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Select School Indoor Air Quality Statutes
July 2008

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Arizona – A.R.S. § 15-2132

ARIZONA REVISED STATUTES ANNOTATED TITLE 15. EDUCATION
CHAPTER 16. SCHOOL CAPITAL FINANCE ARTICLE 9. INDOOR AIR QUALITY
IN SCHOOLS § 15-2132. Indoor air quality requirements

A. When the school facilities board approves the construction of a school building, the school facilities board shall conduct an environmental site assessment. The board shall consider site assessment standards in accordance with the American society for testing and materials standard E1527, standard practice for environmental site assessments: phase I environmental site assessment process.

B. The school facilities board shall not approve a school building project if any of the following conditions exist:

1. The environmental site assessment indicates that the site cannot meet, within reasonable expenditures, the same criteria established for residential properties.
2. The plans incorporate flat roof construction that does not have adequate pitch towards drains in order to prevent pooling of water.
3. The plans do not incorporate indoor air quality guidelines that are acceptable to the board. The board shall consider indoor air quality guidelines in accordance with the sheet metal and air conditioning contractors national association's publication entitled "indoor air quality guidelines for occupied buildings under construction".

C. Each school district governing board that installed or renovated its HVAC system on or after the effective date of this article shall ensure that its HVAC system meets both of the following requirements:

1. Is maintained and operated in a manner consistent with ventilation standards acceptable to the board. The board shall consider ventilation standards in accordance with standard 62.

2. Is operated continuously during school activity hours except during scheduled maintenance and emergency repairs and except during periods for which school officials can demonstrate to the governing board's satisfaction that the quantity of outdoor air supplied by an air supply system that is not mechanically driven meets the requirements for air changes per hour acceptable to the board.

D. Each school district governing board that installed or renovated its HVAC system before the effective date of this article shall ensure that its HVAC system is maintained and operated in accordance with the prevailing maintenance and standards at the time of the installation or renovation of the HVAC system.

Connecticut – C.G.S.A. § 10-231f

CONNECTICUT GENERAL STATUTES ANNOTATED TITLE 10. EDUCATION AND CULTURE CHAPTER 170. BOARDS OF EDUCATION § 10-231f. Indoor air quality committee

Sec. 10-231f. Indoor air quality committee. Each local and regional board of education may establish an indoor air quality committee for each school district or facility to increase staff and student awareness of facets of the environment that affect the health of the occupants of school facilities including, but not limited to, air quality, water quality and the presence of radon. Such committee shall include, but not be limited to, at least one administrator, one maintenance staff member, one teacher, one school health staff member, one parent of a student and two members-at-large from the school district. No local or regional board of education, superintendent or school administrator may prohibit a school safety committee established pursuant to section 10-220f from addressing indoor air quality issues that affect the health of occupants of school facilities.

Indiana – IC 16-41-37.5

WEST'S ANNOTATED INDIANA CODE TITLE 16. HEALTH ARTICLE 41. PUBLIC HEALTH MEASURES FOR THE PREVENTION AND CONTROL OF DISEASE CHAPTER 37.5. INDOOR AIR QUALITY IN SCHOOLS

IC 16-41-37.5

Chapter 37.5. Indoor Air Quality in Schools

IC 16-41-37.5-0.3

"Nonpublic school"

Sec. 0.3. As used in this chapter, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

As added by P.L.79-2008, SEC.7.

IC 16-41-37.5-0.5

"Public school"

Sec. 0.5. As used in this chapter, "public school" has the meaning set forth in IC 20-18-2-15(1).

As added by P.L.79-2008, SEC.8.

IC 16-41-37.5-1

"School"

Sec. 1. As used in this chapter, "school" refers to a:

- (1) public school; or
- (2) nonpublic school that is not located in a private home.

As added by P.L.1-2005, SEC.33.

IC 16-41-37.5-1.3

"State agency"

Sec. 1.3. As used in this chapter, "state agency" has the meaning set forth in IC 4-13-1-1(b).

As added by P.L.79-2008, SEC.9.

IC 16-41-37.5-2

Indoor air quality inspection and evaluation program; functions of state department

Sec. 2. (a) The state department [of health] may adopt rules under IC 4-22-2 to establish an indoor air quality inspection and evaluation program to assist schools and state agencies in developing plans to improve indoor air quality.

(b) The state department shall:

- (1) inspect a school or state agency if the state department receives a complaint about the quality of air in the school or state agency;
- (2) report the results of the inspection to:
 - (A) the person who complained about the quality of air;
 - (B) the school's principal or the state agency head;
 - (C) the superintendent of the school corporation, if the school is part of a school corporation;
 - (D) the Indiana state board of education, if the school is a public school or an accredited nonpublic school;
 - (E) the Indiana department of administration, if the inspected entity is a state agency; and
 - (F) the appropriate local or county board of health; and
- (3) assist the school or state agency in developing a reasonable

plan to improve air quality conditions found in the inspection.

As added by P.L.1-2005, SEC.33. Amended by P.L.79-2008, SEC.10.

IC 16-41-37.5-3

Air quality panel; members; duties

Sec. 3. (a) The air quality panel is established to assist the state department in carrying out this chapter.

(b) The panel consists of the following members:

- (1) A representative of the state department, appointed by the commissioner of the state department.
- (2) A representative of the department of education, appointed by the state superintendent of public instruction.

(3) A representative of the Indiana department of administration, appointed by the commissioner of the Indiana department of administration.

(4) A member of the governing body of a school corporation, appointed by the state superintendent of public instruction.

(5) A teacher licensed under IC 20-28-4 or IC 20-28-5, appointed by the governor.

(6) A representative of a statewide parent organization, appointed by the state superintendent of public instruction.

(7) A physician who has experience in indoor air quality issues, appointed by the commissioner of the state department.

(8) An individual with training and experience in occupational safety and health, appointed by the commissioner of the department of labor.

(9) A mechanical engineer with experience in building ventilation system design, appointed by the governor.

(10) A building contractor with experience in air flow systems who is a member of a national association that specializes in air flow systems, appointed by the governor.

(11) A member of a labor organization whose members install, service, evaluate, and balance heating, ventilation, and air conditioning equipment, appointed by the governor.

(12) An individual with experience in the cleaning and maintenance of commercial facilities, appointed by the governor.

(c) The chairperson of the panel shall be the representative of the state department.

(d) The panel shall convene at the discretion of the chairperson.

(e) The state department shall provide administrative support for the panel.

(f) The panel shall:

(1) identify and make available to schools and state agencies best operating practices for indoor air quality; and

(2) assist the state department in developing plans to improve air quality conditions found in inspections under section 2 of this chapter.

(g) The state department shall prepare and make available to the public an annual report describing the panel's actions.

As added by P.L.1-2005, SEC.33. Amended by P.L.79-2008, SEC.11.

IC 16-41-37.5-4

Qualifications of individual conducting indoor air quality test; certification of test

Sec. 4. (a) An individual conducting an indoor air quality test under this chapter must be:

(1) a professional engineer (as defined in IC 25-31-1-2);

(2) an industrial hygienist; or

(3) a supervisor or technician certified by a national organization that:

(A) writes and adheres to standards for:

(i) testing, adjusting, and balancing of heating, ventilation, and air conditioning equipment or exhaust systems; and

(ii) indoor air quality testing procedures and requirements; and

- (B) certifies supervisors and technicians to perform:
- (i) testing, adjusting, and balancing of heating, ventilation, and air conditioning equipment or exhaust systems; and
 - (ii) indoor air quality testing procedures and requirements.
- (b) The report of a test conducted under this chapter must be certified by the person conducting the test. If the person uses a professional seal on documents, the certification must include the person's seal.
- As added by P.L.79-2008, SEC.12.

Maine – 5 M.R.S.A. § 1742-E

MAINE REVISED STATUTES ANNOTATED TITLE 5. ADMINISTRATIVE PROCEDURES AND SERVICES PART 4. FINANCE CHAPTER 153. PUBLIC IMPROVEMENTS SUBCHAPTER 1. POWERS; BIDS AND CONTRACTS GENERALLY § 1742-E. Bureau of General Services; asbestos, lead and indoor air quality assessment and mitigation services

§1742-E. Bureau of General Services; asbestos, lead and indoor air quality assessment and mitigation services

1. Asbestos, lead and indoor air quality assessment and mitigation services. The Department of Administrative and Financial Services, through the Bureau of General Services, Division of Safety and Environmental Services, shall provide asbestos, lead and indoor air quality assessment and mitigation oversight services for public schools and state facilities. The Division of Safety and Environmental Services is the lead agency of the State for asbestos, lead and indoor air quality matters.

Maine – 26 M.R.S.A. § 565-A

MAINE REVISED STATUTES ANNOTATED TITLE 26. LABOR AND INDUSTRY CHAPTER 6. OCCUPATIONAL SAFETY RULES AND REGULATIONS BOARD SUBCHAPTER 1. GENERAL PROVISIONS § 565-A. Air quality and ventilation; evaluation of buildings; standards

§565-A. Air quality and ventilation; evaluation of buildings; standards

1. Advise and propose standards. The board [of Occupational Safety and Health] shall work with the Bureau of Public Improvements with respect to evaluation of indoor air quality and ventilation in public school buildings and buildings occupied by state employees and the preparation of the report pursuant to Title 5, section 1742, subsection 24, paragraph A.

A. The board may advise the Bureau of Public Improvements and propose for consideration by the bureau air quality and ventilation standards that are more stringent than the minimum standards as defined in Title 5, section 1742, subsection 24. [1987, c. 733, §6 (NEW).]

Tennessee – T. C. A. § 49-2-121

WEST'S TENNESSEE CODE ANNOTATED TITLE 49. EDUCATION CHAPTER 2. LOCAL ADMINISTRATION PART 1--GENERAL PROVISIONS § 49-2-121. School indoor air quality

49-2-121. Inspection and evaluation program for indoor air quality in schools. —

(a) Each LEA is encouraged to conduct an inspection and evaluation program, such as the environmental protection agency's Indoor Air Quality Tools for Schools Program, for its facilities. Such program may include, but shall not be limited to, the following measures:

- (1) Ensuring that an adequate amount of outdoor air is being supplied;
- (2) Testing for radon;
- (3) Separating students and staff from construction and renovation areas;
- (4) Reducing use of products, such as adhesives, floor-care products, and pesticides, that require ventilation during use; and
- (5) Maintaining relative humidity to an appropriate level during hot and humid summers.

(b) The department of education shall conduct a survey of each LEA, whereby such school district shall respond to the survey relative to air quality conditions and any action to maintain or improve air quality in schools. The commissioner shall report on the results of the survey to the select oversight committee on education by March 1, 2006.

[Acts 2005, ch. 291, § 1.]

Washington – West's RCWA 70.162.

WEST'S REVISED CODE OF WASHINGTON ANNOTATED TITLE 70. PUBLIC HEALTH AND SAFETY CHAPTER 70.162. INDOOR AIR QUALITY IN PUBLIC BUILDINGS

70.162.005

Finding — Intent.

The legislature finds that many Washington residents spend a significant amount of their time working indoors and that exposure to indoor air pollutants may occur in public buildings, schools, work places, and other indoor environments. Scientific studies indicate that pollutants common in the indoor air may include radon, asbestos, volatile organic chemicals including formaldehyde and benzene, combustion byproducts including carbon monoxide, nitrogen oxides, and carbon dioxide, metals and gases including lead, chlorine, and ozone, respirable particles, tobacco smoke, biological contaminants, micro-organisms, and other contaminants. In some circumstances, exposure to these substances may cause adverse health effects, including respiratory illnesses, multiple chemical sensitivities, skin and eye irritations, headaches, and other related symptoms. There is inadequate information about indoor air quality within the state of Washington, including the sources and nature of indoor air pollution.

The intent of the legislature is to develop a control strategy that will improve indoor air quality, provide for the evaluation of indoor air quality in public buildings, and encourage voluntary measures to improve indoor air quality.

[1989 c 315 § 1.]

70.162.010

Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of labor and industries.

(2) "Public agency" means a state office, commission, committee, bureau, or department.

(3) "Industry standard" means the 62-1981R standard established by the American society of heating, refrigerating, and air conditioning engineers as codified in M-1602 of the building officials and code administrators international manual as of January 1, 1990.

[1989 c 315 § 2.]

70.162.020

Department duties.

The department shall, in coordination with other appropriate state agencies:

(1) Recommend a policy for evaluation and prioritization of state-owned or leased buildings with respect to indoor air quality;

(2) Recommend stronger workplace regulation of indoor air quality under the Washington industrial safety and health act;

(3) Review indoor air quality programs in public schools administered by the superintendent of public instruction and the department of social and health services;

(4) Provide educational and informational pamphlets or brochures to state agencies on indoor air quality standards; and

(5) Recommend to the legislature measures to implement the recommendations, if any, for the improvement of indoor air quality in public buildings within a reasonable period of time.

[1989 c 315 § 3.]

70.162.030

State building code council duties.

The state building code council is directed to:

(1) Review the state building code to determine the adequacy of current mechanical ventilation and filtration standards prescribed by the state compared to the industry standard; and

(2) Make appropriate changes in the building code to bring the state prescribed standards into conformity with the industry standard.

[1989 c 315 § 4.]

70.162.040

Public agencies — Directive.

Public agencies are encouraged to:

(1) Evaluate the adequacy of mechanical ventilation and filtration systems in light of the recommendations of the American society of heating, refrigerating, and air conditioning engineers and the building officials and code administrators international; and

(2) Maintain and operate any mechanical ventilation and filtration systems in a manner that allows for maximum operating efficiency consistent with the recommendations of the American society of heating, refrigerating, and air conditioning engineers and the building officials and code administrators international.

[1989 c 315 § 5.]

70.162.050

Superintendent of public instruction — Model program.

(1) The superintendent of public instruction may implement a model indoor air quality program in a school district selected by the superintendent.

(2) The superintendent shall ensure that the model program includes:

(a) An initial evaluation by an indoor air quality expert of the current indoor air quality in the school district. The evaluation shall be completed within ninety days after the beginning of the school year;

(b) Establishment of procedures to ensure the maintenance and operation of any ventilation and filtration system used. These procedures shall be implemented within thirty days of the initial evaluation;

(c) A reevaluation by an indoor air quality expert, to be conducted approximately two hundred seventy days after the initial evaluation; and

(d) The implementation of other procedures or plans that the superintendent deems necessary to implement the model program.

[1998 c 245 § 116; 1989 c 315 § 6.]

70.162.900

Severability — 1989 c 315.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1989 c 315 § 7.]

West Virginia – W. Va. Code, § 18-9E

**WEST'S ANNOTATED CODE OF WEST VIRGINIA CHAPTER 18. EDUCATION
ARTICLE 9E. AIR QUALITY IN NEW SCHOOLS ACT**

§18-9E-1. Short title.

This article is titled and may be cited as the "Air Quality in New Schools Act of 1998."

§18-9E-2. Definitions.

For the purposes of this article, "new school building" means any public school in the state for which design and construction begin after the first day of July, one thousand nine hundred ninety-eight, for the education of students in grades kindergarten through twelfth.

§18-9E-3. Air quality in new schools.

(a) In an effort to create well-ventilated school environments and notwithstanding any other provision of this code to the contrary, any new school building designed and constructed in the state by a county board, regardless of the funding source, shall be designed and constructed in compliance with the current standards of the American society of heating, refrigerating and air conditioning engineers handbook (ASHRAE), the national fire protection association code (NFPA) and the code of the building officials and code administrators (BOCA).

(b) Upon notice from the school building authority that a new public school building is occupied, the division of health shall perform radon testing in the school within the first year after occupancy and at least every five years thereafter. The county board shall provide any reasonable assistance to the division of health that is necessary to perform the radon testing. The radon testing shall include all major student-occupied areas at or below grade level. If it is determined that radon is present in amounts greater than the amount determined to be acceptable by the rules promulgated by the school building authority, pursuant to subsection (d) of this section, any industry accepted mitigation technique shall be used to reduce the radon level to the level or below the level determined acceptable by the school building authority.

(c) If the school building authority determines that it is feasible to test for radon prior to the construction of a school building, the school building authority may cause preconstruction site testing for radon to be performed.

(d) The school building authority shall promulgate rules pursuant to article three-a, chapter twenty-nine-a of this code to ensure that any new school building designed after the effective date of this article is designed and constructed in accordance with the current ASHRAE, NFPA and BOCA standards. The school building authority shall promulgate rules, pursuant to article three-a, chapter twenty-nine-a of this code, that establish standards for safe levels of radon for public school buildings. The rules shall include the requirement that county boards submit all new school designs to the school building authority for review and approval for compliance with current education standards and design efficiencies prior to preparation of final bid documents.

(e) On or before the first day of July, two thousand two, the school building authority shall promulgate rules to establish a process for independent testing, adjusting and balancing (TAB) heating, ventilation and air conditioning (HVAC) systems in new school buildings or renovated schools when the HVAC system has been replaced prior to occupancy. The process shall be consistent with current ASHRAE standards and shall include, but not be limited to, the following:

(1) Requiring HVAC designers to be professional engineers registered in this state in the specific discipline associated with the system being designed;

(2) Requiring a process to ensure that the HVAC system has been installed in the prescribed manner and will operate within the performance guidelines as designed;

(3) Requiring participation of the design engineer who designed the system to verify the intent of the design;

(4) Requiring the TAB agent to be qualified to perform the desired services and perform testing and balancing procedures, or qualified to perform other school building authority-approved certification according to the procedures contained in the associated air balance council (AABC) national standards, the national environmental balancing bureau (NEBB) procedural standards and the environment engineering consultants (EEC) standards for testing, adjusting and balancing of environmental systems;

(5) Requiring that the independent TAB agent directly represent the building owner and is under contract with the building owner and paid from project funds;

(6) Requiring that sufficient documentation is provided to the owner to facilitate control and maintenance of the systems in accordance with the manufacturer's requirements;

(7) Requiring that sufficient training is provided by the equipment manufacturer or an agent of the manufacturer to those persons who will operate and maintain the systems prior to occupation of the facility, including at least one full day follow-up training between six and eight months after the facility has been occupied; and

(8) Requiring certification upon successful completion of the TAB process by the independent TAB agent.

(f) To ensure proper maintenance and operation of new and replacement HVAC equipment, the department of education, using existing staff, shall provide county maintenance personnel additional training on the equipment and its controls at the site of the installation. The training shall occur within one year after student occupation of any new school facility or at any existing school facility where the HVAC system has been replaced or generally rehabilitated. Additionally, the department of education's facility staff shall provide on-site training to the county maintenance staff on the county's HVAC equipment at any facility that has been determined to have problematic indoor air quality as identified through the complaint procedure set forth in state board policy 6202.

(g) Upon completion of the required training, the department of education's facility staff shall provide the county board a report summarizing the training that was completed and a plan for continuing education of the county's HVAC staff. If sufficient staff is not available to the county to perform maintenance on HVAC systems, the department of education's staff shall assist the county in the development of an immediate and long range maintenance plan to ensure that HVAC systems are maintained and operated according to the manufacturer's recommendations.

(h) Beginning the first day of July, two thousand two, and every three months thereafter, the department of education shall forward to the school building authority copies of any complaints received by the department of education of indoor air quality problems which require system repair or replacement and are identified through the complaint procedure established in state board policy 6202.

(i) The state board shall promulgate rules, pursuant to article three-b, chapter twenty-nine-a of this code, in consultation with the division of health, that authorize the use of any appropriate floor covering in public school buildings, based on user needs and performance specifications.

§18-9E-4. Heating, ventilation, and air-conditioning technicians.

(a) Subject to appropriation by the Legislature therefor, the state board, in consultation with the division of health, shall promulgate rules pursuant to article three-b, chapter twenty-nine-a of this code that will address servicing public school buildings by heating, ventilation and air-conditioning (HVAC) technicians. The rules shall set forth a job description for the HVAC technician. At the discretion of the state board, HVAC technicians may be employed by the county board of education, by the regional educational service agency servicing the county or by the department of education using the funds allocated pursuant to this section. The hiring entity shall set a salary for the HVAC technician that is competitive with other employers of HVAC technicians in the region after accounting for annual leave, sick leave, insurance benefits, retirement benefits and any other benefits provided. Existing employees who have advanced HVAC skills or existing employees who receive appropriate HVAC training may be utilized as HVAC technicians. The rules

also shall provide for sufficient continuing education training for HVAC technicians to maintain proficiency in the changing technologies in the field. The rules shall be submitted to the legislative oversight commission on educational accountability prior to the first day of September, one thousand nine hundred ninety-nine.

(b) County boards, regional educational service agencies and the department of education shall have the option to contract for HVAC services from prequalified vendors if this option is more cost effective than using existing employees or creating a new position: Provided, That an existing employee may not be displaced by contracting for HVAC technician services: Provided, however, That HVAC services that have been performed in the past or which require knowledge and experience the employer does not have access to, may be contracted out to a prequalified vendor.

(c) Funds appropriated for the purpose of hiring HVAC technicians shall be appropriated originally to the department of education. The department of education then may allocate the funds to the regional educational service agencies or to the counties, depending upon which entity employs the HVAC technician as specified by rule.

§18-9E-5. Investigation of indoor air quality complaints in

existing schools and schools subsequently

constructed.

(a) The state board, in consultation with the division of health, shall promulgate rules pursuant to article three-b, chapter twenty-nine-a of this code which require each county board to investigate all reports of indoor air quality problems within the county. The rules shall set forth a designated official or officials within the county school system to be responsible for addressing, pursuant to this section, any indoor air quality complaints. The rules also shall set forth a procedure for any party to file a complaint with the designated official or officials. Any indoor air quality complaint found to be valid by the designated official or officials shall be addressed by forming a plan of correction. Any county board that addresses an indoor air quality complaint is encouraged to seek any available assistance from local, state and federal agencies in both investigating the complaint and in forming the plan of correction. A county board shall consider any documented plans of closure of a school building when forming any plan of correction for that school building. The rules shall be submitted to the legislative oversight commission on education accountability prior to the first day of September, one thousand nine hundred ninety-nine. Additionally, the rules shall set an appropriate cost for a plan of correction over which all such plans of correction shall be reported to the legislative oversight commission on education accountability. Based upon the legislative oversight commission on education accountability's experience in receiving the complaints, the commission shall submit a recommendation for funding the plans of correction.

(b) Furthermore, each plan of correction shall be incorporated into each county board's ten-year county-wide major improvement plan set forth in section sixteen, article nine-d of this chapter. Also pursuant to section sixteen, article nine-d of this

chapter, the state board may restrict the use of the necessary funds or otherwise allocate funds from moneys appropriated by the Legislature for those purposes set forth in section nine, article nine-a of this chapter: Provided, That nothing in this subsection shall be interpreted as requiring that a county board make addressing an air quality complaint a priority over other projects in the county board's ten-year county-wide major improvement plan.



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