

**DEPARTMENT OF EDUCATION**  
**14 DE Admin. Code 885**  
**Statutory Authority: 14 Delaware Code, Section 220 (14 Del.C. §220)**  
**REGULATORY IMPLEMENTING ORDER**

**885 Safe Management and Disposal of Surplus Chemicals in the Delaware Public School System**

**FINAL**

**I. Summary of the Evidence and Information Submitted**

The Secretary of Education intends to amend 14 **DE Admin. Code** 885 Safe Management and Disposal of Surplus Chemicals in the Delaware Public School System. The amendments include a statement in 1.0 that no mercury or mercury compounds may be used in Delaware public schools, an explanation of the use of the word “surplus” in the regulation in 4.0 and the inclusion of charter schools in the regulation. In addition, the word “surplus” has been removed from the title.

Notice of the proposed regulation was published in the News Journal and the Delaware State News on May 24, 2004, in the form hereto attached as *Exhibit “A”*. No comments were received.

**II. Findings of Facts**

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 885 in order to add a statement that no mercury or mercury compounds may be used in Delaware public schools, to add an explanation of the use of the word “surplus” in the regulation and to add charter schools to the regulation.

**III. Decision to Amend the Regulation**

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 885. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 885 attached hereto as *Exhibit “B”* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 885 hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

**IV. Text and Citation**

The text of 14 **DE Admin. Code** 885 amended hereby shall be in the form attached hereto as *Exhibit “B”*, and said regulation shall be cited as 14 **DE Admin. Code** 885 in the *Administrative Code of Regulations* for the Department of Education.

**V. Effective Date of Order**

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on May 24, 2004. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

**IT IS SO ORDERED** the 2nd day of July 2004.

DEPARTMENT OF EDUCATION  
Valerie A. Woodruff, Secretary of Education

**885 Safe Management and Disposal of ~~Surplus~~ Chemicals in the Delaware Public School System**

~~This policy was developed with the assistance of the Department of Natural Resources and Environmental Control, the Delaware Solid Waste Authority, the Bureau of Environmental Health, Delaware Department of Transportation, and the Advisory Committee on Science/ Environmental Education.~~

~~1.0 The storage of all chemicals shall conform to the specifications stated in Safety First: Guidelines for Safety in the Science or Science Related Classrooms.~~

~~2.0 All laboratories and science storage in the Delaware public schools shall be inventoried each year during the month of March. The inventory of chemicals both hazardous and non-hazardous should contain the following information:~~

- ~~2.1 Who may handle the chemical and/or use it;~~
- ~~2.2 The name of the chemical;~~
- ~~2.3 The amount on hand;~~
- ~~2.4 The location where the chemical is stored;~~
- ~~2.5 The date purchased; and~~
- ~~2.6 The date discarded.~~

~~3.0 A list of the chemicals shall be kept by the school principal.~~

~~4.0 Each district shall prepare a list of surplus chemicals and send a copy to the Education Associate, Science/Environmental Education by April 15 of each year. These lists will be duplicated and disseminated to school districts so that they may negotiate, trade or exchange their surplus chemicals.~~

~~5.0 Disposal of surplus non-hazardous chemicals shall be carried out within the school district in accordance with procedures outlined in the Flinn Chemical Catalog/ Reference Manual, using trained staff. Direct any questions regarding these procedures to the Education Associate for Science/Environmental Education.~~

~~6.0 Each district shall prepare a list of Transportable Surplus Hazardous chemicals and submit it to the Education Associate for Science/Environmental Education by May 15 of each year. These Transportable Surplus Hazardous chemicals, from all districts, will be brought to a central facility by district personnel. The location of this facility and date of aggregation will be announced annually by the Education Associate for Science/Environmental Education. Arrangements will be made for a licensed waste hauler to take the chemicals to a proper waste facility for disposal. Cost of disposal will be prorated among the districts and will be based upon the weight of the hazardous materials.~~

~~7.0 Non-transportable hazardous chemicals such as diethyl ether, picric acid, benzoyl peroxide and other materials listed in Safety First: Guidelines for Safety in the Science or Science Related Classrooms, must be disposed of in a prompt manner through the use of a licensed waste hauler. It is the school district's responsibility to contact a licensed waste hauler and to pay the cost for removal and disposal.~~

~~**See 4 DE Reg. 1255 (2/1/01)**~~

## **1.0 Mercury and Mercury Compounds**

1.1 Mercury and mercury compounds, both organic and inorganic shall not be used in the science classrooms in the public schools in Delaware no later than January 1, 2005. Instruments which contain mercury such as thermometers, hydrometers, barometers, etc. shall be replaced at all grade levels in order to guard against spillage.

## **2.0 Storage of Chemicals**

2.1 The storage of all chemicals shall conform to the specifications stated in Safety First: Guidelines for Safety in the Science or Science Related Classrooms.

## **3.0 Inventory of Chemicals, Hazardous and Nonhazardous**

3.1 All laboratories and science storage in the Delaware public schools shall be inventoried each year during the month of March. The list of the chemicals shall be kept by the school principal. The inventory of chemicals both hazardous and non-hazardous shall contain the following information:

- 3.2 Who may handle the chemical and/or use it;
- 3.3 The name of the chemical;
- 3.4 The amount on hand;
- 3.5 The location where the chemical is stored;
- 3.6 The date purchased; and

3.7 The date discarded.

**4.0 For purposes of this regulation, surplus shall refer to chemicals which are no longer usable or needed**

**5.0 Inventory of Surplus Chemicals**

5.1 Each district and charter school shall prepare a list of surplus chemicals and send a copy to the Education Associate, Science/ Environmental Education by April 15 of each year. The Department shall duplicate and disseminate these lists to school districts and charter schools so that they may negotiate, trade or exchange their surplus chemicals.

**6.0 Disposal of Surplus Nonhazardous Chemicals**

6.1 Disposal of surplus non-hazardous chemicals shall be carried out by the school district and charter school in accordance with procedures outlined in the Flinn Chemical Catalog/ Reference Manual, using trained staff.

**7.0 Disposal of Surplus Transportable Hazardous Chemicals**

7.1 Each district and charter school shall prepare a list of surplus transportable hazardous chemicals and submit it to the Education Associate for Science/Environmental Education by May 15 of each year. These surplus transportable hazardous chemicals, from all districts and charter schools shall be brought to a central facility by district and charter school personnel. The location of this facility and date of aggregation shall be announced annually by the Education Associate for Science/Environmental Education. The Department shall arrange for a licensed waste hauler to take the chemicals to a proper waste facility for disposal. The cost of disposal shall be prorated among the districts and charter schools based upon the weight of the hazardous materials.

**8.0 Disposal of Surplus Non-transportable Hazardous Chemicals**

8.1 Surplus non-transportable hazardous chemicals such as diethyl ether, picric acid, benzoyl peroxide and other materials that are listed in Safety First: Guidelines for Safety in the Science or Science Related Classrooms, must be disposed of in a prompt manner through the use of a licensed waste hauler. It is the responsibility of the school districts and charter schools to contact a licensed waste hauler and to pay the cost for removal and disposal.