



General Assembly

Substitute Bill No. 1198

January Session, 2023



**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
SCHOOL INDOOR AIR QUALITY WORKING GROUP.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 370 of public act 22-118 is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) There is established a working group to study and make
4 recommendations related to indoor air quality within school buildings.
5 Such recommendations shall include, but need not be limited to:

6 (1) The optimal humidity and temperature ranges to ensure healthy
7 air and promote student learning;

8 (2) Threshold school air quality emergency conditions warranting
9 temporary school closures based on the presence of insufficient heat, an
10 excessive combination of indoor temperature and humidity levels, or
11 some other thresholds;

12 (3) Criteria for rating the priority of heating, ventilation and air
13 conditioning repair and remediation needs, including the public health
14 condition and needs of the students attending a school;

15 (4) Optimal heating, ventilation and air conditioning system
16 performance benchmarks for minimizing the spread of infectious

17 disease;

18 (5) Protocols to be used by school districts to receive, investigate and
19 address complaints or evidence of mold, pest infestation, hazardous
20 odors or chemicals and poor indoor air-quality;

21 (6) The frequency with which local and regional boards of education
22 should be providing for a uniform inspection and evaluation program
23 of the indoor air quality within school buildings, such as the
24 Environmental Protection Agency's Indoor Air Quality Tools for
25 Schools Program, and whether such program should be provided for at
26 all schools or only at those constructed before or after a certain date;

27 (7) Best practices for the proper maintenance of heating, ventilation
28 and air conditions systems in school buildings, including the frequency
29 and scope of such maintenance;

30 (8) A system of equitable distribution of funds, based on need, under
31 the heating, ventilation and air conditioning system grant program
32 pursuant to section 10-265r of the general statutes;

33 [(8)] (9) Any other criteria affecting school indoor air quality; and

34 [(9)] (10) Proposals for legislation to carry out any of the
35 recommendations of the working group.

36 (b) The working group shall consist of the following members:

37 (1) Three appointed by the president pro tempore of the Senate, one
38 of whom is a representative of ConnectiCOSH, one of whom is a
39 representative of the Associated Sheet Metal and Roofing Contractors of
40 Connecticut, and one of whom is a member of the Senate;

41 (2) Three appointed by the speaker of the House of Representatives,
42 one of whom is a specialist in the field of children's health, one of whom
43 [shall] is a representative of the Connecticut State Building Trades
44 Council, and one of whom is a member of the House of Representatives;

45 (3) Two appointed by the majority leader of the Senate, one of whom
46 is a representative of the American Federation of Teachers-Connecticut
47 and one of whom is a representative of the Connecticut Association of
48 Public School Superintendents;

49 (4) Two appointed by the majority leader of the House of
50 Representatives, one of whom is a representative of the Connecticut
51 Education Association and one of whom is a representative of the
52 Connecticut Association of Boards of Education;

53 (5) Two appointed by the minority leader of the Senate, one of whom
54 is a specialist in the field of medicine on respiratory health and one of
55 whom is a representative of the Council of Small Towns;

56 (6) Two appointed by the minority leader of the House, one of whom
57 is an industrial hygienist and one of whom is a representative of the
58 Mechanical Contractors of Connecticut;

59 (7) Two appointed by the Governor, one of whom is a school nurse
60 and one of whom is a representative of the Connecticut Conference of
61 Municipalities;

62 (8) The Secretary of the Office of Policy and Management, or the
63 Secretary's designee;

64 (9) The Commissioner of Education, or the commissioner's designee;

65 (10) The Commissioner of Administrative Services, or the
66 commissioner's designee;

67 (11) The Labor Commissioner, or the commissioner's designee;

68 (12) The Commissioner of Public Health, or the commissioner's
69 designee;

70 (13) The Commissioner of Consumer Protection, or the
71 commissioner's designee; and

72 (14) The Commissioner of Energy and Environmental Protection, or
73 the commissioner's designee.

74 (c) All appointments to the working group shall be made not later
75 than sixty days after the effective date of this section. Any vacancy shall
76 be filled by the appointing authority.

77 (d) The member of the Senate appointed by the president pro
78 tempore of the Senate pursuant to subdivision (1) of subsection (b) of
79 this section and the member of the House of Representative appointed
80 by the speaker of the House of Representatives pursuant to subdivision
81 (2) of subsection (b) of this section shall serve as the chairpersons of the
82 working group. Such chairpersons shall schedule the first meeting of the
83 working group, which shall be held not later than sixty days after the
84 effective date of this section.

85 (e) Not later than [January 4, 2023] July 1, 2024, the working group
86 shall submit a report on its findings and recommendations to the
87 Governor and the joint standing committees of the General Assembly
88 having cognizance of matters relating to education, labor and public
89 health, in accordance with the provisions of section 11-4a of the general
90 statutes. The working group shall terminate on [January 4, 2023] July 1,
91 2024, or on the submission of the report, whichever is later.

92 Sec. 2. (NEW) (*Effective July 1, 2023*) (a) The Department of
93 Administrative Services shall establish and maintain a single electronic
94 portal available on the Internet and located on the department's Internet
95 web site for the purpose of receiving and posting the report and results
96 of an inspection and evaluation of the indoor air quality and the heating,
97 ventilation and air conditioning system of a school building conducted
98 pursuant to subsection (d) of section 10-220 of the general statutes, as
99 amended by this act. Such electronic portal shall be known as the School
100 Indoor Air Quality and HVAC Portal.

101 (b) The department shall prescribe the form and manner in which a
102 local or regional board of education shall submit the report and results

103 of an inspection and evaluation of the indoor air quality and the heating,
104 ventilation and air conditioning system of a school building. The
105 department may consult with representatives from the indoor air
106 quality and heating, ventilation and air conditioning industry to
107 develop a standard reporting form for the electronic portal.

108 (c) The School Indoor Air Quality and HVAC Portal shall include, but
109 need not be limited to: (1) The standard reporting form developed
110 pursuant to subsection (b) of this section and instructions for the
111 submission of such form and the report and results of an inspection and
112 evaluation of the indoor air quality and the heating, ventilation and air
113 conditioning system of a school building, (2) a searchable database of
114 the reports and results of such inspections and evaluations, and (3)
115 aggregated data of such results.

116 Sec. 3. Subsection (d) of section 10-220 of the general statutes is
117 repealed and the following is substituted in lieu thereof (*Effective July 1,*
118 *2023*):

119 (d) (1) As used in this subsection:

120 (A) "Certified testing, adjusting and balancing technician" means a
121 technician certified to perform testing, adjusting and balancing of
122 heating, ventilation and air conditioning systems by the Associated Air
123 Balance Council, the National Environmental Balancing Bureau or the
124 Testing, Adjusting and Balancing Bureau, or an individual training
125 under the supervision of a Testing, Adjusting and Balancing Bureau
126 certified technician or a person certified to perform ventilation
127 assessments of heating, ventilation and air conditioning systems
128 through a certification body accredited by the American National
129 Standards Institute;

130 (B) "Heating, ventilation and air conditioning system" means the
131 equipment, distribution network, controls and terminals that provide,
132 either collectively or individually, heating, ventilation or air
133 conditioning to a building; and

134 (C) "Indoor air quality" has the same meaning as used by the United
135 States Department of Labor Occupational Safety and Health
136 Administration Standard Number 1910.1000 "OSHA Policy on Indoor
137 Air Quality".

138 (2) [Prior to January 1, 2008, and every three years] On and after
139 January 1, 2024, and annually thereafter, for every school building that
140 is or has been constructed, extended, renovated or replaced on or after
141 January 1, 2003, a local or regional board of education shall provide for
142 a uniform inspection and evaluation program of the indoor air quality
143 within such buildings [, such as] using the Environmental Protection
144 Agency's Indoor Air Quality Tools for Schools Program. The inspection
145 and evaluation program shall include, but not be limited to, a review,
146 inspection or evaluation of the following: (A) The heating, ventilation
147 and air conditioning systems; (B) radon levels in the air; (C) potential for
148 exposure to microbiological airborne particles, including, but not
149 limited to, fungi, mold and bacteria; (D) chemical compounds of concern
150 to indoor air quality including, but not limited to, volatile organic
151 compounds; (E) the degree of pest infestation, including, but not limited
152 to, insects and rodents; (F) the degree of pesticide usage; (G) the
153 presence of and the plans for removal of any hazardous substances that
154 are contained on the list prepared pursuant to Section 302 of the federal
155 Emergency Planning and Community Right-to-Know Act, 42 USC 9601
156 et seq.; (H) ventilation systems; (I) plumbing, including water
157 distribution systems, drainage systems and fixtures; (J) moisture
158 incursion; (K) the overall cleanliness of the facilities; (L) building
159 structural elements, including, but not limited to, roofing, basements or
160 slabs; (M) the use of space, particularly areas that were designed to be
161 unoccupied; and (N) the provision of indoor air quality maintenance
162 training for building staff. Local and regional boards of education
163 conducting evaluations pursuant to this subsection shall (i) make
164 available for public inspection the results of the inspection and
165 evaluation at a regularly scheduled board of education meeting and on
166 the board's or each individual school's web site, and (ii) submit the
167 report and results of such inspection and evaluation to the Department

168 of Administrative Services in accordance with the provisions of section
169 2 of this act.

170 (3) Prior to January 1, [2024] 2025, and every five years thereafter, a
171 local or regional board of education shall provide for a uniform
172 inspection and evaluation of the heating, ventilation and air
173 conditioning system within each school building under its jurisdiction.
174 Such inspection and evaluation shall be performed by a certified testing,
175 adjusting and balancing technician, an industrial hygienist certified by
176 the American Board of Industrial Hygiene or the Board for Global EHS
177 Credentialing, or a mechanical engineer. Such heating, ventilation and
178 air conditioning systems inspection and evaluation shall include, but
179 need not be limited to: (A) Testing for maximum filter efficiency, (B)
180 physical measurements of outside air delivery rate, (C) verification of
181 the appropriate condition and operation of ventilation components, (D)
182 measurement of air distribution through all system inlets and outlets,
183 (E) verification of unit operation and that required maintenance has
184 been performed in accordance with the most recent indoor ventilation
185 standards promulgated by the American Society of Heating,
186 Refrigerating and Air-Conditioning Engineers, (F) verification of control
187 sequences, (G) verification of carbon dioxide sensors and acceptable
188 carbon dioxide concentrations indoors, and (H) collection of field data
189 for the installation of mechanical ventilation if none exist. The
190 ventilation systems inspection and evaluation shall identify to what
191 extent each school's current ventilation system components, including
192 any existing central or noncentral mechanical ventilation system, are
193 operating in such a manner as to provide appropriate ventilation to the
194 school building in accordance with most recent indoor ventilation
195 standards promulgated by the American Society of Heating,
196 Refrigerating and Air-Conditioning Engineers. The inspection and
197 evaluation shall result in a written report, and such report shall include
198 any corrective actions necessary to be performed to the mechanical
199 ventilation system or the heating, ventilation and air conditioning
200 infrastructure, including installation of filters meeting the most optimal
201 level of filtration available for a given heating, ventilation and air

202 conditioning system, installation of carbon dioxide sensors and
203 additional maintenance, repairs, upgrades or replacement. Any such
204 corrective actions shall be performed, where appropriate, by a
205 contractor, who is licensed in accordance with chapter 393. Any local or
206 regional board of education conducting an inspection and evaluations
207 pursuant to this subsection shall (i) make available for public inspection
208 the results of such inspection and evaluation at a regularly scheduled
209 meeting of such board and on the Internet web site of such board and
210 on the Internet web site, if any, of each individual school, and (ii) submit
211 the report and results of such inspection and evaluation to the
212 Department of Administrative Services in accordance with the
213 provisions of section 2 of this act. A local or regional board of education
214 shall not be required to provide for a uniform inspection and evaluation
215 under this subdivision for any school building that will cease to be used
216 as a school building within the three years from when such inspection
217 and evaluation is to be performed. The Department of Administrative
218 Services may, upon request of a local or regional board of education,
219 grant a waiver of the January 1, 2025, deadline for the provision of a
220 uniform inspection and evaluation under this subdivision if the
221 department finds that (I) there is an insufficient number of certified
222 testing, adjusting and balancing technicians, industrial hygienists
223 certified by the American Board of Industrial Hygiene or the Board for
224 Global EHS Credentialing or mechanical engineers to perform such
225 inspection and evaluation, (II) such board has provided for an
226 inspection that was performed in a different format, but is deemed
227 equivalent by the department, or (III) such board has scheduled such
228 inspection and evaluation for a date after January 1, 2025.

229 Sec. 4. Section 10-265t of the general statutes is repealed and the
230 following is substituted in lieu thereof (*Effective July 1, 2023*):

231 (a) For the purposes described in subsection (b) of this section, the
232 State Bond Commission shall have the power from time to time to
233 authorize the issuance of bonds of the state in one or more series and in
234 principal amounts not exceeding in the aggregate [seventy-five million

235 dollars] three hundred seventy-five million dollars, one hundred fifty
236 million dollars of which shall be effective July 1, 2024.

237 (b) The proceeds of the sale of said bonds, to the extent of the amount
238 stated in subsection (a) of this section, shall be used by the Department
239 of Administrative Services for the purpose of providing grants-in-aid
240 for school air quality improvements [including, but not limited to,
241 upgrades to, replacement of or installation of heating, ventilation and
242 air conditioning equipment] under the heating, ventilation and air
243 conditioning system grant program pursuant to section 10-265r,
244 provided not more than fifty million dollars of such proceeds may be
245 used to provide reimbursements for such improvements that were
246 completed not earlier than March 1, 2020, and not later than July 1, 2022.

247 (c) All provisions of section 3-20, or the exercise of any right or power
248 granted thereby, which are not inconsistent with the provisions of this
249 section are hereby adopted and shall apply to all bonds authorized by
250 the State Bond Commission pursuant to this section, and temporary
251 notes in anticipation of the money to be derived from the sale of any
252 such bonds so authorized may be issued in accordance with said section
253 3-20 and from time to time renewed. Such bonds shall mature at such
254 time or times not exceeding twenty years from their respective dates as
255 may be provided in or pursuant to the resolution or resolutions of the
256 State Bond Commission authorizing such bonds. None of said bonds
257 shall be authorized except upon a finding by the State Bond
258 Commission that there has been filed with it a request for such
259 authorization which is signed by or on behalf of the Secretary of the
260 Office of Policy and Management and states such terms and conditions
261 as said commission, in its discretion, may require. Said bonds issued
262 pursuant to this section shall be general obligations of the state and the
263 full faith and credit of the state of Connecticut are pledged for the
264 payment of the principal of and interest on said bonds as the same
265 become due, and accordingly and as part of the contract of the state with
266 the holders of said bonds, appropriation of all amounts necessary for
267 punctual payment of such principal and interest is hereby made, and

268 the State Treasurer shall pay such principal and interest as the same
269 become due.

270 Sec. 5. (NEW) (Effective July 1, 2023) On or before July 1, 2024, the
271 Commissioner of Public Health shall develop guidelines regarding the
272 establishment of an optimal thermal comfort range of sixty-five to
273 eighty degrees Fahrenheit for school buildings and facilities, except that
274 gymnasiums and natatoriums may have a larger optimal thermal
275 comfort range.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	PA 22-118, Sec. 370
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>July 1, 2023</i>	10-220(d)
Sec. 4	<i>July 1, 2023</i>	10-265t
Sec. 5	<i>July 1, 2023</i>	New section

Statement of Legislative Commissioners:

In Section 4(a), "provided one hundred fifty million dollars of said authorization" was changed to "one hundred fifty million dollars of which", for proper form.

ED Joint Favorable Subst.