

# STATE OF NEW YORK

2538

2023-2024 Regular Sessions

## IN ASSEMBLY

January 26, 2023

Introduced by M. of A. ANDERSON -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing an indoor air quality inspection and evaluation program

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

1 Section 1. Article 19 of the environmental conservation law is amended  
2 by adding a new title 13 to read as follows:

3 TITLE 13

4 INDOOR AIR QUALITY

5 Section 19-1301. Definitions.

6 19-1303. Indoor air quality inspection and evaluation program.

7 19-1305. Guidance; best practices.

8 19-1307. Rules and regulations.

9 § 19-1301. Definitions.

10 For the purposes of this title, the following terms shall have the  
11 following meanings:

12 1. "Covered entity" shall include any public building as defined in  
13 subdivision two of this section.

14 2. "Public building" shall include a factory building, an office  
15 building, a mercantile building, a hotel building, a theatre building, a  
16 warehouse building, an apartment building, a state or municipal build-  
17 ing, a school, a college or university building, a building containing a  
18 place of public assembly maintained or leased for pecuniary gain, or any  
19 other building more than one story high except a dwelling house less  
20 than three stories high or occupied by fewer than three families.

21 3. "Indoor air quality" means air quality within and around a covered  
22 entity which affects the health and comfort of individuals within or  
23 near such building.

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

LBD03145-01-3

1 4. "Hazardous air pollutants" means any substance listed as a  
2 substance hazardous to the public health, safety or the environment in  
3 regulations promulgated pursuant to article thirty-seven of the environ-  
4 mental conservation law which may affect indoor air quality and  
5 includes, but is not limited to lead, radon, asbestos, formaldehyde,  
6 volatile organic compounds, mold, excess moisture, pesticides,  
7 substances from fuel-burning combustion appliances, tobacco products and  
8 any substance known to cause health effects which exceeds a specified  
9 level as designated by the commissioner.

10 5. "Health effects" means those that are immediate including, but not  
11 limited to irritation of the eyes, nose, or throat, headaches, dizziness  
12 and fatigue and those that are long-term including, but not limited to  
13 respiratory diseases, heart disease, asthma and lung cancer.

14 § 19-1303. Indoor air quality inspection and evaluation program.

15 1. Within one year of the effective date of this title, the department  
16 shall establish an indoor air quality inspection and evaluation program.

17 2. The department shall, in order to effectuate the provisions of  
18 subdivision one of this section:

19 (a) promulgate regulations for inspections, evaluations, acceptable  
20 levels of hazardous air pollutants, ventilation standards, notifications  
21 and best practices to improve indoor air quality in covered entities;

22 (b) enter into any necessary interagency agreements to coordinate the  
23 indoor air quality inspection and evaluation program;

24 (c) inspect a covered entity, upon their own initiative or upon  
25 complaint to the department regarding indoor air quality;

26 (d) provide results of an inspection with any appropriate local health  
27 authority, and any other person or department the department deems  
28 necessary;

29 (e) assist covered entities in developing reasonable plans to improve  
30 indoor air quality conditions including but not limited to those found  
31 during inspection; and

32 (f) develop and implement community outreach programs to educate the  
33 public on indoor air quality and risk reduction.

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

35 (a) describes the department's findings;

36 (b) describes whether any test results exceed acceptable levels for  
37 any hazardous air pollutants established by the department or the occu-  
38 pational safety and health administration guidelines for indoor air  
39 quality;

40 (c) identifies any conditions that are contributing or could contrib-  
41 ute to poor indoor air quality, including, but not limited to inadequate  
42 ventilation; and

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

45 4. A complaint regarding the indoor air quality of a covered entity  
46 shall be in writing and sent to the department in a manner to be deter-  
47 mined by the department. The department shall determine whether an  
48 inspection of such covered entity pursuant to paragraph (c) of subdivi-  
49 sion two of this section is necessary. If necessary, the department  
50 shall conduct such inspection within sixty days of receipt of the  
51 complaint.

52 § 19-1305. Guidance; best practices.

53 The department, in consultation with the department of health, shall  
54 distribute a guidance document or documents of best practices for manag-  
55 ing indoor air quality as described in this title, including, but not  
56 limited to best practices for ventilation. The department may utilize a

1 manual, directives or other literature on indoor air quality developed  
2 by federal health or environmental agencies or those developed by another  
3 state, if applicable. The department, as deemed necessary by the  
4 commissioner, shall periodically review and revise such guidance docu-  
5 ments to ensure they continue to represent the best practices available.  
6 § 19-1307. Rules and regulations.

7 The commissioner shall promulgate rules and regulations in consulta-  
8 tion with the commissioner of health to effectuate the requirements of  
9 this title.

10 § 2. This act shall take effect immediately.