

# STATE OF NEW YORK

1121

2021-2022 Regular Sessions

## IN SENATE

January 7, 2021

Introduced by Sen. KAMINSKY -- 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  
20 pre-kindergarten programs.  
21

22 EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
23 [-] is old law to be omitted.  
24  
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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.