

Frequently Asked Questions
Ohio Administrative Code Chapter 3701-54
School Environmental Health and Safety Inspections
“Jarod’s Law”

General Questions

- 1) How can schools obtain the training manuals and monitoring equipment that were distributed during the training sessions?

The training manual including the guidance documents, sample policies and appendixes is currently available on the School Environmental Health Program Website at:
<http://www.odh.ohio.gov/odhPrograms/eh/schooleh/sehmain.aspx>.
The monitoring equipment can be obtained for approximately \$1,000. The Ohio Department of Health (ODH) is currently working with the manufacturers of this equipment to reduce the cost of the equipment and further information on this subject will be made available on the School Environmental Health Program Website as it becomes available.

- 2) What Website will the FAQs be on?

This information will be made available on the School Environmental Health Program Website:
<http://www.odh.ohio.gov/odhPrograms/eh/schooleh/sehmain.aspx>.

- 3) Are the Local Health Departments (LHDs) responsible to let schools know where to find the rules, etc. or has ODH already taken care of it?

The adoption of these rules has been made known throughout the process. Representatives from school organizations were also involved in the adoption process. However, LHDs may find it beneficial to notify their school districts in an effort to create a working relationship with the districts.

- 4) Will these Power Point presentations be available on the Website?

The presentations are currently available on the School Environmental Health Program website:
<http://www.odh.ohio.gov/odhPrograms/eh/schooleh/sehmain.aspx>.

- 5) How does an LHD respond to a plan of abatement that states, "We have no money to correct these issues"?

For each inspection conducted by a board of health, the administration of each school must submit a plan of abatement. This plan is to outline how the school plans to address the issues cited during the inspection, and it is to include a reasonable timeline for the abatement of the issues. ODH encourages LHDs to work with the school districts to develop these plans and to provide technical assistance as to how and within what timeframe the issues can be corrected.

- 6) How do LHDs enforce these rules other than bringing the school in front of the board of health?

ODH recommends that the local health departments work with their school districts in order to develop a plan of abatement and see that the issues are corrected within the specified time period. If this approach is not effective, the health department has the authority to order the district in front of the board of health in order to gain compliance.

- 7) What is the Ohio Environmental Council?

The Ohio Environmental Council is a non profit group that designates itself as an "advocate for our air, land, and water." It works with individuals, governments, local groups and businesses in order to protect and improve our quality of life and natural systems. The group has no regulatory powers.

- 8) Are there going to be NCR forms provided by ODH?

Yes, these forms will hopefully be available in May 2008.

- 9) Is it possible to have electronic forms (inspection, etc.) available that can be filled out on the computer?

**Yes, these forms are now available on the School Environmental Health Program Website:
<http://www.odh.ohio.gov/odhPrograms/eh/schooleh/sehmain.aspx>.
They are available in PDF format that allows you to type on the form, but you cannot save any modifications. We are attempting to address this issue.**

- 10) How much time will Jarod's law take for a school to implement and manage?

The timeframe for a school to come into compliance with the code will vary depending the issues found during the inspection process. The school will be required to submit a plan of abatement that specifies a timeframe for when the items cited during the inspection will be corrected and be in compliance with the code. It is recommended that anything that poses an immediate threat be remediated immediately. Items that are a possible threat, but do not require substantial time or structural repair, should be completed in short order. Items that are possible threats and do require substantial resources or structural modification could be allowed to have longer timeframes for remediation.

- 11) Can we use the HealthySEAT printouts or must we use the ODH forms?
Can the ODH forms be revised so the HealthySEAT forms can be used?

Yes, HealthySEAT inspection forms can be used to complete the inspection reports. The Ohio version of the HealthySEAT program is now available on the School Environmental Health Program Website. ODH offered a training webinar in April of 2008. If you were unable to attend the webinar, it is now available on our website at:

<http://www.odh.ohio.gov/odhPrograms/eh/schooleh/sehmain.aspx>.

- 12) Will there be an amendment to the animal rule allowing zoos to do their educational programs on school grounds?

ODH will propose an amendment to the rule something like the following:

"Organizations and professional wildlife educators, licensed either by the USDA or the Ohio Division of Wildlife or accredited by the Association of Zoos and Aquariums, are not covered by these restrictions. Wildlife educators from these organizations may bring native and other suitably restrained wildlife into schools for educational presentations."

- 13) Some HVAC systems do not have filters-they are simply mixing rooms. Can we require the system to be changed or just go with what they have?

If a system was built without a filter, building code prohibits them from being required to add filters.

- 14) Will ODH develop a list of all the school buildings in each LHD's jurisdiction?

ODH emailed such a list to each LHD. This list was generated by the Ohio Department of Education. The LHDs are required to inspect all of the schools that meet the definition of a school as defined by the code, whether they are on the list or not. The ODE's Website is equipped with a tool that enables the user to search for schools by their location: <http://www.ode.state.oh.us>.

- 15) In what locations do lights need to be guarded, and what constitutes a light being guarded?

Lights located in an area that poses an impact hazard, such as a gymnasium, must be guarded. A proper guard will protect a light from being compromised, thus protecting the occupants of the area from the hazards created by broken light bulbs.

Specific Areas within the School Building

- 1) Are concession stands to be inspected (i.e. ones that don't have Food Service Operation license due to number of times of use)? And does it have to be occupied?

These areas should be inspected to ensure they are not harboring potential hazards, such as a food source for rodents or items that may promote mold growth. If the buildings are not occupied at the time of the inspection, inquire about their usage with a representative from the school and make the necessary notations on the inspection report.

- 2) Will buildings built before the ASHRAE standards be held to those criteria?

Buildings built prior to the ASHRAE standards will not be forced to comply with those standards. The current system that is available in these buildings will be required to operate at its full capacity, and ODH recommends the systems be evaluated by a qualified professional to ensure they are operating as such.

- 3) Are all or any Amish schools required to be inspected and if so how do we know where they are located?

Any school that does not receive funding from state or federal sources or is not required to comply with ODE standards is not required to comply with these rules. This is usually indicative of Amish schools. However, any school that meets the definition of a

public or nonpublic school as stated in OAC rule 3701-54-01, must be inspected annually under these rules.

- 4) Does a “playground” extend to fitness tracks with equipment on a combination elementary/middle/high school campus?

If this area or the equipment in this area is being used by the students during school hours in a manner consistent to that of a playground, then the area should be evaluated as a playground.

- 5) Is upholstered furniture cleanable? (Couches chairs and pillows)

The code indicates these items must be cleanable, clean and in good repair. If these types of items are not being maintained in such a manner, then they should be removed. These items are rarely maintained appropriately in a school environment, it is recommended, but not required, that they be prohibited from classrooms.

- 6) Are foods allowed to be stored in classrooms?

Yes. However any food stored in a classroom must be stored in a rodent-proof container and be stored in a sanitary manner in order to prevent potential issues with rodents, insects, cockroaches and other pests. When food is served in a classroom, it is recommended that food-serving areas are sanitized and cleaned after each use. Proper hand washing procedures should also be followed in accordance with the school’s hand washing protocol. Food and drinks are prohibited in specialty classrooms.

- 7) Does the qualified individual who shall inspect a roof need to be approved by the county board of health?

The code specifies the roof be inspected by a qualified individual, who is familiar with the design, installation and maintenance of roofing systems. Also, if the HVAC system or components of the system are located on the roof, the individual must be familiar with its maintenance and operation as well. If the individual is not familiar with the HVAC system, an individual who is must conduct this portion of the inspection. The individual does not need to be approved by the LHD. However, if a sanitarian finds evidence that an inspection has obviously been conducted in an inappropriate manner, this may be noted on the inspection form.

- 8) What defines a clearly marked stage?

A difference in materials can be used to mark the edge of the stage, provided it creates a visual distinction. Also, tape or paint that creates a visible distinction can be utilized.

9) How would clutter in prep room be cited in the code?

You can cite the violation under section 3701-54-07(A)(3) of the code, which indicates that indoor environments must be sanitary. If you feel the storage of items is inhibiting the area from being properly cleaned or is an area that could harbor pests, then this is considered a violation.

10) Schools that are limited on space are storing items (cabinets, books, cleaning supplies) in active restrooms. Is this allowable?

This would fall under the same section as the above referenced violation. If the storage of these items is inhibiting the restroom from being properly cleaned, then it is a violation. The inspector also should look for any potential mold growth in this area due to its proximity to a water source as well as the potential for pest harborage. These materials must be stored in a manner that will not cause them to become wet and promote mold growth. Cleaning chemicals must be stored in a manner so that they are inaccessible to students. This would not be the case if they were stored openly in a restroom.

11) Some kilns are designed with direct exhaust to outside, should these be inspected annually?

Yes. All hood and exhaust units must be inspected annually to ensure they are operating properly so the occupants are not being exposed to potentially harmful conditions. Schools are responsible for providing evidence of an annual inspection of all local exhaust systems. Sanitarians can utilize the smoke pen to simply confirm the draw of exhaust, but this does not constitute an annual inspection. The annual inspection criteria should be obtained from the manufacturer.

12) What do you determine as "inaccessible"? The rules state boiler/mechanical rooms should be locked and custodial closets should be inaccessible. Shouldn't it be the other way around?

All areas where chemicals are stored shall be locked while students are present.

- 13) What are the requirements of these rules as they relate to vocational schools/career centers?

Vocational schools and career centers are required to comply with all of the indoor air quality and safety standards that are contained in the code. However, there are specialty classrooms in these types of schools that are not adequately covered in the rules. Rules regarding these types classrooms may be enacted in the future.

- 14) The rules indicate that contamination sources should not be located near outside air intakes. What is considered near?

This is an instance where you should utilize your professional judgment. There is a wide variety of potential contamination sources that could negatively affect the Indoor Air Quality (IAQ) of a school building. These areas around proximity of contaminant sources of outside air intakes should be evaluated and the prevailing wind direction should also be considered in this evaluation.

- 15) The rules indicate air intakes should be protected by screens, louvers or other devices. Is there a recommendation as to the size of these protection devices?

This again is an instance where professional judgment should be utilized. These intakes should be protected against pests such as birds, bats, bees, etc., in order to limit the building occupants from exposure to potentially harmful and disease-causing substances.

- 16) If a day care facility is located on a public school property or in one of its buildings, must this day care be inspected?

Any preschool that is operated by a school district, educational service center or board of Mental Retardation and Developmental Disabilities must be inspected. School inspections include all school grounds. If a preschool is located on school grounds, but not operated by the school, it still must be inspected. Preschools may be inspected or licensed by Ohio Department of Job and Family Services, but some of them, as stated above, require inspection under OAC 3701-53 as well.

- 17) Can light meters be left in the car (i.e. during cold weather)?

All equipment should be stored in accordance with the manufacturer's recommendations. Also, when the equipment is stored, the batteries should be removed.

18) How can we determine if the light meter is calibrated correctly?

The manufacturer indicates that for normal usage this procedure is not necessary. However, instructions as to how to perform this task can be found in the owner's manual.

19) Do we have to inspect storage buildings (i.e. bus garages)?

The rules apply to school buildings and associated grounds. If a storage building, such as a bus garage, is contained on the school grounds, then it must be inspected.

20) Is a yellow line painted on pavement sufficient for marking loading/unloading zones?

These areas must be marked so that the areas are clearly identifiable and provide a visual distinction in order to allow for safe loading and unloading of buses. The Ohio Department of Transportation recommends that these lines be twelve inches wide. For more information you can view the Ohio Traffic Engineering Manual at:

21) We have a small, private school (11 students) that uses an old house as their school. They teach K-12 and only have four classrooms. Are we to require them to install an eyewash station in their "art" room? Is there any leniency with these rules for small, private schools?

If the room is used for elementary art students exclusively, the eyewash station is not required. If chemicals are being used in the room that could present a potential eye hazard, then an eyewash station will be required. There are eyewash stations available that do not require plumbing. If these units are used, they must be maintained in accordance with the manufacturer's standards in order to be effective. There are also eyewash stations available that can be fitted onto a sink as well as free-standing stations that do not require plumbing. Any eyewash station must provide at least 15 minutes of continuous flow of water. There are no exemptions for nonpublic schools.

22) How do we inspect areas where stockade fencing or any fencing meets a building or where two types of fencing meet for head entrapment or other such hazards?

If this area is used as a playground, you can utilize the playground inspection kit as a means to inspect and cite the rules as needed. If the area is not used as a playground and you feel that it poses a hazard, you could still utilize the equipment and make the necessary

notations on the inspection report. However, if it is not designated as a playground, it does not fall under the rules for playgrounds.

23) Who is qualified to inspect bleachers?

The rules state a qualified person is one who is familiar with the design, installation, operation and maintenance of the bleachers. If a person from the maintenance staff of the school or district meets these criteria, then they can inspect the items.

24) Is there a ratio of supervision to children on playground?

The rules simply state that children must be supervised by a staff member. The staff member should be familiar with playground safety and understand different equipment is designed for use by different age groups.

25) How can you tell the recommended age of playground equipment and what type of equipment is allowable at an existing grade school?

Any piece of playground equipment (new or old) must meet the safety requirements of the code. The manufacturer of the equipment should be able to specify the recommended age of children that should be allowed to use their equipment.

26) Does the "thickness of a dime" method also apply to the top S hooks?

Yes. This applies to all S hooks.

27) How do LHDs tell if a situation is immediately dangerous (just common sense)?

You should use your professional judgment, experience and the regulations and guidance materials in order to make this determination.

28) Are there any required or recommended routine inspections for kilns regarding safety?

The rules indicate the kiln shall have a local exhaust system and the system should be inspected at least annually. There is no provision for inspecting the safety of the kiln. However, the rules indicate kilns shall be used under staff supervision.

29) Do all of the sinks need to be functional?

Hand washing sinks must be made available at all of the areas specified in the code (restrooms, locker rooms, science rooms, etc.). Any sink that is not in use must be maintained in a sanitary manner and so it does not provide a water source for rodents, insects, cockroaches or any other pests.

- 30) Are there any folding tables exempt from being secured? New tables have been seen at schools with a cross-bar that leaves the table in a slanted position.

No. All folding tables that are stored in a manner not consistent with their intended use must be secured to a wall or stored in an area that is inaccessible to students.

- 31) Are Learning Disabled, Developmentally Handicapped or Mentally Handicapped classrooms considered to be "specialty" classrooms?

Specialty classrooms that need to be evaluated annually include science, visual arts, family and consumer sciences, industrial arts, and music rooms, as well as stage and set construction areas. If these rooms are being used in a manner consistent with these types of areas, then they should be inspected annually. The inspection must ensure these areas are being maintained in accordance with the rules.

- 32) How long do we have to inspect for the first time (within 18 months)? Then, within 15 months of last inspection?

All schools must be inspected during the 2007-08 school year and at least once every school year thereafter, with not more than 15 months occurring in between inspections. The inspections must take place during regular school hours, and while school is in session.

- 33) There is going to be a heated debate between ODH and the playground installation companies over the slide exit zone in reference to the difference between ASTM International specifications and the Consumer Product Safety Commission specifications. Will there be an amendment on this?

As of now, the best plan of action is to identify the problems noted during the inspection on the inspection form and allow the school time to correct them. ODH is working on a revision that will address this situation. If violations are found, they must be included in the inspection report, but you can make a note that indicates the situation.

34) Do fans need to be installed in existing custodial closets that are not currently equipped with them?

No. Fans do not need to be installed in closets that are not currently equipped with them. However, in those custodial closets that do have fans, the fans must be in good working condition and continuously operated.

35) Is carpet allowed around drinking fountains?

No. Carpeting is prohibited in areas prone to moisture accumulation and in areas proximate to moisture sources.

36) Are hand sinks equipped with separate hot and cold faucets that must be operated by the user in order for them to produce water allowable?

No. Hand sinks must be able to provide 10 seconds of continuous water flow to allow the individual to properly conduct hand washing in order to help prevent and or control the spread of germs or disease from person to person. These types of sinks will not allow for this type of hygiene to be accomplished.

37) Are LHDs required to mail inspection reports to the required recipients by certified mail?

No. The inspection reports can be sent via regular mail or e-mail. They should be mailed to the addresses listed on the school information form.

38) How do LHDs address the issue of hallways being used for storage?

Items cannot be stored in hallways or stairwells in a manner that may impede egress from the building. This issue is also addressed in the Ohio Fire Code. In the instance that an LHD cites a school for this violation, and the school indicates that the fire department determined that proper egress could be maintained, the LHD should include the violation in its inspection report, and the school district can provide documentation from the fire inspector with its abatement plan. This documentation will then satisfy the requirements of the school environmental health and safety code.

39) Are showers really necessary in middle school science rooms where vinegar, iodine and baking soda are the main items used?

Showers are necessary any time chemicals are used in a science room that may result in an accident that would require an emergency shower. In the middle school setting, a sanitarian could review what the teacher uses, look at the MSDSs and determine if it is necessary. However, keep in mind that room functions may change and it is always good to err on the side of safety.

40) UL lab refrigerators needed in prep rooms? No flammables stored in here? This will cost schools much money which could be used in other areas.

UL ratings do not include a specific laboratory refrigerator. There are more expensive refrigerators that are rated and specially designed to encase components that may cause sparks that could ignite materials stored in and around the refrigerator. Such a refrigerator would be required if chemicals or materials stored in it were combustible or flammable or if the refrigerator is stored in an area where flammable or combustible chemicals are stored. Specially designed refrigerators for laboratories usually have a wider temperature range and keep more accurate temperatures than domestic refrigerators. If the activities of the classrooms require the storage of specimens at a given temperature this might also be a reason for choosing a non-domestic refrigerator. If strict temperature, is not a consideration and the refrigerator is not used for the storage of chemicals that are flammable or combustible and the refrigerator is not stored in an area that also stores flammable or combustible materials, a domestic refrigerator would be acceptable. In this case, the refrigerator should be labeled by the instructor as a "laboratory refrigerator" and the storage of consumable food or beverage should be prohibited.

41) What if a school has no asbestos management plan?

All schools must have an asbestos management plan that includes evidence that the school has been inspected for asbestos within the past three years, evidence of a periodic survey for asbestos of the building within the past six months and a copy of the yearly written notice to the public referencing the asbestos inspection. The plan also must be available for review. More information is available about this subject on the training manual page of our Website: <http://www.odh.ohio.gov/odhPrograms/eh/schooleh/sehmain.aspx>.

42) What about the 72 hour notification prior to the application of pesticides?

This notification is recommended when pesticides are going to be utilized. A sign should be posted in the area(s) where the pesticide is to be used and at any entrance or exit to the area(s). The sign should be in place at least 72 hours before and after the application, and should contain a symbol for individuals easily understood by those who cannot read. This is a recommendation; a school district can utilize its own notification process as part of their integrated pest management plan.

- 43) If there aren't any needles or other biohazards, is a sharps container needed?

An approved and appropriately labeled sharps container must be present any time syringes or other sharps are used in the school. This container must be properly emptied at the appropriate times and its contents must be disposed of properly. A two gallon sharps container costs an average of \$40.

- 44) Will pictures that are hung on the wall violate the 20 percent coverage portion of the fire code? Is there any limit as to how many items that can be placed on walls?

This situation is one that your local fire inspector should answer. If further information is needed on this subject, you can contact the State Fire Marshall's Office at 614-752-8200.

- 45) How do we address chemistry chemicals in general classrooms or art in general classrooms?

If the classrooms are using chemicals or other potentially hazardous substances in a manner consistent with science or visual art classrooms as described in the rules, then they must comply with the rules and safety requirements regarding these types of classrooms.

- 46) Where is the cutoff for the requirement of MSDSs?

Any chemical that is present in the school must have a MSDS present in the location where the products are being used and a master copy of all MSDSs must be kept in the office. Any chemical or cleaning product should be inaccessible to the students, and preferably stored in a custodial closet.

- 47) We use "Public School Works" MSDS electronic files. Do we have to have a paper file at each location in addition?

ODH strongly recommends that hard copies be present where the chemical is being used and a master copy of all MSDSs must be present in the office. In the event of a failure of this system, the MSDSs would not be readily accessible. MSDSs must be available for all chemicals present in a school. This is the case whether the chemicals are supplied by the school or by another source, such as a teacher.

48) What is the minimum amount of flammable items allowed in a building before a flammable storage cabinet is required?

A building can store up to 10 gallons of flammable items before a flammable storage cabinet is required. The 10 gallon amount is a total for the entire school.

49) What kind of help will be provided when schools have many products chemicals that need to be disposed of properly?

All chemicals are required to be properly disposed of according to USEPA regulations. ODH recommends that LHDs attempt to have schools partner with local industries in order to help defray some of the cost of this process. ODH is working to help to secure funding to also help with the cost of the disposal. More information will be made available as this process continues.

50) Will or can ODH provide examples of hand wash protocols, chemical hygiene plans, safety plans?

Examples of the protocols and plans that are needed according to OAC chapter 3701-54 are available in the training manual. The training manual is available on the School Environmental Health and Safety program Website:

<http://www.odh.ohio.gov/odhPrograms/eh/schooleh/sehmain.aspx>.

Schools are encouraged to use these documents in order to comply with the rules or to review and update their current plans and protocols.

51) Is powdered dry tempera paint and powder plaster of paris allowed?

There is a difference between powdered pigments and powdered tempera paint. Read the MSDSs. Pigment is pure color and is usually quite toxic, while tempera paints are normally Arts and Creative Materials Institute (ACMI) AP approved as non-toxic. If the teacher mixes tempera paint when students are not present and according to

manufacturer's instructions, this should not be a problem. Plaster of paris in powdered form does contain silica and while exposure would need to be extensive to cause serious health consequences, the dust can easily cause eye, nose and throat irritation and breathing difficulties in sensitized individuals. It is recommended to purchase premixed paints and plaster of paris.

52) Why is there no reference to carbon monoxide (CO) testing in the rules?

The risk of CO poisoning in schools is low, and significant risk was not indicated during the research conducted during the rule development process. Therefore, CO monitors and testing are not required in the regulations. However, ODH recommends that CO monitors be placed in areas that are deemed to be at risk for CO contamination.