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:

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

TITLE 13

INDOOR AIR QUALITY

Section 19-1301. Definitions.
19-1303. Indoor air quality inspection and evaluation program.
19-1305. Guidance; best practices.
19-1307. Rules and regulations.

§ 19-1301. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) describes the department's findings;

(b) describes whether any test results exceed acceptable levels for any hazardous air pollutants established by the department or the occupational safety and health administration guidelines for indoor air quality;

(c) identifies any conditions that are contributing or could contribute to poor indoor air quality, including, but not limited to inadequate ventilation; and

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

4. A complaint regarding the indoor air quality of a covered entity shall be in writing and sent to the department in a manner to be determined by the department. The department shall determine whether an inspection of such covered entity pursuant to paragraph (c) of subdivision two of this section is necessary. If necessary, the department shall conduct such inspection within sixty days of receipt of the complaint.

§ 19-1305. Guidance; best practices.

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

manual, directives or other literature on indoor air quality developed by federal health or environmental agencies or those developed by another state, if applicable. The department, as deemed necessary by the commissioner, shall periodically review and revise such guidance documents to ensure they continue to represent the best practices available.

§ 19-1307. Rules and regulations.

The commissioner shall promulgate rules and regulations in consultation with the commissioner of health to effectuate the requirements of this title.

§ 2. This act shall take effect immediately.