STATE OF NEW YORK

2676--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Article 25 of the public health law is amended by adding a 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.

§ 2576. Definitions. As used in this title, the following terms shall have the following meanings, unless the context clearly requires otherwise:

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

2. "Hazardous substances" means any substance listed as a substance hazardous to the public health, safety or the environment in regulations

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

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promulgated pursuant to article thirty-seven of the environmental conservation law and includes lead, radon, asbestos, formaldehyde, and volatile organic compounds exceeding a specified amount as designated by the commissioner.

§ 2577. 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 program.

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

(a) promulgate regulations for inspections, evaluations, 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 program;

(c) inspect a covered entity, upon their own initiative or upon complaint to the department regarding the quality of air in the covered entity, unless the issue or condition raised in such complaint has been the subject of a previous inspection by the department and is considered to be satisfactorily resolved or such issue or condition has already been made aware to the department and an inspection has already been scheduled or completed;

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

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

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

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

(a) describes the department's findings;

(b) describes whether the test results exceed the indoor air guidelines 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 at the covered entity including carbon dioxide levels; humidity; evidence of mold or water damage; evidence of hazardous substances; and excess dust; 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. The department shall inspect such covered entity pursuant to paragraph (c) of subdivision two of this section.

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

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

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

ii. Cooperate with the public health department to complete the requirements of title four-A of article twenty-five of the public health law.

§ 3. This act shall take effect immediately.