123B.57 reporting requirements.

A district may fund activities of Safety Committees set up to identify safety hazards, prioritize and schedule projects and do activities to assist administration with managing a district's safety hazards. Refer to MN Rule 5208 for Safety Committee requirements. M.S. 182.676 states:

Every public or private employer of more than 25 employees shall establish and administer a joint labor-management safety committee. A safety committee must hold regularly scheduled meetings unless otherwise provided in a collective bargaining agreement. Employee safety committee members must be selected by employees. An employer that fails to establish or administer a safety committee as required by this section may be cited by the commissioner.

A citation is punishable as a serious violation under section 182.666.

Costs to establish and operate Schools Safety Committees, including hourly wages of employees and substitutes conducting the work, are allowable Health and Safety expenditures. Estimates shall be identified as clock hours, not percentages of time. Per M.S. 123B.57 Subd. (8)(a), district is capped at a funding formula level, further explained in Attachment 4.

PROVISIONAL PROJECT APPROVAL (PPA)—Includes Alternative Facilities Projects

Projects that do not have all documentation submitted by September 30th but for which the MDE believes will qualify imminently may be temporarily approved as a PPA instead of YES. This establishes the project as included in the maximum revenue authority set on September 30th, but which will be removed from the authority if final support documentation has not been evaluated by November 1, 2004.

FIRE PREVENTION AND LIFE SAFETY

Expenditure of Health and Safety Revenue to correct fire and life safety code violations must be in response to written orders from the State Fire Marshal [SFM] or local authority using SFM criteria under contract agreement. Exceptions may be considered upon written application to the Commissioner. State Fire Marshal School Plan Reviewer Richard Sorensen [218/586-2780] must review all H&S fire and life safety projects that exceed \$10,000 prior to commencing work, including orders based on local

inspectors. The MDE must receive confirmation of this review from the district before project approval is given, although a "PPA" may be assigned until November 1, 2004.

ASBESTOS REMOVAL

Asbestos containing building materials should be maintained in-place whenever possible. Removal should be limited to those materials that are damaged or require removal in order to facilitate another facility project, or when its location and condition presents an unacceptable risk to building occupants.

HEALTH AND SAFETY DEFICIT SPENDING

Neither health and safety revenue nor Alternative Facilities revenue based on H&S criteria can be used to finance a lease purchase agreement, installment purchase agreement, or other deferred payments agreement. Health and safety revenue must not be used for interest or other financing expenses, or for energy efficiency projects under M.S. 123B.65. No interest expense may be charged to the H&S account. Any work performed under an energy performance contract or with bond proceeds [including facilities and equipment bonds] cannot be charged to the Health and Safety account. Projects that exceed \$500,000 are funded under M.S. 123B.59 which does allow for bonding and interest recovery.

GUARANTEED ENERGY SAVINGS CONTRACTS - Energy Performance Contracts

Neither health and safety revenue nor Alternative Facilities revenue based on H&S criteria can be used to fund energy efficiency projects under section M.S. 123B.65, the guaranteed energy saving or "performance" contract section.

WEATHER/FLOOD-RELATED DAMAGE

Generally, costs for cleanup from major weather related disasters or flooding are eligible for Health & Safety funding. Agency weather/flood responses are coordinated through Mr. Dick Guevremont including those warranting consideration for extraordinary funding consideration, under a variety of programs.

INDOOR AIR QUALITY [IAQ]

Only costs to districts to restore the quality of indoor air to a safe level by means of mechanical ventilation upgrade/replacement and mold abatement are eligible for funding under Health and Safety FIN CODE 366. Allowable assessments, investigations, inventories and support equipment not leading to the engineering or construction of a project shall be included in the FIN CODE 352 funding category and subject to the cap. To qualify, the district must have an IAQ Coordinator and have an operational Management Plan.

TRANSPORTATION/BUS DRIVER DRUG AND ALCOHOL PREVENTION PROGRAM

Expenses relating to these issues are not eligible for funding under the Health and Safety program. Cost to fund repair or replacement of unsafe Carpenter-brand buses is not allowable.

INDUSTRIAL ARTS EQUIPMENT H&S funds may be used for repair or replacement to bring the equipment into OSHA compliance or to "best practices" level, if the district has a MDE trained and certified specific person identified as the Industrial Arts Equipment Coordinator. Their certificate number must accompany the H&S request for funding over the website. Use the manual and bid specifications provided at the time of training to determine the nature of the hazard and proper solutions. Contact the regional Management Assistance coordinator if there is a difficulty locating vendor. If replacement or upgrade above \$35,000 is determined, the bidding requirements specified under M.S. 471.345 may apply.

MDE CERTIFICATION PROGRAM. MDE requires that district personnel be certified in the following areas to obtain H&S funding, as indicated. Certificate numbers must be attached to machine guarding projects.

IAQ Coordinator	Any H&S funding
Machine Guarding	Funding for MDE Best Practices. OSHA-required repairs are funded regardless
Ergonomics	Category deleted.

MOCK OSHA INSPECTION

MDE requires that OSHA deficiencies noted under the H&S Management Assistance program be reviewed and addressed in the district's board-approved annually submitted Health and Safety program [Attachment 99]. The agency recommends the same consideration be given for Mock OSHA inspections conducted by insurance risk management and consultant.

BUILDING ENVELOPE AND OTHER H&S EXCLUSIONS

Per M.S. 123B.57 Subd 6(b), health and safety revenue must not be used for replacement of building materials or facilities including roof, walls, windows, internal fixtures and flooring, non-health and safety costs associated with demolition of facilities, structural repair or replacement of facilities due to unsafe conditions, violence prevention and facility security, ergonomics, building and heating, ventilating and air conditioning supplies, maintenance, cleaning, testing, and calibration activities.

FINANCE CODE 347 - PHYSICAL HAZARD CONTROL

PLAYGROUND – RESURFACING AND OTHER HAZARDS

The cost to install impact attenuating surface materials under playground apparatus, from which a child may fall, is an allowable expenditure of Health and Safety Revenue up to a maximum of \$7 per sq ft. See Consumer Product Safety Commission website www.cpsc.gov for more information. The cost to correct (but not replace) unsafe outdoor playground apparatus is allowable, as reported on by a person trained in playground safety under the National Recreation and Park Association's Certified Playground Safety Inspector Course. This evaluator does not have to be a district employee. The cost to seal wooden playsets that might leach Chromate Copper Arsenate [CCA] is allowable.

SWIMMING POOL HAZARDS

Costs to bring swimming pools up to code per MN Rule Chapter 4717, capital but not operational expenses, are allowable. Basis for funding projects for removal of swimming pool hazards shall be orders from a Minnesota state agency only (or local governmental body under contract). Cost for depth correction is excluded.

BLEACHER REPAIR OR REBUILDING

Bleachers were required to be brought to M.S. 16B.616 safety standards by January 2002. Two years have elapsed since then so bleachers are assumed to meet code. Only those bleachers cited for non-use by building code officials as requiring work cited in M.S. 16B.616 are eligible for funding for Pay 2005.

MECHANICAL AND POWER EQUIPMENT-SAFETY MODIFICATION

Equipment with unsafe design or operation can be modified for safe operation or replaced with H&S Revenue if the modification is done to meet an OSHA safety standard or MDE Machine Guarding "best

practices.” For the latter, projects must include the workshop attendance code assigned to each attendee. See MN OSHA standards or “Best Practices” manual for information.

OSHA PHYSICAL OR ELECTRICAL HAZARD VIOLATIONS

Expenses associated with correcting OSHA physical or electrical hazard violations identified by an OSHA or mock-OSHA inspection may be allowed under Health and Safety, if they are clearly linked to an OSHA statute or standard. Replacement will be considered only after MDE scrutiny of the circumstances. Work not identified and specified at the time of project entry will not be approved except as provided for above.

ERGONOMICS [REPETITIVE MUSCULOSKELETAL STRESS]

This category has been deleted.

FOOD CODE SAFETY -- MDH HEALTH CODE REQUIREMENTS FOR KITCHEN STAFF

Costs to support MDH Food Code requirements are allowable under Health and Safety. These do not include kitchen licenses or certification costs, but do include costs for MDH inspections and MDH-mandated improvements (requires MDH orders). Staff training may be included under health, safety and environmental management, under FIN Code 352 and is subject to that category’s spending cap.

TEMPERATURE IN KITCHENS AND OTHER SPACES

Expenses necessary to maintain temperatures in work areas where “moderate” or greater levels of work are performed, such as kitchens, in accordance with Minn. Rule 5205.0110 are an allowable use of H&S revenue. Cost for increasing airflow to levels called for under State Mechanical Code is allowable. Cost for air conditioning is not, unless justified by extraordinary circumstances.

ELEVATOR AND LIFT INSPECTIONS

Costs to inspect elevators and lifts are allowable under Health and Safety where required under OSHA 29 CFR 1910 and 29 CFR 1926. Cost for repair or replacement is not allowed.

PERSONAL PROTECTIVE EQUIPMENT

The cost to purchase PPE (personal protective equipment) for use by staff and students in the areas of industrial and fine arts, and science is allowable. PPE funding is allowed for employees in all areas of hazardous work per OSHA standards. The PPE equipment shall be owned by the district, remain in its possession and under its control, and shall not be used for any purpose other than allowable activities in these areas. PPE for extracurricular activities shall not be funded.

FINANCE CODE 349 - HAZARDOUS SUBSTANCE

WOOD BOILER HAZARDS

Only particulate-emitting [e.g. wood or coal] boilers which emit excessive particles during normal operation or which can cause life safety risks due to potential fire or explosion may use H&S revenue to correct the hazard. Only necessary repairs to this category of boiler, but not replacement of the boiler unit or its accompanying components, are an allowable use of Health and Safety Revenue. Facilities to house a replacement system cannot be built or repaired with H&S revenue.

FUEL TANK REMOVAL/ REPLACEMENT, AND CLEANUP [UST and AST]

The cost to properly cleanup any petroleum product spills, and the repair or removal but not the replacement of any underground storage tank or any above ground storage tank (including piping) is allowable expenditures of Health and Safety Revenue. The cost for monitoring systems but not their maintenance is allowable. The cost to test a UST/AST tank for leakage is allowable. Fuel oil costs for tightness testing are not allowed. Cost for cleanup should be submitted to the MN Petrofund for reimbursement. Fuel oil tanks may remain indefinitely—there is no mandatory limit on their use-- but the MN Petrofund expires in the year 2007. Fuel oil tank tightness testing is recommended biennially for all UST/ASTs.

HAZARDOUS/INFECTIOUS WASTE MANAGEMENT AND DISPOSAL

The cost for collection and disposal of hazardous or infectious waste and payment of fees, as required by State or Federal regulations, are allowable expenditures. E.g. **U of MN's Chemical Safety Day**.

Hazardous/infectious waste [e.g. lead from lead abatement, sharps disposal] is an eligible expenditure.

LEAD IN WATER; TESTING AND MITIGATION – see M.S. 144.9501—144.9509

The cost of sampling and analysis of water, paint and soil due to possible lead contamination is allowed. Lead abatement due to the presence of lead is not automatically allowed. The condition of the lead must be such that either the MDH or MN OSHA would cite it—this must be documented. Abatement work must meet the criteria of "regulated lead work" to qualify for funding. Especially note M.S. 144.9505 Subd. 6 for new contracting entity requirements. Districts are encouraged to perform lead in water testing every five years, or when pipes or fixtures are modified. Replacement building or facilities materials are allowable except where prohibited under M.S. 123B.57.

COPPER IN WATER

The cost of sampling and analysis of water due to possible copper contamination is allowed. Copper abatement due to elevated dissolved levels is allowed if the MDH or MN OSHA issues health orders. Replacement building or facilities materials are allowable except where prohibited under M.S. 123B.57.

LOCAL EXHAUST VENTILATION SYSTEMS

The cost of design, materials, and installation of local exhaust systems and required make-up air that is used for purpose of controlling regulated hazardous substances is allowed. Examples of processes that potentially generate regulated hazardous fume, vapor, or dust are; Welding operations, Wood processing, Wood finishing, Automotive parts cleaning and degreasing, Sand blasting, Spray painting, Science experimentation, Art-ceramic glaze firing, Kitchen Food Venting. Cost for general heating, ventilation and air conditioning is not specified here. Systems design and specifications shall be completed by an individual or company experienced in ventilation systems for industrial contaminant control, and shall be consistent with recommended practices described in the Industrial Ventilation Manual: American Conference of Governmental Industrial Hygienists or comparable references.

RADON - DETECTION & MITIGATION

The cost to test for and remediate elevated levels of radon is an allowable use of Health and Safety revenue. An EPA-accredited radon project designer shall accomplish design work. A list of service providers can be gotten from Mr. Bill Angell, U of MN Environmental Sciences. Replacement building or facilities materials are allowable except where prohibited under M.S. 123B.57.

WELL CAPPING

The cost to properly cap an abandoned well is an allowable expenditure of H&S Revenue.

BOILER-MAIN SUPPLY BACK FLOW PREVENTOR AND FLOOD-PREVENTION FLOOR DRAINS

The cost to test and install/replace suitable devices, which prevent the backflow of contaminated water in a boiler system to potable source, is an allowable expenditure. Also, the cost to test and maintain one-way drains to prevent floodwaters from backing into buildings is allowable. These should be checked annually.

FINANCE CODE 352 - ENVIRONMENTAL, HEALTH. & SAFETY MANAGEMENT

HEALTH, SAFETY AND ENVIRONMENTAL MANAGEMENT

See Attachments #4 for details. These activities include [1] hazard assessment; [2] required training; [3] record keeping and [4] program management for each element identified in the attachment that is a hazard. Program management shall include at a minimum a written plan and the name of a contact person who is onsite and knowledgeable about the plan. Health, safety and environmental management (all expenses allowed under FIN CODE 352, below) is capped by an amount determined by the commissioner, per M.S. 123B.57 Subd. (8)(a). The formula for calculating this per district can be found on the first page of Attachment 4 of this letter.

SAFETY COMMITTEE AND AWAIR

Required under M.S. 182.676: start-up and operational expenses, including wages of employees and substitutes, may be included under this project. Expenses toward implementing the **MN Model AWAIR Program for Schools** are allowable as well. Contact the regional Service Cooperative H&S Management Assistance professional or the MDE for a copy of this document.

ASBESTOS INSPECTION

Cost for AHERA required three-year reinspections are allowable. Per US EPA, next round of AHERA re-inspections are due to be completed no later than **July 2004**.

SCIENCE LAB - INVENTORY & OTHER SAFETY COMPLIANCE

The cost to inventory all chemicals is an approved expenditure of H&S Revenue. Costs to cleanout or otherwise maintain chemicals is not allowable. See Attachments 5 & 6 for additional allowable expenses.

EMPLOYEE RIGHT-TO-KNOW

Expenses for Employee Right-to-Know training and supplies under MN Rules 5206 are allowable expenditures of H&S Revenue. This remains the highest-cited program by MN OSHA and the first program MN OSHA checks on when they visit the district.

BLOODBORNE PATHOGEN STANDARD COMPLIANCE

The cost to develop and maintain a written program, train employees [not including the wages of attendees], maintain records, provide vaccinations and titers confirmation, and purchase preventative supplies as required by OSHA 1910.1030 are allowable expenditures. Vaccines should be purchased for employees whose exposure puts them under the coverage of this standard. The employer must

determine which employees have job duties involving a reasonably anticipated risk of exposure to blood, especially first aid duties. Post exposure medical evaluation expenses are also allowed [up to the point of medical determination of infectivity or non-infectivity].

INTEGRATED PEST MANAGEMENT

Costs to implement the Janet B. Johnson Parents' Right-to-Know Act are allowable under H&S. See Attachments 4 and 8, and M.S. 121A.30 for additional details.

COMPUTER BASED MANAGEMENT SUPPORT PROGRAMS

Computer based management support programs that are used for H&S management and record keeping are eligible for H&S funding. Those used for facilities support are not eligible. A district using a system that includes both capabilities must apportion costs. The district shall own all rights to the data and shall be provided with a proper method of obtaining it upon request. Data entry costs and periodic software upgrades to keep the system current for the H&S portion only are allowable: non-H&S maintenance and entry costs are not allowed for funding.

H&S MANAGEMENT ASSISTANCE (MA)

The cost of funding H&S Management Assistance professionals is allowable. MA services must be provided by a trained H&S professional having significant field work experience, making the person competent to evaluate programs that make up a district's H&S program. The person providing the MA services may be an independent contractor, an employee of a private contractor, a Service Cooperative employee or an H&S professional employed by the district. The person must be hired by the district (can be through the service cooperative representing the district), or if employed by a private contractor must be identified in the contract as the person providing the MA services. To avoid a conflict of interest, the person doing the management assistance work shall not be a person who also does other H&S work for the district, either as HSEM or as a project contractor.

THREE-YEAR FIRE INSPECTION

The cost of funding the state-mandated fire inspections required of each school building every three years is an allowable Health and Safety expenditure. See new M.S. 299F.47 that replaced M.S. 123B.73.

INDOOR AIR QUALITY (IAQ) MANAGEMENT PLAN AND IAQ COORDINATOR EXPENSES

Costs related to the development and implementation of the IAQ Management Plan, including those associated with IAQ Coordinator activities, shall be funded under FIN CODE 352.

AUTOMATIC EXTERNAL DEFIBRILLATORS AND OTHER EMERGENCY PLAN EQUIPMENT AND SUPPLIES

Funding is allowed for equipment and supplies that are identified as needed for proper emergency plan operation, if they are specifically named in the district's emergency plan developed under the H&S program. Large capital items such as vehicles, emergency people moving devices, remodeling or renovating spaces to accommodate emergency activities, building PA or emergency announcement systems and the like are excluded unless ordered by the SFM office. If questions arise, contact the MDE for clarification.

FINANCE CODE 358 - ASBESTOS

ASBESTOS REMOVAL and/or ENCAPSULATION

All asbestos removal, repair and encapsulation projects are allowable expenditures. Repair and maintenance costs include supplies, labor and contracted services. Per M.S. 123B.57 Subd. 6(b) H&S funding cannot be used for any replacement materials.

ASBESTOS REPAIR AND/OR MAINTENANCE

Repair and maintenance costs for O&M activities (e.g. glovebag and mini-enclosure) including supplies, labor, and contracted services are allowable expenditures of Health and Safety Revenue. For districts using in-house resources, a detailed record of work-hours dedicated to such work shall be maintained: a blanket percentage is not adequate. Per M.S. 123B.57 H&S funding cannot be used for any replacement materials.

ASBESTOS CEILING TILE REMOVAL AND REPLACEMENT

Per M.S. 123B.57 H&S funding cannot be used for any replacement materials.

ASBESTOS FLOOR TILE REMOVAL

Asbestos containing flooring [tile and linoleum] may be removed with Health and Safety Revenue. Per M.S. 123B.57 H&S funding cannot be used for any replacement materials.

ASBESTOS ROOF REPAIR

Where a school building is constructed with a roof system containing asbestos materials, approval for Health and Safety Revenue may be given to assess and remove but not replace the asbestos containing roofing materials. Per M.S. 123B.57 H&S funding cannot be used for any replacement materials.

ASBESTOS - STAFF TRAINING

Training costs as required by AHERA for school district employees who participate in operations and maintenance is an allowable expenditure of Health and Safety Revenue. These include Designated Person, 14-Hour O&M and 2-Hour awareness training. EPA accredited course training is not included unless there is a documented history of activities for which the individual is accredited.

ASBESTOS WORKER REQUIRED HEALTH PHYSICALS

The cost for a physical examination required for persons working with asbestos are an allowable expenditure of Health and Safety Revenue.

FINANCE CODE 363 - FIRE AND LIFE SAFETY

FIRE AND LIFE SAFETY EXPENDITURES

Fire and Life Safety expenditures under Health and Safety in support of MUFC (MN Uniform Fire Code) and IFC (International Fire Code) shall be allowed only based on orders from the school State Fire

Marshal section. Note that the MUFC has been replaced with the IFC. Districts may be operating under orders from either standard at this writing.

FIRE SAFETY SELF INSPECTION CHECK FOR SCHOOL

See the Attachment #6 for this checklist and allowable expenditures.

FACILITY - DEMOLITION

Project cost to raze or demolish a facility is not allowable except for abatement of that portion of the demolition that contains hazardous materials (e.g. asbestos, PCBs, etc.). See M.S. 123B.57 Subd. 6(b). The cost to repair exterior finish, re-roof or remodel the remaining portion is **not** an allowable expenditure of Health and Safety Revenue. Districts shall ensure the property is not listed on any historical building register. Due to court decision, the district is required to confirm this in writing with MDE before funding for any abatement work can be approved. Visit <http://nrhp.mnhs.org/> to obtain this list.

FIRE ALARM EQUIPMENT

Expenditure of Health and Safety Revenue is allowable to provide for the cost to design, purchase, install and maintain a new or upgraded fire alarm system as required to comply with fire and life safety code.

FIRE EXTINGUISHER INSPECTION AND MAINTENANCE

The cost of inspection, required testing and subsequent recharging of fire extinguishers following hydrostatic testing is allowable. Cost for replacement or recharging resulting from any use, accidental or intentional is also allowable.

FIRE MARSHAL ORDERS

The use of Health and Safety Revenue for compliance with State Fire Marshal orders is allowable. Costs for local fire chief orders not required by the SFM program shall not be funded unless approved by the SFM's office. For projects exceeding \$10,000 fire marshal plan review is required [Rich Sorensen 218/586-2780]. Costs for local fire chief orders exceeding \$10,000 shall not be funded unless either approved by the SFM's office or based on orders and a plan review consistent with SFM criteria, based on a current contract between the local fire chief and the SFM. This evaluation constitutes the engineering report that would otherwise be required. Plans are also accepted for new construction and are encouraged by the MDE and SFM. Please allow the Plan Reviewer sufficient time [at least 30 days] to evaluate your plans. The MDE must receive confirmation of this review before project approval is give, although a "PPA" may be assigned until November 1, 2004.

LIGHTING - EMERGENCY OR EGRESS

The costs for design, purchase, and installation of new or upgraded emergency lighting are allowable Health and Safety expenditures. Lighting project costs exceeding \$10,000 shall be submitted to the State Fire Marshal School Plan Reviewer for plan review. Emergency lighting length of time operating capacity shall meet minimum fire marshal criteria, at least 30 minutes.

FACILITY EVALUATION FOR STRUCTURAL SAFETY

The cost for a structural evaluation of a facility by architect or engineer to determine if it is safe is no longer an allowable expenditure under H&S. Ref: M.S. 123B.57.

FACILITY - MODIFICATION

Costs of modifications or repairs to existing school facilities that are necessary to correct a safety or health hazard, unless allowed under M.S. 123B.57 are no longer allowed. Consideration will be given to hazards that violate MN Rule 5205.0660 and are based on MN OSHA orders. Ref: M.S. 123B.57.

FINANCE CODE 365 – VIOLENCE PREVENTION

VIOLENCE PREVENTION AND BUILDING SECURITY MANAGEMENT

Costs for expenses relating to hazard identification, written plan development and maintenance, training and recordkeeping for the violence prevention portion of Crisis Management Plans are no longer eligible for H&S funding, per M.S. 123B.57. FIN Code 365 will be dropped or reassigned after FY2004 (based on projects approved before February 3, 2003).

FINANCE CODE 366 – INDOOR AIR QUALITY (IAQ)

INDOOR AIR QUALITY (IAQ) MANAGEMENT PLAN AND IAQ COORDINATOR EXPENSES

Costs related to the development and implementation of the IAQ Management Plan, including those associated with IAQ Coordinator activities, shall be funded under FIN CODE 352. Ref: M.S. 123B.57

REQUIREMENT TO MEET ACTIVITY 22 MEASUREMENT REQUIREMENTS

In the 2003 H&S letter, the MDE asserted that Pay 2007 H&S funding would be placed in a moratorium status if districts had not completed the mechanical air flow measurement of all occupied spaces by June 30, 2006. Due to funding constraints under FIN CODE 352 no moratorium will be imposed.

INDOOR AIR QUALITY

Engineering, design and project management evaluation [including sampling] fees for Indoor Air Quality investigation is an allowable expenditure of Health and Safety Revenue. To qualify, the district must have an IAQ Coordinator, have submitted Attachment #99 in 2002 and have an operational IAQ Management Plan. If these requirements are not met, no new projects will be approved until they are met. For more information see Attachment #7.

INDOOR AIR QUALITY COORDINATOR

The MDE does not require that the IAQ Coordinator be an employee. However, the following criteria must be met:

- A specific person must be identified as the IAQ Coordinator
- The person must be MDE-certified [attended MDE/MDH-sponsored training and received a certificate].
- The person must be able to answer the four basic questions for parents [see below] in a timely manner, and possess the wherewithal to administer the district's IAQ Management Plan for the district.
- The person must have authority to receive and respond to [for the district] parents and local complaints as well as problems and complaints forwarded by state agencies.
- Authority and responsibilities of the person shall be included with the IAQ Management Plan.
- Person must be based at the district or spend the preponderate portion of his/her time there.

- The function of IAQ Coordinator shall be separate from that of buildings systems maintenance expert. It is not the intent of MDE to allow this position to circumvent the separation of IAQ Management and facilities maintenance management/preventive maintenance functions.

INDOOR AIR QUALITY MANAGEMENT PLAN

[A] The person who is functioning in the capacity of IAQ Coordinator shall be able to answer parents' four basic questions [see below] and to respond to parent complaints received by state agencies. Wage costs needed to provide this capacity are an allowable H&S expenditure.

- Where can a parent go to find answers to their IAQ questions and concerns?
- Where can a parent obtain checklists or other self-help information so they can properly evaluate their child's home or other out-of-school situation, including information provided by their child's physician? Parents want to do their part in working toward solutions.
- How can a parent obtain information about school facility construction, maintenance and housekeeping practices, chemicals used, mold and HVAC-related information, chemical-producing academic subjects, pesticides and herbicides, and the like to determine the extent to which school activities contribute to a child's symptoms?
- What can a parent do--how can a parent effect change--upon discovering questionable activities occurring within schools? Examples might be poor ventilation in the auto maintenance shop resulting in exhaust fumes or construction fumes leaking into the occupied portion of a building.

[B] The IAQ Management Plan shall meet the criteria outlined in Attachment 99, Part I, Sections A through E. In addition, since M.S. 123B.57 Subd [2][f] requires that the IAQ Plan include: "A plan to monitor and improve indoor air quality," some method of knowing that the current ventilation rate meets the State Mechanical Code [MN Rule 1346, the State Mechanical Code] must be incorporated. If the design airflow does not meet that of MN Rule 1346 or MN Rule 5205.0110 it needs to be "improved." Districts will have until 2005 to mark up and implement Attachment 99, Part I, Sections F and G in order to "...monitor and improve indoor air quality."

MECHANICAL VENTILATION

After an engineering study by PE [professional engineer] has been done and a report of the study is reviewed by MDE, a one-time cost [1] to upgrade an existing mechanical ventilation system to the current MN State Mechanical Code/ASHRAE level of 15 CFM/person or [2] to replace it to meet current code is an allowable expense under H&S. Written third party verification is required to be submitted of all project work before a mechanical ventilation project will be approved. Either a report or summary of a report signed by architect/engineer is allowable. See Attachment 7 and pages 48 and 49 for details on this reporting requirement. This report must contain the existing CFM per person rate, the design-intended CFM per person rate, a description of the system components, a diagram of the system and the system's cost. The new design-intended airflow rate shall be available over the outside temperature range reasonably anticipated using current engineering standards. Cost to add or remove humidity is allowable to meet ASHRAE and State Mechanical Code but cost to air-condition is not. Components benefiting energy/cost-savings only are not allowed. Costs for DDC control logic, but not a thermal recovery system are allowable, but only if the HVAC system is being replaced or if an HVAC system upgrade results in a significant ventilation rate improvement. Maintenance and maintenance management costs (including testing for these) are not allowed. Excluded from funding are building HVAC supplies, maintenance,

cleaning, testing and calibration (e.g. TAB and commissioning) activities. Airflow measurement activities not in support of a replacement/upgrade project may be funded under FIN CODE 352. All projects that exceed \$500,000 in cost must undergo Review and Comment per M.S. 123B.71.

For mechanical ventilation projects, work funded under H&S shall not cause the room noise level to exceed an NC [noise criteria] greater than NC 35 at any location where students are seated listening to presentation/discussion or locations where teachers ordinarily present. Sound level measurements shall be made at the location of the closest student or teacher "stations" to confirm the standard is met, and payment withheld until it does. NC 35 roughly corresponds to 45 dBA. For H&S funding, this shall be inserted as performance criteria in the relevant contract language and verified by the system inspector under M.S. 123B.72.

There has been growing evidence that some completed work meets neither state mechanical code nor design criteria for ventilation rates and noise criteria. MDE insists that all approved HVAC upgrade/replacement work be verified using reliable quantitative measuring techniques done by a third party entity. "Third party entity" means that the third party (the verifiers) cannot be financially influenced by the ventilation contractor. A suggested method is to employ School Facility Commissioning Guidelines found at <http://education.state.mn.us/content/003024.pdf>, together with the requirement to verify the mechanical ventilation rate for each occupied space over the expected outside temperature range. Work which does not meet code and contract should be rejected until it does, and measures to compel proper completion be employed, such as withholding final payment, performance bond, errors and omissions insurance and/or a directly-worded letter from the district's attorney.

MOLD CLEANUP AND ABATEMENT

After an engineering study by architect or engineer is conducted and written report received by MDE to establish the water damaged areas and repair cost estimates, costs to remove contaminated building components and furnishings, and for subsequent cleanup is an allowable expenditure. Written third party verification is required to be submitted of all project work before a mold abatement and/or cleanup project will be approved. Requests where the amount of mold or water damage, as substantiated by report, is minor will be treated as routine maintenance and not approved for H&S funding. Replacement building or facilities materials are allowable except where prohibited under M.S. 123B.57. See Attachment 7 for reporting details. Fixes of external causes leading to water intrusion [e.g. leaking walls, windows and roofs, poor drainage, poor site] are ineligible for H&S funding. Trained and protected persons shall abate mold areas using mold abatement procedures and adequate personal protective equipment. Wherever feasible, the MDH's Best Practices Manuals shall be followed.

CARPET

Cost to purchase HEPA [or near-HEPA] vacuum cleaners and high quality carpet extractors is not allowable.

ENGINEERING AND OTHER PROFESSIONAL SURVEYS, TESTING AND REPORTS

All assessments, investigations, inventories and support equipment not leading to the engineering or construction of a project shall be included in the health, safety and environmental management costs in M.S. 123B.57 Subd. (8)(a). These are allowable Health and Safety if intended to substantiate a Health and Safety concern but are funded under FIN CODE 352. Design, monitoring, clearance or and closeout reports for assessment and evaluation are funded if mold-abatement is conducted and are part of that abatement project. "Base-line" studies are fundable under FIN CODE 352 and must include evaluation of HVAC systems outside air flow-rate per minute per person [CFM per person] to each occupied area in the building. Tools For School Ventilation Checklist Activity 22 is allowable as an assessment method (measures airflow), fundable under FIN CODE 352 and is not considered testing or validating system operation or commissioning or TAB work, none of which is allowable under either FIN CODE unless accompanied by approvable work. The requirement that Activity 22 or its equivalent must be performed by June 30, 2006 to qualify for Pay 2007 funding has been deferred. Indefinite assessment monitoring and/or testing operations or testing that is not validated by a competent professional (e.g. industrial hygienist) is not allowed under H&S funding.

OPERATIONS AND MAINTENANCE COSTS APPLIED TOWARD IAQ-RELATED ACTIVITIES

This category is not permitted under Health and Safety. This includes planned or preventive maintenance.

ASSESSMENT COSTS

Costs toward evaluating a building or its sub-systems for unsafe or unhealthy conditions per the US EPA Tools For Schools checklists are an allowable expenditure, but is capped under M.S. 123B.57 Subd. (8)(a). Costs to evaluate building sub-systems that are intended to establish the operational effectiveness of these systems is considered maintenance and is not allowable.

COSTS TOWARD IMPROVED FILTRATION

Original and replacement filters or filtration systems are no longer allowable under Capital Expenditure: Health and Safety.

COSTS TOWARD CLEANING HVAC SYSTEMS AND TO INSTALL ACCESS PORTS

Cleaning and the installation of access ports are no longer allowable under Capital Expenditure: Health and Safety.

COSTS TOWARD TESTING AND BALANCING AND COMMISSIONING MECHANICAL VENTILATION SYSTEMS

Per M.S. 123B.57, testing and balancing and commissioning are not allowed to be funded under H&S, unless required as part of an approved HVAC upgrade or replacement project.

ATTACHMENT #4

HEALTH, SAFETY AND ENVIRONMENTAL MANAGEMENT—MANAGEMENT PROGRAM A LIST OF POSSIBLE HAZARDS FOUND AT SCHOOL DISTRICT SITES

This attachment does not establish what is fundable under Health and Safety. M.S. 123B.57 Subd. 6 and Attachment 3 do that. The purpose of Attachment 4 is to suggest what a district should consider including in establishing its Health and Safety program and plans.

A district's cost to provide the following management services and functions, as well as functions listed in Attachment 3 FIN CODE 352, are considered allowable expenditures. A district may fund activities of Health and Safety Committees to identify safety hazards, prioritize and schedule their abatement. A cost to support AWAIR Safety Committees, including hourly wages of employees and substitutes, is allowable. A district's management program may be accomplished with its own personnel, through contracted services or a combination of the two. Where the district's own personnel provide this function, a separate accounting of personnel time and activity charged to a finance code must be maintained, so the expenditures can be audited if requested. Estimates must be identified as clock hours, not percentages of time or other means.

Funding Formula, per M.S. 123B.57 Subd. 8: The maximum revenue approved per district for Health, Safety and Environmental Management (FIN CODE 352) costs is limited to the greater of \$13.50/AMCPU (adjusted marginal cost pupil units) or \$0.089/SQ FT of facilities space. Example: ISD #008 has 1,800 AMCPU and 295,000 SQ FT, so comparing their max amount by student count (\$24,300) and by SQ FT (\$26,255) establishes its absolute FIN CODE 352 max at \$26,255). By contrast, ISD #009 has 4,200 AMCPU and 635,000 SQ FT, so their amounts of \$56,700 and \$56,515 favor pupil max over SQ FT max.

District requests for HSEM revenue in excess of these limits will result in a "Negative Adjustment" project generated by the MDE, which will reduce the total FIN CODE 352 approved amount to this maximum, with no exception. Contact MDE (Phil Allmon) if you are unclear about any of this process.

Asbestos

- Identify current designated person; ensure designated person is AHERA-trained.
- If DP is not a district employee, identify local Contact Person representing school.
- Review and update existing Asbestos Management Plan.
- Develop and disseminate annual written notification.
- Provide 14-hour Maintenance/Custodial Operations and Maintenance (O&M) Training.
- Establish a General Work Order System and Asbestos Work Order System.
- Establish Work Practice Standard Operating Procedures.
- Establish Emergency Response Procedures.
- Establish respiratory protection program component for asbestos.
- Provide 6 month Periodic Surveillance of asbestos.
- Maintain and update the asbestos inventories.
- Maintain all records of asbestos events, per OSHA and AHERA.
- Establish and implement Medical Monitoring and Surveillance Program.
- Schedule response action implementation.
- Provide liaison with Project Designer for those projects which exceed 3 feet.
- Provide and post Hazardous Warning labels in routine maintenance areas.
- Provide 2-hour Asbestos Awareness Training, necessary for all Maintenance/Custodial persons.
- Perform Three Year Reinspection no later than July 2004.
- Review program and obtain school board approval at least annually.

Underground Storage Tanks (UST) and above ground Storage Tanks (AST)

- Develop and implement a Written Management Plan for each UST and AST.
- Identify school district Contact Person(s) for each UST and ASTs.
- Ensure all USTs above 110 gallons are MPCA-registered.
- Ensure all AST installations which are used for combustible materials are reviewed by fire marshal.
- Develop and implement release detection (e.g. tightness testing) plans for all USTs (fuel oil also).
- Conduct leak detection testing at frequent intervals for USTs if electronic monitors available.
- Produce and submit reports to agencies necessary for compliance (e.g. MPCA tank registration).
- Conduct periodic site review and management plan update (at least annually).
- Review updates on regulatory standards and reporting requirements.
- Provide and maintain inventory control forms.
- Review program and obtain school board approval at least annually.

Infectious Waste (exclusive of Bloodborne Pathogens, if any)

- Develop and implement a Written Management plans for infectious waste, if any.
Note: blood or other potentially infectious materials are covered under Bloodborne Pathogen
- Identify school district Contact Person(s) for infectious waste management.
- Identify sources of infectious waste in each facility.
- Review current infectious waste handling procedures.
- Review current internal traffic procedures.
- Review current external transportation/disposal of infectious waste.
- Evaluate current infectious waste record keeping products and procedures (including archiving).
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.
- Provide updates on regulatory changes and new developments.
- Provide annual training.
- Review program and obtain school board approval at least annually.

Playground Safety

- Develop and implement Written Management plans for each playground.
- Identify school district Contact Person(s) for each playground.
- Conduct periodic site review and management plan update (at least annually).
- Present program review to School Board at least annually.
- Conduct audit of district outdoor playground facilities for purpose of identifying equipment and site-related hazards referenced in the Consumer Products Safety Commissioner's (CSPC) current guidelines. See Consumer Product Safety Commission website www.cpsc.gov for more information. Also, see ASTM F 1487 – 95 "Standard Consumer Safety Performance Specification for Playground Equipment for Public Use."
- Develop, implement and maintain equipment maintenance checklists.
- For H&S funding, inspection by Nat'l Recreation and Park Association "Certified Playground Safety Inspector" is required.
- Review updates on regulatory, guidance standards and new developments.
- Review program and obtain school board approval at least annually.

Emergency Action Plan

- Develop and implement written Management plans for each school for each type of emergency: fire, utility disaster and natural disaster. Violence prevention planning is not supported under H&S, per M.S. 123B.57 Subd. (6)(b).
- Identify school district Contact Person(s) for each emergency plan.
- Survey the facility to determine the facility's ability to provide safe egress or safe shelter.
- Develop Emergency Action Plan procedures and routes per OSHA standard 29 CFR 1910.38.
- Post evacuation or shelter routes and locations, in each classroom, office or assembly area. Route(s) should be shown drawn on 8x11 scale building map, preferably color-coded.
- Train affected employees.
- Review Written Plan as needed, and update (at least annually).
- Develop and implement written record keeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.

- "...Cooperate with local government authorities to ensure the preparation of plans for the protection of students in an emergency. These plans should include sheltering students in schools, or evacuating them to their homes, as well as using the schools as congregate care centers in support of emergency operations." --MN Executive Order 93-27.
- Review program and obtain school board approval at least annually.

Lead in Water

- Develop and implement a Written Management plan for all drinking water taps.
- Identify school district Contact Person(s) for Lead in Drinking Water.
- Implement MDH Lead in School Drinking Water Guidance Manual provisions.
- Survey each facility to determine the facility's drinking water taps and fixtures. Note- actual testing shall be identified as a separate project.
- Conduct water sampling as provided for under MDH and US EPA rules and guidelines.
- Ensure replacement faucets and hardware meet current NSF lead-free criteria.
- Review updates on regulatory standards, reporting requirements and new developments.
- Maintain all compliance documentation.
- Provide all record keeping activities.
- Train affected employees.
- Review Written Plan as needed, and update (at least annually).

Radon

- Develop and implement a Written Management Plan for Radon identification and remediation.
- Identify school district Contact Person(s) for Radon.
- Implement current US EPA/MDH Radon Gas testing guidance criteria
- Coordinate diagnostics and mitigation of elevated radon.
- Conduct Radon sampling as provided for under MDH and US EPA rules and guidelines.
- Review updates on regulatory standards, reporting requirements and new developments.
- Maintain all compliance documentation: maintain documentation of testing.
- Develop and implement written record keeping procedures.
- Train affected employees.
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.
- Review program and obtain school board approval at least annually.

Hazardous Waste

- Develop and implement a Written Management Plan for Hazardous Waste. These are defined as wastes, which are toxic, combustible, corrosive or reactive.
- Identify school district Contact Person(s) for Hazardous Waste.
- Review Written Plan as needed, and update (at least annually).
- Identify facility hazardous waste streams by functional areas and by waste stream types.
- Examine facility hazardous waste product generation potential.
- Identify actions that minimize or eliminate hazardous waste generation.
- Develop containerization and labeling procedures.
- Review current handling and storage procedures.
- Implement proper waste disposal procedures. Complete disposal manifests.
- Acquire EPA generator number and MPCA annual permit for each building generating hazardous waste.
- Train affected employees. Provide annual training according to **VSQG** or **SQG** criteria.
- Monitor or provide updates on regulatory changes and new developments. Review updates on regulatory standards, reporting requirements and new developments.
- Develop and implement written record keeping procedures-maintain all compliance documentation.
- Evaluate boiler and other stack emissions to air with respect to current MPCA stack emissions standards.
- Review program and obtain school board approval at least annually.

Community Right to Know

- Develop and implement a Written Management Plan for Community Right To Know.
- Identify school district Contact Person(s) for Community Right To Know.
- Review Written Plan as needed, and update (at least annually).
- Survey facility for hazardous materials in reportable quantities.

- Develop and maintain hazardous materials collection and storage procedures.
- Review invoices of CRTK-reportable materials for quantity verification.
- Initiate in-house reporting procedure(s).
- Prepare notification correspondence/reports to State Emergency Response Commission and local emergency planning committee (frequently the district's local fire department).
- Train affected employees. Provide annual training.
- Develop and implement CRTK-recordkeeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations (i.e. MN Emergency Response Commission).
- Provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

OSHA Inspections

- Participate in OSHA review of facility and provide management activity for programs.
- Participate in MDE Management Assistance mock-OSHA review of facility and management programs. District response to this report is required.
- Work with third party inspectors such as insurance groups.
- For information on all OSHA standards, go to www.osha.gov and click on the "search" button.

Accident and Injury Reduction Program: Model AWAIR Program for Minnesota Schools.

- Develop and implement a Written Management Plan for Accident and Injury Reduction-AWAIR.
- Develop procedures that outline how managers, supervisors and employees are responsible for implementing the written program and how continued participation of management will be established, measured, and maintained.
- Identify school district Contact Person(s) for Accident and Injury Reduction Program.
- Review Written Plan as needed, and update (at least annually).
- Develop and implement a Written Plan for OSHA-mandated Safety Committees.
- Conduct safety committee meetings, at least quarterly, to identify and eliminate workplace safety hazards. Develop and document methods used to identify, analyze, and control new or existing hazards.
- Identify and document methods of how the plan will be communicated to all affected employees so that they are informed of work-related hazards and controls.
- Develop and document procedures for investigation of work place accidents and corrective action.
- Develop and document procedures that outline how safe work practices and rules will be enforced.
- Review program and obtain school board approval at least annually.

First Aid/CPR/AED

- Develop and implement a Written Management for First Aid/CPR/AED*.
 - Identify school district Contact Person(s) for First Aid/CPR/AED.
 - Determine time for arrival of first aid providers (outside and in-house). Per MNOSHA CPL 2-2.53, first aid must be available within 8 minutes from any site, including travel time.
 - Review Written Plan as needed, and update (at least annually).
 - Survey facility for First Aid/CPR/AED needs.
 - Provide First Aid/CPR/AED Training as required, or contract for services (not eligible).
 - Develop and implement program to provide First Aid Kits (kits not eligible for H & S funding).
 - Review program and obtain school board approval at least annually.
- Note: AED refers to Automatic External Defibrillator

Lockout/Tagout

- Develop and implement a Written Management Plan for Lockout/Tagout, encompassing OSHA standard 29 CFR 1910.147.
- Identify school district Contact Person(s) for Lockout/Tagout.
- Review Written Plan as needed, and update (at least annually).
- Survey the facility to identify energy potential physical hazards which require lockout/tagout.
- Review current Lockout/tagout procedures.
- Train affected employees on proper Lockout/Tagout methods and techniques.
- Identify and procure Lockout/Tagout locks, tags and other devices.
- Evaluate Lockout/Tagout record keeping products and procedures.

- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Compressed Gas

- Develop a written Compressed Gas Plan encompassing OSHA standard 29 CFR 1910.101.
- Identify school district Contact Person(s) for Compressed Gas.
- Review Written Plan as needed, and update (at least annually).
- Survey the facility to determine compressed gas applications.
- Review current compressed gas safety procedures.
- Identify compressed gas toxic and physical hazards.
- Evaluate compressed gas application to determine if confined space rules apply.
- Determine need for metering equipment/supplies (i.e. CO, CO₂, O₂, SO₂, and H₂S).
- Train affected employees on proper compressed gas methods and techniques.
- Monitor compressed gas record keeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Employee-Right to Know - Hazard Communication

- Develop and implement a Written Management Plan for Minnesota Employee Right To Know, in compliance with Minnesota Regulations 5206.
- Identify school district Contact Person(s) for MN ERTK.
- Review Written Plan as needed, and update (at least annually).
- Identify Hazard communications functional areas (e.g. kitchen, shops, art, maintenance, etc.).
- Survey the facility to identify chemical, heat, noise, radiation and infectious agents hazards. Review at least annually.
- Manage MSDS acquisition, compilation and distribution. Ideally, MSDS would be available in functional area.
- Perform Chemical Inventory. Update at least annually. Ideally, chemical inventory would be available with MSDSs in functional area.
- Monitor use and markings on Secondary Use Containers.
- Ensure placement of ERTK Minnesota-approved (1997 or later) posters.
- Review and update current ERTK standard operating procedures.
- Perform initial and annual functional area training.
- Provide all record keeping activities and procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Personal Protection Equipment

- Develop and implement Written Personal Protective Equipment Plan, in compliance with 1910.132 through 1910.140. Specific organs targeted for protection are hands, feet and face.
- Identify school district Contact Person(s).
- Review Written Plan as needed, and update (at least annually).
- District must survey the facility to identify unsafe, hazardous processes to hands, feet and face, per standards.
- Perform initial and annual functional area training.
- Provide personal protective equipment as deemed appropriate for the identified hazards.
- Monitor usage, storage and maintenance practices of employees to ensure adequacy of program.
- Provide all record keeping activities and procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.
- Review program and obtain school board approval at least annually.

Laboratory Safety Standard - Chemical Hygiene Plan (Mandatory where science labs exist)

- Develop and implement a Chemical Hygiene Plan (CHP) for all laboratories, per OSHA under the Laboratory Safety Standard, 29 CFR 1910.1450.
- Identify school district Chemical Hygiene Officer to administer the Plan (mandatory).
- Review Written Plan as needed, and update (at least annually).
- Survey labs to identify potential chemical exposure hazards.
- Review current Chemical Hygiene Plan standard operating procedures.
- Evaluate chemicals against lab projects for necessary acquisition and quantities. Consider disposal of non-essential chemicals.
- Develop and document routine chemical handling, bulk dispensing procedures, storage and disposal procedures.
- Evaluate engineering controls (e.g. ventilation, chemical storage).
- Train affected employees on proper Chemical Hygiene Plan methods and techniques.
- Develop and document Laboratory Safety record keeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Complete fume hood/exhaust ventilation survey. Post results on hood.
- Review program and obtain school board approval at least annually.

Confined Space Standard

- Develop and implement a Written Management Plan for Confined Spaces encompassing the new OSHA standard (M.R. 5205.1040 has been replaced with 1910.146).
- Identify school district Contact Person(s) for Confined Spaces.
- Review Written Plan as needed, and update (at least annually).
- Identify Confined Space Entry hazards. Survey the facility to determine all permit and non-permit confined spaces. Use OSHA Confined Spaces Advisor software found at <http://www.osha-slc.gov/dts/osta/oshasoft/csa.html>
- Review current Confined Space Entry Procedures (CSEP).
- Procure and use proper ventilation, communication, personal protective and gas testing equipment, as needed (identify these equipment as separate health and safety projects).
- Train affected employees on proper Confined Space Entry methods and techniques.
- Develop and maintain Confined Spaces record keeping procedures.
- Evaluate Confined Space record keeping products and procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Hearing Conservation

- Develop and implement a Written Management Plan for Hearing Conservation 29 CFR 1910.95.
- Identify school district Contact Person(s) for Hearing Conservation.
- Review Written Plan as needed, and update (at least annually).
- Identify Hearing Conservation hazards. Survey the facility to determine all noise hazards.
- Develop, implement and monitor good Hearing Conservation practices and procedures.
- Train affected employees on proper Hearing Conservation methods and techniques.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Respiratory Protection Standard

- Develop and implement a Written Management Plan for Respiratory Protection, encompassing OSHA 1910.134 and Federal Register (63 FR 1152, January 8, 1998). Also, this website addresses respirators further: http://www.osha-slc.gov/SLTC/respiratory_advisor/oshafiles/require.html
- Identify school district Contact Person(s) for Respirator Protection.
- Review Written Plan as needed, and update (at least annually).
- Survey, identify and document work practices that require respirator protection.
- Evaluate and quantify when necessary the exposure potential of work practices.
- Review current respiratory protection practices and procedures.

- Training respirator users on the provisions of the Written Respiratory Protection Program and on the respirators they use.
- Provide respirator fit test and pulmonary function tests for workers who wear respirators.
- Develop, document and monitor compliance with record keeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Bloodborne Pathogen Standard--Exposure Control Plan

- Develop and implement a Bloodborne Pathogen-Exposure Control Plan encompassing OSHA standard 29 CFR 1910.1030. See also website <http://cfl.state.mn.us/BLOOD/BLOOD1.HTM>.
- Identify school district Contact Person(s) for Bloodborne Pathogen.
- Review Written Plan as needed, and update (at least annually).
- Survey the facility to identify job categories in which employees may be at risk to exposure (Exposure Control Plan exposure determination). **Document this process.**
- Provide Hepatitis B vaccinations to **eligible** employees, not all school employees.
- Train affected employees on proper specific and universal precaution methods and techniques.
- Determine valid exposure incidents. Record and report on "First Report of Injury" for proper insurance treatment.
- Evaluate Bloodborne Pathogen record keeping products and procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.
- For employees identified because they are first aid responders, ensure these individuals are provided first aid training (Red Cross training recommended).
- Develop and implement program to provide Exposure Control Kits (e.g. gloves, masks, gowns, etc.--kits are eligible for H & S funding, but as a separate project).
- Pre or post-exposure evaluation is an approved expenditure under Health and Safety, to the extent of determining if a person is or is not infected, and the type of the disease(s) (e.g. HIV, HBV and HCV).

Indoor Air Quality

- Develop and implement a Written Management Plan for Indoor Air Quality (IAQ), encompassing the US EPA "Tools For Schools." See Attachments #99 for details.
- Identify school district IAQ Coordinator for Indoor Air Quality.
- Survey, identify and document situations and work practices that require Indoor Air Quality remediation.
- Training of employees and building occupants toward optimum Indoor Air Quality.
- Develop, document and monitor plan compliance with record keeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

INTEGRATED PEST MANAGEMENT (IPM) Parental Notification M.S. 121A.30

Integrated Pest Management Definition. A pest control that emphasizes using a balanced combination of tactics (cultural, mechanical, biological, chemical) to reduce pests to tolerable levels while using pesticides as a last resort to minimize health and environmental risks.

- **Notice.** Requires that a public or non-public school (excluding home schools) planning to apply a pesticide that is a toxic category I, II or III product, classified by US EPA, or a restricted use pesticide, as designated by federal law, on school property, must provide a notice to parents and employees
- **School Handbook or Statement of Policies.** In addition to the notice described above, a school that is required to provide a notice shall include in the official school handbook or policy guide a section informing parents that an estimated schedule of applications of pesticides is available for review or copying and that a parent may receive prior notice of each application if requested.
- **Notification for Individual Parents.** Allows a parent to request individual notice of pesticide application on a day different from the days specified in the notice. Prior to applying pesticides, a school must give reasonable notice to a parent requesting such notice.
- **Integrated Pest Management Plan.** Permits each school board to notify students, parents and employees that it has adopted an integrated pest management plan if the plan is a managed pest

control program designed to minimize the risk to human health and the environment and to reduce the use of chemical pesticides, and which ranks response to pests in a specified manner.

- **Pesticides and Pests Defined.** "Pesticide" has the meaning given it in M.S. 18B.01, Subd. 18, except that it does not include any disinfectants, sanitizers, deodorizers, or antimicrobial agents used for general cleaning purposes. "Pest" has the meaning given it in M.S. 18B.01, Subd. 17.

FOOD SAFETY INSPECTION-CERTIFICATION

- Develop policies and procedures to support the Minnesota Food Code rule
- Identify school district contact person (Certified Food Manager) who demonstrates knowledge of the Minnesota Food Code
- Review updates on regulatory standards and reporting requirements
- Identify critical areas and use a systems approach with HACCP (Hazardous Analysis Critical Control Points)
- Respond to regulatory agency correspondence
- Provide annual training
- Review program and obtain school board approval at least annually, per M.S. 123B.57.

WELDING, CUTTING OR BRAZING 1910.251

- Written Plan
- Contact person
- Talk to OSHA as there are many requirements
- Provide training to employees
- Recordkeeping
- Annual review

This is an important topic since many schools have welding shops and most maintenance crews do welding.

ELECTRICAL SAFETY 1910.331—1910.335

- Written plan
- Contact person
- Provide training to employees
- Select and use safe work practices
- Determine safe use of equipment
- Provide for protective equipment (contact OSHA for more info)
- Provide training to employees
- Recordkeeping
- Annual review

Many incidents of electric shock occur in schools each year.

HOIST LIFT M.R 5205.1200

- Develop and implement a written plan
- Contact person
- Inventory hoists rated one ton or less and backhoes
- Inspect and document inspection on listed equipment initially for compliance with the regulation
- Conduct daily to monthly inspections (depending on use)
- Ensure safety latches are provided on all hoist hooks used on hoist
- Provide training to employees
- Recordkeeping
- Annual review

FORKLIFT SAFETY 1910.178

- Develop and implement a written plan
- Contact person
- Inventory forklifts
- Identify employees who operate forklifts and provide required training
- Conduct carbon monoxide monitoring (5205.0116) in space and tailpipe emissions for non-battery operated forklifts
- Inspect forklifts and provide for all safety equipment required

MACHINE GUARDING

- Machine guarding contact person identified by name.
- A written machine-guarding (shop) plan developed for each area where fixed machines are used.
- Shop equipment safeguarded per Machine Shop and Guarding "Best Practices" manual. Shop equipment not safeguarded should be scheduled for proper safeguarding or replaced.
- Annual training for affected employees provided and documented.
- A written preventative maintenance program to maintain machine guarding in proper repair and order developed.
- Power outage protection provided for all required equipment.
- Emergency stops provided for all required equipment.
- Proper guards provided for all equipment.
- Safe work practice placards required for all equipment
- Color coding required for all equipment
- Good bid specification criteria used for procurement of all future equipment.
- A specific person, trained and certified, must be identified as the shop equipment coordinator to obtain H&S funding
- Non-slip surface provided by each piece of equipment.
- Fixed equipment secured to prevent walking or moving.
- Each shop or area should keep a log of employee and student accidents and injuries so that shop improvements can be determined. Corrective action as needed based on accident reports and near misses should be taken.
- School board review the program annually.

School: _____ Room Number: _____ Date: _____

Person Completing Report: _____ Title: _____

PART 1 – GENERAL SCIENCE SAFETY CONSIDERATIONS – LABORATORY

DESCRIPTION

A school science laboratory is defined as a classroom where demonstrations and/or laboratory instructions are provided for individual or group experiments in which hazardous chemicals or gases are used. These areas may include chemistry classrooms, rooms used for student experiments, and prep areas.

<u>Item/Description:</u>	<u>Citation</u>	<u>Meets</u>	<u>Does Not Meet</u>	<u>N/A</u>
<p>1. FIRE EXTINGUISHERS.</p> <p>a. At least one 2A-20BC rated (or larger) portable fire extinguisher must be provided for each 3,000 feet of laboratory. Travel distance must not exceed 50 feet from anywhere in the lab.</p> <p>b. At least one fire extinguisher suitable for class D fires must be provided in laboratories where combustible metals are used and stored.</p>	MSFC (03) 906.1			
<p>2. EGRESS AISLES. Aisles serving work areas on two sides must be at least 42" wide; those serving work areas on one side only must be 36".</p>	MSFC (03) 1010.20			
<p>3. NUMBER OF EXITS. Minimum of two means of exit access must be provided when the laboratory exceeds 500 sq. ft. in size.</p>	MSFC (03) 1004.2.1			
<p>4. FIRE SEPARATIONS. Labs must be separated from other portions of the building by not less than a 1-hour fire separation.*</p> <p><u>Note:</u> In labs located in building protected by automatic sprinkler systems – only a smoke separation is required.</p> <p><u>Smoke separation still requires a steel or solid wood door.</u></p> <p>* Recommend this be determined by a licensed design professional.</p>	MSFC (03) 705.3			
<p>5. FIRE ALARM & DETECTION. Labs must be equipped with automatic detection electrically inter-connected with the building's fire alarm system.</p> <p>Note: labs protected by a complete automatic sprinkler system that is interconnected to the building fire alarm require no additional detection.</p>	MSFC (03) 907.3.2.1			
<p>6. ELECTRICAL SAFETY. All electrical outlets must be properly grounded and all fixed electrical equipment and appliances must be plugged in to grounded outlets as required by the electrical code.</p>	MSFC (03) 605.7			
<p>7. EXTENSION CORDS. Extension cords must not be used as a substitute for permanent wiring.</p>	MSFC (03) 605.5			
<p>8. ELECTRICAL MULTI-PLUG ADAPTERS. The use of multipug adapters, octopus arrangements, cube adapters, strip plugs or any other device that does not comply with the Fire Code is prohibited.</p>	MSFC (03) 605.4			
<p>9. ELECTRICAL PANEL ACCESS. A working space of not less than 30" in width, 36" in depth and to a height of 72" shall be maintained in front of electrical panels.</p>	MSFC (03) 605.3			

10. INVENTORY. A complete inventory of chemicals on hand must be maintained and must be available to the fire chief. All materials must be dated upon receipt.	MSFC (03) 2701.4			
11. EMERGENCY PLANNING. Persons responsible for each lab must be familiar with the chemical nature of the materials present in the lab and the appropriate mitigating actions to be taken in case of fire, leak or spill.	MSFC (03) 2703.9.1			
12. SPILL CONTROL. Neutralizing chemicals, spill kits, dry sand, oil dry, 3M Absorbent and other spill control methods must be readily available while the lab is in use.	MSFC (03) 2703.3.1.2			
13. GAS SHUT-OFF VALVE. Provide a properly marked, easily accessible master gas shut off valve in the room.	MSFC (03) 2703.2.2.1 (item 4)			
14. FUME HOODS. Fume/exhaust hoods must be listed or engineered for its intended use and maintained in proper operating condition.	MSFC (03) 2703.2			

Part 2 – GENERAL SCIENCE SAFETY RECOMMENDATIONS

1. SUPERVISION OF STUDENTS. Students must be under the direct supervision of a faculty member or an assistant at all times. In most cases it is recommended that direct supervision means direct eye contact. It is recommended that no more than two students be assigned to a lab station.	NFPA 45, (2000) 2.2.2.1
2. ELECTRICITY & SPILLS. Electrical receptacles, switches, and controls must be located so as not to be subject to liquid spills.	NFPA 45 (2000)
4. GAS PIPING SYSTEMS. Piping systems must comply with nationally recognized standards.	MSFC (03) 2703.2.2.2
5. EYE PROTECTION. Enough eye protection devices (goggles) must be provided for every student in the room, visitors, and the teacher whenever potentially hazardous activities are taking place.	MN Public Law, section 126.20
6. USE OF REFRIGERATORS. Refrigerators, freezers and other cooling equipment used to store or cool flammable liquids must be of explosion-proof construction.	NFPA 45 (2000) 9.2.2.2
7. USE OF REFRIGERATORS. Each refrigerator, freezer or cooler must be prominently labeled to indicate whether it is or is not suitable for storing flammable liquids.	NFPA 45 (2000) 9.2.2.1
8. EXPLOSIVE MATERIALS NOT ALLOWED. It is recommended that due to the serious explosion hazard present, the following chemicals not be used in an instructional setting: Benzoyl Peroxide Carbon Disulfide Ethyl Ether Perchloric Acid Picric Acid Potassium metal Magnesium powdered metal	Recommendation
9. PERSONAL SAFETY. Loose clothing (e.g. sleeves, full cut blouses, neckties, etc.) and long hair should be properly restrained. Also, some laboratory activities could be dangerous to persons wearing contact lenses.	Recommendation

10. HEAT SOURCES. Heat sources should never be left unattended (e.g. gas burners, hot plates, heating mantles, etc.)	Recommendation
11. DANGEROUS RISK CHEMICALS. See lists of chemical where risk exceeds the educational value or the chemicals should be used in limited quantities. (Tables 2 and 3)	Recommendation

PART 3 – CHEMICAL STORAGE FACILITIES

DESCRIPTION

Chemical Storage Facilities means any area or room where chemicals are stored. Usually this refers to the chemistry storage area, but these rules apply to all areas where chemicals are stored.

<u>Item/Description:</u>	<u>Citation</u>	<u>Meets</u>	<u>Does Not Meet</u>	<u>N/A</u>
1. FLAMMABLE/COMBUSTIBLE LIQUID QUANTITIES IN USE. Quantities of flammable and combustible liquids shall not exceed the amounts necessary for demonstration, treatment, laboratory work, maintenance purposes or operation of equipment. See limits in "Use" column of Table 1 below (adapted from MSFC Table 2703.1.1)	MSFC (03) 3404.3.4.1			
2. FLAMMABLE LIQUIDS CABINET. Quantities of flammable and combustible liquid in excess of 10 gallons must be stored in a flammable liquids cabinet. Quantities not exceeding ten gallons must be stored in an approved location.	MSFC (03) 2703.1.1			
3. FLAMMABLE/COMBUSTIBLE LIQUID QUANTITIES IN STORAGE. The maximum quantity of flammable and combustible liquids in storage and use in a lab must not exceed 60 gallons. <u>Note:</u> These quantities may be doubled if stored in approved storage cabinets or in sprinklered buildings. (Both increases apply)	MSFC (03) 2703.1.1			
4. HAZARDOUS MATERIALS – QUANTITIES IN STORAGE & USE. Quantities of hazardous materials being stored or used shall not exceed the amounts shown in Table 1 (adapted from MSFC Table 2703.1.1).	MSFC (03) 2703.1.1			
5. FLAMMABLE/COMBUSTIBLE LIQUID CONTAINERS. Class I and II liquids must be stored in metal containers when exceeding one gallon.	MSFC (03) 3404.3.6.1			
6. REACTIVE MATERIALS. Materials which will react with water or other liquids to produce a hazard must not be stored in the same room with flammable or combustible liquids.	MSFC (03) 2703.9.8			
7. GAS CYLINDERS. Stored gas cylinders shall have all protective devices on (caps collars and similar devices)	MSFC (03) 3003.4.1			
8. GAS CYLINDERS. All gas cylinders must be secured in a place to prevent falling.	MSFC (03) 3003.3.3			
9. MSDS AVAILABLE. Material Safety Data Sheets (MSDS) must be readily available on the premises for all hazardous chemicals.	MSFC (03) 2703.4			
10. APPROVED CONTAINERS. All chemicals must be stored in approved containers (if possible, chemicals should be stored in the	MSFC (03)			

original shipping package).	2703.11.3.5			
11. INCOMPATIBLE MATERIALS. Incompatible materials shall be segregated to prevent accidental contact with one another. (Storage of materials which are incompatible shall not be allowed in the same cabinet or exhausted enclosure).	MSFC (03) 2703.9.8			
12. SHELVING FOR STORAGE. All shelving must be of substantial construction and properly secured to prevent falling over. (Shelving above work areas should be kept free of chemicals. Storage above eye level should be avoided). Shelving shall be provided with a lip or guard when storing individual containers.	MSFC (03) 2703.9.9			
13. DEFECTIVE CONTAINERS. Defective containers must be removed and disposed of in a proper manner	MSFC (03) 2703.2.6.2			
14. CHEMICAL RELEASE. Hazardous Materials shall not be released into a sewer, storm drain, ditch, drainage canal, lake, river or tidal waterway, or upon the ground, street, sidewalk, street or highway or into the atmosphere.	MSFC (03) 2703.3			
15. SECURITY FOR CABINETS & ROOMS. All storage cabinets and storage rooms must be locked or otherwise secured against unauthorized entry.	MSFC (03) 2703.9.2			
16. CONTAINER LABELING. All containers must be properly labeled to identify the contents.	MSFC (03) 3403.5			
17. TRANSFER OF FLAMMABLE LIQUIDS. When transferring flammable liquids between metal containers, the containers must be properly bonded together. The practice of purchasing large containers and dispensing into smaller ones is discouraged.	MSFC (03) 3405.3.2			

TABLE 1 - Quantities of Materials Allowed in a Single Room or Area

MATERIAL:	CLASS:	MAX. QUANTITY - STORAGE:	MAX. QUANTITY - USE:
Combustible Liquids	II	120 gallons	30 gallons
	III-A	330 gallons	80 gallons
	III-B	13,200 gallons	3,300 gallons
Corrosives & Acids		5,000 lbs.	1,000 lbs.
		500 gallons	100 gallons
		810 cu. ft.	
Cryogenic (flammable)	Flammable	45 gallons	10 gallons
Flammable Gas	Gaseous	1,000 cu. ft.	No specific limits
	Liquefied	30 gallons	
Flammable Liquids	I-A	30 gallons	10 gallons
	I-B	60 gallons	15 gallons
	I-C	90 gallons	20 gallons
Organic Peroxides	I	5 lbs or 5 cu. ft.	1 lb or 1 cu. ft.
	II	50 lbs or 50 cu. ft.	10 lbs or 10 cu. ft.
	III	125 lbs or 125 cu. ft.	25 lbs or 25 cu. ft.
	IV	no limits	no limits
	V	no limits	no limits
Oxidizers	4	1 lb or 1 gallon	1/4 lb. or 1 quart

	3	10 lbs or 10 gallons	2 lbs or 2 gallons
	2	250 lbs or 250 gallons	50 lbs or 50 gallons
	1	4,000 lbs or 4,000 gallons	1,000 lbs or 1,000 gallons
Note: These quantities can be doubled if all materials are stored or kept in storage cabinets.			
Note: These quantities can also be doubled if the building is protected with a fire sprinkler system.			

Table 2 - Examples of Excessive Risk Chemicals (Risk Probably Exceeds Educational Value)

Acetic Anhydride	Explosive potential, corrosive
Acetyl Chloride	Corrosive, fire risk, reacts violently with water and alcohol
Acrylamide	Toxic by absorption, suspected carcinogen
Acrylonitrile	Flammable, poison
Adipoyl Chloride	Corrosive, absorbs through skin, lachrymator (causes eyes to tear)
Aluminum Chloride, anhydrous	Corrosive, water reactive
Ammonia, gas	Corrosive, lachrymator (causes eyes to tear)
Ammonium Bifluoride	Reacts with water, forms Hydrofluoric Acid
Ammonium Bichromate	May explode upon contact with organics, suspected carcinogen
Ammonium Chromate	Poison, oxidizer, may explode when heated
Ammonium Dichromate	Reactive, may cause fire and explosion
Ammonium Perchlorate	Explosive, highly reactive
Ammonium Sulfide	Corrosive, poison, reacts with water and acids
Aniline	Absorbs through skin, carcinogen, toxic
Aniline Hydrochloride	Poison
Antimony Oxide	Health hazard
Antimony Powder	Flammable solid, health hazard
Antimony Trichloride	Corrosive, emits Hydrogen Chloride gas if moistened
Arsenic compounds	Carcinogen, poison
Asbestos, Friable	Carcinogen, health hazard (inhalation)
Azide compounds	Extremely reactive, explosive in contact with metals, highly toxic
Barium Chromate	Poison
Benzene	Carcinogen, flammable
Benzoyl Peroxide	Flammable, organic peroxide, oxidizer
Beryllium & its compounds	Carcinogen, poison; dust is highly toxic
Bromine	Corrosive, oxidizer, volatile liquid
Cadmium compounds	Carcinogen, toxic, heavy metal
Calcium Fluoride (Fluorspar)	Toxic fumes when heated, damage to fetus or embryo
Carbon Disulfide	Flammable, toxic
Carbon Tetrachloride	Carcinogen, toxic
Chloral Hydrate	Sedative, hypnotic drug, DEA controlled substance
Chlorine – gas	Corrosive, poison
Chlorobenzene	Explosive, toxic by inhalation
Chloroform	Carcinogen, can form phosgene gas (if old)
Chorosulfonic Acid	Toxic (aka Sulfuric Chlorohydrin)
Chromic Acid	Strong oxidizer, poison
Collodion	Flammable, explosive when dry, nitrocellulose compound
Cuprous Cyanide	Toxic
Cyanogen Bromide	Poison, irritant to skin and eyes
Cyclohexene	Flammable, forms peroxides
Dichlorobenzene	Toxic
Dichloroethane	Flammable, toxic
Dinitro Phenol	Explosive, disposal by bomb squad
Dinitrophenyl Hydrazine	Severe explosion and fire risk
Dioxane	Flammable, forms peroxides
Ether, Anhydrous	Flammable, forms peroxides
Ether, Ethyl	Flammable, forms peroxides

Ether, Isopropyl	Flammable, forms peroxides
Ethylene Dichloride	Contact hazard, toxic, fire risk, explosive in air (6-16%)
Ethyl Nitrate	Explosive, disposal by bomb squad
Ethyleneimine	Flammable
Ferrous Sulfide	Spontaneously ignites if wet
Formaldehyde (Formalin)	Carcinogen, sensitizer, toxic
Gunpowder	Explosive
Hydrazine	Carcinogen, corrosive, flammable, absorbs through skin
Hydriodic Acid	Corrosive, toxic
Hydrobromic Acid	Corrosive, poison
Hydrofluoric Acid	Corrosive, poison
Hydrogen	Flammable
Hydrogen Sulfide, gas	Poison, forms Sulfuric Acid with water
Lithium Aluminum Hydride	Flammable, reacts with air, water, and organics
Lithium Metal	Water reactive
Mercaptoethanol	Corrosive, flammable
Mercury compounds	Poison, heavy metal
Mercury, liquid	Carcinogen, toxic, heavy metal
Methylene Chloride	Carcinogen, narcotic, toxic
Methyl Ethyl Ketone (MEK)	Flammable, toxic
Methyl Isocyanate	Flammable, toxic
Methyl Isopropyl Ketone	Toxic
Methyl Methacrylate	Flammable, vapors cause explosive mixture in air
Naphthylamine, a-	Carcinogen, combustible, toxic
Nickel Oxide	Carcinogen, toxic, flammable as a dust
Nitrilotriacetic Acid	Corrosive
Nitrobenzene	Highly toxic
Nitrocellulose	Explosive, flammable
Nitrogen Triiodide	Explosive, disposal by bomb squad
Nitroglycerine	Explosive, disposal by bomb squad
Osmium Tetraoxide (Osmic Acid)	Highly toxic
Pentachlorophenol	Extremely toxic
Perchloric Acid	Strong oxidizer, reactive
Phosphorus Pentasulfide	Water reactive, toxic, incompatible with air & moisture
Phosphorus Pentoxide	Oxidizer, toxic
Phosphorus, Red	Flammable solid
Phosphorus, Yellow or White	Reactive with air, poison
Picric Acid (Trinitrophenol)	Explosive when dry
Potassium Cyanide	Poison, extremely hazardous
Potassium Perchlorate	Powerful oxidizer, reactive
Potassium Sulfide	Flammable, spontaneously ignites
Potassium, metal	Reactive with water, forms peroxides
Pyridine	Flammable, toxic, vapors cause explosive mixture in air
Selenium	Toxic
Silver Oxide	Poison
Silver Cyanide	Extremely toxic
Sodium metal	Corrosive, water reactive, spontaneously ignites
Sodium Arsenate	Carcinogen, toxic
Sodium Arsenite	Carcinogen, toxic
Sodium Azide	Reacts explosively with metal, poison
Sodium Borohydride	Flammable solid, water reactive
Sodium Cyanide	Poison
Sodium Fluoride (Bifluoride)	Toxic by ingestion & inhalation, skin irritant
Sodium Fluoroacetate	Poison
Sodium Peroxide	Water reactive, fire and explosion risk
Sodium Sulfide	Fire and explosion risk
Strontium	Flammable, water reactive (store under naphtha)

Tetrahydrofuran	Flammable forms peroxides
Thioacetamide	Carcinogen, combustible, toxic
Thionyl Chloride	Corrosive
Thiourea	Carcinogen
Titanium Trichloride	Flammable
Triethylamine	Flammable, irritant, toxic
Trinitrobenzene	Explosive, disposal by bomb squad
Trinitrophenol	Explosive, disposal by bomb squad
Trinitrotoluene	Explosive, disposal by bomb squad
Uranium / Uranyl Compounds	Radioactive

Table 3 – High Risk Chemicals – Use Very Limited Amounts

Acetamide	Carcinogen
Ammonium Nitrate	Powerful oxidizer, reactive
Barium Peroxide	Fire & explosion risk with organics; oxidizer, toxic
Butyric Acid	Corrosive
Cadmium Sulfide	Carcinogen, highly toxic
Calcium Carbide	Flammable, water reactive
Chromium Trioxide	Oxidizer, poison
Ethidium Bromide	Mutagen
Hexamethylenediamine	Corrosive, absorbs through skin, lachrymator (causes eyes to tear)
Hexanediamine, 1-6	Corrosive, absorbs through skin, lachrymator (causes eyes to tear)
Hydrogen Peroxide, >29%	Corrosive to tissue, powerful oxidizer
Lead compounds	Highly toxic
Lead Nitrate	Oxidizer, toxic, heavy metal
Magnesium, powder	Flammable
Mercury Thermometers	Corrosive, toxic, heavy metal
Phenol	Poison
Potassium Chlorate	Reactive, powerful oxidizer
Potassium Chromate	Oxidizer, toxic
Potassium Dichromate	Carcinogen, powerful oxidizer
Radioactive Materials	Radioactive
Sebacoyl Chloride	Corrosive, irritant, lachrymator (causes eyes to tear)
Silver compounds	Toxic
Sodium Chlorate	Powerful Oxidizer
Sodium Chromate	Oxidizer
Sodium Dichromate	Reactive, fire & explosion risk
Sodium, metal (small chips)	Corrosive, water reactive
Strontium Nitrate	Oxidizer, may explode when heated
Thermite	Flammable solid
Toluene	Flammable, toxic
Wood's Metal	Poison
Xylene	Flammable, toxic

**Capital Expenditure; Health and Safety Revenue Allowable Costs
Annual Fire Safety Self-Inspection Checklist for:**

Name of School: _____

Address: _____

Yes-No-NA

GENERAL:

1. Are at least nine (9) fire exit drills conducted each school year? (Note: Drill records should be kept for past year.) No cost, no expenditure allowed.
2. Are fire exit routes posted in each room? (Note: This is a recommendation.) No cost; no expenditure allowed.
3. Has an emergency plan been developed for this building? (Expenditure allowed under Health, Safety and Environmental Management)
4. Have all employees been trained in the duties they are to perform in case of emergency and in the use of portable fire extinguishers? (Expenditure allowed under Health, Safety and Environmental Management)
5. Are all exit doors operable from inside without the use of a key, special knowledge or effort? (Note: No chaining of exit doors is allowed.) Allow reasonable expenditure for upgrade of panic bar locking mechanism if SFM orders.
6. Are all exit corridors and hallways free of obstructions (such as tables, chairs, vending machines and furniture)? No cost, no expenditure allowed.
7. Are all decorations or artwork in the corridors limited to 20% of the wall surface? - No cost; no expenditure allowed.
8. Are there clothing or personal items hung from hooks in the corridor system? (If so, corridors must be protected with automatic sprinklers or metal lockers provided.) Not permitted as expenditure until Fire Marshal inspection has occurred.
9. Is all storage neat, orderly, and in suitable locations? [Note: Storage of combustible materials (such as wood, paper, plastics) is not allowed near boilers, air-handling equipment, under stairs, or in the exit corridors.] No cost; no expenditure allowed. Storage must be kept 18" below sprinkler heads in buildings fitted with automatic extinguishing systems and 24" below ceilings in non-sprinklered buildings.
10. Is there 30 inches of clear access to all electrical control panels for emergency shutdown of power if needed? No cost; no expenditure allowed.

Yes-No-NA

11. Are all "EXIT" signs visible and legible? If "EXIT" signs are lighted, do the lights work? - Allow reasonable expenditure for replacement of defective signs or installation of signs where none exist; replacement of bulbs, etc. is considered a maintenance expense. Upgrade for energy purposes are not allowed.
12. Does this building have emergency lighting? Does it work? **Will it operate long enough to evacuate occupants? When was it last tested to work the necessary length of time?** - Allow reasonable expenditure for replacement of defective units or installation of emergency lights where none exist; testing and bulb replacement of defective units or installation of emergency lights where none exist; testing and bulb replacement are considered a maintenance expense.
13. Are all electrical devices properly installed? Are cover plates present on outlets and switches? (NOTE: There should be no exposed electrical connections.) Allow reasonable expenditure to repair electrical hazards if SFM orders.
14. Are extension cords being used as a substitute for fixed wiring? If so, discontinue their use and/or provide additional electrical outlets. No expenditure allowed to install additional outlets.
15. If the building is over three (3) stories in height, are all vertical openings (e.g. stairways and shafts) protected as required by the code? Not permitted as expenditure until Fire Marshal inspection has occurred.
16. Are all hazardous areas (such as shops, laboratories, and boiler and storage rooms) separated and/or protected with automatic sprinklers as required by the code? Not permitted as expenditure until Fire Marshal inspection has occurred.
17. Are all doors that are equipped with self-closers operational? (Note: no wedges, kickdowns or similar manual hold-open devices are allowed.) Allow reasonable expenditure for repair.
18. Are all flammable liquids stored in approved cabinets? Allow reasonable expenditure for purchase of cabinet.

EXTERIOR:

19. Is a fire department key box provided, or has the fire department been given a key to prevent delayed entry into the building in case of emergency? Allow reasonable expenditure for purchase of key and box.
20. Are all fire hydrants and fire department inlet connections accessible to fire department personnel? (Note: There should be 3 feet of clearance around all fire hydrants including snow accumulation.) No cost; no expenditure allowed.

Yes-No-NA

21. Are dumpsters stored at least five (5) feet from any combustible (wooden) building or eaves, and five (5) feet from doors, windows and other building openings to prevent fire from spreading into the building? No cost, no expenditure allowed.
22. Are all fire lanes or fire access roadways unobstructed? Are "NO PARKING" signs present? Allow reasonable expenditure for installation of signs.
23. Is the gas meter and piping protected against vehicle collision? Allow reasonable expenditure.
- 23a. Are there plans in place for dealing with fire due to overturning rail cars, bursting pipelines, etc? Allow reasonable expenditure after inspection by Fire Marshal's office.

FIRE PROTECTION SYSTEMS AND EQUIPMENT:

24. Have all fire protective devices or systems (such as fire sprinklers, fire alarm systems, fire extinguishers) been serviced or maintained within the past year? Allow reasonable expenditure for required hydrostatic test and recharging as required by code, or replacement if less than test and recharge. System and equipment inspection and maintenance expense may be included as part of the district's Fire and Life Safety - Finance Code 363.
25. Are all valves controlling water supplies for automatic sprinklers locked or otherwise secured in the open position? No cost; no expenditure allowed.
26. Is the area around sprinkler risers and shut-offs free of storage? No cost; no expenditure allowed.
27. Are automatic fire detectors (i.e. smoke or heat detectors) present in the following locations: laundry rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, labs, kitchens, locker rooms, janitor's closets, storage rooms, lounges and similar areas? (Note: Automatic fire sprinklers may be used in lieu of these detectors) Allow reasonable expenditure to install smoke or heat detection devices and connect to fire alarm system, and for expenditure for sprinkler system installation.

SHOP AREAS:

28. Are there clear aisles or paths leading to all exit doors? No cost; no expenditure allowed.
29. Are all compressed gas cylinders (oxygen, acetylene, propane, etc.) secured so that they can't fall over? No cost; no expenditure allowed.
30. Are all oil-soaked, greasy, or paint-soaked rags stored in metal containers with lids? Allow reasonable expenditure for purchase of metal containers.
31. Are there fire extinguishers located within 30 feet of all hazardous processes (such as painting, welding, or wood-working)? Allow reasonable expenditure for purchase of extinguisher.

Yes-No-NA

LABORATORIES:

32. Does the laboratory meet the requirements of the Science Safety law and Department of Education guidelines? Allow reasonable expenditure to correct deficiencies per Attachment #5, only if SFM orders are issued.
33. Are all chemicals stored in a secure area? Allow reasonable expenditure to secure.
34. Are all corrosives stored in approved cabinets? Allow reasonable expenditure for purchase of cabinet.
35. Do all shelves used for storing chemicals have lips or guards to prevent containers from falling off? Allow reasonable expenditure to correct.
36. Is there a fire blanket in the lab areas? Allow reasonable expenditure for purchase.
37. Are all chemical containers marked or labeled? Allow reasonable expenditure to correct.
38. Is there a main gas shut-off in each room where gas is used? Is it properly marked and readily accessible? Allow reasonable expenditure for gas shut off.

KITCHENS:

39. Are exhaust hoods, ducts, and filters free of any grease accumulation? No expenditure permitted; maintenance expense.
40. If the kitchen hood has an automatic fire extinguishing system, has it been inspected and serviced within the past six (6) months? Allow reasonable expenditure to inspect and service. Expenditure for installation of fire extinguisher system for hood where one does not exist requires State Fire Marshal Inspection.
41. Does the extinguishing system automatically shut off the gas or electrical supply to the cooking equipment upon actuation? - Allow reasonable expenditure to install.
42. Is there a sodium bicarbonate or potassium bicarbonate dry-chemical portable fire extinguisher (minimum 40 BC rated) within 30 feet of the cooking equipment? Allow reasonable expenditure for purchase of extinguisher.
43. Is there a fire blanket in the kitchen? Allow reasonable expenditure for purchase of blanket.

ART ROOMS/PERFORMING ARTS AREAS:

44. Is the area near the kiln free of combustible storage? (Note: As a rule of thumb, there should be no storage within 36 inches of kilns) No cost; no expenditure allowed.

Yes-No-NA

45. Are there clear aisles or paths leading to all exit doors? No cost; no expenditure allowed.

46. Are stage curtains and similar hangings fire retardant? Allow for reasonable expenditure to treat stage curtains once every 10 years or replace if SFM orders.

47. Are combustible materials (such as paper, wood, props, sets, and decorations) kept in storage rooms designed for that purpose? No expenditure permitted until Fire Marshal inspection has occurred.

SPECIAL NOTE:

48. Is any new construction and/or remodeling planned for this building? If so, have the building official and fire marshal been notified and plans submitted when required?

Attachment 7

Part A (HVAC) – The purpose of this form is to provide the MDE with sufficient information for a Mechanical Ventilation Health and Safety project to be approved with at least a “PPA” designator (Provisional Project Approval) if not a “YES.” A “PPA” approval will maintain levy authority for the district until November 1, 2004. If the remainder of information has not been received by this date, approval will revert to “NMI” (Needs More Information) and levy authority will be rescinded. Please complete all requested information. Forms to be completed by an architect or engineer (PE) only.

Project description	What is the reason for the work (shortcomings of any existing system)? What is the work? Upgrade or replace?
Project Workscope	What major functions (capabilities) will the new system incorporate? (Airflow, humidity control, DDC, filtration) Which are funded under non-H&S funding source? Will there be co-function or integration (e.g. energy savings or performance contracts)? <u>INCLUDE THE IAQ EXCLUSION STATEMENT FOUND IN ATTACHMENT 8 OF THIS LETTER.</u>
Rooms/ Areas affected by the work	Description of functions (e.g. classroom, labs, shops, commons area, administrative area). Any special needs? (E.g. special ed, disabled, high loading, building or community concerns)
Existing system description	Current capacity in CFM/person for each area. Other capacity (e.g. air conditioning, humidity, high filtration, swimming pools, co-location with community/other functions)
Design Criteria	Outcomes. To include airflow rate, humidification, dehumidification, air filtration, outdoor temperature range, indoor temperature and humidity ranges.
Building 8 1/2 X 11 Diagram	Shows function and per-room capacity of areas affected by the work.
Cost	Total cost, cost per year, whether bond or levy (more info needed if bonding)

Attachment 7

Part B (HVAC) - The purpose of this second form is to provide the remainder of information needed for project approval, or for conversion of approval form "PPA" to "YES." The information requested should reach the MDE in time for approval by November 1, 2004. Information received after this date risks conversion to "NMI" status. Note: Neither Part A (above) or Part B (below) requires that an actual engineering design have occurred. Forms provide the MDE with sufficient information without requiring that the engineering design be accomplished to justify the funding of the project under H&S, to be completed by architect or engineer (PE).

Document Current Capacity	Provide "proof" of current system capacity (e.g. measurement, detailed calculation, sampling)
System Component Information	Major components, which are affected by the work. Indicate which are upgrade, replacement or if the entire system is to be replaced.
Line Diagram	8 1/2 X 11 floor plan showing boxes and lines where major functions are to be located and air flow pathways.
Part A Revised	Corrected, updated copy of Part A (HVAC)

Attachment 7

Part A (Mold) - The purpose of this form is to provide the MDE with sufficient information for a Mold Abatement Health and Safety project to be approved with at least a "PPA" designator (Provisional Project Approval) if not a "YES." A "PPA" approval will maintain levy authority for the district until November 1, 2004. If the remainder of information has not been received by this date, approval will revert to "NMI" (Needs More Information) and levy authority will be rescinded. Please complete all requested information. Forms to be completed by architect, engineer (PE) or CIH only.

Project description	What is the reason for the work? What is the work? How is it affecting students/employees (present and potential future)?
Water or moisture source	From where is the water or moisture coming from? (E.g. elevated and uncontrollable humidity, sealed area, walls, windows, pipe burst)
Building Materials Impacted	E.g. walls, roof, windows, flooring, drop ceiling? Regardless of whether funded or not funded by H&S.
Scope of work to abate the hazard	What methods and procedures will be employed? What safeguards will be invoked?
Rooms/ Areas affected by the work	Description of functions (e.g. classroom, labs, shops, commons area, administrative area). Any special needs? (E.g. special ed, disabled, high loading, building or community concerns). Include an 8 1/2 by 11 floor plan drawing showing extent of water damage. Indicate type of damaged materials (E.g. walls, flooring, ceiling).
Water or moisture abatement plan	Is there a plan to fix the water or moisture problem? How do you plan to fix the water or moisture problem? What is your source of funding and time schedule?
Cost to fix	Total cost of H&S and non-H&S. Include funding sources planned (e.g. H&S, Operating capital, referendum).

Attachment 7

Part B (Mold) - The purpose of this second form is to provide the remainder of information needed for project approval, or for conversion of approval form "PPA" to "YES." The information requested should reach the MDE in time for approval by November 1, 2004. Information received after this date risks conversion to "NMI" status. Note: Neither Part A (above) or Part B (below) requires that an actual engineering design have occurred. The purpose of these forms is to provide the MDE with sufficient information without requiring that the engineering design be accomplished to justify the funding of the project under H&S. Forms to be completed by architect, engineer (PE) or CIH only.

Building Floor Plan	Floor plan indicating damaged areas and digital photo prints linked to the diagram.
Details of Moisture Problem	Quantification of moisture problem. Forensic evaluation.
Test Data	If available and if inaccessible areas are indicated as needing abatement. Showing species and CFU or other growth density information.
Recommendations	More than one if indicated by professional analysis. Chief recommendation if multiple recommendations are indicated. Why (the basis) for one solution over others.
Part A Revised	Corrected, updated copy of Part A (Mold)

Attachment 7

Five Year Plan Information Submittal -- The below form is required to be submitted to the MDE for each Health and Safety project that exceeds \$500,000 in cost that the district plans to fund under M.S. 123B.57 and M.S. 123B.59. One form is required for each Project. Activity extending out to five years must be shown.

Name or Identifying Information of Project	
Building	
Project Description	
Fiscal Years of Project	
Project Cost Per Year	
Project Requires Review and Comment	District review M.S. 123B.71. Contact Mr. John Ryberg at 651/582-8757
Status of Engineering Study	
Bond, Levy or Both?	
If Bonding, number, dates and amounts of each issue	
Names of Professionals	

Steps to Follow for Health and Safety (H&S) Projects Exceeding \$500,000 Total Cost

The 2003 Legislature modified M.S. 123B.57 (H&S statute) and M.S. 123B.59 (Alternative Facilities statute), requiring that all projects (and related projects) with an aggregate cost of \$500,000 or greater be processed differently than H&S projects of lesser cost. These projects must also be subject to the Review and Comment process. The following are the steps necessary to gain approval for these projects.

1. **Load the project(s)** - Project must be loaded onto the H&S website. Related projects must be determined and also loaded. Projects are related if the work is similar in kind or if the reason for doing one is linked to another, are approvable under criteria found in M.S. 123B.57, and are for the same building. They may be for separate years.
2. **Provide engineering study** - An engineering study per certain categories of allowable expense noted in Attachment 3 must be conducted by an architect or engineer (or CIH for mold) and reviewed by the MDE, before July 26, 2004 in order to be included on 2004 Pay 2005 revenue. Lacking this, the agency may grant a provisional project approval (PPA) to the project, pending review and approval of the final engineering study report, no later than November 1, 2004. The formats for the necessary reports and the for mechanical ventilation and mold abatement projects are provided in Attachment 7. PPAs may be granted if Attachment 7A only is received by July 26, 2004 and the agency believes the remaining documentation is forthcoming.
3. **IAQ Exclusion Checklist** – The district shall complete and return the IAQ Exclusion checklist, found on pages 49 and 50.
4. **Provide five year plan** – A five year plan adopted by the school board, consisting of all H&S projects that are proposed over FY2005---FY2009 period that exceed \$500,000 aggregate cost (per project or related projects, per site), are due at the MDE before July 25, 2003. The following information must be provided for each project at a minimum: (1) project description, (2) fiscal year(s) of project, (3) project cost per year, (4) building, (5) status of engineering study, (6) whether bond, levy or both, (7) if bonding: number, dates, amounts of each issue and bond schedule. Information must be received and reviewed by the MDE before July 26, 2004. See format in Attachment 7.
5. **Provide proof of notification** – M.S. 123B.59, subdivisions 3 and 3a, describe this requirement as follows (excerpted):
 - (a) Before a district issues bonds under this subdivision, it must publish notice of the intended projects, the amount of the bond issue, and the total amount of district indebtedness.
 - (b) Before a district levies under this subdivision, it must publish notice of the intended projects, including the total estimated project cost.

In addition to publishing requirements under M.S. 123B.59, the district is also required to publish the review and comment under M.S. 123B.71, Subd. 12. The MDE does not require proof of either notification prior to either project or funding approval, but requests a copy of this notification be provided subsequent to its publication. MDE may withdraw the funding approval if a district fails to publish notice of the intended projects under this section. Where not prohibited by either section, the notifications may be combined.

6. **Approvals (OKL, OKB, PPA, NMI, No)** - An engineering study (Attachment 7), five year plan (Attachment 7) and proof of notification, per Laws 2003 1st Sp. Ch. 9 Art. 4 shall all be received before an approval is granted (either "OKL" for levy or "OKB" for bonding, as determined by the district, which means "Yes"). A "PPA" approval designator can be assigned if the district plans to

Attachment 8

provide all required documentation no later than November 1, 2004. This will cause the projects to appear on the levy certified on September 30, 2003. Failure to provide the information in a suitable format will result in a reversal of this levy certification by November 30, 2004, and for projects to receive a "NMI" approval. It is important for districts to confirm that any submissions after September 30, 2004 intended to maintain levy certification beyond November 30, 2004 have accomplished this action.

7. **Review and Comment Per M.S. 123B.71** – Following approval under M.S. 123B.59, projects that exceed \$500,000 will require a Review and Comment (R&C) prior to approval under M.S. 123B.71. The district should set aside 60 days from receipt of the Review and Comment submission for the commissioner review process. Contact the MDE's Facilities Specialist Mr. John Ryberg at 651/582-8757 or John.Ryberg@state.mn.us for more information.
8. **Letter from Commissioner** – Following both project approval and Review and Comment, the district will receive a letter of approval from the MDE authorizing the district to proceed with both the project and funding. Every requirement under M.S. 123B.57 and M.S. 123B.59 and M.S. 123B.71 must be met except the requirement for notification before the Commissioner's letter will be generated and the district can proceed with the project and its funding. Again, MDE may withdraw the funding approval if a district fails to publish notice of the intended projects under this section.
9. **Fiscal Year Closeout** – Commencing with FY2005, Alternative Facilities Bonding and Levy projects will appear in closeout documents processed by the MDE and districts during November and December of each year. Districts are reminded that postings to UFARS for these costs should have a Program Code designator of 855 rather than 850, and that the original range of Finance Codes (347, 349, etc.) should be retained.

ISD# _____ Project(s) _____

TO: Districts interested in obtaining funding for Mechanical Ventilation projects under either Health and Safety or Alternative Facilities Bonding and Levy

A review of several mechanical ventilation projects requesting funding under the H&S and Alternative Facilities programs has resulted in the following list of **allowable--not allowable** expenditures. A district must evaluate the scope of work to make sure that **non-allowable** work elements are not contained in their job, or if they are, are funded by another source. Districts shall initial each "non-allowable" element below and return this to MDE as a condition of receiving final project approval before final approval is granted (PPA or ALT to YES or OK). By initialing, the district acknowledges these categories of work are not included in the above projects. Please note that, as a result of possible downward financial adjustments, the eligible approvable amount may be less than \$500,000 causing the project to be ineligible for Alt. Facilities treatment. Any corrected amounts must be posted to the H&S website by the district. Also, please note that related projects must be grouped by building only and not by district.

_____ **Allowable and Not Allowable -- Drop ceilings** – replacement or restoration of ceilings in support of the operation of an HVAC system is an allowable H&S expenditure. In order to qualify it must support some HVAC function, such as return air or sound deadening. Covering exposed duct or other aesthetics purpose is not an allowable reason.

_____ **Not allowable -- Lighting**– replacement or restoration of any lighting subsequent to funded HVAC is not an allowable H&S expenditure.

Allowable -- Pipes—heating or cooling pipes or piping leading to or from, or otherwise associated with the mechanical ventilation system is an allowable H&S expenditure.

_____ **Allowable and Not allowable -- Cooling capacity as part of dehumidification**—cooling capacity, cooling coils, cooling compressors, control logic leading to a system that is dedicated to operating in a pure cooling mode without consideration for effect on humidity, is not an allowable H&S expenditure. Funding for a cooling then re-heat system is permitted, if dehumidification engineering and operation meet the following criteria.

***Discussion:** Mold growth can occur as indicated in reference (1) Appendix C due to either vapor pressure-dominated mold or surface temperature-dominated mold (pp144-145). The test for control of vapor pressure-dominated mold management is whether the air entering each space serviced by the system is no greater than fifty percent (50%) RH (relative humidity) verified by continual measurement of each space's air serviced by the mechanical ventilation system. The test for surface temperature-dominated mold management is whether localized variances in temperature brought about by a cooling source cause any interior surface to achieve a relative humidity above fifty five percent (55%).*

***Action:** Humidity sensors shall be placed in each space serviced by the mechanical ventilation system and connected to its system control logic, set so that each space's relative humidity does not exceed fifty percent (50%) RH. If a dehumidification system is a simple cooling-then-reheat system and if the cooling function is active, then temperature in the reheat portion shall be increased until the RH in each space does not exceed 50%. This will satisfy vapor pressure-dominated mold management concerns. The system shall be designed so that the RH does not exceed fifty five percent (55%) RH at or near the coolest surface. This will satisfy surface temperature-dominated mold management concerns.*

Attachment 8

The services of a professional engineer (PE) experienced in mold management techniques will be utilized in the design, installation and certification of the dehumidification system to ensure that both vapor pressure-dominated criteria and surface temperature-dominated are met. Performance criteria to this effect will be documented and shall be part of the commissioning process (H&S funding-eligible for new or upgraded systems only). The system shall be capable of being operated and shall be operated observing these relative humidity requirements throughout its annual operational cycle. Temperature adjustment to maintain proper RH shall take priority over temperature adjustment for comfort control. It shall not be possible for vendors or users to disable this except for maintenance.

Also, airstream surfaces downstream from a dehumidification coil shall not have exposed, fibrous insulation material.

(1) EPA-NIOSH Building Air Quality – Appendix C

_____ Not allowable -- Heating capacity—heating capacity such as internal gas fired heating units, internal or external boilers, water storage and distribution systems, is not an allowable H&S expenditure.

_____ Not allowable -- Energy recovery system—an energy recovery system whose function is or includes transferring energy from one portion of the system to another in order to reduce energy usage or costs is not an allowable H&S expenditure.

Allowable -- Roof reinforcement—only costs which lead to direct physical structural support of roofs due to increased weight loading brought about by installation of mechanical ventilation units are allowable. Costs to enhance or restore roof or understructure in areas not immediately adjacent to any weight caused by mechanical ventilation installation or replacement is not an allowable H&S expenditure.

Allowable -- Wall construction. Wall construction within an existing structure to create a space dedicated for mechanical ventilation equipment where none existed before is an allowable H&S expenditure. The cost for fixtures such as cabinetry, shelving and the like is not allowable. Only the basic cost for formation of the space is allowable.

Allowable -- Asbestos abatement—asbestos abatement or any other work allowable under current H&S criteria is allowable as a related expenditure under the Alternative Facilities program, but only for work in the area immediately adjacent to work (within three feet) which is originally intended to be covered under the Alternative Facilities program. If the work is otherwise eligible under H&S, it can be funded but not as a related expenditure.

If there are questions please feel free to contact the MDE (Phil Allmon) at 651/582-8748 or phil.allmon@state.mn.us.

Attachment 9 -- Changes to FIN Code 352, a detailed explanation

Laws 2003 1Sp Ch.9 Art. 4 modified M.S. 123B.57 Subd. 6 (H&S statute), requiring that many project categories in FINANCE CODE 352 previously allowed to be identified separately from "Health Safety and Environmental Management" now be included in this category. As well, all assessments, investigations, inventories and support equipment not leading to the engineering or construction of a project shall be folded into this category.

Please refer to Attachment 3 for a representative list of previously allowed separate expense categories now required to be folded into the "Health Safety and Environmental Management" category.

Examples of expenditure categories that are now folded into this category are:

- **HEALTH, SAFETY AND ENVIRONMENTAL MANAGEMENT** These activities include [1] hazard assessment; [2] required training; [3] record keeping and [4] program management for each element identified in the attachment that is a hazard.
- **SAFETY COMMITTEE AND AWAIR**
- **ASBESTOS INSPECTION.** AHERA required three-year, due to be completed no later than **July 2004.**
- **SCIENCE LAB - INVENTORY & OTHER SAFETY COMPLIANCE** The cost to inventory chemicals
- **RIGHT-TO-KNOW** Expenses for Right-to-Know training and supplies under MN Rules
- **BLOODBORNE PATHOGEN STANDARD COMPLIANCE**
- **INTEGRATED PEST MANAGEMENT** Costs to implement the Janet B. Johnson Parents' Right-to-Know Act.
- **IAQ ENGINEERING AND OTHER PROFESSIONAL SURVEYS, TESTING AND REPORTS** – e.g. IAQ base-line assessments.
- **HEALTH AND SAFETY MANAGEMENT ASSISTANCE**
- **SFM FIRE SAFETY INSPECTIONS** Required every three years, per M.S. 299F.47.
- **COMPUTER BASED H&S MANAGEMENT SOFTWARE**
- **INDOOR AIR QUALITY MANAGEMENT ACTIVITIES**

The funding for this category for FY2006 is capped at an amount not greater than \$0.089 per district square feet (based on the 2004 Age and Square Footage report) or \$13.50 per FY 2003 AMCPU (adjusted marginal cost pupil unit). This is based on M.S. 123B.57 Subd. 8(a) language, requiring the Commissioner to establish a formulary cap. See Attachment 4 for a detailed explanation.

This is a hard cap, no exception above this limit will be allowed, per Laws 2003 1Sp Ch 9 Art. 4. The first effective year was for projects approved for FY2005. For FY2003 and 2004, FIN CODE 352 was capped at the total amount approved as of February 1, 2003. The MDE loads a "not-to-exceed" amount as advice onto the H&S website for FY2005 and FY2006. If projects are approved for greater than this amount, a "negative adjustment" project will be loaded by the MDE to ensure that the aggregate FIN CODE 352 amount does not exceed this overall FIN CODE 352 cap amount.

Action: District shall list on the H&S website each category of expenditure it plans to incorporate under FIN CODE 352. See printout on the next page of a hypothetical district for an illustration. There is no need to break down this work by building, as is required of other FIN CODE categories.

If there are questions regarding the new process, please feel free to contact Phil Allmon at 651/582-8748 or phil.allmon@state.mn.us. Also (preferred) contact the H&S Management Assistance professional for your Service Cooperative region.

Minnesota Health and Safety FY 2004, FY 2005, FY 2006

'NMI' in the State Approval box means 'Need More Information.'
For these projects, please call Phil Allmon at (651)582-8748.

Add New Project

Capital Expenditure Report

Fiscal Year	Finance Code	Building Name	State Approval
District 0007	Project Number	Project Description	Amount
00	100	Advice	...
<u>Update</u>	GEN.	The FIN CODE 352 is capped at \$13.50 per student or \$0.0822 per SQ FT. Per agency records, this allowance is capped at \$15,239 or \$16,858 respectively.	0.00
05	352	District Wide	...
<u>Update</u>	GEN.	Health Safety and Environmental Management	6500.00
05	352	District Wide	...
<u>Update</u>	GEN.	Asbestos AHERA Re-inspection	1200.00
05	352	District Wide	...
<u>Update</u>	GEN.	Health and Safety Management Assistance	1500.00
05	352	District Wide	...
<u>Update</u>	GEN.	SFM Fire Safety Inspections	2000.00
05	352	District Wide	...
<u>Update</u>	GEN.	Bloodborne Pathogens	1000.00
05	352	District Wide	...
<u>Update</u>	GEN.	IAQ Surveys, testing and reports	1500.00
05	352	District Wide	...
<u>Update</u>	GEN.	Computer-based H&S Management	1000.00
05	352	District Wide	...
<u>Update</u>	GEN.	Integrated Pest Management	500.00

General Comments

- School district personnel shall be involved in the process of completing this section. This section cannot be completed as a “turnkey” process.
- Responsibility for Health and safety belongs at the district level. The task can, in certain circumstances, be delegated to employees or contractors, but not the responsibility.
- There must be a key district person responsible for each Health and Safety topic. This person is responsible for understanding Attachments 4 and 99 information.
- Attachment 99 replaces Attachment 4 as a reporting requirement. Only Attachment 99 and not Attachment 4 shall be reported to the MDE. Attachment 4 should be used by your district to internally review all Health and Safety programs. MDE is phasing in topics a portion each year until they are all entirely included. For 2004 Pay 2005, the topics are limited to Indoor Air Quality, Safety Committees, Laboratory Safety and Health, Safety and Environmental Management. Specific performance criteria are described and the district must either verify they will meet MDE’s criteria or provide their own. Either way, districts will be held to their board-adopted performance criteria. Substituted criteria which is not performance based is an unacceptable report.
- Districts are required to follow the directions shown below and return the completed, board-certified Attachment 99 in order to receive H&S funding for 2004 Pay 2005. All H&S new funding will be delayed until the Attachment 99 is received and verified.
- H&S Management Assistance professionals will key their reporting to the elements in this Attachment and this is part of MDE’s plan to verify that the district is meeting its performance criteria commitment. A district may not refuse access by Management Assistance personnel to accomplish this task.

Completion Steps for Attachment 99

- District reviews its health and safety hazards, plans/programs to manage them, and this letter and attachments.
- District reviews Attachment 99, affirms each element by highlighting or otherwise indicating, and completes all forms accurately. The attachment is designed to be a “turn-around document.”
- School board validates the information on Attachment 99, certifying that the information in the completed Attachment 99 H&S Performance Criteria will be implemented during fiscal year 2004-2005. In this manner the board, as the policy-setting authority, recognizes and accepts its responsibility for Health and Safety in a manner satisfactory to MDE. A copy of the board-approved minutes and agenda must be attached.
- District returns Attachment 99 in time to arrive at MDE, attn Phil Allmon, or alternatively each region Management Assistance professional, no later than July 26, 2004. Late submissions are strongly discouraged.
- Electronic submission is acceptable and is preferred. Otherwise, provide two paper copies with visible highlighting. Don’t forget to maintain a copy in district files, and to highlight adopted language.

Begin Board-certifying here.

General Requirements

- The H&S written plans include policies for managing the hazard, assessing for the hazard, training, and record keeping.
- There is a key district person responsible for each Health and Safety topic. This person is responsible for understanding Attachments 4 and 99 information and the information in the written plans.
- The written plans are current, complete and accurate. They are concise and well organized. They do not make references to other districts or states, or persons not currently with the district.
- In particular, the documentation of training and required reporting is accurate and complete. Training includes an adequate roster of trainees, is dated, and a syllabus of the training, giving information on what trainees can be reasonably expected to know or do.
- The practice of re-photocopying required reports shall not be allowed. Each report shall have a fresh printout with fresh signatures and dates.

Part I Attachment 99 Performance Criteria – IAQ Management Plan

A. IAQ Coordinator – required in plan

- A person meeting criteria in Attachments 3 and 7 has been appointed as the districts IAQ coordinator
- Communication pathway has been established to notify district staff, parents, and students, who the IAQ Coordinator is and how to contact him/her.
- IAQ coordinator's role and authority shall be clearly defined and understood by district employees, such that he/she can operate effectively.
- The IAQ Coordinator's name and certificate number are: _____.

B. Walk-through performed (required in plan)– Walkthroughs shall be performed at least annually on all school buildings in the district that houses students and/or employees and shall evaluate the following:

- Obvious water intrusion problems (interior and exterior)
- Obvious ventilation failures and/or problems
- Obvious building/structural failures and/or problems
- Overall cleanliness of buildings and classrooms
- Assess the need for O&M programs (e.g. ventilation, carpet, building compounds)

C. Evaluation of key building systems- required in plan

- District shall evaluate all classrooms using equivalent* to the EPA's Tools For Schools Teacher's Checklist at least annually.
- District shall evaluate ventilation systems using equivalent* to the EPA's Tools For Schools Ventilation Checklist at least annually. Activity 22 may be excluded here.
- District shall evaluate all building maintenance issues using equivalent* to the EPA's Tools For Schools maintenance checklist at least annually.

*** Equivalent means that each element of each topic is included to the depth described in TFS. If there is a significant departure, an explanation shall accompany the plan.**

D. IAQ Management Plan (required in plan) - District shall develop and implement an effective **district specific** IAQ management plan that shall at a minimum have the following elements:

- Identification of IAQ Coordinator
- Communication plan/policy that is specific to the district
- Complaint plan/policy that is district specific
- Plan/policy to address district IAQ issues observed and/or noted during the walk through or through the building systems evaluation process
- Implementation schedule that prioritizes and allocates expenditures to remediate known IAQ issues such as deferred maintenance items (e.g. roof leaks)
- Operations and maintenance plan to maintain building components and mechanical systems
- District policies that are established that affect air quality (animals, cleaning, renovation projects, pest management, chemical use, etc.)
- Annual review of district IAQ Management Plan by IAQ Coordinator and/or IAQ Committee, and school board. This includes a review of all documentation to ensure the plan is indeed district specific and current.

E. District responses to parental concerns--required in plan

- Parents know where to go to find answers to their IAQ questions.
- Parents can obtain checklists or self help information so they can properly evaluate their child's home or other out of school situation.
- Parents can obtain information about school facility construction, maintenance and housekeeping practices, chemicals used, mold and HVAC related information, chemical producing academic subjects, pesticides and herbicides and the like to determine the extent to which school activities contribute to a child's symptoms.
- Parents can obtain information on what a parent can do – how they can effect change – upon discovering questionable activities occurring within schools.

F. Mechanical Ventilation improvements if funded under either H&S or Alternative Facilities

Bonding and Levy programs

- All mechanical ventilation improvements shall result in demonstrated current performance criteria as found in state law, statute or rule, to include proper amount of ventilation rate over a specified outside temperature range, proper filtration, and ability to measure ventilation rate.
- Any commissioning resulting from mechanical ventilation improvements shall be done and validated by a Systems Inspector per M.S. 123B.72 that has adequate errors and omissions insurance.
- Mechanical ventilation improvement work funded under H&S shall remain under warranty by the outside party until a full range of seasons has occurred, allowing any deficiencies to become manifest and be corrected.

G. M.S. 123B.57 responsibility to "...monitor and improve the quality of indoor air..."

- The district shall determine the mechanical ventilation rate of each occupied space and plan and implement its improvement in a timely manner where found to be inadequate. Use of outside air intake flow hood for unit ventilators or CO2 or thermal-based calculations found in ASHRAE 62-1989

with controls set to minimal outside air settings are adequate. Intended to satisfy TFS Ventilation Checklist Activity 22. This activity does not have to be done to receive HS& funding.

- The district shall determine if there is mold or water intrusion for each occupied space and plan and implement its remediation in a timely manner where found to exist. Visual inspections are adequate.
- The district shall determine the quality of air entering the building and make improvement where needed. Use of human senses is adequate.
- The district shall monitor the use of chemicals, cleaning materials, carpet maintenance (if applicable) pesticides and general housekeeping to ensure proper indoor air quality. Use of human senses is adequate.

Attachment 99 Performance Criteria – Safety Committees

- A district safety committee shall be established where the district exceeds 25 employees or is experiencing excessive lost workdays or accident/incident rates.
- Written statements shall be developed describing safety committee role, responsibilities, activities and administrative support.
- Role of safety committee shall be stated, and shall include consideration of the following:
 - Review high hazard areas of health and safety for adequacy of program protection.
 - Monitor the effectiveness of the safety and health program. Assist administrators, H&S coordinators and supervisors on district/school H&S issues. Bring committee recommendations to school board.
 - Everyone in district needs to know they should contact members of safety committee FIRST for H&S issues.
- There shall be greater employee representation than management, with each bargain unit represented. The safety committee member list shall be posted.
- The number of employee representatives on the committee shall equal or exceed the number of management representatives. The safety committee members shall be made known to all district staff.
- The safety committee shall meet at least quarterly.
- An agenda shall be established prior to meeting. Attendance and minutes shall be recorded. A report of activities shall be posted where all employees have access to it.
- The chair shall be elected by the committee and identified by name.
- Training shall be provided to safety committee members as to their roles and responsibilities.
- Meeting activities shall include consideration of these activities:
 - Establish annual safety goals and objectives for meeting those goals
 - Conduct and/or review safety inspections
 - Assist in accident investigation.
 - Review accident reports and OSHA 300 logs.
 - Accept and evaluate employee suggestions. Make reporting uncomplicated, keeping reporters at ease.
 - Review job procedures and recommend improvements
 - Monitor safety program effectiveness

- Publicize and promote safety and health
 - School board shall review the program annually.

Attachment 99 Performance Criteria – Laboratory Safety Standard and Chemical Hygiene Plan

- There shall be a written and current Chemical Hygiene Plan for all laboratories, per OSHA Laboratory Safety Standard 29 CFR 1910.1450.
- The Chemical Hygiene Officer (CHO) shall be identified for each laboratory. His or her names are:

- The CHO shall be responsible for developing and reviewing at least annually chemical handling, storage labeling and disposal procedures (SOPs).
- The CHO shall be responsible for reviewing at least annually lab activities to ensure safe procedures are used.
- The CHO shall review stored chemicals annually and remove unused or excess amounts.
- The CHO shall be responsible for developing and reviewing at least annually engineering controls (e.g. ventilation, chemical storage, fume hoods, gas lines and shutoff, fire prevention, eye-wash and deluge shower)
- The CHO shall be responsible for developing and reviewing at least annually personal protective equipment (PPE) needs (e.g. eye protection, gloves, splash guards, gowns). Included are ensuring students do not wear dangerous clothing (e.g. rings, chains, unsafe shoes, un-bound hair).
- The CHO shall be responsible for developing and reviewing at least annually necessary training for lab employees and ensure that safety is adequately included in curriculum.
- The CHO shall be responsible for developing and reviewing at least annually record keeping practices and procedures, to include chemical inventory, MSDS sheets, monthly checks of safety equipment and implementing MDE and other safety checklists.

Attachment 99 Performance Criteria – Lockout/Tagout (LO/TO)

- District shall develop and implement a Written Management Plan for Lockout/Tagout, encompassing OSHA standard 29 CFR 1910.147, explaining procedures for implementing Lockout/Tagout for each area for each building where LO/TO hazards exist.
- The district administration shall identify school district Contact Person(s) for Lockout/Tagout zones.
- The district administration shall survey the facility at least annually to identify energy potential physical hazards that require Lockout/Tagout.
- The district administration shall train affected employees on proper Lockout/Tagout methods and techniques at least annually.
- The district administration shall identify and procure Lockout/Tagout locks, tags and other devices. (List locations of equipment)
- The district administration shall evaluate Lockout/Tagout record keeping practices and procedures at least annually.
- Procedures are in place to inform contractors of Lockout/Tagout requirements
- Specific energy controls are developed when required.
- The district administration shall evaluate current Lockout/Tagout procedures at least annually.

Date: _____

School District: _____

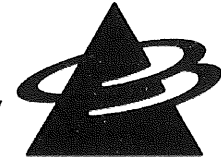
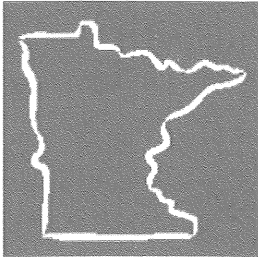
Person Affirming: _____

Signature: _____

Telephone with ext. _____

I affirm that the following is an accurate, board-approved summary of this school district's current Health and Safety program, submitted in accordance with Minn. Stat. § 123B.57 regardless of whether or not funding is requested. A copy of the school board minutes is attached.

Additional comments:

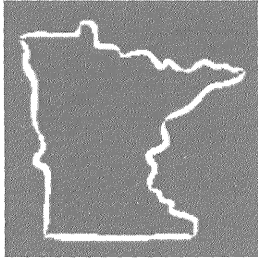


- **RECOMMISSIONING: a definition**

- An event in the life of a building that applies a systematic investigation process for improving and optimizing a building's O&M. Recommissioning occurs long after construction, on a building of any age, as an independent process, and its focus is usually on energy-using equipment such as mechanical equipment, lighting, and related controls. It may or may not emphasize bringing the building back to its original intended design. In fact, the recommissioning begins with the planning phase, which consists of identifying project objectives, targeting systems for improvements, and defining tasks and responsibilities. A plan for conducting the work results. An investigation phase follows, in which on-site **assessment and testing** are conducted. This phase allows deficiencies to be found and scope of work to be refined. Once the scope is finalized, the improvements are then installed in an implementation phase and their success validated. Finally, the completed improvements are "handed-off" to the owner along with information gained during the process to help ensure long-term performance for the owner.

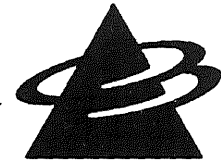
- **BENEFITS:**

- Saves energy at very low cost, improves ventilation and indoor air quality at very low cost



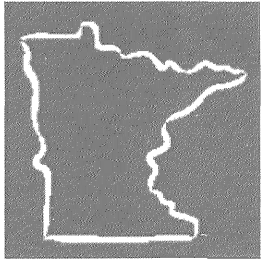
Limitations in M.S. 123B.57 subd.6 (b)

Center for Energy
and Environment

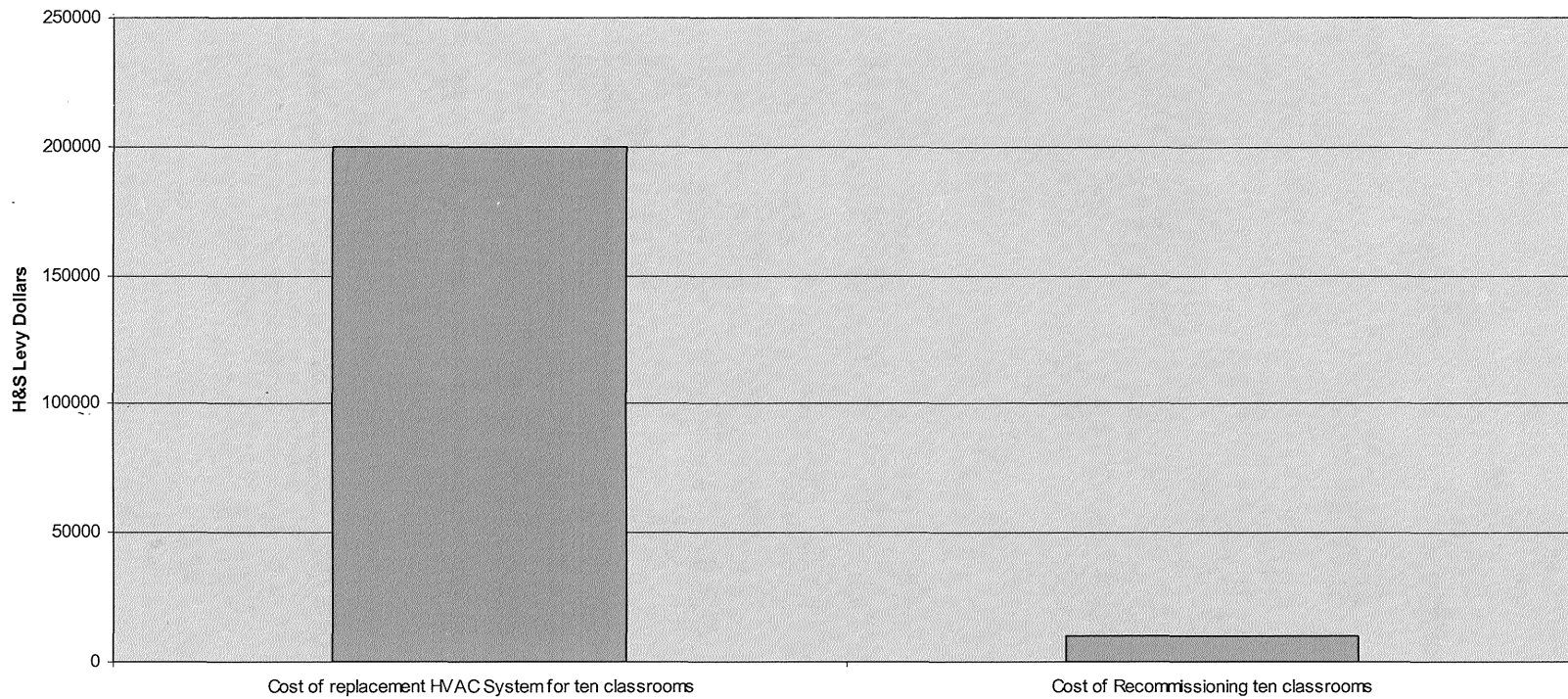


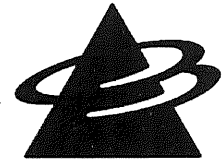
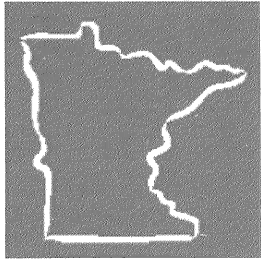
- 1) M.S. 123B.57 subd 6 (b) prohibits use of Health and Safety Levy for testing and calibration activities (e.g. Recommissioning)
- 2) MDE rules on use of H&S levy prohibit recommissioning and subsequent future replacement of ventilation equipment
 - “After an engineering study by PE [professional engineer] has been done and a report of the study is reviewed by MDE, a one-time cost [1] to upgrade an existing mechanical ventilation system to the current MN State Mechanical Code/ASHRAE level of 15 CFM/person or [2] to replace it to meet current code is an allowable expense under H&S.”

Health and Safety Letter from MDE to the Districts dated May 27, 2004 and entitled “Capital Expenditure: Health and Safety Revenue Application, Per MN Stat. § 123B.57”



Cost Difference Between RCx and Replacement





- **Recommendation:** Eliminate the prohibition for recommissioning in M.S. 123B.57 subd. 6 (b)
- **Recommendation:** Allow use of H&S levy for recommissioning without prohibiting future use of H&S levy for equipment replacement



Minnesota Office of the Revisor of Statutes

[Legislature Home](#) | [Links to the World](#) | [Help](#) | [Ac](#)

[House](#) | [Senate](#) | [Joint Departments and Commissions](#) | [Bill Search and Status](#) | [Statutes, Laws, and Rules](#)

Minnesota Statutes 2004, 123B.57

Copyright 2004 by the Office of Revisor of Statutes, State of Minnesota.

[Minnesota Statutes 2004, Table of Chapters](#)

[Table of contents for Chapter 123B](#)

123B.57 Capital expenditure; health and safety.

Subdivision 1. Health and safety program. (a) To receive health and safety revenue for any fiscal year a district must submit to the commissioner an application for aid and levy by the date determined by the commissioner. The application may be for hazardous substance removal, fire and life safety code repairs, labor and industry regulated facility and equipment violations, and health, safety, and environmental management, including indoor air quality management. The application must include a health and safety program adopted by the school district board. The program must include the estimated cost, per building, of the program by fiscal year. Upon approval through the adoption of a resolution by each of an intermediate district's member school district boards and the approval of the Department of Education, a school district may include its proportionate share of the costs of health and safety projects for an intermediate district in its application.

(b) Health and safety projects with an estimated cost of \$500,000 or more per site, approved after February 1, 2003, are not eligible for health and safety revenue. Health and safety projects with an estimated cost of \$500,000 or more per site, approved after February 1, 2003, that meet all other requirements for health and safety funding, are eligible for alternative facilities bonding and levy revenue according to section 123B.59. A school board shall not separate portions of a single project into components to qualify for health and safety revenue, and shall not combine unrelated projects into a single project to qualify for alternative facilities bonding and levy revenue.

Subd. 2. Contents of program. A district must adopt a health and safety program. The program must include plans, where applicable, for hazardous substance removal, fire and life safety code repairs, regulated facility and equipment violations, and health, safety, and environmental management, including indoor air quality management.

(a) A hazardous substance plan must contain provisions for the removal or encapsulation of asbestos from school buildings or property, asbestos-related repairs, cleanup and disposal of polychlorinated biphenyls found in school buildings or property, and cleanup, removal, disposal, and repairs related to storing heating fuel or transportation fuels such as alcohol, gasoline,

fuel, oil, and special fuel, as defined in section 296A.01. If a district has already developed a plan for the removal or encapsulation of asbestos as required by the federal Asbestos Hazard Emergency Response Act of 1986, the district may use a summary of that plan, which includes a description and schedule of response actions, for purposes of this section. The plan must also contain provisions to make modifications to existing facilities and equipment necessary to limit personal exposure to hazardous substances, as regulated by the federal Occupational Safety and Health Administration under Code of Federal Regulations, title 29, part 1910, subpart Z; or is determined by the commissioner to present a significant risk to district staff or student health and safety as a result of foreseeable use, handling, accidental spill, exposure, or contamination.

(b) A fire and life safety plan must contain a description of the current fire and life safety code violations, a plan for the removal or repair of the fire and life safety hazard, and a description of safety preparation and awareness procedures to be followed until the hazard is fully corrected.

(c) A facilities and equipment violation plan must contain provisions to correct health and safety hazards as provided in Department of Labor and Industry standards pursuant to section 182.655.

(d) A health, safety, and environmental management plan must contain a description of training, record keeping, hazard assessment, and program management as defined in section 123B.56.

(e) A plan to test for and mitigate radon produced hazards.

(f) A plan to monitor and improve indoor air quality.

Subd. 3. Health and safety revenue. A district's health and safety revenue for a fiscal year equals:

(1) the sum of (a) the total approved cost of the district's hazardous substance plan for fiscal years 1985 through 1989, plus (b) the total approved cost of the district's health and safety program for fiscal year 1990 through the fiscal year to which the levy is attributable, excluding expenditures funded with bonds issued under section 123B.59 or 123B.62, or chapter 475; certificates of indebtedness or capital notes under section 123B.61; levies under section 123B.58, 123B.59, 123B.63, or 126C.40, subdivision 1 or 6; and other federal, state, or local revenues, minus

(2) the sum of (a) the district's total hazardous substance aid and levy for fiscal years 1985 through 1989 under sections 124.245 and 275.125, subdivision 11c, plus (b) the district's health and safety revenue under this subdivision, for years before the fiscal year to which the levy is attributable.

Subd. 4. Health and safety levy. To receive health and safety revenue, a district may levy an amount equal to the district's health and safety revenue as defined in subdivision 3 multiplied by the lesser of one, or the ratio of the quotient derived by dividing the adjusted net tax capacity of the district for the year preceding the year the levy is certified

by the adjusted marginal cost pupil units in the district for the school year to which the levy is attributable, to \$2,935.

Subd. 5. Health and safety aid. A district's health and safety aid is the difference between its health and safety revenue and its health and safety levy. If a district does not levy the entire amount permitted, health and safety aid must be reduced in proportion to the actual amount levied. Health and safety aid may not be reduced as a result of reducing a district's health and safety levy according to section 123B.79.

Subd. 6. Uses of health and safety revenue. (a) Health and safety revenue may be used only for approved expenditures necessary to correct fire and life safety hazards, or for the removal or encapsulation of asbestos from school buildings or property owned or being acquired by the district, asbestos-related repairs, cleanup and disposal of polychlorinated biphenyls found in school buildings or property owned or being acquired by the district, or the cleanup, removal, disposal, and repairs related to storing heating fuel or transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined in section 296A.01, Minnesota occupational safety and health administration regulated facility and equipment hazards, indoor air quality mold abatement, upgrades or replacement of mechanical ventilation systems to meet American Society of Heating, Refrigerating and Air Conditioning Engineers standards and State Mechanical Code, Department of Health Food Code and swimming pool hazards excluding depth correction, and health, safety, and environmental management. Health and safety revenue must not be used to finance a lease purchase agreement, installment purchase agreement, or other deferred payments agreement. Health and safety revenue must not be used for the construction of new facilities or the purchase of portable classrooms, for interest or other financing expenses, or for energy efficiency projects under section 123B.65. The revenue may not be used for a building or property or part of a building or property used for postsecondary instruction or administration or for a purpose unrelated to elementary and secondary education.

(b) Notwithstanding paragraph (a), health and safety revenue must not be used for replacement of building materials or facilities including roof, walls, windows, internal fixtures and flooring, nonhealth and safety costs associated with demolition of facilities, structural repair or replacement of facilities due to unsafe conditions, violence prevention and facility security, ergonomics, building and heating, ventilating and air conditioning supplies, maintenance, cleaning, testing, and calibration activities. All assessments, investigations, inventories, and support equipment not leading to the engineering or construction of a project shall be included in the health, safety, and environmental management costs in subdivision 8, paragraph (a).

Subd. 7. Proration. In the event that the health and safety aid available for any year is prorated, a district having its aid prorated may levy an additional amount equal to the amount not paid by the state due to proration.

Subd. 8. Health, safety, and environmental management

cost. (a) A district's cost for health, safety, and environmental management is limited to the lesser of:

(1) actual cost to implement their plan; or

(2) an amount determined by the commissioner, based on enrollment, building age, and size.

(b) The department may contract with regional service organizations, private contractors, Minnesota Safety Council, or state agencies to provide management assistance to school districts for health and safety capital projects. Management assistance is the development of written programs for the identification, recognition and control of hazards, and prioritization and scheduling of district health and safety capital projects. The department shall not exclude private contractors from the opportunity to provide any health and safety services to school districts.

(c) Notwithstanding paragraph (b), the department may approve revenue, up to the limit defined in paragraph (a) for districts having an approved health, safety, and environmental management plan that uses district staff to accomplish coordination and provided services.

HIST: 1988 c 718 art 8 s 19; 1988 c 719 art 5 s 84; 1989 c 329 art 5 s 11-13; 1Sp1989 c 1 art 6 s 6; art 9 s 4; 1990 c 562 art 5 s 8; art 10 s 5; 1990 c 604 art 8 s 1,2; 1991 c 130 s 19,20; 1991 c 265 art 5 s 6; 1993 c 224 art 5 s 22-26; 1994 c 647 art 6 s 28; 1Sp1995 c 3 art 5 s 7; art 16 s 13; 1Sp1997 c 4 art 4 s 17,18; 1998 c 299 s 30; 1998 c 397 art 7 s 97,98,164; art 11 s 3; 1998 c 398 art 4 s 3; 1999 c 86 art 1 s 33; 1999 c 241 art 4 s 7,29; 2000 c 464 art 3 s 9; 2000 c 489 art 5 s 5,19,27; 1Sp2001 c 6 art 4 s 3-5; 1Sp2003 c 9 art 4 s 5-7

Please direct all comments concerning issues or legislation to your House Member or State Senator.

For Legislative Staff or for directions to the Capitol, visit the Contact Us page.

General questions or comments.

Senate Presentation 2-16-05

Minnesota Department Of Education

Tom Melcher, Director
Dick Guevremont, Supervisor
Philip Allmon, H&S Coordinator

2/15/2005

1

Today's outline

1. A general overview of health and safety (H&S)
2. A brief history of H&S
3. What constitutes a respectable H&S program?
4. What does and does not qualify for H&S funding (a general view)

2/15/2005

2

2. A General Overview of H&S

H&S is an information and funding program intended to foster and promote safe and healthful schools and compliance with state and federal regulatory agencies

State regulatory agencies supported by the program are: MN OSHA, MDH, MPCA and MN State Fire Marshal

Federal regulatory agencies supported are: US OSHA, US EPA

2/15/2005

3

The enabling authority of H&S can be found in MN Statute ¶ 123B.57

Subd. (1) and (2) of the statute requires districts to establish and submit a program to either abate or manage the hazards it has identified.

The statute requires school districts to identify their health and safety hazards for funding, giving particular emphasis to regulatory requirements and actual citation orders, as well as results of district safety inspections.

2/15/2005

4

The statute continues by requiring that a district's board adopt the plans and program, and submit them to the MDE along with a funding request for projects to abate (fix) the hazards once each year—last attachment of H&S letter

Not all hazards can be abated using funding from the H&S program. The annual H&S letter describes which ones can be funded (we'll cover this later)

The district identifies the projects on the H&S website after the annual H&S application letter is published after June 1st and before Sept. 30th

2/15/2005

5

3. Brief History

Early 1980s: Employee Right To Know

1988—1989: AHERA Act (asbestos)

1989: Underground Storage Tanks

1989: Radon Phase I.

1990: State Fire Marshal schools inspection

1991—1992: MN OSHA cites two MN schools

1993: Management Assistance Program begins

1993—1994: US EPA Region 5 almost puts all of MN under a consent order

2/15/2005

6

1994: Consent order by MN OSHA to develop a model AWAIR program completed
1994: Lead-in-paint/water testing due to media
1995: Radon Testing--Phase II (MDH)
1995: State-wide outdoor air emissions testing.
1996—1997: Indoor air quality program began.
1998: Mold in school buildings closures
1998: Ergonomics program commences
1999: Pesticide management, —Janet B. Johnson Right To Know Act of 2000

2/15/2005 7

1999: CFL Machine Guarding Best Practices
2000: Certified Playground Safety Inspector program
2000: Bleacher safety (M.S. 16B.616)
2001: MDH kitchen food code and swimming pool code issues due to federal food code laws
2003: Significant legislative changes to curtail H&S allowables, but also allow for projects exceeding \$500,000 to be bonded

2/15/2005 8

4. What constitutes a responsible H&S program?
M.S. 123B.57 states that, in order to receive H&S funding, districts must submit a H&S program adopted by the school board.
The program must include plans for several types of hazards--details of categories are found in the statute
Attachment 4 of the H&S letter contains categories and formats for a respectable program (not all apply to each district)

2/15/2005 9

(a) Examine Attachment 4 categories*
Not each category of hazard is present in each school building. For example:
Asbestos
Underground storage tanks
Compressed gases
Laboratory Safety Standard
Respiratory Protection Standard
The above might be found in limited situations.

2/15/2005 10

Other categories might be more general:
First Aid/CPR
Employee Right To Know
Bloodborne Pathogen Standard
Integrated Pest Management—Notification
Food safety inspection and remediation
Asbestos Management
Fire and life safety—especially State Fire Marshal orders and emergency evacuations

2/15/2005 11

(b) Compare Attachment Four hazards to hazards found in each building
Typically high schools are more hazardous than elementaries. They contain science, shop, art, home economic areas.
Hazards are found by evaluating building areas, people activities and reports of injuries.
Review of historical evidence (first reports of injuries, reports of failed equipment)
District experts—their staff

2/15/2005 12

(c) For each category of hazard, a plan of correction and management is written.

OK to outsource this process to a contractor but someone on the district staff "owns" the issue.

(d) Implement the plan !!

Schedule regular hazard assessments

Schedule regular or as-needed training

Post areas and notify people

Documentation and record-keeping

District Contact or Responsible Person staffed

2/15/2005

13

5. What does and does not qualify for H&S funding in the H&S Application Memo (a general view)

--Statute M.S. 123B.57 Subd. 6(a) and (b) show what is funded and what is excluded

--Programs mandated by federal or state legislation (e.g. radon, asbestos, Employee Right To Know, bleachers and many more) are generally funded

--Orders from SFM, MPCA, MDH (environmental health), and OSHA enforcers are generally funded.

2/15/2005

14

--Recommendations from other third parties (e.g. insurance risk managers, contractor) are considered

--Recommendations by district safety committees are funded when supported by statute and H&S letter

--Recommendations by H&S Management Assistance personnel are given considerable weight

MDE publishes an application letter each year. Attachment 3 of the letter focuses on what allowable for funding by H&S revenue

2/15/2005

15

The categories of allowable expenditures are broken down into FINANCE CODE dimensions. They are listed as follows:

FIN CODE	DESCRIPTION
347	Physical Hazards
349	Hazardous Substances
352	Health and Safety Management
358	Asbestos
363	Fire and Life Safety
366	Indoor Air Quality

2/15/2005

16

FINANCE CODE 347—Physical Hazards

- Playground safety
- Swimming pool hazards
- Bleacher repair or rebuilding
- Mechanical and power equipment—safety modification
- OSHA physical or electrical hazards
- Food code safety
- Temperature in kitchens and other spaces
- Elevator and lift inspections
- Personal protective equipment

2/15/2005

17

FINANCE CODE 349—Hazardous Substance

- Wood boilers
- Underground Storage Tank (UST/AST)
- Hazardous substance disposal (Chemical Safety Day)—everything except radioactive
- Lead in water, paint and soil
- Copper in water
- Local exhaust ventilation
- Radon
- Back flow preventors and flood prevention floor drains, and well capping

2/15/2005

18

FINANCE CODE 352—Health, Safety and Environmental Management (HSEM)
HSEM and AWAIR—written plan, training, assessment, record-keeping (M.S. 123B.56)
Asbestos Inspections
Science Lab inventory and other safety compliance
Employee Right To Know
Bloodborne Pathogen
Integrated Pest Management

2/15/2005

19

FINANCE CODE 352—Health, Safety and Environmental Management (continued)
Computer-based management support programs
H&S management assistance
State Fire Marshal building inspection (3 Yr cycle)
Automatic external defibrillators (AEDs)
Indoor Air Quality Management Plan
Indoor Air Quality coordinator

2/15/2005

20

A Special Note About FIN 352
The total annual amount for this finance code cannot exceed the formula cap, based on either square footage or adjusted marginal cost pupil units
Rate is 8.9 cents/SQ FT for 2004, 2005 2006 and 10.3 cents starting FY2007. AMCPU rate increases from \$13.50 to \$15.60 in FY2007 also.
Districts can list individual H&S projects that exceed the cap and they will be approved if eligible, but a negative amount project inserted by the MDE in proportion to the amount exceeded.

2/15/2005

21

FINANCE CODE 358—Asbestos

Asbestos removal and encapsulation (but not replacement)

Asbestos repair and maintenance (O&M)

Typical asbestos areas include flooring, ceiling, walls, pipe wrap, boiler, tank, roof

Asbestos staff training

Asbestos worker physicals

2/15/2005

22

FINANCE CODE 363—Fire and Life Safety

Fire Marshal orders

Fire extinguisher inspection and maintenance

Emergency or egress lighting

Fire alarm equipment

Fire safety self inspection checklist (Attachment Six of the H&S letter)

2/15/2005

23

FINANCE CODE 366—Indoor Air Quality (IAQ)

Mechanical ventilation upgrade or replacement

Mold abatement, clean-up and (some) replacement

Many other categories of work now disallowed (filters, IAQ testing and balancing, commissioning, duct cleaning)*

2/15/2005

24

The categories of FY2004 expenditures are listed as follows:

DESCRIPTION	AMOUNT
347 Physical Hazards	\$11.9M
349 Hazardous Substances	\$ 5.2M
352 H&S Management	\$12.0M
358 Asbestos	\$14.9M
363 Fire and Life Safety	\$19.8M
366 Indoor Air Quality	\$30.1M
Prior Year and Misc.	\$ 1.5M

2/15/2005

25

What does NOT qualify for H&S funding?

- Whatever is specifically disallowed in statute M.S. 123B.57, especially Subd. 6(b).
- Whatever a district has not included in its H&S program and does not have written plans
- Whatever is specifically disallowed in the annual MDE H&S application memo.
- Whatever is not directly allowed in the H&S letter (but this can be appealed, appeals process)

2/15/2005

26

Comparison FY1997 to FY2000 to FY2004

	1997	2000	2004
347	\$25.5M	\$25.5M	\$11.9M
349	\$4.3M	\$ 4.3M	\$ 5.2M
352	\$8.0M	\$ 7.9M	\$12.0M
358	\$13.0M	\$13.0M	\$14.9M
363	\$21.0M	\$21.0M	\$19.8M
366	\$ 0.0M	\$ 0.0M	\$30.1M
341 Districts Plus 2 Intermediates Participating			

2/15/2005

27

General Overview of Revenue (FY 2007 estimates)

Health & Safety Revenue:

⇒ \$0.6 million aid

⇒ \$79.8 million levy

Alternative Bonding & Levy Revenue for Health & Safety Projects:

⇒ \$16.1 million

This accounts for:

⇒ 0.0% of total state K-12 education aid of \$5.9 billion

⇒ 5.9% of total school district levy of \$1.6 billion

2/15/2005

28

Some excluded examples:

--Costs relative to new construction or added square footage

--Salary or benefits, except where an approvable project is done with in-house staff or is for health, safety and environmental management as defined under M.S. 123B.56

--replacement of building materials, ergonomics, demolition, building maintenance, violence prevention, HVAC equipment and supplies, from M.S. 123B.57 Subd. 6(b)*

2/15/2005

29

More excluded examples:

--MDH Medical health

--Orders or code from State Building Code Division

--Projects with goals of energy or cost savings

--Performance or energy efficiency contracts under M.S. 123B.65

--Interest or other finance expenses (except Alt Fac)

--Buildings not owned by the district cannot use H&S for capital improvements

2/15/2005

30

More excluded examples:

- Projects whose total cost exceeds \$500,000 may not be funded under H&S, must be funded under the Alternative Facilities program (more on this later)
- Construction of new buildings or purchase of portable classrooms
- Fire and life safety inspections by state fire marshal or local approved inspectors
- Projects not fully identified will not be funded

2/15/2005

31

Application under the Alternative Facilities Bonding and Levy program MN Stat. ¶123B.59

- a. Project cost must exceed \$500,000 per building
- b. "Related" projects are included in calculating the cost
- c. Cost is determined over the life of the work, not on a per-year basis
- d. District may levy or bond under the program

2/15/2005

32

The MDE wishes to acknowledge partnership with the following entities:

- Service Cooperatives: provide regional Health and Safety assistance to schools
- State Fire Marshal Schools Inspection Program: provides quality facilities assistance
- MN Department of Health: Indoor Air Quality Section
- MN OSHA Consultation: Safety services

2/15/2005

33
