

STATE OF NEW YORK

2676

2023-2024 Regular Sessions

IN SENATE

January 24, 2023

Introduced by Sens. FERNANDEZ, HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the environmental conservation law, in relation to indoor air quality in schools

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article 25 of the public health law is amended by adding a
2 new title 4-A to read as follows:

TITLE IV-A

INDOOR AIR QUALITY IN SCHOOLS

Section 2576. Definitions.

2577. Indoor air quality inspection and evaluation program.

2578. Best Practices.

2579. Rules and regulations.

3 § 2576. Definitions. As used in this title, the following terms shall
4 have the following meanings, unless the context clearly requires other-
5 wise:

6 1. "Covered entity" means a facility used for (a) instruction of
7 elementary or secondary students by: (i) any school district, including
8 a special act school district and a city school district in a city
9 having a population of one hundred twenty-five thousand inhabitants or
10 more, (ii) a board of cooperative educational services, (iii) a charter
11 school, (iv) an approved private school for the education of students
12 with disabilities, (v) a state-supported school for the deaf or blind
13 operated pursuant to article eighty-five of the education law, and (vi)
14 any other private or parochial elementary or secondary school; and (b)
15 pre-kindergarten programs.

16 2. "Hazardous substances" means any substance listed as a substance
17 hazardous to the public health, safety or the environment in regulations
18 promulgated pursuant to article thirty-seven of the environmental
19 conservation law and includes lead, radon, asbestos, formaldehyde, and
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 volatile organic compounds exceeding a specified amount as designated by
2 the commissioner.

3 § 2577. Indoor air quality inspection and evaluation program. 1. With-
4 in one year of the effective date of this title, the department shall
5 establish an indoor air quality program.

6 2. The indoor air quality program established pursuant to subdivision
7 one of this section shall require the department to:

8 (a) promulgate regulations for inspections, evaluations, notifications
9 and best practices to improve indoor air quality in covered entities;

10 (b) enter into any necessary interagency agreements to coordinate the
11 indoor air quality program;

12 (c) inspect a covered entity, upon their own initiative or upon
13 complaint to the department regarding the quality of air in the covered
14 entity;

15 (d) provide results of an inspection with the department of education,
16 the superintendent, school administrator, or supervisor of the school in
17 which the inspection was conducted, the appropriate local health author-
18 ity, and any other person or department the department deems necessary;

19 (e) assist the covered entity in developing a reasonable plan to
20 improve air quality conditions found in the inspection; and

21 (f) develop and implement public education and community outreach
22 programs on indoor air quality and risk reduction.

23 3. After inspection, the department shall prepare a report that:

24 (a) describes the department's findings;

25 (b) describes whether the test results exceed the indoor air guide-
26 lines established by the department or the occupational safety and
27 health administration guidelines for indoor air quality;

28 (c) identifies any conditions that are contributing or could contrib-
29 ute to poor indoor air quality at the covered entity including carbon
30 dioxide levels; humidity; evidence of mold or water damage; evidence of
31 hazardous substances; and excess dust; and

32 (d) provides guidance on steps the covered entity may take to improve
33 indoor air quality.

34 4. A complaint regarding the indoor air quality of a covered entity
35 shall be in writing and sent to the department. The department shall
36 inspect such covered entity pursuant to paragraph (c) of subdivision two
37 of this section.

38 § 2578. Best practices. The department, in consultation with the
39 department of environmental conservation, shall distribute a guidance
40 document of best practices for managing indoor air quality at covered
41 entities as described in this title. The department may use a manual on
42 indoor air quality in covered entities developed by federal health or
43 environmental agencies or another state. The department, as deemed
44 necessary by the commissioner, shall periodically review and revise such
45 guidance document to assure that the document continues to represent
46 best practices available to covered entities.

47 § 2579. Rules and regulations. The commissioner shall promulgate rules
48 and regulations in consultation with the commissioner of environmental
49 conservation to effectuate the requirements of this title.

50 § 2. Subdivision 1 of section 3-0301 of the environmental conservation
51 law is amended by adding a new paragraph ii to read as follows:

52 ii. Cooperate with the public health department to complete the
53 requirements of title four-a of article twenty-five of the public health
54 law.

55 § 3. This act shall take effect immediately.