

**REGULATION 1 – 2015**

**Amending Hamilton County General Health District School Environmental Safety Regulation 1-2010**

The Board of Health of the Hamilton County General Health District met in regular session on September 14, 2015, with the following members present:

Tracey A. Puthoff, Esq., President	<u>present</u>
Mark A. Rippe, Vice President	<u>absent</u>
Kenneth G. Amend, M.D.	<u>present</u>
Thomas W. Chatham,	<u>present</u>
James Brett	<u>present</u>

Dr. Amend moved for adoption of the following resolution:

**Amending Hamilton County General Health District School Environmental Safety Regulation 1-2010**

**WHEREAS**, the Board of Health of the Hamilton County General Health District has the authority pursuant to the Ohio Revised Code Section 3709.21 to make such orders and regulations for its own government, for the public health, for the prevention or restriction of disease or nuisances, and in the event of an emergency due to an epidemic of contagious or infectious diseases, to declare such orders as emergency measures; and

**WHEREAS**, the Board of Health of the Hamilton County General Health District is mandated to adopt such rules and regulations as it deems necessary for the public health, the prevention or restriction of disease, and the prevention, abatement and suppression of nuisances; and

**WHEREAS**, the Board of Health of the Hamilton County General Health District has the statutory authority and duty under the Ohio Revised Code Section 3707.03 to order the abatement of all nuisances and all conditions detrimental to health or well-being and found upon school property;

**WHEREAS**, the Board of Health of the Hamilton County General Health District has determined the need to amend School Environmental Safety Regulation 1-2010 governing the sanitation and safety of schools;

**NOW, THEREFORE BE IT RESOLVED** that pursuant to Ohio Revised Code Section 3709.21, the Board of Health of the Hamilton County General Health District hereby authorizes the amendment of Hamilton County General Health District School Environmental Safety Regulation 1-2010 and, attached hereto, and that it becomes part of the record of the local Regulations of the Board of Health of the Hamilton County General Health District; and

**BE IT FURTHER RESOLVED**, that the Hamilton County General Health District, Amended School Environmental Safety Regulation 1-2010, is in effect and enforceable on November 1, 2015; and

**BE IT FURTHER RESOLVED** that the Board of Health of the Hamilton County General Health District hereby finds by a vote of at least three-fourths of its members that this regulation be read only once and the requirement that it be read on three different days be dispensed with as provided by law; and

**BE IT FURTHER RESOLVED**, that any previous regulation, rule, or policy adopted by the Board of Health of the Hamilton County General Health District that in any way conflicts in part or in whole with this regulation, is hereby rescinded and repealed in part or in whole to the extent of any conflict; and

**BE IT FURTHER RESOLVED**, by this Board of Health of the Hamilton County General Health District, that this regulation be published in one newspaper of general circulation within the Hamilton County General Health District once a week for two consecutive weeks and that the first publication take place no later than ten (10) days prior to the effective date of the regulation; and

**BE IT FURTHER RESOLVED** that the Board of Health of the Hamilton County General Health District finds and determines that all formal actions relative to the passage of this regulation were taken in an open meeting of the Board and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with the applicable legal requirement, including Sections 121.22 of the Ohio Revised Code.

Mr. Brett seconded the resolution; upon roll call, the vote was as follows:

Tracey A. Puthoff, Esq., President	<u>yes</u>
Mark A. Rippe, Vice President	<u>          </u>
Kenneth G. Amend, M.D.	<u>yes</u>
Thomas W. Chatham,	<u>yes</u>
James Brett	<u>yes</u>

Board of Health of the Hamilton County General Health District

Tracey A. Puthoff, President  
Tracey A. Puthoff, Esq., President of the Board

Attest: Timothy I. Ingram  
Timothy I. Ingram,  
Health Commissioner  
Secretary of the Board

Date: Sept. 17, 2015

This resolution was approved as to form by the office of the Hamilton County Prosecuting Attorney, Joseph T. Deters, Prosecutor.

By: Nee Fong Chin  
Nee Fong Chin  
Chief Assistant Prosecuting Attorney

Date: September 14, 2015



**HAMILTON COUNTY  
PUBLIC HEALTH**

PREVENT. PROMOTE. PROTECT.

**School Environmental Safety  
Regulation 1-2010**

**Hamilton County General Health District  
250 William Howard Taft Road, 2<sup>nd</sup> Floor  
Cincinnati, Ohio 45219**

**Adopted by the Board of Health on March 8, 2010  
Effective April 1, 2010**

**Amended September 14, 2015; Effective November 1, 2015**

## Section 1-2010-1 Definitions.

- (A) "Administration" means the board of education of each school district, governing board of each educational service center, the administration of each nonpublic school and the governing authority of each community school as determined in Title 33 of the Ohio Revised Code.
- (B) "Administrator" means the school principal, chief administrator or governing authority of a school building.
- (C) "Board of health" means the board of health of a city, general health district, combined health district or the authority having the duties of a board of health under section 3709.02 of the Ohio Revised Code.
- (D) "Clean" means free from dirt and debris.
- (E) "Entanglement" means a condition in which the user's clothes or something around the user's neck becomes caught or entwined on a component of playground equipment.
- (F) "Entrapment" means any condition which impedes the withdrawal of a body or body part that has penetrated an opening.
- (G) "Gym equipment" means equipment and loose furnishings used for physical education instruction.
- (H) "Hamilton County General Health District" means general health district as created by or under authority of Chapter 3709 of the Ohio Revised Code.
- (I) "Health Commissioner" means the individual occupying the office created by section 3709.11 of the Ohio Revised Code, or the health commissioner's authorized representative.
- (J) "Highly toxic" means a substance with a Hazardous Material Identification System (HMIS) health rating of three or higher.
- (K) "Local exhaust system" means an industrial ventilation system designed to capture and remove airborne contaminants at the source of emission, thereby minimizing contaminant entry into the workplace ambient air.
- (L) "Nonpublic school" means a chartered nonpublic school that meets the minimum education standards prescribed by the state board of education under section Title 33 of the Ohio Revised Code. "Nonpublic school" includes facilities used for child care programs for preschool children operated by the school.
- (M) "Personal Protective Equipment" means clothing or devices worn to help isolate a person from direct exposure to a hazardous material or situation. This can include protective clothing, respiratory, eye and hearing protection and gloves.
- (N) "Public school" means either of the following:
  - (1) A school operated by a school district, educational service center, or Hamilton County Developmental Disabilities Services, including facilities used for child care programs for preschool children operated by the district, center, or board; or
  - (2) A community school established under Chapter 3314 of the Revised Code, including a facility operated by an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, that is used as a classroom or laboratory for one or more students. "Public school" does not mean the residence of a student enrolled in an internet- or computer-based community school.
- (O) "Qualified Individual" means an individual familiar with the design, installation, operation and maintenance of a specific piece equipment or item.
- (P) "Safety Data Sheets" or "SDS" means a document provided from the manufacturer of chemicals or products containing chemicals. SDS shall meet OSHA Standard 1910.1200.
- (Q) "Sanitarian" means a person who performs educational, investigational, technical or administrative duties requiring specialized knowledge and skills in the field of environmental health science and is registered with the state of Ohio as a sanitarian or sanitarian-in-training as stated in Chapter 4736 of the Ohio Revised Code.
- (R) "Sanitary" means free from elements, such as filth or pathogens, that endanger health.
- (S) "Sanitize" means the reduction of microbiological organisms present on surfaces.

- (T) "Severe weather" means any weather event that could damage the roof or lead to water intrusion including, but not limited to, damaging wind, hail, lightning, ice damming or heavy rain.
- (U) "School" means either a nonpublic school or public school as defined in this rule but excludes areas that are not attached to the building that are off limits to students and locked at all times.  
School also means all buildings operated by the school and located on the school grounds. School does not mean any of the following:
- (1) A child care program for preschool children that is licensed by the department of job and family services pursuant to Chapter 5104. of the Revised Code;
  - (2) A child care program for preschool children that is not operated by a public or nonpublic school; or
  - (3) A chartered kindergarten that is associated with a freestanding preschool and that is not operated by a school district, educational service center, or county board of mental retardation and developmental disabilities.
- (V) "School inspection" means any environmental health, safety or sanitary inspection of a school building and associated grounds performed by the Health Commissioner.
- (W) "Science classrooms" means all rooms in which students perform scientific experiments which require the use of personal protective equipment by the students or faculty.
- (X) "Tempered water" means water having a temperature range between eighty-five degrees Fahrenheit to one hundred ten degrees Fahrenheit.
- (Y) "Use zone" means the area beneath and immediately adjacent to a play structure or equipment that is designated for unrestricted circulation around the equipment and where it is predicted that a user would land when falling from or exiting the equipment.
- (Z) "Visual art rooms" means all rooms in which classes are taught that have a primary focus in art production. Art rooms do not include elementary classrooms that use non-toxic art supplies and whose primary focus is a subject other than art production.

### **Section 1-2010-2 Purpose, scope and authority.**

- (A) The purpose of the school inspection rules is to provide minimum standards and procedures for inspection of schools to identify conditions within the school building and grounds that may be injurious to the safety or health of building occupants. The rules shall establish a consistent application of inspection standards and procedures.

### **Section 1-2010-3 Inspections.**

- (A) The Hamilton County General Health District shall conduct school inspections as follows:
- (1) Inspections shall occur not less than twice per year with a maximum time between inspections of fifteen months; and
  - (2) The Health Commissioner shall notify the building principal, chief administrator, or governing authority at least one week prior to the inspection and be accompanied by a school representative.
- (B) Hamilton County General Health District shall send a copy of the school inspection report within thirty days to the school principal, administrator responsible for facility operations, and maintenance on behalf of the school district, educational service center, Hamilton County Developmental Disabilities Services, or community school controlling the inspected building and grounds;
- (C) Hamilton County General Health District shall conduct inspections using standardized forms, templates, and checklists.

## **Section 1-2010-4 Responsibilities of the principal, chief administrator or governing authority of each school.**

- (A) Each school principal, chief administrator or governing authority shall cooperate with the Health Commissioner in conducting school inspections by providing the following:
- (1) Access to the building and grounds for the inspection at any time during the school's operation and during regular school hours;
  - (2) Any records or other information the Health Commissioner considers necessary to evaluate the health and safety of the school; and
  - (3) A representative of the school building or district shall accompany the Health Commissioner during the course of the inspection, with advance notice and request from the Health Commissioner.
- (B) For the purpose of receiving copies of the inspection report, the administrator of each school building shall provide to the Health Commissioner, at or before the time of inspection, a list of contact names and addresses for the following:
- (1) The school principal, chief administrator or governing authority of the building;
  - (2) The administrator responsible for facility operations and maintenance on behalf of the school district, educational service center, Hamilton County Developmental Disabilities Services, or community school controlling the inspected building and grounds;

## **Section 1-2010-5 School grounds and building exterior inspections.**

- (A) School grounds and building exterior inspections shall include the following areas:
- (1) School grounds and building exterior:
    - (a) All buildings shall be in general good repair;
    - (b) Schools shall abide by the engine idling time policies developed in accordance with paragraph (O) of rule 3301-83-20 of the Ohio Administrative Code. In determining loading and unloading areas, schools shall consider proximity to air intakes, building entrances and exits;
    - (c) Vehicles or gas-powered equipment, with the exception of vehicles used by the school for student transportation, shall not idle near outside air intakes, building entrances or exits or where students are loading and unloading;
    - (d) Vehicle use areas, including bus loading and unloading areas, and pedestrian walkways shall be clearly marked;
    - (e) Grounds shall be maintained in a clean, orderly and sanitary condition with no litter. When a condition exists that causes unintended falls or trip hazards, the school shall take reasonable steps to correct the issue;
    - (f) There shall be no evidence of standing water during mosquito breeding season for more than 7 days or drainage problems on the grounds adjacent to the building that may contribute to water intrusion into the building;
    - (g) There shall be no evidence on the building of water damage or of conditions that are causing water intrusion into the building;
    - (h) There shall be no contaminant sources near outside air intakes and air intakes shall be protected by screens, louvers or other filtering devices;
    - (i) Gutters, downspouts, scuppers and storm drains shall be properly connected and shall show no signs of obstruction;
    - (j) Walls and windows shall be intact with no signs of cracking, blistering or peeling paint or signs of condensation or water intrusion, including but not limited to, visible mold;
    - (k) There shall be no paint, roofing materials or other sealants or coatings applied during occupied periods without the use of exposure control methods;

- (l) The roof of a school shall be inspected by a qualified individual once a year, following severe weather, as determined by the school, and when otherwise deemed necessary. Qualified individual, as used in this paragraph, means an individual familiar with the design, installation and maintenance of roofing systems. If the heating, ventilating and air conditioning system is located on the roof, the qualified individual must also be familiar with the operation and maintenance of the heating, ventilating and air conditioning system or this system must be inspected by a differently qualified individual. The school shall have documentation for the Health Commissioner at the time of the inspection that includes the following:
  - (i) A current drawing of the roof that indicates the location of all roof items of interest including:
    - (1) Heating, ventilation and air conditioning unit(s);
    - (2) Exhaust vents notated with type and height of stack; and
    - (3) Roof drains.
  - (ii) A copy of the "HCGHD Roof Inspection Form" for each inspection conducted since the last inspection by the Health Commissioner.

(2) Playgrounds:

- (m) All playground equipment shall be in good repair;
- (n) Surfacing in the use zones of playground equipment, specified in this rule, shall be maintained according to the chart below:

Material	Fall Height	Inches of Compressed Material
Wood Mulch (non-CCA)	7 feet	9 inches
Wood Chips	10 feet	9 inches
Sand	4 feet	9 inches
Pea Gravel	5 feet	9 inches
Shredded Rubber	10 feet	9 inches

- (o) When installing loose-fill material over a hard surface, in a manner consistent with protective surfacing material in a playground setting, the following conditions shall be met:
  - (i) Immediately over the hard surface a three to six inch layer of drainage material shall be installed;
  - (ii) A layer of geotextile cloth shall be placed on top of the drainage material;
  - (iii) Loose fill material shall be installed in accordance with paragraph (A)(2)(b) of this rule over the geotextile cloth; and
  - (iv) An impact attenuating mat shall be installed in high traffic areas where loose fill material displacement is likely.
- (p) Surfacing other than those contained in this rule shall provide a level of protection that is equivalent or superior to those in paragraph (A)(2)(b) of this rule and the level

of protection shall be certified by an independent testing agency that the level meets or exceeds ASTM standards.

- (q) Use zones around slides, swings and stationary equipment shall be free of obstructions and shall be of the following dimensions:
    - (i) Slides - at the front of the slide the use zone for slides less than or equal to six feet shall be at least six feet, for slides greater than six feet the use zone shall be equal to the height of the slide (not required to exceed eight feet) and a six foot radius from all other parts of the slide;
    - (ii) Swings - twice the height of the swings (from the surfacing material to the pivot point of the swing) in front and back and a six foot radius from the sides of the swing structure; and
    - (iii) Stationary equipment - six feet in all directions.
  - (r) Equipment shall not have any openings between three and one half inches and nine inches in size unless the space is connected to the ground at ground level;
  - (s) Equipment components shall not have any protruding bolts or separations that could cause the entanglement of a portion or portions of the body, clothing, jewelry, or other items that may result in the strangulation or dismemberment of the user. The school shall make available to the Health Commissioner, at the time of inspection, any and all reports from inspections done of the playground;
- (3) Solid waste disposal areas:
- (t) Trash, recycling and compactor containers shall be in good repair;
  - (u) Trash, recycling and compactor containers and surrounding areas shall be clean and located away from outdoor air intakes;
  - (v) Trash and recycling containers shall be equipped with lids and the lids shall cover the containers when not in use;
  - (w) Trash compactors shall have enclosed hoppers with safety interlocks and have key operation; and
  - (x) Trash, recycling, and compactor containers shall show no evidence of attracting vermin.
- (4) Outdoor athletic facilities:
- (y) The school shall have all bleachers, folding and telescopic seating, and grandstands inspected at least once annually by a qualified person.  
Qualified person as used in this paragraph means an individual familiar with the design, installation, operation and maintenance of folding and telescopic bleachers and grandstands. Documentation of annual inspection shall be available to the Health Commissioner at the time of the school inspection;
  - (z) Athletic equipment shall be stored properly to prevent water collection and discourage rodent harborage.

### **Section 1-2010-6 School indoor environments inspections.**

(A) All school indoor environments inspections shall include the following:

- (1) All school indoor environments shall be clean, sanitary and free of hazards;
- (2) Doors shall be properly installed and maintained to fit tightly in their frame. Exterior doors shall have no cracks, gaps, or other visible openings that would allow the entry of insects or other pests into the building;
- (3) Indoor environments shall be sanitary with no signs of moisture, water damage or water intrusion, including but not limited to visible mold, on any interior surface;
- (4) There shall be no storage of items that restrict routine maintenance or cleaning;
- (5) There shall be no evidence of pests or obvious food sources for pests;



- (6) Furniture and toys shall be cleanable, clean and in good repair;
- (7) There shall be no trip hazards;
- (8) There shall be no excessive accumulation of chalk or marker dust and markers shall be low or no volatile organic compound emitting;
- (9) Portable banquet tables, cafeteria tables and other portable furniture items, when not in a position intended for use, shall be stored in a manner that is inaccessible to students or shall be secured to the wall or floor to prevent injuries from tipping;
- (10) Televisions and heavy equipment that may pose a hazard by tipping or falling shall be securely anchored to a cart, wall or floor;
- (11) Free standing or mobile shelving shall not pose a tip-over hazard;
- (12) Walls shall have paint and plaster intact with no visible bowing or evidence of cracks or damage;
- (13) Floors:
  - (a) Floors shall be sanitary and dry with no tripping hazards;
  - (b) Carpeting and vinyl cushion tufted textile shall be in good condition, sanitary, dry and secure to the floor; and
  - (c) Area rugs shall be sanitary and in good repair.
- (14) Ceilings shall be present, intact and sanitary with no water damage, visible mold or chipping or peeling paint;
- (15) Window panes and frames shall be clean, intact and properly caulked and glazed;
- (16) Heating, ventilation and air conditioning systems shall:
  - (a) Not have any excessive noise, vibration or odor from any system component;
  - (b) Not have any visible mold or other debris on any system component;
  - (c) When in use, have unobstructed air supply grills or outlets and air return grills or inlets with no rigged baffles, deflectors or barriers affixed; and
  - (d) Provide adequate ventilation to prevent reasonable health complaints and to remove or dilute contaminants within the capacity of the system.
- (17) Animal(s) in the building shall be managed in the following ways:
  - (a) There shall be no excessive accumulation of animal waste in animal containers or cages;
  - (b) Animal containers or cages shall be equipped with properly fitting lids;
  - (c) Hand washing facilities shall be available and immediately used when animals are handled;
  - (d) Animals shall not be permitted to roam in the school building;
  - (e) Animals shall not be permitted on surfaces where food or drink are prepared or consumed;
  - (f) The following types of animals shall not be permitted:
    - (i) Nonhuman primates;
    - (ii) Rabies vector species;
    - (iii) Wolves or wolf-dog hybrids;
    - (iv) Aggressive or unpredictable animals;
    - (v) Stray animals with unknown health and vaccination history;
    - (vi) Venomous or toxin-producing spiders, insects, reptiles, and amphibians;
    - (vii) Dogs, cats and ferrets under sixteen weeks of age; and
    - (viii) Dogs, cats and ferrets that are not current on rabies vaccinations.
  - (g) The animals specified in paragraphs (A)(17)(f)(i), (ii), (iii), (iv) and (vi) of this rule will be permitted in classrooms if the following conditions are met:

- (i) Handlers of native Ohio wildlife shall hold a current education permit from the Ohio Department of Natural Resources and possess all other applicable permits for animals brought into a classroom;
  - (ii) Handlers shall be affiliated with an Association of Zoos and Aquariums accredited institution, park system, university, college, other public agency performing wildlife education or a conservation organization with a formalized educational program;
  - (iii) Handlers shall be able to provide proof of liability insurance coverage for personal injury; and
  - (iv) Handlers shall not allow students to have direct contact with animals listed in paragraphs (A)(17)(f)(i), (ii), (iii), (iv) and (vi) of this rule.
  - (v) Students are over the age of five years of age.
  - (h) In addition to the animals listed in paragraph (A)(17)(f) of this rule, the following animals are not permitted in classrooms with children under five years of age:
    - (i) Ferrets;
    - (ii) Reptiles and amphibians; and
    - (iii) Chicks, ducklings and hatching eggs.
  - (i) All animal feed shall be in tightly sealed and labeled containers and separate from human food.
- (18) Plumbing fixtures:
- (a) All plumbing fixtures shall be in good repair;
  - (b) Drinking fountain streams shall crest a minimum of one inch above the mouth guard of the fountain;
  - (c) All sinks shall be maintained in accordance with paragraphs (F)(1) to (F)(5) Section 1-2010-8 of this rule.
- (19) Diapering facilities, if existing or upon installation:
- (a) Shall have hand washing facilities available in rooms where restroom assistance is provided;
  - (b) Diapering facilities shall be sanitary and in good condition. Elevated diapering facilities shall be properly guarded to prevent falls.
- (20) Adequate lighting shall be provided in all areas of the school building. Guarding or shields shall be present on fixtures designed to be equipped with guards or shields or provided in areas where potential impact hazards exist;
- (21) There shall be no excessive noise in the school building so as to create hearing hazards or disrupt classroom instruction;
- (22) Box and stand fans shall be properly guarded, clean and equipped with electrical cords that are maintained in good repair. Ceiling fans shall be clean and in good repair; and
- (23) Stand alone laser pointers shall not be permitted on school grounds or in school buildings.
- (B) Hallways and stairwells:
- (1) There shall be no storage of furniture or other items in the hallway or stairwells that may impede egress from the building; and
  - (2) Stair treads and handrails shall be secure and in good repair.
- (C) Electrical Safety:
- (1) All electrical cords, including extension cords, shall be in good condition with no damage or fraying;
  - (2) There shall be no use of ungrounded extension cords or use of extension cords for permanent equipment;
  - (3) Electrical switches and outlets shall be in good repair; and
  - (4) Extension cords for equipment shall be placed in such a way that does not create a trip hazard.

(D) Chemicals and Hazard Communication

- (1) Chemicals and cleaning products used in the classrooms shall be inaccessible to all students with the exception of chemicals used during classroom instruction;
- (2) Chemical containers shall be labeled with the contents, with the exception of containers used during an immediate classroom period, and
- (3) SDS shall be accessible at all times to staff;
  - (a) Phone or web-based SDS are permissible if school administration can demonstrate that staff have been trained on how to access hazard information; and/or
  - (b) School staff can demonstrate they can obtain hazard information.

**Section 1-2010-7 Specialty classroom inspections.**

(A) Inspection of science classrooms shall include the following:

- (1) All doors to the science classroom shall be locked when the classroom is not occupied;
- (2) Staff shall be present while the room is occupied;
- (3) Master gas shutoff valve shall be clearly labeled, easily accessible and immediately operable by staff;
- (4) Food and drinks shall not be consumed by students unless these areas are needed during non lab periods and chemicals and supplies are inaccessible. The surfaces must be cleaned and sanitized immediately prior to using them for eating purposes.
- (5) There shall be no elemental mercury or thermometers, barometers or other portable devices containing elemental mercury in the classroom or storage room;
- (6) There shall be no excessive accumulation of dust or sediment on any surfaces;
- (7) Personal protective equipment shall be in good repair and available for use when appropriate;
- (8) Fume hoods shall be in use when hazardous airborne contaminants are generated as part of classroom activities. Fume hoods shall be properly maintained in accordance with manufacturer's instructions and inspected annually. Documentation of all maintenance and inspections shall be readily available upon inspection;
- (9) There shall be no use of friable asbestos or equipment containing friable asbestos by students;
- (10) Hand washing facilities shall be available in the classroom and shall be supplied as required in paragraphs (F)(1) to (F)(5) of Section 1-2010-8 of this rule. Laboratory sinks may fulfill this requirement, if properly supplied;
- (11) Chemical storage shall be in accordance with the following:
  - (a) Chemical storage rooms and chemical storage cabinets shall be inaccessible to students or locked while not in use;
  - (b) A comprehensive chemical inventory list and disposal log shall be present and immediately accessible to staff;
  - (c) Chemicals shall be stored according to chemically compatible families and shall be properly labeled;
  - (d) Acids and bases shall be stored in separate, dedicated cabinets;
  - (e) Nitric acid shall be stored separately from all other acids;
  - (f) All flammable or combustible and corrosive liquids shall be stored separately, in approved cabinets and properly labeled;
  - (g) Shelves or shelving units for chemical storage shall be in good repair, adequately supported, have anti-roll lips and shall be secured to the wall or floor;
  - (h) Chemical storage rooms with an exhaust system present, shall have the system operate continuously;
  - (i) Chemicals from Appendix A to this rule shall be used in a manner consistent with the provisions contained in the appendix;
  - (j) Chemicals shall not be stored in fume hoods, on the floor or above user's line of sight;

- (k) Refrigerators used for chemical storage or specimen storage shall have a sign posted stating "Chemicals only! No Food!"
- (l) Food and drinks shall not be stored in refrigerators storing chemicals or specimens.
- (12) Emergency showers and eyewash stations shall be operational, unobstructed and located within ten seconds of all workstations. Eyewash stations shall have at least fifteen minutes of continuous water flow with adequate pressure and shall be capable of flushing both eyes simultaneously. Documentation that emergency showers and eyewash stations have been tested monthly shall be available upon inspection. These units shall be maintained in accordance with the manufacturer's recommendations and shall be clearly labeled to indicate the date for which the flushing solution is required to be changed. Elementary science classrooms, where there is science instruction for elementary school students only, shall not be required to have an emergency shower or eyewash station provided the chemicals used in these rooms do not require such safety equipment in the event of an unintentional exposure to these chemicals;
- (13) First aid shall contain materials to stop bleeding and protect the person administering first aid; and
- (14) Chemical spill kits shall be adequately supplied and immediately accessible to staff.
- (B) Inspection of the visual arts classrooms shall include the following:
  - (1) All doors to the classroom shall be locked when the classroom is not occupied;
  - (2) Staff supervision shall be present while the room is occupied;
  - (3) If gas is used in the classroom, the master gas shutoff valve shall be clearly labeled and easily accessible and immediately operable by staff;
  - (4) Food and drinks shall not be consumed by students or during classroom instruction;
  - (5) There shall be no use or storage of the following items:
    - (a) Dry or powdered pigments or dry or powdered clays;
    - (b) Highly toxic pigments or paints;
    - (c) Materials containing heavy metals;
    - (d) Highly toxic solvents;
    - (e) Solvent based inks or markers that are not "Art and Creative Materials Institute" (ACMI) approved; and
    - (f) Asbestos containing materials.
  - (6) Solvents shall not be used in elementary classrooms unless an AP label from ACMI is present or the items are labeled as being non-toxic in accordance with ASTM standard D-4236. Solvents used in secondary education classrooms shall be covered or capped during instructional or activity periods and when not in use and shall be properly labeled;
  - (7) There shall be no excessive accumulation of dust or sediment on any surfaces;
  - (8) Personal protective equipment shall be in good repair and available for use when appropriate according to the safety plan;
  - (9) Aerosol sprays shall be used under local exhaust systems, while using the appropriate personal protective equipment and under staff supervision. Teachers are permitted to use aerosol outside with no students present and away from exhaust intake;
  - (10) Local exhaust systems shall be in use when hazardous airborne contaminants are generated as part of classroom activities. Local exhaust systems shall be properly maintained in accordance with manufacturer's instructions and inspected annually. Documentation of all maintenance and inspections shall be readily available upon inspection;
  - (11) Kilns shall have local exhaust systems and shall be used under staff supervision except at night;
  - (12) Hand washing facilities shall be available in the classroom and shall be supplied as required in paragraphs (F)(1) to (F)(5) of Section 1-2010-8 of this rule. For elementary education classrooms, hand washing facilities may be located in close proximity to the classroom;

- (13) Chemicals shall be stored in accordance with paragraph (A)(11) of this rule;
  - (14) Eyewash stations shall be operational, unobstructed, located within ten seconds of all work stations and maintained as required in paragraph (A)(12) of this rule.
  - (15) First aid and chemical spill kits shall be appropriately supplied and immediately accessible to staff.
- (C) Inspection of the industrial arts classrooms shall include the following:
- (1) All doors to the industrial arts classroom shall be locked when the classroom is not occupied;
  - (2) Staff supervision shall be present while the room is occupied;
  - (3) Master gas shutoff valve and master electrical shutoff switch shall be clearly labeled, easily accessible in the classroom and immediately operable by staff;
  - (4) Aisles shall be unobstructed;
  - (5) Food and drinks shall not be consumed by students or during classroom instruction;
  - (6) There shall be no use or storage of the following items:
    - (a) Dry or powdered pigments or dry or powdered clays;
    - (b) Highly toxic pigments or paints;
    - (c) Materials containing heavy metals;
    - (d) Highly toxic solvents;
    - (e) Solvent based inks or markers that are not ACMI approved;
    - (f) Asbestos containing materials; and
    - (g) Western red cedar woods.
  - (7) Solvents shall be labeled appropriately and used according to labeling;
  - (8) There shall be no excessive accumulation of dust, wood dust or sediment on any surfaces;
  - (9) Compressed air shall not be used for cleaning purposes;
  - (10) Personal protective equipment shall be in good repair and available for use when appropriate according to the safety plan;
  - (11) Aerosol sprays shall be used under local exhaust systems, while using the appropriate personal protective equipment and under staff supervision;
  - (12) Local exhaust systems shall be in use when hazardous airborne contaminants are generated as part of classroom activities. Local exhaust systems shall be maintained as required in paragraph (B)(10) of this rule; Teachers are permitted to use aerosol outside with no students present and away from exhaust intake.
  - (13) Welding shields or screens shall be present, in good repair and available for use during welding;
  - (14) A written safety plan shall be available;
  - (15) Equipment shall be maintained according to the following methods:
    - (a) Equipment shall be in general good repair;
    - (b) Guards on blades, belts or other devices shall be operational, secure and in place when equipment is in use;
    - (c) Control switches, including emergency shut off switches, shall be clearly identifiable and accessible to any person in the classroom;
    - (d) Equipment placement shall not impede egress from the classroom;
    - (e) Equipment that poses a tipping hazard shall be securely anchored;
  - (16) Chemicals shall be stored in accordance with paragraph (A)(11) of this rule;
  - (17) First aid and chemical spill kits shall be appropriately supplied and immediately accessible to staff;
  - (18) Eyewash stations shall be operational, unobstructed, located within ten seconds of all work stations and maintained as required in paragraph (A)(12) of this rule; and
  - (19) Hand washing facilities shall be available in the classroom and shall be supplied as required in paragraphs (F)(1) to (F)(5) of Section 1-2010-8 of this rule.

- (D) Inspection of the stage and set construction areas shall include the following:
- (1) Designated stage and set construction areas shall comply with paragraphs (B) and (C) of this rule.
- (E) Inspection of the music rooms shall include the following:
- (1) Mouthpieces for shared instruments shall not be used by more than one student.
- (F) Inspection of the family and consumer science rooms shall include the following:
- (1) First aid kits shall be accessible to staff;
  - (2) There shall be no mercury-containing thermometers in use;
  - (3) All food products shall be stored off the floor and in sealed containers and there shall be no evidence of pests;
  - (4) All appliances shall be clean and in good repair,
  - (5) A non-mercury containing thermometer shall be used to accurately reflect the temperature of the refrigerator;
  - (6) The refrigerator shall maintain food product temperature at an internal temperature of forty-one degrees Fahrenheit or below; and
  - (7) Sinks shall be maintained as required in paragraphs (F)(1) to (F)(5) of Section 1-2010-8 of this rule.
  - (8) If gas is used in the classroom, the master gas shutoff valve shall be clearly labeled, easily accessible and immediately operable by staff.

### **Section 1-2010-8 Administrative and non-classroom inspection areas.**

- (A) Inspection of the auditoriums and student dining areas shall include the following:
- (1) The school shall have all risers, platforms, and guardrails inspected at least once annually by a qualified individual. The edge of the stage shall be clearly marked or elevated;
  - (2) Stage curtains shall be in good repair, clean and fire resistant;
  - (3) Portable cafeteria tables, banquet tables and other portable furniture shall be stored according to paragraph (A)(9) of Section 1-2010-6 of this rule;
  - (4) The cafeteria tables shall be cleaned and sanitized between each use; and
  - (5) Floors shall be cleaned after spills and after periods when food is served.
- (B) Inspection of the library/media centers shall include the following:
- (1) Televisions and heavy equipment that may pose a hazard by tipping or falling shall be secured according to paragraph (A)(10) of Section 1-2010-6 of this rule; and
  - (2) Shelving shall be secured according to paragraph (A)(11) of Section 1-2010-6 of this rule.
- (C) Inspections of the indoor athletic facilities shall include the following:
- (1) All gym equipment and associated loose furnishings shall be safe, sanitary and in good repair;
  - (2) Cleaning supplies shall be readily available for use under staff supervision;
  - (3) Where floor matting is used, it shall be cleaned and sanitized as necessary.
  - (4) The school shall have all bleachers, folding and telescopic seating, and grandstands inspected at least once annually by a qualified individual.
- (D) Inspection of locker rooms shall include the following:
- (1) Tempered water shall be supplied to all faucets and showers that are operational;
  - (2) Restroom facilities shall comply with the requirements for restrooms in paragraph (F) of this rule;
  - (3) There shall be no evidence of sustained water condensation, water damage, or water intrusion, including but not limited to visible mold, on any surface;
  - (4) Operational showers shall not be used for storage; and
  - (5) Operational showers used by students shall have non-slip mats or non-slip surfacing in the vicinity of showers where wet floors may pose a slip hazard.

- (6) Non-operational showers used for storage shall be clean, sanitary, with the water supply turned off, and shall have drains repaired in a manner that will not allow the infiltration of sewer gas into the building.
- (E) Inspection of training or weight lifting rooms shall include the following:
- (1) Weightlifting equipment and benches shall be sanitary and in good repair;
  - (2) Therapeutic whirlpools shall be sanitary and in good repair. When an exhaust fan is present, it shall be continuously running when the therapeutic whirlpool is turned on.
  - (3) Appropriate supplies shall be readily available for use under staff supervision and shall be used to clean and sanitize weightlifting equipment and benches after each individual use.
- (F) Inspection of restrooms shall include the following:
- (1) All plumbing fixtures shall be sanitary, operable, properly supplied and in good repair;
  - (2) Sinks supplied by automatic or low-flow fixtures shall provide a continuous flow of water for at least ten seconds;
  - (3) Hand washing sinks shall be provided with hand cleaning liquid, powder, or bar soap and individual, disposable towels, continuous towel system that supplies the user with a clean towel or a heated-air hand drying device;
  - (4) Tempered water shall be available at all sinks;
  - (5) Hand-washing posters shall be posted and visible from all sinks;
  - (6) Toilet tissue shall be available at each toilet;
  - (7) Floors shall be clean and dry;
  - (8) Adequate waste receptacles shall be conveniently located;
  - (9) If present, exhaust fans and exhaust systems shall be operable and continually operating while the building is occupied; and
  - (10) Diapering facilities shall be sanitary and in good condition. Elevated diapering facilities shall be properly guarded to prevent falls.
- (G) Inspection of custodial closets shall include the following:
- (1) All doors to custodial closets shall be locked while students are present;
  - (2) Existing exhaust fans shall be operated continuously;
  - (3) All mop, utility, and/or service sinks shall be equipped with backflow prevention devices;
  - (4) All containers of chemicals shall be properly labeled; and
- (H) Inspection of mechanical rooms shall include the following:
- (1) All doors to mechanical rooms shall be locked while students are present;
  - (2) Annual boiler inspection certificate shall be on file and available for inspection by the Health Commissioner;
  - (3) All flammable or combustible liquids shall be stored in an approved flammable storage cabinet;
  - (4) Floors shall be free of slip, trip and fall hazards; and
  - (5) There shall be no storage of items that inhibit or restrict routine maintenance or cleaning.
- (I) Inspection of attics, mezzanines, basements and crawl spaces shall include the following:
- (1) There shall be no evidence of roof or plumbing leaks or other sources of water on any surface in the attic, mezzanine, basement or crawl space; and
  - (2) There shall be no animal or insect nests, waste or debris present in the attic, mezzanine, basement or crawl space.
- (J) Inspection of water and waste water treatment systems shall include the following:
- (1) If a school or school district owns, operates or manages the drinking water or waste water systems for a school building, the school or school district shall be in compliance with any applicable regulations of the Ohio Environmental Protection Agency and the Ohio Department of Health and shall provide documentation of compliance to the Health Commissioner upon inspection.

- (K) Inspection of the healthcare area shall include the following:
- (1) The areas used for student healthcare shall have:
    - (a) A toilet and sink adjacent to the area and not used by the general student population;
    - (b) A cot and mattress with waterproof cover which shall be cleaned and sanitized after each individual use;
    - (c) Access to a telephone; and
    - (d) Locked storage for medications as required by section 3313.713 of the Revised Code, except when other law allows for the carrying and self administration of medication by the student.
  - (2) The areas used for student healthcare shall have the following equipment and durable supplies:
    - (a) A current first aid reference document;
    - (b) A sharps container when sharps disposal is necessary; and
    - (c) A non mercury containing thermometer. When sphygmomanometers are present they shall be non mercury containing.
- (L) Inspection of the administrative areas shall include the following:
- (1) All appliances used in a break room shall be clean and in good repair; and
  - (2) All food in break rooms shall be properly stored to limit attraction of pests.
  - (3) Refrigerators in break rooms shall not be used for storage of chemicals or specimens.

### **Section 1-2010-10 Penalties.**

- (A) This Regulation shall be enforced in accordance with Chapter 3707 and 3709 of the Ohio Revised Code. Violation of this Regulation is punishable in accordance with Sections 3707.48 and 3707.99 of the Ohio Revised Code. Each and every violation under this Regulation constitutes a separate offense.

### **Section 1-2010-11 APPEAL PROCESS**

- (A) Any person affected by a notice in connection with the enforcement of any provision of Environmental Health Regulation 1-2010 may request and shall be granted a hearing on the matter before the Board of Health provided that such person files a written request within 90 days following receipt of a decision or action made on the matter by the Hamilton County General Health District.
- (B) Any notice or order issued by the Health Commissioner shall be effective upon issuance and shall remain in effect until modified or rescinded. No person shall fail to obey any notice or order issued.

### **Section 1-2010-12 REPEAL OF FORMER REGULATIONS**

- (A) Any Previous regulation, rule or policy adopted by the Board of Health of the Hamilton County General Health District, that are in any way conflicts with this regulation in part or in whole, is hereby rescinded and repealed in part or in whole to the extent of any conflict.

### **Section 1-2010-13 CONSTITUTIONALITY**

- (A) If any provision or section of any regulation or part of these regulations is declared unconstitutional or the application thereof to any person or circumstances is held invalid, the validity and constitutionality of the remainder of such section or regulation and/or regulation shall not be affected thereby.