

# THE HAZARD REMIEDIATOR



## VOLUME XXI MARCH 2015

### Office of Safety and Risk Management

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# PORTABLE ELECTRIC HEATERS

As the current SED Fire Safety Inspection season winds down, I am compelled to share my concerns about the number of portable electric heaters observed during this year's inspections. While these devices are allowed in the Fire Code (with restrictions), electric heaters can be a fire or electric shock hazard if not used properly. Many of the heaters that I observed during fire inspections were left unattended, placed too close to combustible materials, or powered using extension cords and plug strips.

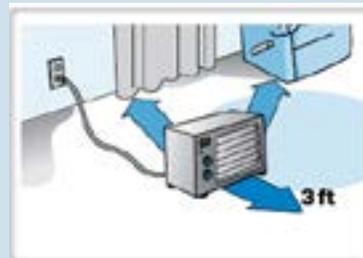
The Fire Code of New York State addresses the installation, operation and maintenance of portable electric space heaters in §605.10.

- **605.10.1 Listed and labeled.** *Only listed and labeled portable, electric space heaters shall be used.*
- **605.10.2 Power supply.** *Portable, electric space heaters shall be plugged directly into an approved receptacle.*
- **605.10.3 Extension cords.** *Portable, electric space heaters shall not be plugged into extension cords.*



- **605.10.4 Prohibited areas.** *Portable, electric space heaters shall not be operated within 3 feet (914 mm) of any combustible materials\*\*. Portable, electric space heat-*

*ers shall be operated only in locations for which they are listed.*



**\*\*Classrooms and offices contain lots of combustible materials!**

Please make sure that portable electric space heaters are used safely in school districts. For more portable heater safety information visit: [www.heatersafety.org](http://www.heatersafety.org).

## AHERA LEA Designee Training at BOCES

A training program for AHERA LEA Designee will be held at the Cayuga-Onondaga BOCES Regional Education Center on **Thursday, May 7, 2015**. The program will run from 8:30 am until 12 noon.

AHERA 40 CFR §763.84 mandates that school districts designate a person (LEA Designee) to oversee asbestos activities in the district. Districts should check to be sure that the Board of Education has appointed an LEA Designee.

Additionally, AHERA mandates that LEA Designees receive adequate training to perform their duties. LEA Designees and other school officials with responsibilities for asbestos-related activities should attend this program. A certificate of attendance will be provided to all attendees.

Registration information will be sent out to districts shortly. If you have any questions in the meantime, please do not hesitate to contact the Office of Safety and Risk Management.

# Federal and State Workplace Poster Requirements



Every year, school district administrators should review relevant federal and state workplace poster requirements. To the extent possible, school districts should place posters behind clear glass and under lock and key to prevent them from being removed or covered. Please take the time to review this recommended list and make sure your district is in compliance.

## New York State:

- Minimum Wage Information - ***(Post conspicuously)***
- New York State Human Rights Law (Executive Law, Article 15)
- New York State Labor Law – Permitted Working Hours for Minors Under 18 Years of Age - ***(Post conspicuously)***
- Licensure and Employment of Persons Previously Convicted (Article 23-A of the Correction Law) - ***(Posting must be visually conspicuous in a location accessible to workers)***
- New York State Workers’ Compensation Law ***(supplied by insurance carrier)***
- New York State Unemployment Insurance Law (Notice to Employees IA 133)
- You Have a Right to Know (New York

State Department of Health) - ***(Post in every workplace at the location(s) where notices to employees are normally posted)***

- Job Safety and Health Protection (Public Employees Safety and Health Act) - ***(Post conspicuously)***
- Clean Indoor Air Act (Post “No Smoking” signs) - ***(Permanently post in every place where smoking is prohibited under the Act)***

## Federal:

- Equal Employment Opportunity Act - ***(Post copies of the poster in conspicuous places available to employees, applicants for employment, and representatives of labor organizations with which there is a collective bargaining agreement)***

**PLEASE NOTE:** The Equal Employment Opportunity Commission (EEOC) has updated its “EEO Is the Law” poster to reflect descriptions of the Genetic Information Non-discrimination Act (GINA) as well as the ADA Amendments Act of 2008 (ADAAA).

- Federal Minimum Wage (Fair Labor Standards Act)
- Your Rights Under USERRA (Uniformed Services Employment and Reemployment Rights Act) - ***(Employers may provide the notice by posting it where employee notices are customarily placed.)***

***Employers are also free to provide the notice in other ways such as distributing the notice by direct handling, mailing, or via electronic mail)***

- Your Rights Under The Family and Medical Leave Act - Recently updated; see above article. (*Post prominently where it can readily be seen by employees and applicants for employment*)
- Employee Polygraph Protection Act - (*Post prominently where it can readily be seen by employees and applicants for employment*)

Please note that the above list may not be comprehensive for all school districts. To get more information on these requirements and to download copies of notices and/or posters, please visit: [www.labor.state.ny.us/workerprotection/laborstandards/employer/posters.shtm](http://www.labor.state.ny.us/workerprotection/laborstandards/employer/posters.shtm) (New York State Department of Labor) and [www.dol.gov/compliance/topics/posters.htm](http://www.dol.gov/compliance/topics/posters.htm) (U.S. Department of Labor)

## SAVE THE DATE!

**School Nurses' Meeting**  
**Wednesday, April 29, 2015**  
**3:30 p.m.**



**Cayuga-Onondaga BOCES**  
**Regional Education Center**  
**Distance Learning Room**



## Reminder! Pesticide Notification May Be Required

School Districts that have applied pesticides [other than exempt applications described in Education Law §409-h(2)(e)] since the winter recess have an obligation to provide written notification to all staff and persons in parental relation within two days at the end of spring recess. The notification must include the date, location, and product used for each emergency application made since the last notification. The notification must also include a statement that schools are required to maintain a list of parents and staff members who wish to receive 48 hour prior written notification of pesticide applications, instructions on how to register to be included on the notification list, and the name and phone number of the school's pesticide representative. The SED sample form for notification follows this article.

PLEASE NOTE: IF NO APPLICATIONS (OTHER THAN PRODUCTS LISTED AS EXEMPT FROM PRE-NOTIFICATION) HAVE BEEN MADE DURING THE ENTIRE SCHOOL YEAR OR SINCE THE LAST NOTIFICATION, THE SPRING RECESS NOTIFICATION IS NOT REQUIRED.

Please contact your BOCES Safety and Risk Management Office with any questions related to Pesticide Notification.

**Sample Spring Recess notification to persons in parental relation and staff pursuant to Section 409-h of the State Education Law**

April 2015

Dear Parent, Guardian, and School Staff:

New York State Education Law Section 409-h, effective July 1, 2001, requires all public and nonpublic elementary and secondary schools to provide written notification to all persons in parental relation, faculty, and staff regarding the potential use of pesticides periodically throughout the school year.

The following pesticide applications took place in the \_\_\_\_\_ School from January 5, 2015 to April 10, 2015:

Date of Application	Location of Application	Product Used
1)		
2)		
3)		

As a reminder, the \_\_\_\_\_ School District is required to maintain a list of persons in parental relation, faculty, and staff who wish to receive 48-hour prior written notification of certain pesticide applications. The following pesticide applications are not subject to prior notification requirements:

- \* a school remains unoccupied for a continuous 72 hours following an application;
- \* anti-microbial products;
- \* nonvolatile rodenticides in tamper resistant bait stations in areas inaccessible to children;
- \* nonvolatile insecticidal baits in tamper resistant bait stations in areas inaccessible to children;
- \* silica gels and other nonvolatile ready-to-use pastes, foams, or gels in areas inaccessible to children;
- \* boric acid and disodium octaborate tetrahydrate;
- \* the application of EPA designated biopesticides;
- \* the application of EPA designated exempt materials under 40 CFR 152.25;
- \* the use of aerosol products with a directed spray in containers of 18 fluid ounces or less when used to protect individuals from an imminent threat from stinging and biting insects including venomous spiders, bees, wasps, and hornets.

In the event of an emergency application necessary to protect against an imminent threat to human health, a good faith effort will be made to supply written notification to those on the 48-hour prior notification list.

If you have not yet registered to receive 48-hour prior notification of pesticide applications that are scheduled to occur in your school, please complete the form below and return it to (insert name) the \_\_\_\_\_ School District pesticide representative at: (insert address, telephone, e-mail address, and FAX).

\_\_\_\_\_ School District Request for Pesticide Application Notification (please print)  
\_\_\_\_\_ School Building

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Day Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Please feel free to contact (insert name) the \_\_\_\_\_ School District pesticide representative at: (insert address, telephone, e-mail address, and FAX) for further information on these requirements, including information on the products that have been applied in this school.

## NOTICE OF NON-DISCRIMINATION

The Cayuga-Onondaga BOCES does not discriminate on the basis of an individual's actual or perceived race, color, religion, creed, ethnicity, national origin, citizenship status, age, marital status, partnership status, disability, predisposing genetic characteristics, sexual orientation, gender (sex), military status, veteran status, domestic violence victim status or political affiliation, and additionally does not discriminate against students on the basis of weight, gender identity, gender expression, and religious practices or any other basis prohibited by New York state and/or federal non-discrimination laws in employment or its programs and activities. The BOCES provides equal access to community and youth organizations.

Inquiries regarding the District's non-discrimination policies should be directed to:

Randy Ray  
Director of Labor Relations and Civil Rights Compliance Officer  
1879 West Genesee Street Road  
Auburn, NY 13021  
(315) 255-7683  
[rray@cayboces.org](mailto:rray@cayboces.org)

## April Health Observances



**April 6 - 12**

**National Public Health Week**

American Public Health Association  
800 I Street NW  
Washington, DC 20001-3710  
[nphw@apha.org](mailto:nphw@apha.org)  
[www.nphw.org](http://www.nphw.org)

**April 27 - May 01**

**Air Quality Awareness Week**

National Oceanic and Atmospheric Administration  
National Weather Service  
Office of Climate, Water, and Weather Services  
1325 East West Highway, Station 160  
Silver Spring, MD 20910  
[www.airquality.noaa.gov](http://www.airquality.noaa.gov)



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PUBLISHED BY THE  
OFFICE OF SAFETY  
AND RISK MANAGEMENT

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