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## **OLR Bill Analysis**

### **HB 5479**

#### ***AN ACT CONCERNING INDOOR AIR QUALITY IN SCHOOLS.***

#### **SUMMARY**

This bill makes various changes affecting indoor air quality in school facilities. It requires local and regional boards of education (“school boards”) to ensure that their HVAC (heating, ventilation, and air conditioning) systems are maintained and operated in accordance with Standard 62 (see BACKGROUND). Current law requires schools’ HVAC systems to comply with the prevailing standard (which it specifies may be Standard 62) when the system is installed or renovated.

The bill also requires school boards to close a school for the day if Standard 62 cannot be maintained for two or more consecutive school activity hours (i.e., any time of day in which students or school personnel occupy a school facility throughout the year).

Under the bill, school boards must maintain each of its school’s gymnasiums at an indoor temperature between 65 and 85 degrees Fahrenheit while students are using it or close it for the day if the school cannot meet the temperature requirements for more than two consecutive hours.

Additionally, the bill requires:

1. the Department of Public Health (DPH) to (a) establish a routine indoor air quality monitoring program for school boards by June 30, 2023; (b) review and approve the program triennially, starting by June 30, 2026; and (c) establish related reporting requirements by June 30, 2024;
2. school boards to implement the DPH program in their schools by June 30, 2024, and allows school boards, under certain circumstances, to transfer the program’s execution to their

regional council of governments;

3. (a) DPH to establish a voluntary contractor certification program for school indoor air quality services and (b) school boards to contract only with DPH-certified contractors for school indoor air quality services;
4. school superintendents, by December 31, 2022, to designate an individual within each school board to be responsible for receiving complaints about poor indoor air quality at school facilities and report the complaints to the superintendent; and
5. school boards to participate in the federal Environmental Protection Agency's (EPA) Air Quality Flag Program by June 30, 2022 (see BACKGROUND).

EFFECTIVE DATE: July 1, 2022

## **§§ 2 & 3 — INDOOR AIR QUALITY MONITORING PROGRAM**

### ***Program Establishment***

The bill requires DPH to establish a routine indoor air quality monitoring program (i.e., testing procedures, protocols, and frequency) for school boards to use that is consistent with Standard 62 and approved by (1) a scientist with expertise in indoor air quality and (2) an industry professional with knowledge of and experience with Standard 62. The department must post the program's details on its website.

Starting by June 30, 2026, DPH must triennially review and approve the program to ensure its efficacy.

### ***Program Implementation***

The bill requires school boards to implement the DPH monitoring program in each of their schools by June 30, 2024. It permits a school board to transfer the program's execution to its regional council of governments, with the approval of DPH and the council. If the school board makes such a transfer, it must retain legal and fiscal responsibility for implementing the program.

**Reporting Requirements**

The bill requires DPH, by June 30, 2024, to establish reporting requirements for school boards to ensure the program is in effect at each of their school facilities during school activity hours.

**Voluntary Contractor Certification**

Under the bill, DPH must establish a voluntary contractor certification program for school facility indoor air quality services by June 30, 2024. The bill requires school boards who contract for indoor air quality services on or before June 30, 2024, to do so only with DPH-certified contractors. (It is unclear how school boards will comply with this requirement until DPH establishes the program.)

**§ 4 — INDOOR AIR QUALITY COMPLAINTS**

The bill requires each school superintendent, by December 31, 2022, to:

1. designate an individual within the school board to (a) receive complaints about poor indoor air quality in a school facility, including evidence of mold, pest infestation, or hazardous odors or chemicals, and (b) report the complaints to the superintendent;
2. make the procedure to file an air quality complaint available on the school district’s website;
3. forward complaints received to the president of any bargaining unit whose members may be affected by the reported condition; and
4. report complaints to the school board at the next regularly scheduled meeting.

Under the bill, school boards must investigate any complaint filed and determine whether a health hazard exists (the bill does not define this term). If it does, they must then notify the federal Department of Labor’s Occupational Safety and Health Administration (OSHA) and develop and implement a remediation plan. School boards must submit remediation plans to DPH for approval, in a manner the commissioner

prescribes.

The bill defines a “school facility” as any permanent or portable building, structure, or commercial space that a school board owns, rents, operates, or leases. It includes (1) donated space used as a classroom or day care and (2) any other space for education services, including classrooms, cafeterias, staff lounges and offices, auditoriums, gymnasiums, and libraries (§ 1).

## **BACKGROUND**

### ***EPA Air Quality Flag Program***

In the school context, the program uses colored flags based on the EPA’s Air Quality Index to notify teachers, students, and school personnel about outdoor air quality concerns. Schools raise a colored flag each day that corresponds to their local air quality forecast. For example, a green flag indicates good air quality, while an orange flag indicates the air quality is unhealthy for sensitive groups, such as students with respiratory conditions.

### ***Standard 62***

The American Society of Heating, Ventilating and Air Conditioning Engineers’ Standard 62, “Ventilation for Acceptable Indoor Air Quality” is incorporated into the State Building Code and includes minimum ventilation rates and other measures for buildings to ensure indoor air quality is safe for occupants and minimizes adverse health effects.

### ***Related Bills***

sSB 428, favorably reported by the Education Committee, requires the Department of Administrative Services to administer a grant reimbursement program for the cost of school indoor air quality improvements beginning in FY 23.

sSB 423, favorably reported by the Labor Committee, requires the labor commissioner to establish a school indoor air quality program by June 30, 2023, for use by local and regional boards of education, regional educational service centers, and state charter schools.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 23 Nay 6 (03/25/2022)