

Guidelines for Managing Regulatory Requirements

by John Bowers

Regulatory requirements are based on public laws either directly or indirectly and are administered by national agencies such as the Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OSHA). Local states, in most cases, have a public act with administrative rules that are based on the national regulatory requirements. There are also local and state rules that could deal with requirements that are unique to your location. Rules do not have penalties and fines, but may have legal, health, and safety ramifications. Standards, on the other hand, are a guideline rather than a mandatory rule. Most requirements have penalties, fines, and enforcements associated with them.

Interpreting the requirements and determining the most appropriate course of action for your school entity, meeting the ongoing monitoring, reporting, and training requirements is what makes the management of regulatory requirements so complex.

There are a significant number of regulatory requirements and standards that have a direct impact on schools, which include:

- Americans with Disabilities Act (ADA)
- Asbestos Hazard Emergency Response Act (AHERA)
- Bloodborne Pathogens
- Chloro-fluorocarbons (CFC) (Refrigeration)
- Clean Air Act (CAA)

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- Cross-Connection Control (Backflow Prevention)
- Elevator Code
- Ergonomics Program
- Fire Code
- Hazard Communications Program (Employee Right-to-Know)
- Hazardous Energy Sources (Lockout/Tagout)
- Hazardous Waste, Resource Conservation and Recovery Act (RCRA)
- Hazardous Waste Operations and Emergency Response (Hazardous Materials Release Plan)
- Indoor Air Quality (IAQ)
- Integrated Pest Management (IPM)
- Lead-Based Paint
- Lead in Drinking Water
- Mercury Prevention
- Mold
- National Pollutant Discharge Elimination System (NPDES) (Storm Water)
- Permit-Required Confined Spaces
- Personal Protective Equipment (PPE)
- Playground Safety
- Radon
- Safe Drinking Water Act (SDWA)
- Underground Storage Tanks (USTs), Resource Conservation and Recovery Act (RCRA)

It's a daunting job to review each regulatory requirement every time there is an issue and to stay in compliance with the paperwork and training. Therefore, you may want to develop a checklist to assist with the day-to-day operations.

By using the list provided above as a starting point of reference you can extract the needed information to assemble a checklist that can be used to help you stay in compliance. Now that you're armed with a list, research the local, state, and federal regulatory requirements and standards for the information for the required actions,

recommendations, and enforcements. After completing that task, condense the information into a checklist that can be used as a reference and training tool.

Your checklist should be one to two pages for each requirement. Each regulatory requirement starts with the local, state, and national rule and standard numbers. To help you get started, the following is a suggested checklist:

✓ **Include a brief overview of the rule or standard.**

✓ **Required actions:**

- Write program, review and update annually.
- Some programs require an audit, inspection, and testing.
- Assign administrator.
- Most programs require some kind of assessment.
- Conduct initial training.
- Conduct new employee training.
- Conduct yearly ongoing training.
- Establish timelines.
- Notify the public, employees, and contractors.
- Posting of the program and action taken.
- Document thoroughly.
- Find out what steps need to be completed by your department in order to comply.
- Find out what the deficiency could cost the school if they didn't comply.
- Manage supporting documents, all the standards and regulations your state and national federal register and any publications that may pertain (electronic form if possible).

It is difficult to manage all the data that you will assemble from this project; therefore, you may want to use a computerized maintenance management system for storage and work orders that will record your actions. At the end of this article, you'll read an example for Personal Protective Equipment (PPE), which will help

you to gain insight for how useful a checklist can be.

For additional assistance, the following websites may be helpful:

- APPA
www.appa.org
- Association of School Business Officials, International (ASBO)
www.asbointl.org
- Occupational Safety and Health Administration (OSHA)
www.osha.gov
- Environmental Protection Agency (EPA) www.epa.gov
- National Clearinghouse for Educational Facilities
www.edfacilities.org
- SchoolDude.com
www.schooldude.com

Undertaking a project of this magnitude is not a job for the faint of heart. If you lack the time and knowledge, you may want to consider finding a consultant to help; it could be worth the money it will cost you. However, keeping informed about current requirements will enable your school to be in compliance, avoid costly penalties, and ensure the health and safety of students and staff.

EXAMPLE: Personal Protective Equipment (PPE)

Your State Rule: (Insert Rule)

OSHA Standard: 29 CFR 1910.134

Overview: Requires employers to conduct an assessment of the workplace in order to determine if any hazards are present to which employees are exposed, that necessitates the use of some type of protective equipment.

Required Action:

- Requires employers to determine all exposures to hazards in their workplace and determine if PPE should be used to protect their workers.
- Provide a written program to evaluate hazards, indicate appropriate control measures, train employees in their effective

use and maintain vigilance of the program.

- Employers are required to provide employees and to pay for PPE required by the school to perform their duties.


Recommendations:

- Prepare written program.
- Provide effective initial training and retraining as necessary and must certify that such training has been given to all employees covered by the standard, containing each employee's name and dates of training.
- Hold yearly inspections and review of procedures to determine the program's effectiveness in preventing employee injury or illness.

Enforcement: A deficiency in the employer's program that could contribute to a potential exposure capable of producing serious physical harm or death and failure to train employees

as required can be penalized or cited. Citations can carry monetary penalties and will contain time requirements for correcting the violations.

Supporting Documents:

- Your State Regulations
- OSHA - Personal Protective Equipment #3077
- OSHA - Non-mandatory Compliance Guidelines for Hazard Assessment and Personal Protective Equipment Selection—1910SubpartIAppB
- OSHA - Personal Protective Equipment Program Federal Register—PPE for General Industry. 

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