

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

5 § 2577. Indoor air quality inspection and evaluation program. 1. With-  
6 in one year of the effective date of this title, the department shall  
7 establish an indoor air quality program.

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

10 (a) promulgate regulations for inspections, evaluations, notifications  
11 and best practices to improve indoor air quality in covered entities;

12 (b) enter into any necessary interagency agreements to coordinate the  
13 indoor air quality program;

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

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

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

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

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

30 (a) describes the department's findings;

31 (b) describes whether the test results exceed the indoor air guide-  
32 lines established by the department or the occupational safety and  
33 health administration guidelines for indoor air quality;

34 (c) identifies any conditions that are contributing or could contrib-  
35 ute to poor indoor air quality at the covered entity including carbon  
36 dioxide levels; humidity; evidence of mold or water damage; evidence of  
37 hazardous substances; and excess dust; and

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

40 4. A complaint regarding the indoor air quality of a covered entity  
41 shall be in writing and sent to the department. The department shall  
42 inspect such covered entity pursuant to paragraph (c) of subdivision two  
43 of this section.

44 § 2578. Best practices. The department, in consultation with the  
45 department of environmental conservation, shall distribute a guidance  
46 document of best practices for managing indoor air quality at covered  
47 entities as described in this title. The department may use a manual on  
48 indoor air quality in covered entities developed by federal health or  
49 environmental agencies or another state. The department, as deemed  
50 necessary by the commissioner, shall periodically review and revise such  
51 guidance document to assure that the document continues to represent  
52 best practices available to covered entities.

53 § 2579. Rules and regulations. The commissioner shall promulgate rules  
54 and regulations in consultation with the commissioner of environmental  
55 conservation to effectuate the requirements of this title.

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

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

6     § 3. This act shall take effect immediately.