

# STATE OF NEW YORK

8886

## IN ASSEMBLY

January 26, 2024

Introduced by M. of A. WALLACE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to indoor air quality in ice skating rinks

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

Section 1. Article 13 of the public health law is amended by adding a new title 14 to read as follows:

### TITLE 14

#### INDOOR AIR QUALITY IN ICE SKATING RINKS

##### Section 1389-hh. Definitions.

1389-ii. Certificate of acceptable air quality.

1389-jj. Maintenance of acceptable air quality.

1389-kk. Rules and regulations; recordkeeping; penalties.

§ 1389-hh. Definitions. As used in this title: 1. "Air quality measuring device" means pump and colorimetric tube or electronic direct read gas detection equipment, or any similar equipment approved by the commissioner, utilized for the sampling and measurement of carbon monoxide and nitrogen dioxide, which equipment shall be capable of measuring carbon monoxide air concentrations in a range from zero to one hundred fifty parts per million with a resolution of one parts per million, or measuring nitrogen oxide air concentrations in a range from zero to five parts per million with a resolution of one-tenth parts per million.

2. "Correction air level" means a standard of air contamination when a single air sample detects the presence in an ice arena of concentrations of more than thirty parts per million but less than one hundred twenty-five parts per million of carbon monoxide or more than five-tenths parts per million but less than two parts per million of nitrogen dioxide.

3. "Notification air level" means a standard of air contamination when a single air sample detects the presence in an ice arena of concentrations of more than sixty parts per million of carbon monoxide or more than one part per million of nitrogen dioxide, or when six consecutive samples detect the presence in an ice arena of concentrations of more

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

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1 than thirty parts per million of carbon monoxide or more than five-  
2 tenths parts per million of nitrogen dioxide.

3 4. "Evacuation air level" means a standard of air contamination when a  
4 single air sample detects the presence in an ice arena of carbon monox-  
5 ide at concentrations of one hundred twenty-five or more parts per  
6 million or of nitrogen dioxide at concentrations of two or more parts  
7 per million.

8 5. "Follow-up air sample" means an air sample that is taken as part of  
9 a corrective action pursuant to this title in order to determine whether  
10 the level of carbon monoxide or nitrogen dioxide in an ice arena has  
11 been reduced to a safe level following an event that caused a correction  
12 air level, notification air level or evacuation air level for either of  
13 these substances to be met or exceeded.

14 6. "Ice arena" means any building which has a roof and fully enclosed  
15 sides and which contains an ice rink.

16 7. "Ice edging equipment" means power equipment used to modify the  
17 perimeter of an ice sheet.

18 8. "Officer" means the commissioner, the health commissioner of a city  
19 with a population of over fifty thousand, the health commissioner of a  
20 county or part-county health district, the state district health offi-  
21 cer, in whose jurisdiction an ice arena is located, any county health  
22 director having all the powers and duties prescribed in section three  
23 hundred fifty-two of this chapter, the state district sanitary engineer  
24 or a grade one public health administrator qualified and appointed  
25 pursuant to part eleven of the sanitary code and serving as primary  
26 administrator of all health programs in a county or part-county health  
27 district.

28 9. "Operator" means an owner or another person designated by an owner  
29 to be responsible for the day-to-day operation of an ice arena.

30 10. "Owner" means the person having legal title to the property or  
31 building in which an ice arena is located. For the purposes of public-  
32 ly-owned property, "owner" means the chief executive officer of the  
33 public entity that owns, leases or controls the use of the property.

34 11. "Resurfacing machine" means an internal combustion engine-powered  
35 machine that is used to modify the surface of an ice rink.

36 12. "Resurfacing equipment" means one or more resurfacing machines  
37 and/or ice edging equipment.

38 § 1389-ii. Certificate of acceptable air quality. 1. No person shall  
39 operate an ice arena in which a resurfacing machine is used unless the  
40 officer has issued the operator a certificate of acceptable air quality  
41 for the ice arena. The certificate must be displayed in a conspicuous  
42 place in the ice arena.

43 2. The officer may suspend, modify or revoke a certificate of accepta-  
44 ble air quality for cause, or for a violation of the provisions of this  
45 title or any rules or regulations adopted thereto.

46 3. The fee for a certificate shall be two hundred dollars.

47 4. The officer may require the operator to perform any preliminary  
48 tests of air quality that he or she determines to be necessary in order  
49 to characterize the potential for exposure of ice arena occupants to  
50 carbon monoxide and nitrogen dioxide.

51 § 1389-jj. Maintenance of acceptable air quality. 1. Acceptable air  
52 quality conditions shall be maintained within an ice arena at all times.

53 2. In order to determine and monitor air quality in accordance with  
54 this title, the operator shall employ one or more air quality measuring  
55 devices on a daily basis in the ice arena. The results of the air quali-  
56 ty sample shall be recorded in an air quality record log in accordance

1 with section thirteen hundred eighty-nine-kk of this title. If deemed  
2 necessary or appropriate, the officer may require the operator to  
3 install additional devices or use another type of air quality measuring  
4 device.

5 3. The officer at any reasonable time may enter an ice arena and  
6 conduct an on-site inspection of air quality, including but not limited  
7 to after having received a complaint of elevated levels of carbon monox-  
8 ide or nitrogen dioxide. Failure to permit such entry and inspection  
9 shall be grounds for the immediate revocation of the certificate of air  
10 quality.

11 4. If an air quality sample detects the presence of carbon monoxide or  
12 nitrogen dioxide at concentrations within the correction air level stan-  
13 dard, the operator shall immediately increase the ventilation rate in  
14 the ice arena through any appropriate and safe means, and shall continue  
15 to provide such increased ventilation until a follow-up air sample  
16 determines that the levels of carbon monoxide and nitrogen dioxide are  
17 below the correction air level. Such follow-up air samples shall be  
18 taken in intervals of twenty minutes or less and the results of each  
19 such sample shall be recorded in the air quality record log.

20 5. If an air quality sample or series of samples detects the presence  
21 of carbon monoxide or nitrogen dioxide at concentrations at or above the  
22 notification air level standard, the operator shall immediately increase  
23 the ventilation rate as provided in subdivision four of this section,  
24 and shall additionally:

25 (a) take at least one of the following long-term corrective measures:  
26 (i) make ventilation system improvements to increase the ventilation  
27 rate on a long-term basis;  
28 (ii) warm up resurfacing equipment outside the building or in a sepa-  
29 rate area with a local exhaust system to vent exhaust outside;  
30 (iii) retune and/or repair resurfacing machines in accordance with  
31 manufacturer recommendations to reduce emissions;  
32 (iv) reduce ice edging time;  
33 (v) replace ice edging equipment with equipment producing lower emis-  
34 sions;  
35 (vi) install a vertical exhaust pipe the top of which extends above  
36 the highest point of the ice resurfacer;  
37 (vii) install catalytic converters on resurfacing equipment;  
38 (viii) install oxygen sensors on resurfacing equipment to regulate  
39 fuel leanness or richness;  
40 (ix) decrease resurfacing schedules;  
41 (x) convert resurfacing equipment to electric power or acquire  
42 replacement electrically-powered resurfacing equipment; and/or  
43 (xi) take other actions that are demonstrated to reduce the level of  
44 emissions of carbon monoxide or nitrogen dioxide in ice arenas; and  
45 (b) notify the officer within seventy-two hours of the date the  
46 notification air level was detected, the results of the sample detecting  
47 such levels and the follow-up samples, and the corrective measure or  
48 measures taken.

49 6. (a) If an air quality sample detects the presence of carbon monox-  
50 ide or nitrogen dioxide at concentrations at or above the evacuation air  
51 level standard, the operator shall:

52 (i) immediately evacuate all occupants from the interior of the ice  
53 arena;  
54 (ii) contact local fire or emergency medical personnel as soon as  
55 possible to assist in evacuation and hazard assessment; and  
56 (iii) notify the officer upon completion of the evacuation.

1 (b) The ice arena shall not be reoccupied until and unless:

2 (i) three consecutive air samples taken within a period of not more  
3 than three hours indicate that the levels of carbon monoxide and nitro-  
4 gen dioxide have been reduced below the correction air level;

5 (ii) such acceptable levels of carbon monoxide have been confirmed by  
6 one or more independent measurements taken by the local fire department  
7 and/or the officer; and

8 (iii) appropriate long-term corrective measures as specified in subdi-  
9 vision five of this section have been taken or are included in a plan of  
10 corrective action submitted to and approved by the officer.

11 § 1389-kk. Rules and regulations; recordkeeping; penalties. 1. The  
12 commissioner shall adopt any rules and regulations necessary to imple-  
13 ment the provisions of this title. Such rules and regulations shall  
14 authorize officers to grant variances from the requirements of this  
15 title and such rules and regulations when strict compliance would result  
16 in hardship and provided that public health and safety will not be  
17 endangered thereby. Any variance may include such conditions as the  
18 officer deems appropriate.

19 2. Each operator shall maintain an air quality record log in such form  
20 as the commissioner shall prescribe, which shall include:

21 (i) information on any resurfacing machines and other resurfacing  
22 equipment used in the ice arena;

23 (ii) information on any air quality measuring devices used in the ice  
24 arena, including information on maintenance and calibration of such  
25 devices;

26 (iii) the results of all air quality samples and follow-up samples  
27 taken pursuant to this title;

28 (iv) any long-term corrective measures taken pursuant to this title;

29 (v) information on any evacuations undertaken pursuant to this title;  
30 and

31 (vi) any other information prescribed by the commissioner.

32 3. The commissioner or the official may make provisions for alterna-  
33 tive means of providing any of the information in an air quality record  
34 log electronically.

35 4. The commissioner may impose a civil penalty for a violation of this  
36 title in an amount not to exceed that set forth in subdivision one of  
37 section twelve of this chapter. Any other officer may impose a civil  
38 penalty for a violation of this article in an amount not to exceed that  
39 set forth in paragraph (f) of subdivision one of section three hundred  
40 nine of this chapter.

41 § 2. This act shall take effect on the one hundred eightieth day after  
42 it shall have become a law. Effective immediately, the addition, amend-  
43 ment and/or repeal of any rule or regulation necessary for the implemen-  
44 tation of this act on its effective date are authorized to be made and  
45 completed on or before such effective date.